

ORDINANCE NO. 1599

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to animals and repealing and replacing Title 8 DMMC as reorganized and consistent with state law.

WHEREAS, following the amendments made to Titles 12, 13, 14, 16, 17, and 18 DMMC, additional Titles were found to need updating, and

WHEREAS, when Title 8 DMMC was enacted, the City Clerk's office was designated to license animals, which has subsequently been reassigned to the Police Department, and

WHEREAS, subsequently chapter 8.08 DMMC was enacted as a separate chapter within Title 8 DMMC and needs to be relocated to chapter 8.04 DMMC, and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety, and general welfare to establish comprehensive, uniform, and current provisions for the City's Animal Code; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Title 8 DMMC, *Animals*, and all underlying Ordinances are repealed and replaced with the following:

**TITLE 8
ANIMALS**

**Chapter 8.04
ANIMAL REGULATIONS**

Sections:

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8.04.005 Application
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8.04.015 Authority
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8.04.030 Dog and cat licensing.

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- 8.04.320 Personal obligations.
- 8.04.330 Violation - Penalty.

Sec. 1. 8.04.001. Title. This Title shall be referred to as "Animals." This chapter shall be entitled "Animal Regulations."

Sec. 2. 8.04.005. Application. The provisions of this chapter shall apply to all chapters contained within Title 8 DMMC.

Sec. 3. 8.04.010. Purpose. It is the purpose of this chapter to maintain levels of animal control to protect human health and safety, and to prevent injury to property and cruelty to animal life; to provide a means of licensing dogs, cats, kennels, pet shops, veterinary hospitals, and grooming parlors; to control errant animal behavior so that it shall not become a public nuisance; and to prevent cruelty to animals.

Sec. 4. 8.04.015. Authority. This chapter is adopted pursuant to the provisions of chapter 16.08 RCW and the general police powers granted to the City pursuant to chapter 35A.13 RCW and other applicable laws.

Sec. 5. 8.04.020. Definitions. As used in this Title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

"Abatement" means the termination of any violation by reasonable and lawful means determined by the City Manager or the City Manager's designee in order that an owner or keeper or a person presumed to be an owner or keeper shall comply with this Title.

"Animal" means a living creature, except human beings, insects, and worms.

"Animal control authority" means the animal control division of the Police Department acting alone or in concert with King County animal control division for enforcement of the animal control laws of the City, county, and state, and the shelter and welfare of animals.

"Animal control officer" means an individual employed, contracted with, or appointed by the City's Chief of Police, for the purpose of aiding in the enforcement of this Title or any other law or Ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal. For the purposes of this Title this definition shall apply where a person charged with enforcement of this Title is referred to as "officer" or "official."

"At large" means to be off the premises of the owner or keeper and not under control of the owner or keeper or other competent person by leash; except an animal within an automobile or other vehicle of its owner or keeper or other competent person is deemed to be on the owner's or keeper's premises.

"Dangerous dog" means a dog that according to the records of the appropriate authority:

(1) Has inflicted severe injury on a human being without provocation on public or private property; or

(2) Has killed a domestic animal, or other animal protected under federal, state, or local rules, without provocation while off the owner's or keeper's property; or

(3) Has been previously found to be potentially dangerous, the owner or keeper having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of human beings or domestic animals without provocation.

"Domesticated animals" means those domestic beasts such as any dog, cat, rabbit, horse, mule, donkey, bovine animal, lamb, goat, sheep, hog, or other animal including fowl made to be domestic.

"Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that causes painless loss of consciousness and death during loss of consciousness.

"Grooming parlor" means a place or establishment, public or private, where animals are bathed, clipped, or combed for compensation.

"Harboring" means the presumption of ownership of an animal by an occupant of any premises on which the animal remains or to which it customarily returns daily for food and care for a period of 10 days.

"Kennel" means a place where four or more dogs or cats over four months of age are kept, whether by the owners or keepers of the dogs or cats or by persons providing facilities and care, but not including a veterinary hospital or clinic or pet shop.

"Leash" means a cord, rope, thong, or chain not more than eight feet in length by which an animal is controlled by the person accompanying it.

"Livestock" means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, and mules.

"Neutered" or "spayed" means action performed by a licensed veterinarian meant to prevent conception by an animal.

"Owner" or "keeper" means a person having an interest in or right of possession to an animal or a person having control, custody, or possession of an animal, or by reason of the animal being harbored being presumed to be the owners.

"Pack of animals" means a group of three or more animals running at large upon either public or private property not that

of the owner or keeper in a state in which either their control or ownership is in doubt or cannot be readily ascertained.

"Pet shop" means a person that acquires animals bred by others and/or supplies for animals, whether as owners, keepers, agents, or on consignment and sells or offers to sell such animals and/or supplies to the public.

"Potentially dangerous dog" means:

(1) A dog that when unprovoked:

(a) Inflicts one or more bites on a human being or a domestic animal or other animal protected under federal, state, or local rules, either on public or private property; or

(b) Chases or approaches a person upon a street or a public grounds in a menacing fashion or apparent attitude of attack, or a dog with a known propensity, tendency, or disposition to attack without provocation, to cause severe injury, or to cause injury or otherwise threaten the safety of humans, domestic animals, or other animals protected under federal, state, or local rules; or

(2) An offspring, older than eight weeks, later born to a dog found to be a dangerous dog.

"Proper enclosure to confine the dog" means a securely confined indoor area of the owner's or keeper's premises, or a securely enclosed and locked pen, kennel, or other exterior structure on such premises, suitable to prevent the entry of young children or human extremities and designed to prevent a potentially dangerous or dangerous dog from escaping. Such pen, kennel, or other structure shall have secure sides and a secure top, and provide protection from the elements for the dog. If such pen, kennel, or structure has no bottom secured to the sides, the sides shall be embedded not less than two feet into the ground. Doors, windows, or other openings enclosed solely by

wire or mesh screening shall not be considered a proper enclosure as defined in this section.

"Provocation" includes taunting, teasing, willfully causing undue pain, and/or unlawful entry upon or into the property of the owner or keeper.

"Severe injury" means a physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

"Shelter" means a facility which is used to house or contain stray, homeless, abandoned, unwanted, or illegally maintained animals and which is owned, operated, or maintained by a public body, an established humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

"Under control" means control by leash so as to thereby be restrained from approaching a bystander or another animal or from causing or being the cause of physical property damage or personal injury, when off the premises of the owner or keeper.

