

★ **Roll Call Number**

**Agenda Item Number**

49A

Date April 11, 2011

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 18-55 and 74-100, relating to allowing dogs to be off-leash in designated areas in parks or on other City property",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

FORM APPROVED:

(First of three required readings)

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| GRIESS         |      |      |      |        |
| HENSLEY        |      |      |      |        |
| MAHAFFEY       |      |      |      |        |
| MEYER          |      |      |      |        |
| MOORE          |      |      |      |        |
| <b>TOTAL</b>   |      |      |      |        |

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED APPROVED  
  
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 18-55 and 74-100, relating to allowing dogs to be off-leash in designated areas in parks or on other City property.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended by amending Sections 18-55 and 74-100, relating to allowing dogs to be off-leash in designated areas in parks or on other City property, as follows:

**Sec. 18-55. Running at large.**

(a) A dog, properly licensed as required by law, shall not be deemed at large if:

(1) The dog is on the premises of the owner or a person given charge of the dog by the owner and is either:

- a. Restrained on those premises by an adequate protective fence or by leash, cord, chain or other similar restraint that does not allow a dog to go beyond the owner's real property line; or
- b. At all times within the actual physical presence of and immediately obedient to the commands of the owner or person given charge of the dog by the owner. At no time shall the dog be more than six feet from such person.

(2) The dog is off the premises of the owner and is:

- a. On a leash, cord, or chain or other similar restraint not more than six feet in length and under the control of a person competent to restrain and control the dog; or
- b. Properly restrained within a motor vehicle.

- (3) The dog is properly housed in a veterinary hospital or registered kennel.
- (4) The owner and the dog are participating in a regularly scheduled competitive or exhibition event sanctioned or sponsored by a nationally recognized organization, local chapter thereof, or other generally recognized local organization.
- (5) The dog and the owner are actively engaged in a generally recognized dog obedience training program or training for a generally recognized kennel club event, provided:
- a. The dog is in the actual physical presence of the owner or trainer at all times;
  - b. The owner or trainer is at no time more than 50 feet from the dog;
  - c. The dog is immediately obedient to the commands of the owner or trainer; and
  - d. The owner or trainer has, at all times, on his or her person a leash of sufficient strength to restrain the dog.
- (6) The dog and owner, or a person given charge of the dog by the owner, are in a designated off leash area of a city park or other city property, or in other non-city park property, provided:
- a. The owner or person in charge of the dog and dog are at all times abiding by all the rules and regulations of such designated off leash area; and
  - b. The dog is in the actual physical presence of the owner or person given charge of the dog.
  - c. The dog has a current:
    1. dog park permit; and
    2. City of Des Moines or other valid government issued dog license from the dog owner's place of residence; and
    3. rabies vaccination,

which are either visible on the dog or the owner or person given charge of the dog has such permit, license and proof of rabies vaccination in their possession.

- d. Vicious dogs are not eligible to be issued a dog park permit and vicious dogs are not permitted in a designated off leash area of a city park or other city property or on other non-city park property.
- (b) A dog shall be deemed to be at large if it is not properly licensed or if it is not housed, restrained or controlled in one of the methods set forth in subsection (a) of this section.
- (c) Notwithstanding any other section of this article, any dog shall be deemed at large at any time when attacking persons, domestic animals, destroying property, or on a public school ground except when under restraint as set out in subsection (a)(2) or when in a designated dog park as set out in subsection (a)(6) of this section. Furthermore, any female dog in heat shall be deemed at large at any time except:
- (1) When housed in a building which is completely enclosed;
  - (2) When housed in a veterinary hospital or registered kennel; or
  - (3) When on the premises of the owner, provided the area on which such dog is located is:
    - a. Completely enclosed in a locked, enclosed fence, pen or other structure having a height of at least six feet; such fence, pen or structure must have secure sides which are imbedded into the ground, if the bottom of the structure is not integrally connected to the structure; or
    - b. If the fence, pen or structure is less than six feet in height, it must have a secure top in addition to securely imbedded sides as described in subsection (c)(3)a of this section.

Nothing in this subsection, however, shall be construed as prohibiting any owner of a female dog in heat from walking such dog with a leash, cord, chain or other similar restraint not more than six feet in length or from transporting such dog within a motor vehicle.

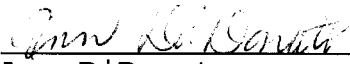
- (d) No owner of any dog shall permit such dog to be at large at any time.

**Sec. 74-100. Dogs.**

No dog shall be allowed to run at large in any public park. Any dog shall be deemed to be found running at large, unless the owner carries such dog or leads such dog by a chain, strap or rope not exceeding six feet in length or keeps any such dog confined in an automobile in compliance with section 18-55 of this code. However, a service dog, as defined in I.C. § 216C.11, especially trained to assist a blind or partially blind person and accompanying such person shall not be deemed to be running at large, even though restraints as described in this section are not used. Such person shall keep the service dog under control and shall be liable for any damage done to the premises or facilities by the dog. No dog in a designated off leash area in any public park shall be deemed at large if such dog and owner or person given charge of the dog are in compliance with section 18-55(a)(6) of this code. ~~The park supervisor or any person in the city's employ shall remove and impound any dog running at large in any public park.~~

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

  
\_\_\_\_\_  
Ann DiDonato  
Assistant City Attorney