

★ **Roll Call Number**

**Agenda Item Number**

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Date January 28, 2013

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, is hereby amended by amending Section 18-196, relating to the definition of a dangerous animal",

which was considered and voted upon under Roll Call No. 13- 0054 of January 14, 2013; again presented.

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

(Second of three required readings)


COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				
<b>MOTION CARRIED</b>			<b>APPROVED</b>	
_____ Mayor				

**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.

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

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> January 14, 2013
	<b>Agenda Item No.</b> 40 <b>Roll Call No.</b> [ 13-0054 ] <b>Communication No.</b> 13-016 <b>Submitted by:</b> Richard A. Clark, City Manager

**AGENDA HEADING:**

Amend the Section 18-196 of the Des Moines Municipal Code relating to the definition of a "dangerous animal."

**SYNOPSIS:**

Recommend approval of amending Ordinance Sec. 18-196 relating to the definition of a dangerous animal.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

For the protection of domestic animals, staff has recommended amending the illegal and dangerous animal ordinance so that an animal is considered dangerous if it has attacked any domestic animal or fowl on three (3) or more separate occasions within its lifetime. The current ordinance states three (3) or more separate occasions within a 12-month period thus giving an attacking animal a clean slate every year. This amendment will allow an animal to attack another domestic animal or fowl three (3) separate occasions over its lifetime.

Staff has also recommended that any animal that kills any domestic animal while off of the property where the attacking animal is kept by its owner also be declared dangerous.

**PREVIOUS COUNCIL ACTION(S):**

Date: September 10, 2012

Roll Call Number: 12-1437

Action: Amending Chapter 18 of the Municipal Code regarding process and appeals for designation and handling of vicious dogs, and illegal and dangerous animals. Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-1. Nays: Cownie.

**BOARD/COMMISSION ACTION(S): NONE**

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**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

2<sup>nd</sup> and 3<sup>rd</sup> reading of the ordinance.

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).

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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, is hereby amended by amending Section 18-196, relating to the definition of a dangerous animal.

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 Section 18-196 relating to the definition of a dangerous animal, as follows:

**ARTICLE VI. ILLEGAL AND DANGEROUS ANIMALS**

**Sec. 18-196. 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:

*Dangerous animal* means any animal, including a dog, except for an illegal animal per se, as listed in the definition of illegal animal, that has bitten or clawed a person while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that the animal:

- (1) Has bitten or clawed a person on two separate occasions within a 12-month period;
- (2) Did bite or claw once causing injuries above the shoulders of a person;
- (3) Could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or
- (4) Has attacked any domestic animal or fowl on three or more separate occasions within a 12-month period the lifetime of the attacking animal.
- (5) Has killed any domestic animal while off of the property where the attacking animal is kept by its owner.

*Illegal animal* means:


- (1) Any animal which is not naturally tame or gentle and which is of a wild nature or disposition and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so.

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- (2) Any dangerous wild animal as defined in I.C. ch. 717F.
- (3) Any nondomesticated member of the order Carnivora which as an adult exceeds the weight of 20 pounds.
- (4) The following animals, which shall be deemed to be illegal animals per se:
  - a. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats.
  - b. Wolves, coyotes and foxes.
  - c. Badgers, wolverines, weasels, skunks and mink.
  - d. Raccoons.
  - e. Bears.
  - f. Monkeys and chimpanzees.
  - g. Bats.
  - h. Alligators, crocodiles and caimans.
  - i. Scorpions.
  - j. Snakes and reptiles that are venomous.
  - k. Snakes that are constrictors over six feet in length.
  - l. Gila monsters.
  - m. Opossums.
  - n. All apes, baboons and macaques.
  - o. Piranhas.

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

FORM APPROVED:

  
\_\_\_\_\_  
Douglas P. Philip  
Assistant City Attorney