"Vicious animals" means an animal other than a "dangerous dog" or "potentially dangerous dog" displaying the characteristics or propensity to do an act that might endanger the safety of a person, animal, or property of another, including but not limited to a disposition to mischief or fierceness as might occasionally lead to attack on human beings or other animals without provocation whether in play or outbreak of untrained nature.

"Waterfowl" means a warm-blooded vertebrate of the class Aves, having a body covered with feathers and forelimbs modified into wings (birds) that have aquatic characteristics in their natural state, and includes without limitation, ducks, geese, sea gulls, and the like.

Sec. 6. 8.04.030. Dog and cat licensing.

(1) It is unlawful to keep or harbor a dog or cat more than six months of age unless an annual license is procured for the dog or cat from the Des Moines Police Department. There is established a rebuttable presumption that the purchaser of such license is the owner of the animal identified in the license application.

(2) Dogs and cats four months old or older shall be vaccinated against rabies. Vaccinations shall be performed in accordance with the standards contained in the "Compendium of Animal Rabies Control" as amended, published by the National Association of State Public Health Veterinarians, Inc. Proof of vaccination must be shown before a license will be issued by the Des Moines Police Department.

(3) The annual license fees, including late penalties, are set by Resolution of the City Council. A late penalty is charged on all licenses issued after March 1st of each year and an additional late penalty is charged on all licenses issued after May 1st of each year. A dog or cat acquired during the year shall be licensed within 30 days from the date of its acquisition, and in such cases the late penalties are charged only on licenses issued after such 30-day period and after 90 days in which to comply with these licensing requirements.

(4) When recovering an impounded animal that does not have a valid license, the owner shall obtain a license prior to the dog or cat being discharged.

(5) The license shall remain in force for the calendar year in which it is issued. A license is considered as being due on or before January 1st of each year. Application for such license is made upon forms provided by the City. The application shall list the name, address, and phone number of the owner, the name, breed, colors, age, and sex, if any, of the dog or cat, and such other medical and vaccination information and data as may be required. Such information is kept, conveniently indexed

by the Police Department, together with the number of the license issued.

(6) City residents 65 years of age and older may obtain at no charge a special permanent license for the lifetime of dogs and cats that are neutered or spayed and for which they are the registered owners when the animals are maintained at the owner's registered address. Such residents are not required to annually obtain a new license for the lifetime of such licensed animals, except that no household shall be issued more than three special permanent animal licenses for dogs or cats.

(7) A license issued is not transferable or usable by a person, other than the person to whom it was originally issued.

(8) It is unlawful for an applicant to withhold or provide false information on an application.

(9) Upon payment of the license fee, the Police Department shall furnish to the person paying the same a license tag for the dog or cat for which such fee has been paid. The shape of such tag may be changed from year to year, and the tag shall have stamped upon it the calendar year for which the fee has been paid. All license tags issued shall be securely fastened to a collar or other like harness which shall be worn by the animal at all times when off the premises of the licensed owner.

(10) An owner or keeper of a licensed dog or cat whose current license tag has been lost may obtain a replacement tag by the payment of a sum to be set by executive order of the City Manager at a sum less than the basic license fee.

(11) The above provisions of this section shall not apply to:

(a) Dogs and cats whose owners are nonresidents temporarily within the City;

(b) The owners of dogs or cats brought into the City for the purpose of participating in a dog or cat show;

(c) The owners or users of Seeing Eye, Guide, or Service dogs;

(d) Veterinarians in custody of dogs or cats;

(e) The owners or operators of an animal shelter;

(f) The owners or operators of a duly licensed kennel; or

(g) The owners or operators of a grooming parlor or pet shop.

(12) It is unlawful for a person to refuse to show or exhibit at a reasonable time to an officer a dog in such person's possession or custody of a license tag issued.

Sec. 7. 8.04.040. Kennel, pet shop, shelter, and veterinary hospital licenses. It is unlawful for a person to keep, maintain, or operate a kennel, pet shop, veterinary hospital, or shelter within the City without first obtaining a valid license. A fee set by executive order of the City Manager shall be assessed not upon individual animals but upon the owner or keeper of a kennel, pet shop, veterinary hospital, or shelter. Each license and certificate of inspection issued pursuant to this chapter shall be conspicuously displayed at the establishment to which such license was issued. The license shall be dated, numbered, and shall bear the name of the City, and the name and address of the owner or keeper of the establishment, and the expiration date of the license. The license shall expire at the end of the calendar year.

Sec. 8. 8.04.050. License applications. Applications for licenses for kennels, pet shops, veterinary hospitals, and shelters shall be made to the Des Moines Police Department on forms provided by the City and shall include a finding by the Planning, Building and Public Works Director that the use is consistent with the City's Zoning Code.

Sec. 9. 8.04.060. Veterinary hospital license - Certificate of inspection required. Before a veterinary hospital license shall be issued, a certificate of inspection from the City's health officer must be issued showing that the hospital is in full compliance with all applicable state standards (chapter 246-933 WAC) and applicable City health requirements.

Sec. 10. 8.04.070. Kennel, pet shop, or shelter license - Certificate of inspection required. Before a kennel, pet shop, or shelter license may be issued, a certificate of inspection from the City's health officer must be issued showing that the kennel, pet shop, or shelter is in full compliance with DMMC 8.04.080, 8.04.090, and 8.04.100.

Sec. 11. 8.04.080. Kennels, pet shops, or shelters - Requirements. Kennels, pet shops, and shelters shall meet the following conditions:

(1) Housing facilities shall be provided for the animals and such facilities shall be structurally sound and shall be maintained in good repair, shall be designed so as to protect the animals from injury, shall contain the animals, and shall restrict the entrance of other animals.

(2) Electric power shall be supplied in conformance with Title 14 DMMC and adequate to supply lighting and heating as may be required by this chapter. Water shall be supplied at sufficient pressure and quantity to clean indoor facilities and primary enclosures of debris and excreta.

(3) Suitable food and bedding shall be provided and stored in facilities adequate to provide protection from the infestation or contamination of insects or rodents. Refrigeration shall be provided for the protection of perishable food.

(4) Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary

condition, free from the infestation or contamination of insects or rodents or disease, and from obnoxious or foul odors.

