

**EXHIBITS FOR DANGEROUS ANIMAL  
“REMINGTON”**

**William E. Shimer  
3302 Simms Drive  
Des Moines, IA 50317**

**EXHIBIT A**      **Letter from Police Animal Control  
Declaring the Dogs “Dangerous/Vicious”  
(Pages 1 – 5)**

**EXHIBIT B**      **Letter Rescheduling Date of Administrative  
Hearing & Municipal Code Sections  
(Pages 6 – 14)**

**EXHIBIT C**      **Animal Incident Investigation Reports  
(Chief Humane Officer)  
(Pages 15 – 21) Case No. 12-20629  
(Pages 22 - 24) Case No. 11-22926  
Two Photos – Case No. 11-22926  
(Pages 25 – 34) Case No. 11-18080**

**Exhibit C (A) – William Shimer’s Exhibits**

**EXHIBIT D**      **Administrative Hearing Officer’s Ruling  
(Pages 1 – 7)**

**EXHIBIT E**      **Appeal from William Shimer  
(Page 1)**

**Letter setting date for appeal to  
City Council  
(Page 2)**

**EXHIBIT F**      **Letter & Administrative Hearing  
Transcript  
(Pages 1 -16)**

**EXHIBIT A**

EX. A

July 10, 2012

Mr. Bill Shimer  
3302 Simms Drive  
Des Moines, Iowa



Dear Mr. Shimer,

On July 5, 2012 your black colored male Labrador Retriever breed dog, named "Remington," ran to your fence, when your son told the dog to "get the fence." The dog jumped on the fence and bit the hand of an eleven year old boy that was standing on the outside of the fence, which resulted in a puncture and tear to his hand. The victim said he plays with the boys at your house daily. Your dog was impounded for quarantine at the city animal shelter. (2012 - 20629)

On July 18, 2011 your dog named "Remington" bit a nine year old boy when he arrived for day care at your residence. The victim said he backed away from your dog after it acted in an aggressive manner but your dog lunged forward and bit him in the arm, which resulted in a puncture, scrapes and bruising. At that time you claimed the boy provoked the dog by walking up behind the dog and striking it. (2011 - 22926)

On June 9, 2011 your dog named "Remington" bit a ten year old boy in the face, which resulted in lacerations. The victim said he was petting your dog when another boy stepped on your dog's tail or kicked your dog (2011 - 18080)

Because your dog named "Remington" bit a person on two separate occasions within a 12 month period and bit a person in the face and caused injuries it is being **declared a "Dangerous Animal," as defined by city ordinance 18-196.**

An **Administrative Hearing** to review the Dangerous Animal declaration has been scheduled for **1:00 P.M. on Wednesday, July 18, 2012** in the City Council Chambers in the Des Moines City Hall at 400 Robert D. Ray Drive. Your dog will remain in impound pending a decision by the Hearing Officer.

If the Dangerous Animal declaration is upheld your dog may be ordered destroyed in a humane manner or you may be given the option to cause it to be destroyed in a humane manner, in accordance with city ordinance 18-202.

If you have any questions please call me at (515) 248-6052 or the animal shelter at (515) 284-6905 or the City Clerk's Office at (515) 283-4209.

Sincerely,

Sergeant Scott Raudabaugh,  
Chief Humane Officer

cc: City Clerk's Office

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# Chief Humane Officer

## DOCUMENT SERVICE

DMPD Case number: 2012-20629

ARL number (if known): A13CP14802

Animal owner's name: BILL SHIMER

Address: 3302 SIMMS DR.

Location of service: SAME

Date and time served: 10 JULY 2012

Official serving document (print name):  
Sgt. RAUBAUBAH

Official's identification number: 470

Type of document served:  Vicious dog letter  Dangerous

animal letter  Illegal animal letter  Hearing ruling letter

City Council decision letter  Other: \_\_\_\_\_

Name of person receiving document (they print their name):  
Naomi Shimer

Their signature: X Naomi F. Shimer  
KF ACU

EX. A

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July 10, 2012

Mr. Bill Shimer  
3302 Simms Drive  
Des Moines, Iowa



Dear Mr. Shimer,

On July 5, 2012 your black colored male Labrador Retriever breed dog, named "Remington," ran to your fence, when your son told the dog to "get the fence." The dog jumped on the fence and bit the hand of an eleven year old boy that was standing on the outside of the fence, which resulted in a puncture and tear to his hand. The victim said he plays with the boys at your house daily. Your dog was impounded for quarantine at the city animal shelter. (2012 - 20629)

On July 18, 2011 your dog named "Remington" bit a nine year old boy when he arrived for day care at your residence. The victim said he backed away from your dog after it acted in an aggressive manner but your dog lunged forward and bit him in the arm, which resulted in a puncture, scrapes and bruising. At that time you claimed the boy provoked the dog by walking up behind the dog and striking it. (2011 - 22926)

On June 9, 2011 your dog named "Remington" bit a ten year old boy in the face, which resulted in lacerations. The victim said he was petting your dog when another boy stepped on your dog's tail or kicked your dog (2011 - 18080)

Because your dog named "Remington" has attacked a human being without provocation and has a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings and snaps, bites or manifests a disposition to snap or bite your dog is being **declared a "Vicious Dog," as defined by city ordinance 18-41.**

**This declaration is an alternate filed in conjunction with a Dangerous Animal declaration, in accordance with city ordinance 18-202. The facts of the incidents for both declarations will be heard at the Dangerous Animal hearing.**

If after the hearing the Dangerous Animal declaration is overturned but the Vicious Dog declaration is upheld you may within seven days reclaim your dog by properly licensing it as a Vicious Dog with the City Clerk's Office and properly confining/leashing it as a Vicious Dog. If your dog is found unlicensed as a Vicious Dog in the City of Des Moines you will **NOT** be able to reclaim it and it will be destroyed in a humane manner, in accordance with city ordinance 18-58. Also if your dog is found not properly confined/leashed as a Vicious Dog more than twice you will **NOT** be able to reclaim it and it will be destroyed in a humane manner, in accordance with city ordinance 18-57.

