

★ Roll Call Number

Agenda Item Number

44

March 7, 2016

Date

Request from Arthur Smith 4609 Hickman Road, to speak regarding revision to Municipal Code Article VI. – Illegal and Dangerous Animals, Section 18-196 – Definitions.

Moved by _____ to _____

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

44

Rauh, Diane I.

From: website@dmgov.org
Sent: Friday, January 22, 2016 1:02 PM
To: CouncilSpeak
Cc: CityClerk
Subject: Request to Speak Before the City Council - form submission

First Name: Arthur

Last Name: Smith

Address: 4609 hickman Rd

City: Des Moines

State: IA

Zip: 50310

Phone: 5157070525

Email: arthurfyrd@gmail.com

Speaker(s): Arthur Smith

Meeting Date: Monday, February 22, 2016

March 7, 2016

Regarding: I am interested in trying to get a revision to ARTICLE VI. - ILLEGAL AND DANGEROUS ANIMALS, Sec. 18-196. - Definitions. I was told that this is the way to go.

I agree with the article as a whole, except a few of these animals are domestically bred as pets by licensed breeders and so pose no danger. I am seeking information on how to proceed with this request.

Submitted: 1/22/2016 1:02:04 PM

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.
 - 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.

(C79, § 7-44; O.10,541; C85, § 7-44; O.10,886, 11,095; C91, § 7-44; C00, § 18-196; O.15,128, 15,164, 15,348)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 18-197. Keeping illegal animals prohibited.

No person shall keep, shelter, or harbor any illegal animal as a pet nor act as a temporary custodian for such animal nor keep, shelter, or harbor such animal for any other purpose or in any other capacity within the city, except as provided in section 18-198 of this article.

(C79, § 7-45; O.10,541, 11,095; C91, § 7-45)