(5) Washroom facilities, including sinks and toilets, with hot and cold water, shall be conveniently available for cleaning purposes, and a large sink or tub shall be provided for the purpose of washing utensils, equipment, and facilities.

(6) Sick animals shall be separated from those appearing healthy and normal and if for sale shall be removed from display and sale. Sick animals shall be kept in isolation quarters with adequate ventilation to keep from contaminating the other animals.

(7) There shall be an employee on duty at all times during the hours any establishment is opened whose responsibility shall be the care and welfare of the animals held for sale or display.

(8) An employee or owner shall come in to feed, water, and do the necessary cleaning of animals on days the establishment is closed.

(9) No person shall misrepresent an animal to a consumer in any way.

(10) No person shall knowingly sell a sick or injured animal.

(11) Adequate care and feeding instructions shall be given to each purchaser of an animal and such must be in writing.

Sec. 12. 8.04.090. Kennels, pet shops, or shelters - Indoor housing facility requirements. Kennels, pet shops, and shelters which have indoor housing facilities for animals shall:

(1) Be sufficiently heated or cooled to protect such animals from temperatures to which they are not normally acclimatized;

(2) Be adequately ventilated to provide for the health of animals contained therein and to assist in the removal of foul and obnoxious odors. Provision shall be made so that the volume of air within any enclosed indoor facility shall be changed three times or more each hour;

(3) Have sufficient natural or artificial lighting to permit routine inspection and cleaning any time of day. In addition, sufficient natural or artificial lighting shall be supplied in the area of sinks and toilets to provide for the hygiene of animal caretakers;

(4) Have interior wall, ceiling, and floor surfaces constructed of materials which are resistant to the absorption of moisture and odors, or such surfaces shall be treated with a sealant or with paint, when such materials are not originally resistant to moisture or odors. Floor surfaces shall not be made of unsealed wood. In addition, interior walls shall be constructed so that the interface with floor surfaces is sealed from the flow or accumulation of moisture or debris;

(5) Contain a drainage system which shall be connected to a sanitary sewer or septic tank system which conforms to the City building code standards and shall be designed to rapidly remove water and excreta in the cleaning of such indoor housing facility in any condition of weather or temperature; provided, that this requirement shall not apply to pet shops. All indoor housing facilities shall be maintained in a clean and sanitary condition and a safe and effective disinfectant shall be used in the cleaning of such facilities.

Sec. 13. 8.04.100. Kennels, pet shops, or shelters - Outdoor housing facility requirements. Kennels, pet shops, and shelters which have outdoor facilities for animals shall:

(1) Be constructed to provide shelter from excessive sunlight, rain, snow, wind, or other elements. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein;

(2) Be constructed to provide drainage and to prevent the accumulation of water, mud, debris, excreta, and other materials and shall be designed to facilitate the removal of animal and food waste;

(3) Be constructed with adequate walls or fences to contain the animals kept therein and to prevent the entrance of other animals.

Sec. 14. 8.04.110. Compliance with DMMC 8.04.080, 8.04.090, and 8.04.100 required. All kennels, pet shops, and shelters shall at all times be in a condition of full compliance with the requirements of DMMC 8.04.080, 8.04.090, and 8.04.100. Failure to be in full compliance with DMMC 8.04.080, 8.04.090, and 8.04.100 is unlawful and shall constitute a public nuisance and as such shall be subject to the abatement procedures of this chapter. Failure to maintain the establishment in full compliance shall be grounds for revocation of any license issued.

Sec. 15. 8.04.120. Inspections. It shall be the duty of the City's health officer to make or cause to be made all such inspection as may be necessary to insure compliance with this chapter. The owner or keeper of a kennel, pet shop, or shelter shall admit any officer or agent of the City's health officer to the premises in order to make necessary inspections at any reasonable time that admission is requested.

Sec. 16. 8.04.130. Grooming parlor license - Requirements.

(1) It is unlawful for any person to keep or maintain any grooming parlor without a valid license. A fee set by executive order of the City Manager shall be assessed and paid.

(2) Grooming parlors shall:

(a) Not board animals but keep such animals only for a reasonable time in order to perform the business of grooming;

(b) Provide such restraining straps for the animal while it is being groomed so that such animal shall not fall or be hanged;

(c) Sterilize all equipment after each animal has been groomed;

(d) Not leave an animal unattended before a dryer;

(e) Not prescribe treatment or medicine that is the province of a licensed veterinarian as provided in RCW 18.92.010; and

(f) Not put more than one animal in each cage.

(3) A grooming parlor license must be revoked or may be refused to be renewed if the establishment constitutes a public nuisance or for failure to comply with the above requirements.

Sec. 17. 8.04.140. Denial of license - Appeal.

No applicant shall be issued a kennel, pet shop, shelter, or grooming parlor license that has had such license revoked or refusal to renew and until such applicant meets all applicable requirements established by this chapter. A decision to revoke, refusal to renew, or denial of a license under this chapter may be appealed to the Hearing Examiner. Such appeal shall be brought within 10 days of such decision and in accordance with the Hearing Examiner Code.

Sec. 18. 8.04.150. Enforcement powers.

(1) City officers and officials are authorized to take such lawful action as may be required to enforce the provisions of this chapter and the laws of the state as they pertain to control of animal behavior and prevention of cruelty to animals.

(2) Enforcement officers and officials shall not enter a building designated for and used for private purposes, unless a proper warrant has first been issued upon a showing that the officer or official has probable cause to believe that an animal is being maintained in the building in violation of this chapter.

(3) Provided, that such officers or officials, while pursuing an animal observed by the officer or official to be in violation of this chapter, may enter upon any public or private property, except any building designated for and used for private purposes for the purpose of abating the animal violation.

(4) No person shall deny, prevent, obstruct, or attempt to deny, prevent, or obstruct an officer or official from pursuing and impounding an animal observed to be in violation of this chapter.

Sec. 19. 8.04.160. Impound power and procedure.

The Chief of Police or the Chief's designee may apprehend an animal found doing any of the acts defined as a public nuisance or being subject to cruel treatment as defined by law. After such animals are apprehended, the Chief of Police or the Chief's designee shall ascertain whether such animal is licensed or otherwise identifiable, and if reasonably possible and if the animal is not subject to DMMC 8.04.250, return the animal to the owner together with a notice of violation, and if it is not reasonably possible to immediately return the animal to its owner, the Chief of Police or the Chief's designee shall notify the owner within a reasonable time by certified mail or by telephone that the animal has been impounded and may be redeemed. The Chief of Police or the Chief's designee shall immediately upon impounding an animal make a complete registry,

entering the type, breed, color, and sex of such animal and where appropriate, whether licensed and if licensed, shall enter the name and address of the owner or keeper and the number of the tag.

