

★ Roll Call Number

Agenda Item Number

42

Date March 7, 2016

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 18-196 and 18-198, relating to illegal and dangerous animals",

16-106

presented.

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

FORM APPROVED:

(First of three required readings)

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

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
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.

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 18-196 and 18-198, relating to illegal and dangerous animals.

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 18-196 and 18-198, relating to illegal and dangerous animals, 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:

*Bite, bitten, claw and clawed*, mean the breaking of skin.

*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 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.
- (6) Has bitten another animal or human that causes a fracture, muscle tear, disfiguring lacerations or injury requiring corrective or cosmetic surgery; or
- (7) Any animal that was required to be removed from another city or county because of behavior that would also meet the definition of "dangerous animal" as set out in this section.

*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.

- (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.~~
  - ae. Badgers, wolverines, weasels, skunks and mink.
  - bd. Raccoons.
  - e. ~~Bears.~~
  - f. ~~Monkeys and chimpanzees.~~
  - cg. Bats.
  - h. ~~Alligators, crocodiles and caimans.~~
  - i. ~~Scorpions.~~
  - j. ~~Snakes and reptiles that are venomous.~~
  - dk. Snakes that are ~~constrictors~~ over six feet in length.
  - l. ~~Gila monsters.~~
  - m. ~~Opossums.~~
  - n. ~~All apes, baboons and macaques.~~
  - e. ~~Piranhas.~~

**Sec. 18-198. Exceptions to keeping illegal animals.**

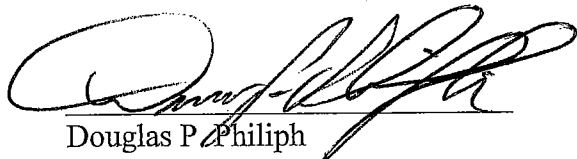
The prohibition contained in section 18-197 of this article shall not apply to the keeping of illegal animals in the following circumstances:

- (1) The keeping of illegal animals in a public zoo that is accredited by the Association of Zoos and Aquariums, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view or for the purpose of instruction, research or study.
- (2) The keeping of illegal animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show. The keeping of illegal animals in a regionally accredited educational or medical institution, an Iowa Department of Agriculture and Land Stewardship licensed animal shelter or pound, or a museum accredited by the American Alliance of Museums, where they are kept as live specimens for the purpose of instruction, research or study.
- (3) The keeping of illegal animals for exhibition at the Iowa State Fair or Polk County Fair.
- (34) The keeping of illegal animals in a bona fide, licensed veterinary hospital for emergency treatment limited to the duration of the emergency treatment.
- (45) The keeping of illegal animals by a wildlife rescue organization with appropriate permit from the state conservation commission.
- (56) Any illegal animals under the jurisdiction of and in the possession of the state conservation commission, pursuant to I.C. § 481A.1 et seq. or 481B.1 et seq.
- (67) The keeping of snakes and reptiles that are venomous and the keeping of snakes that are constrictors six feet in length and over by any individual 18 years of age or older who has:

- a. Received a degree of bachelor of science, based upon courses of instruction which include courses in herpetology, from an accredited college level institution; or
  - b. Successfully completed a course of instruction taught under the auspices of the city zoo on the proper handling, care and keeping of such animals; or
  - c. Completed a course of instruction of at least 20 hours duration at an accredited educational institution on the care, handling and keeping of reptiles; and
  - d. Applied for and received from the city clerk a permit to keep such animals, such application to be on a form approved by the city council.
- (78) A person with a disability or a person training an assistive animal has the right to possess an assistive animal. As used in this subsection, the term "assistive animal" means ~~a simian or other~~ an animal specially trained or in the process of being trained under the auspices of a recognized training facility to assist a person with a disability, as provided in and defined by Iowa Code section 216C.11.
- (89) The keeping of illegal animals by a bona fide sanctuary that is accredited by the Global Federation of Animal Sanctuaries or, a facility that offers lifetime care to animals, does not allow public contact with any illegal animals, does not use the animals for any commercial purposes, and does not breed animals. The keeping of primates maintained for research or educational programs by the Iowa Primate Learning Sanctuary.
- (10) The keeping of primates maintained for research or educational programs by the Iowa Primate Learning Sanctuary.
- (9)(11) The conveyance of animals through the city in compliance with all state and federal laws governing the possession and sale of such animal, provided that such animal does not remain within the city longer than necessary for its safe conveyance through the city, and such animal is not removed from the vehicle except as necessary for immediate transfer to another vehicle.

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