If you have any questions please call me at (515) 248-6052 or the animal shelter at (515) 284-6905 or the City Clerk's Office at (515) 283-4209.

Sincerely,

Sergeant Scott Raudabaugh,  
Chief Humane Officer

cc: City Clerk's Office

## Vicious Dog Requirements

### Licensing

Dogs declared vicious, whether by breed or behavior, must at all times be currently licensed and display the current license tag and the rabies vaccination tag.

There is *no* "grace period" for licensing a cat or dog, which means all cats and dogs must be licensed by January 1<sup>st</sup> of every year. The March 31<sup>st</sup> deadline only applies to the late license fee that will be applied after that date when licensing a cat or dog after that date.

Cat and dog licenses are sold throughout the year and cat and dog licenses for the next year go on sale in December of each year.

### Rabies vaccination

Current rabies vaccination must be maintained for all cats and dogs.

### Insurance

Current liability insurance (\$100, 000 minimum) must be maintained for dogs declared vicious, whether by breed or behavior.

### Confinement

Dogs declared vicious, whether by breed or behavior, must be securely confined in one of the following:

- 1) Inside a house or residence. Not on a porch or patio that would allow the dog to exit the building on its own.
- 2) Inside a kennel/pen with an attached top *or* inside a kennel/pen without a top but with walls six (6) feet tall and the kennel/pen must be locked with a padlock and the walls of the kennel must be attached to a floor/foundation or be embedded in the ground no less than two (2) feet. An open top kennel/pen must be six (6) feet taller than any internal structure.

### Leashing

Dogs declared vicious, whether by breed or behavior, and on a leash must be leashed in accordance with all of the following:

- 1) The person holding the leash must be eighteen (18) years old or older.
- 2) The leash cannot be longer than six (6) feet long.
- 3) The leash cannot be tied to an inanimate object; such as a tree, pole or tie-out.



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# Chief Humane Officer

## DOCUMENT SERVICE

DMPD Case number: 2012-206079

ARL number (if known): A136014802

Animal owner's name: BILL SHIMER

Address: 3302 SIMMS DR.

Location of service: SAME

Date and time served: 10 JULY 2012

Official serving document (print name):

Sgt. PAUL ABALLO

Official's identification number: 470

Type of document served:  Vicious dog letter  Dangerous

animal letter  Illegal animal letter  Hearing ruling letter

City Council decision letter  Other: \_\_\_\_\_

Name of person receiving document (they print their name):

- Naomi Shimer

Their signature:

Naomi Y. Shimer  
KF ACU

2012 JUL 11 PM 3:55

**EXHIBIT B**



EX. B  
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July 17, 2012

Bill Shimer  
3302 Simms Drive  
Des Moines, IA 50317

Re: Administrative Hearing- Dangerous Animal

A hearing has been rescheduled for **Monday, July 23, 2012** in the City Council Chambers, south end of the second floor, **City Hall, 400 Robert D. Ray Drive**, at **10:00 A.M.**

Parking is available on the streets surrounding City Hall--you will need change to pay the parking meters. Please alert the City Clerk's Office when you arrive.

**Note: You must bring hard copy prints of any photographs you wish to have considered as evidence to the administrative hearing. Images on cell phones and computers will not be considered as they cannot be entered into the official record.**

If you have questions in this regard, please call.

Sincerely,

A handwritten signature in cursive script that reads "Diane Rauh".

Diane Rauh  
City Clerk

DR/kh

Enclosure

cc: Hearing Officer  
Attorney Spellman  
Staff Notification  
File

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**Sec. 18-41. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Chief of police* means the legally designated chief of the police department or a designated representative.

*Director of public health* means the county health center director or a designated representative acting in behalf of the city.

*Dog* means and includes both male and female animals of the canine species.

*Owner* means any person owning, keeping or harboring a dog.

*Service dog or service animal* means a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being or companionship do not constitute work or tasks for the purposes of this definition.

*Vicious dog* means:

- (1) Any dog which has attacked a human being or domestic animal one or more times, without provocation;
- (2) Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- (3) Any dog that snaps, bites, or manifests a disposition to snap or bite;
- (4) Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;
- (5) Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the police department, a law enforcement agency of the state or of the United States or a branch of the armed forces of the United States;
- (6) Staffordshire terrier breed of dog;
- (7) The American pit bull terrier breed of dog;
- (8) The American Staffordshire terrier breed of dog; or
- (9) Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire terrier, American pit bull terrier, American Staffordshire terrier.

(C42, §§ 114-6, 114-9; O.5385, 5506; C54, § 5-19; O.6002; C62, § 5-19; C75, § 7-13; O.9097; C79, § 7-13; O.9828; C85, § 7-13; O.11,095; C91, § 7-13; O.11,914, 15,001)

*Cross reference*— Definitions generally, § 1-2.

**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,

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- 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 which is visible on the owner or person given charge of the dog; 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.
- The license and rabies vaccination tags must be visible on the dog or the owner or person given charge of the dog has such license and proof of rabies vaccination in their possession.
- d. In addition to the requirements in subsection (6)a.—c. of this section, vicious dogs must be on a leash in compliance with section 18-56(d) of this chapter and the owner or person given charge of a vicious dog must have a certificate of insurance in their possession which meets the requirements of section 18-44 of this chapter.
- (7) The annual license fee for a dog park permit shall be in the amounts set in the schedule of fees adopted by the city council by resolution.
- (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