Sec. 20. 8.04.170. Impounded animals to be held for at least 72 hours. An animal impounded pursuant to this chapter and not subject to DMMC 8.04.250 shall be held for the owner at least 72 hours after the owner's receipt of notification by certified mail or by telephone. Any animal suffering from serious injury or disease may be humanely destroyed by euthanasia or in the discretion of the impounding authority may be held for a longer period and provided veterinary care and redeemed by the owner or keeper within 72 hours of notification or by any person after that time upon the payment of all charges due and owing.

Sec. 21. 8.04.180. Redemption of impounded animals. Impounded animals shall be taken to locations approved by the City. The owner or keeper of such an animal may recover said animal when all billable costs, redemption fees, penalties, license fees, including any late penalty, and boarding costs incurred by such impoundment are made payable to the City; provided, the boarding cost for livestock shall be in accordance with the rate established by contract between the City and the given stockyard used for holding such animal. The Chief of Police or the Chief's designee may release the animal to its owner, before the receipt of all costs and payments due, when the Chief of Police or the Chief's designee receives notice from the City Attorney that the owner has signed a promissory note, in a form prepared by the City Attorney, wherein such owner shall agree to pay such redemption charges in full within 30 days from the date of the execution of such promissory note. Such promissory note shall provide for the interest and payment of the attorney's fees involved in collection in the event payment is not made within the time required by the terms thereof.

Sec. 22. 8.04.190. Unredeemed impounded animals. In case an animal is not redeemed, it shall be humanely destroyed by euthanasia by the impounding agency or may be made available for adoption or may be sold at auction upon 10 days' notice published in the City's official newspaper. A copy of such notice shall be served upon the owner if known personally

or by certified mail, return receipt requested at least one day before such auction. City expenses shall be first deducted from the amount obtained at such an auction, with the remainder, if any, retained for the owner for six months. If unclaimed for such six-month period, the balance shall revert to the City and be deposited into the general fund.

Sec. 23. 8.04.200. Redemption of impounded animals subject to further provisions. Release of an impounded animal to its owner or keeper may be further subject to an agreement by the owner or keeper to special provisions set by the Chief of Police intended to prevent the reoccurrence of the violation. Violation of such agreement shall be a violation of this chapter and shall be punished accordingly.

Sec. 24. 8.04.210. Violations to be abated. For the purposes of this chapter, the following are violations of this chapter and are abated as provided in this chapter:

(1) A public nuisance relating to animal control known at common law or in equity jurisprudence;

(2) A domesticated animal running at large;

(3) A domesticated animal, whether licensed or not, that runs at large in a park, or enters a public beach, pond, fountain, or stream therein, or upon a public playground or school ground, except that this subsection shall not apply to a person using a trained seeing eye, guide, or service dog, to animal shows, exhibitions, or organized dog training classes when at least 24 hours' advance notice has been given to the Chief of Police by such persons requesting to hold such animal shows, exhibitions, or dog training classes;

(4) An animal that enters a room or immediate area where food is stored, prepared, served, or sold to the public, except that this subsection shall not apply to a guide dog for a blind or hearing impaired person or to a service dog for a physically disabled person;

(5) An animal that enters a public building or hall, except that this section shall not apply to a guide dog for a blind or hearing impaired person, to a service dog for a physically disabled person, to veterinary offices or hospitals, shelters, or to animal shows, exhibitions or organized dog training classes when at least 24 hours' advance notice has been given to the Chief of Police by such persons requesting to hold such animal shows, exhibitions, or dog training classes. This section shall not prohibit a person from walking or exercising an animal, or visiting a public building or hall with an animal when such animal is on a leash or in an enclosure and proper safeguards are taken to protect the public and property from injury or damage by the animal; however, the owner of the animal shall assume all risk and liability for injury or damage that could be caused by the animal;

(6) A domesticated animal that chases, runs after, or jumps at vehicles using the public streets;

(7) A domesticated animal that habitually snaps, growls, snarls, jumps upon, or otherwise threatens persons lawfully using the public streets;

(8) An animal that has exhibited vicious propensities and that constitutes a danger to the safety of persons, property, or other animals off its owner or keeper's premises or lawfully on such owner or keeper's premises;

(9) An animal with vicious propensities when not on its owner or keeper's premises and not securely controlled by leash or confined or not in control of a person of suitable age and discretion to control or restrain such animal;

(10) A domesticated animal which howls, yelps, whines, barks, or makes other oral noises, in such a manner as to disturb person(s) or a neighborhood to an unreasonable degree;

(11) A domesticated animal that enters upon another person's property without the permission of that person;

(12) An animal staked, tethered, or kept on public property without prior written consent of the Chief of Police;

(13) Animals kept, harbored, or maintained and known to have a contagious disease unless under the treatment of licensed veterinarian;

(14) Animals running in packs;

(15) Domestic animals trespassing on private or public property so as to damage, destroy, or despoil any property.

Sec. 25. 8.04.240. Termination of occurrence of violation. Upon the complaint of a person, and after such complaint is verified by the Chief of Police or the Chief's designee, the Chief of Police or the Chief's designee shall commence proceedings to terminate the occurrence of a violation either by service of citation or by the procedure set out in DMMC 8.04.260, as applicable. The standards of this chapter shall be followed by the Chief of Police in determining the existence of an animal control violation and in determining the abatement action required.

Sec. 26. 8.04.250. Animal declared a public nuisance - Abatement. An animal that has been the subject of three (3) convictions of a violation of this chapter occurring on separate dates in a period of 365 days or an animal that bites or attacks a person or persons without provocation twice within a five-year period is a public nuisance and shall not be kept within the City. The Chief of Police shall follow the procedures set out in DMMC 8.04.260 in order to abate such animal. After the completion of such abatement procedures, an animal subject to removal from the City as provided in this section that is found within the City shall be impounded and treated as an unredeemed animal with no right of redemption by its owner or keeper.

Sec. 27. 8.04.260. Abatement of nuisances - Procedure - Appeal. The following procedure shall apply to the abatement of animals subject to removal, to animals not redeemable because subject to cruelty, and to kennels, pet shops, and shelters in violation of DMMC 8.04.040 through 8.04.120:

(1) Notice shall be directed to the owner or keeper of such an animal by the Chief of Police or the Chief's designee, stating the action to be taken, the basis for action, and the availability of an appeal, as provided in subsection (2) of this section. Such notice shall be served personally, or by postage paid certified mail, return receipt requested, or by posting at the last known residence or place of business of the owner or keeper. Such notice shall constitute a final order unless the owner or keeper files a written notice of appeal within 48 hours of the receipt of the notice or posting of the notice.

(2) An appeal from the notice of abatement of nuisance shall be brought to the Hearing Examiner. Such appeal shall be brought within 10 days of such decision and in accordance with the Hearing Examiner Code; provided, however, that appeal from the decision of the Hearing Examiner shall be directly to King County superior court upon a writ of certiorari and within the time provided for appeal to superior court from a decision of the City Council under the Hearing Examiner Code. During the pendency of such appeal the animal shall either be confined or, as an alternative, the owner shall post adequate monetary security to guarantee he will confine the animal. The Hearing Examiner shall have the discretion to order either alternative, and shall have discretion to revoke the recognizance should the owner violate any provision thereof. In the event the animal is confined during the appeal to superior court, the owner shall, as a condition of such appeal, post a cost bond in an amount equivalent to the cost of maintaining the animal during the pendency of the action in superior court. Such bond shall be posted either within 10 days of commencing the action or within 10 days of revocation of the recognizance, such as the case may be.

(3) Failure to fully comply with a final order shall be a misdemeanor and, further, the Chief of Police or the Chief's designee, shall be empowered to act to abate such nuisance or cruelty violation and the person failing to comply

with such order shall become indebted to the City for all damages, costs, and charges incurred in the removal of such animal. Such damages, costs, and charges shall become a civil debt against the person failing to comply and shall be collectible in the same manner as any other civil debt owing to the City.

(4) Whenever such a public nuisance constitutes or reasonably appears to constitute an imminent or continuing danger to the public, the Chief of Police or the Chief's designee shall have authority to summarily and without notice abate the same by reasonable means. If the subject animal can be safely impounded, the Chief of Police or the Chief's designee shall do so, and the owner or keeper thereof shall become indebted to the City for all damages, costs, and charges incurred during the process of abatement. If the animal cannot be safely impounded, the Chief of Police or the Chief's designee shall have authority to slay such animal. The expense of such abatement shall likewise become a civil debt against the owner or keeper of such animal. Such summary abatement shall not limit criminal prosecution for the original violation.

Sec. 28. 8.04.270. Additional enforcement.

Notwithstanding the existence or use of any other remedy, the Chief of Police through the City Manager may seek legal or equitable relief to enjoin acts or practices and abate conditions that constitute a violation of this chapter or other regulation adopted in this chapter.

Sec. 29. 8.04.280. Rabies control.

(1) It is unlawful for the owner of an animal when notified that such animal has bitten a person or has injured a person as to cause an abrasion of the skin, to sell, give away, or permit or allow such animal to be taken beyond the limits of the City, except to a veterinary hospital, but it shall be the duty of such owner upon receiving notice of the occurrence of such bite or abrasion to immediately place such animal in a duly licensed veterinary hospital for at least 15 days or to deliver

such animal to the police department or their agent for such placement; provided, upon authorization of a licensed veterinarian and the Des Moines Police Department, such animal may be released to the custody of its owner or keeper upon the owner or keeper's undertaking to keep the same securely chained and confined to the premises of the owner or keeper and segregated from other animals during such observation period. A member of the Police Department or agent thereof receiving such animal shall immediately convey the animal to a veterinary hospital where such animal shall be securely confined for a period of at least 15 days. In case such animal is delivered to a veterinary hospital by the owner or keeper, the owner or keeper shall immediately furnish notice thereof to the Chief of Police. A veterinary hospital, upon the receipt of such animal, shall submit to the Chief of Police a certificate stating that the animal either:

(a) Shows no symptoms of rabies; or

(b) Shows symptoms of rabies.

At the expiration of the 15-day period of confinement and upon release of such animal because not rabid, a veterinary hospital shall submit to the Chief of Police a second certificate stating that the animal has been found not to be rabid and has been released. A licensed veterinarian releasing such animal to its owner or keeper for confinement during the observation period, shall at the end of the 15-day period submit a report to the Chief of Police as to the condition of such animal.

(2) Costs of maintaining an animal in a veterinary hospital shall be paid by the owner.

(3) If a fierce, dangerous, or vicious animal cannot be safely taken up and impounded, such animal may be euthanized by the police department or any of its officers or agents.

(4) In cases where an animal that has bitten a person or caused an abrasion of the skin is euthanatized by an officer,

and a period of less than 15 days has elapsed since the day the animal bit a person or caused an abrasion of the skin of a person, it is the duty of the Chief of Police or the Chief's designee to contact the laboratory of the State Department of Health for further instruction.

(5) Whenever rabies among dogs becomes prevalent in western Washington or in the county, or whenever western Washington or the county are declared to be under a rabies quarantine, the City Manager may order every dog within the City inoculated, may order all dogs muzzled unless confined within a pen, and may make such other orders as may be necessitated to protect the public from this health hazard. During the time such orders are in force, the Chief of Police and the Chief's designee may be ordered by the City Manager to euthanize dogs found running at large.

(6) For the purposes of this section, a King County animal control center qualifies as a duly licensed veterinary hospital.

Sec. 30. 8.04.290. Prohibited acts against waterfowl.

(1) Persons. No person shall engage in the following acts toward a waterfowl: to catch, injure, kill, or throw a stone or missile at or strike with a stick or weapon.

(2) Dogs. No person shall permit a dog to engage in the following acts toward a waterfowl: to catch, injure, or kill a waterfowl.

(3) Violation - Penalty.

(a) No person shall violate or fail to comply with this section.

(b) A violation of or failure to comply with this section is a class 3 civil infraction.

(c) Each waterfowl that is the object of the conduct prohibited in DMMC 8.04.290 constitutes a separate offense.

Sec. 31. 8.04.300. Possession of another's animal.

Anyone having in his possession an animal not owned by him, without consent of the lawful owner or custodian, shall immediately notify the Chief of Police or the Chief's designee and release such animal to the Chief of Police or the Chief's designee on demand without charge.

Sec. 32. 8.04.310. Wild or exotic animals.

(1) No person shall have, keep, or maintain, in an area of the City, a live monkey (nonhuman primate), lion, tiger, bear, cougar, mountain lion, badger, wolf, coyote, fox, lynx, or a venomous reptile or serpent, or any other dangerous, carnivorous, wild, or exotic animal or reptile.

(2) For the purpose of this section, the following terms shall have the following meanings:

"Exotic" means animals of foreign origin and that are not native by birth to this community.

"Wild" means an animal that generally lives in its original natural state and is not normally domesticated.

(3) Such animals will be allowed to enter or remain in the City on the condition that a permit be obtained from the Des Moines Police Department. Such permit shall only be granted upon a showing by the applicant that adequate safeguards have been instituted and will be maintained which will effectively control the dangerous or vicious propensities of such animal or reptile, eliminating danger to individuals or property and providing that the keeping or maintaining of such animal will in no way constitute a nuisance to the occupants of surrounding property.

(4) No person owning or having charge, custody, control, or possession of an animal specified in subsection (1)

of this section, shall permit the same to run at large upon any street or other place, public or private or within the premises of such person, in such a manner to endanger a person lawfully entering such premises.

(5) Subsection (1) of this section shall not apply to a person keeping or maintaining or having in his possession or under his control an animal defined in that subsection when such person is transporting such animal through the City; provided, that he has taken adequate safeguards to protect the public, and has notified the Chief of Police of his proposed route and of the time that such trip is to take place; nor shall subsection (1) apply to a person who has custody of such animals in connection with the operation of a zoo or circus or in connection with a program of medical or scientific research; provided such person has taken adequate measures to safeguard persons and property. Whether measures taken to safeguard the public pursuant to this section are adequate shall be determined solely by the Chief of Police or the Chief's designee.

Sec. 33. 8.04.320. Personal obligations. Civil penalties and costs of abatement incurred by the City are the personal obligations of the animal owner or keeper. The City Attorney may collect such civil penalties and abatement costs by use of appropriate legal remedies.

Sec. 34. 8.04.330. Violation - Penalty.

(1) No person shall violate or fail to comply with this chapter or, as owner or keeper, cause, allow, or intentionally or negligently permit animals under such person's control to be in violation of this chapter.

(2) A first violation of or failure to comply with this section within a 12-month period with respect to the same animal is a class 4 civil infraction.

(3) A second violation of or failure to comply with this section within a 12-month period with respect to the same animal is a class 3 civil infraction.

(4) A third or subsequent violation of or failure to comply with this section within a 12-month period with respect to the same animal is a class 2 civil infraction; provided, that a third or subsequent violation of or failure to comply with the provisions of DMMC 8.04.210(7) or (8) within a 12-month period with respect to the same animal is a class 1 civil infraction

Chapter 8.16
DANGEROUS AND POTENTIALLY DANGEROUS DOGS

Sections:

8.16.001	Title
8.16.003	Application
8.16.005	Purpose
8.16.008	Authority
8.16.010	Special license and certificate required.
8.16.020	Certificate - Issuance upon compliance.
8.16.030	Findings and declaration - Probable cause.
8.16.040	Declaration - Service to owner in writing.
8.16.050	Declaration - Information required.
8.16.060	Declaration - Appeal - Hearing - Procedure.
8.16.070	Declaration - Impoundment pending appeal.
8.16.080	Special license requirements - Fees and renewals.
8.16.090	Special license requirements - Information required.
8.16.100	Noncompliance with confinement regulation.
8.16.110	Potentially dangerous dog - Failure to obtain license and certificate.
8.16.120	Dangerous dog - Failure to obtain license and certificate.
8.16.130	Impoundment for failure to obtain license or certificate.
8.16.140	Immediate impoundment - Conditions warranting.
8.16.150	Impoundment for biting.
8.16.160	Dogs exempted - Effect of trespass or tort.
8.16.170	Limitations on ownership of potentially dangerous dogs and dangerous dogs - Reporting requirements.
8.16.180	Potentially dangerous dog, dangerous dog, special license fees.
8.16.190	Immunity.
8.16.200	Violation - Penalty.

Sec. 35. 8.16.001. Title. This chapter shall be entitled "Dangerous and Potentially Dangerous Dogs."

Sec. 36. 8.16.003. Application. The provisions of this chapter shall apply to all chapters contained within Title 8 DMMC.

Sec. 37. 8.16.005. Purpose. The purpose of this chapter is to provide regulations and penalties for dangerous and potentially dangerous dogs and to promote the public health, safety, and general welfare in accordance with the standards established in this Title and set forth in chapter 16.08 RCW.

Sec. 38. 8.16.008. Authority. This chapter is adopted pursuant to the general police powers granted to the City pursuant to chapter 35A.13 RCW and other applicable laws.

Sec. 39. 8.16.010. Special license and certificate required. It is unlawful for an owner or keeper to harbor a potentially dangerous dog or dangerous dog in the City without first having obtained a special license and certificate of registration, that must be obtained within 30 days of the date of declaration as provided in DMMC 8.16.030.

Sec. 40. 8.16.020. Certificate - Issuance upon compliance. A certificate of registration shall be issued by the City upon a showing of compliance with the following:

(1) Placement of a proper enclosure on the owner's or keeper's property to confine the dog and the posting on the premises where the dog is harbored of a clearly visible warning sign that there is a potentially dangerous or dangerous dog on the property; and

(2) A conspicuously displayed sign on the premises where the dog is harbored with a warning symbol that informs children or adults who cannot read of the presence of a potentially dangerous or dangerous dog; and, either:

(3) For potentially dangerous dogs: A surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a sum of not less than \$100,000 payable to a person injured by the dog(s); or a policy of liability insurance issued by an insurer qualified under Title 48 RCW in an amount not less than

\$100,000, insuring the owner or keeper for personal injuries inflicted by the dog(s); or

(4) For dangerous dogs: A surety bond issued by a surety insurer qualified under chapter 48.28 RCW in a sum of not less than \$250,000 payable to a person injured by the dog(s); or a policy of liability insurance issued by an insurer qualified under Title 48 RCW in an amount not less than \$250,000, insuring the owner or keeper for personal injuries inflicted by the dog(s);

(5) A certificate issued to satisfy the insurance requirements of this chapter shall provide for written notice to the City within 30 days of cancellation, reduction of limits, or termination of coverage;

(6) Any unaltered dog may not be redeemed by any person or issued a certificate of registration until the dog is spayed or neutered. In all cases, the veterinarian fee shall be paid prior to the redemption of the dog by the dog's owner or keeper.

Sec. 41. 8.16.030. Findings and declaration - Probable cause. The animal control authority may find and declare an animal potentially dangerous or dangerous if it has probable cause to believe that the animal falls within the definition set forth in DMMC 8.04.020. For the purposes of this chapter probable cause may include:

(1) The written complaint of a citizen who is willing to testify that the animal has acted in a manner which causes it to fall within the definition in DMMC 8.04.020; or

(2) Dog bite reports filed with the animal control authority as required by this chapter or state law; or

(3) Actions of the dog witnessed by any animal control officer or law enforcement officer; or

(4) A verified report that the animal previously has been found to be either potentially dangerous or dangerous by any animal control authority; or

(5) Other substantial evidence admissible in a court of law.

Sec. 42. 8.16.040. Declaration - Service to owner in writing. The declaration shall be in writing, and shall be served on the owner or keeper in one of the following methods:

(1) Certified mail to the owner's or keeper's last known address, if known; or

(2) Personally; or

(3) If the owner or keeper cannot be located by one of the first two methods, by publication in a newspaper of general circulation;

(4) The owner or keeper of any animal found to be a potentially dangerous or dangerous dog under this section shall be assessed all service costs expended under this subsection.

Sec. 43. 8.16.050. Declaration - Information required. The declaration set forth in DMMC 8.16.040 shall state at least:

(1) A description of the animal;

(2) The name and address of the owner or keeper of the animal, if known;

(3) The whereabouts of the animal if it is not in the custody of the owner or keeper;

(4) The facts upon which the declaration is based;

(5) The availability of a hearing in case the person objects to the declaration, if a request is made within five days;

(6) The restrictions placed on the animal as a result of the declaration; and

(7) The penalties for violation of the restrictions, including the possibility of destruction of the animal, and imprisonment or fining of the owner or keeper.

Sec. 44. 8.16.060. Declaration - Appeal - Hearing - Procedure. If the owner or keeper of the animal wishes to contest the declaration, the following procedures shall apply:

(1) The owner or keeper shall, within five days of receipt of the declaration, or within five days of the publication of the declaration pursuant to DMMC 8.16.040(3), request a hearing before the municipal court of the City. Failure to exhaust this administrative appeal process shall be a bar to further action in superior court. Any appeal taken from the decision of the Des Moines Municipal Court shall be in accordance with the Rules for Appeal of the Decisions of Courts of Limited Jurisdiction as presently constituted or as may be subsequently amended and designated.

(2) If the Des Moines municipal court finds by a preponderance of the evidence that the animal is dangerous or potentially dangerous, the declaration shall be affirmed.

(3) If the Des Moines municipal court does not find by a preponderance of the evidence that the animal is dangerous or potentially dangerous, the declaration shall be rescinded, and the restrictions imposed thereby annulled.

(4) If the Des Moines municipal court finds that the animal is not a potentially dangerous or dangerous dog, no costs shall be assessed against the City or the animal control authority or officer.

Sec. 45. 8.16.070. Declaration - Impoundment pending appeal. Following service of a declaration of potentially dangerous or dangerous dog, and pending appeal under DMMC 8.16.060, the animal control authority may, if circumstances require, impound the animal at the owner's or keeper's expense, pursuant to the provisions of this chapter, until the Des Moines Municipal Court or a higher court of competent jurisdiction orders either its redemption or destruction.

Sec. 46. 8.16.080. Special license requirements - Fees and renewals. The owner or keeper of a potentially dangerous or dangerous dog shall obtain a special license for such dog from the animal control authority, and shall be required to pay the fee for such license in the amount set forth in this chapter, or as may be subsequently amended. In addition,

the owner or keeper of such dog shall pay an annual renewal fee for such license in the amount set forth in this chapter, or as may be subsequently amended. Annual renewal of any special license shall be conditioned on compliance with the requirements of this chapter. The animal control authority shall be authorized to pro rate such fee for the remainder of the first year during which an animal becomes subject to the registration requirements of this chapter, if no question of registration or license avoidance exists.

Sec. 47. 8.16.090. Special license requirements - Information required. The owner or keeper of a dog that is subject to a special license shall furnish the following information along with the appropriate special license fee:

(1) The animal's age, weight, coloring, breed, and any other special identifying characteristics;

(2) Two 3" x 5" color photographs of the animal;

(3) Proof of placement of a tattoo or microchip, consisting of the owner's or keeper's Social Security number or current contact information, in a location as deemed fit by a licensed veterinarian;

(4) Proof of current rabies vaccination for the animal; and, either:

(5) For potentially dangerous dogs: a certification under penalty of perjury that the animal has not been previously found to be a potentially dangerous or dangerous dog; or

(6) For dangerous dogs: a certification under penalty of perjury that the animal has not been removed from another jurisdiction to avoid any penalties arising from the animal's previous status.

Sec. 48. 8.16.100. Noncompliance with confinement regulation. An owner or keeper of a potentially dangerous dog or dangerous dog who fails to comply with the requirements of this chapter related to confinement in a proper enclosure, or posting of warning notices shall be guilty of a violation of this chapter.

Sec. 49. 8.16.110. Potentially dangerous dog - Failure to obtain license and certificate. Any owner or keeper of a potentially dangerous dog who fails to obtain a special license and certificate of registration, or renewal, for such dog as required in this section shall be assessed a civil penalty or shall be guilty of a gross misdemeanor in accordance with DMMC 8.16.200; provided, however, that no prosecution shall be commenced until five days have elapsed from the date such owner or keeper is notified by the animal control authority that such license or renewal for such potentially dangerous dog is required, or until any appeal brought under that section has been completed, whichever is later.

Sec. 50. 8.16.120. Dangerous dog - Failure to obtain license and certificate. Any owner or keeper of a dangerous dog who fails to obtain a special license and certificate of registration, or renewal, for such dog as required in this section shall be assessed a civil penalty or shall be guilty of a gross misdemeanor in accordance with DMMC 8.16.200; provided, however, that no prosecution shall be commenced until five days have elapsed from the date such owner or keeper is notified by the animal control authority that such license or renewal for such dangerous dog is required.

Sec. 51. 8.16.130. Impoundment for failure to obtain license or certificate. Any dangerous dog or potentially dangerous dog for which a special license and certificate of registration, or renewal, has not been obtained by its owner or keeper, pursuant to DMMC 8.16.110 and 8.16.120, is subject to being impounded by the animal control authority. In addition to any other civil penalty imposed by this chapter, the owner or keeper of any potentially dangerous dog or dangerous dog so impounded shall be subject to a civil penalty in the amount of \$20.00 per day for each day such dog remains impounded with the animal control authority. Any potentially dangerous dog or dangerous dog which is impounded due to the failure of the owner or keeper of such dog to obtain the required license or certificate of registration, and which remains impounded for a period of at least 20 days due to the failure of the owner or keeper to obtain such license or certificate of registration, or renewal, may be destroyed in an expeditious and humane manner by the animal control authority.

**Sec. 52. 8.16.140. Immediate impoundment -
Conditions warranting.**

(1) Any dangerous dog shall and any potentially dangerous dog may be immediately impounded by an animal control authority if:

(a) The dog is not validly registered under this chapter; or

(b) The owner or keeper does not secure or maintain the liability insurance coverage required under this chapter; or

(c) The dog is not maintained in a proper enclosure; or

(d) The dog is outside of the dwelling of the owner or keeper, or outside of the proper enclosure, and not muzzled or under proper physical restraint by the responsible person; or

(e) The dog is otherwise in violation of registration or licensing provisions of this chapter.

(2) In addition to such impound, the owner or keeper of such animal shall be deemed guilty of a criminal offense and assessed a civil penalty or shall be guilty of a gross misdemeanor in accordance with DMMC 8.16.200; provided, however, that no prosecution shall be commenced until five days have elapsed from the date such owner or keeper is notified by the animal control authority that such license or renewal for such potentially dangerous dog is required, or until any appeal brought under that section has been completed, whichever is later. The owner or keeper of any dog impounded under this subsection may redeem such dog from the animal control authority only upon proof of a valid special license and registration, proof that all required conditions under this chapter have been met, and payment of \$20.00 per day for each day such dog has been in the control of the animal control authority; provided, however, that in the event the owner or keeper has not redeemed such dog within 10 days of being notified of the impound, the dog shall be destroyed in an expeditious and humane manner and the owner or keeper shall be assessed an additional civil

penalty in the amount of \$50.00 for the cost of destroying such dog.

Sec. 53. 8.16.150. Impoundment for biting. If a dog classified as a dangerous dog bites a person or another domestic animal, such dog shall be immediately impounded by the animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. Any such animal which is deemed uncatchable by the animal control authority may be killed by such official if no other reasonable means of capture is available or such animal continues to be a threat to persons or domestic animals. Reasonable means of capture may include the use of tranquilizers which, depending upon the animal's age, size, and physical condition, may cause death. The owner or keeper of any dangerous dog impounded and destroyed pursuant to this section shall be assessed, in addition to the actual costs of the quarantine, a civil penalty in the amount of \$20.00 per day for each day such dangerous dog is quarantined by the animal control authority and in the amount of \$50.00 for the cost of destroying such dangerous dog.

Sec. 54. 8.16.160. Dogs exempted - Effect of trespass or tort. The requirements of this chapter related to potentially dangerous and dangerous dogs shall not apply to dogs registered for use by law enforcement officials for police work, whether or not such animal is maintained at its handler's residence, or to animals held in quarantine by a licensed veterinarian. Further, dogs shall not be declared potentially dangerous or dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

Sec. 55. 8.16.170. Limitations on ownership of potentially dangerous dogs and dangerous dogs - Reporting requirements.

(1) It is unlawful for an owner or keeper of a potentially dangerous dog or dangerous dog to permit such animal to be outside the proper enclosure, unless the dog is muzzled

and restrained by a substantial chain or leash not longer than 48 inches and under the physical control of a person 18 years of age or older who is capable of restraining such animal. The muzzle shall be constructed so that it will not cause injury to the dog or interfere with its vision or respiration. Such muzzle shall be constructed so that it will prevent the dog from biting any person or animal. Such dogs shall not be leashed or otherwise tied or tethered to inanimate objects, such as trees, posts, buildings, mail boxes, newspaper vending machines, and the like. Dangerous dogs and potentially dangerous dogs shall wear a bright orange collar, not less than two inches in width, at all times.

(2) It is unlawful for any person under the age of 18 years to own or keep a potentially dangerous or dangerous dog within the City limits.

(3) It is unlawful for any person to own or keep more than one potentially dangerous or dangerous dog within the City limits.

(4) It is unlawful to transfer ownership of a potentially dangerous or dangerous dog within the City limits unless the recipient has complied with the registration and licensing requirements of this chapter for such animal.

(5) It is unlawful to keep or maintain the offspring of a dangerous dog within the City for more than eight weeks following the birth of such offspring unless the offspring are registered as potentially dangerous dogs under this chapter.

(6) It is unlawful for the owner or keeper of any animal which is subject to any licensing requirements of the City to fail to report any bites or injuries suffered by any person or domestic animal as a result of an attack incident or other contact with such animal, regardless of the geographical location where such attack, incident or other contact occurs.

(7) It is unlawful for any owner or keeper of any dangerous or potentially dangerous dog to fail to immediately notify the animal control authority in writing of:

(a) The removal from the City or death of any dog registered under this chapter, including the address and contact

information for the relocation of the dog outside the City limits; or

(b) The birth of offspring of any dog licensed under this chapter; or

(c) The new address of the owner or keeper of any dog registered under this chapter should such person move within the City limits.

(8) Failure to comply. Any person who fails to comply with the mandatory or prohibitory provisions of this section shall be subject to the penalties as provided in DMMC 8.16.200.

Sec. 56. 8.16.180. Potentially dangerous dog, dangerous dog, special license fees.

(1) The special license fee for each potentially dangerous dog to be licensed under this chapter is \$250.00. The annual renewal fee for each potentially dangerous dog licensed under this chapter is \$100.00.

(2) The special license fee for each dangerous dog to be licensed under this chapter is \$250.00. The annual renewal fee for each dangerous dog licensed under this chapter is \$100.00.

Sec. 57. 8.16.190. Immunity. The City, the animal control authority, and any animal control officer executing the responsibilities set forth in this chapter shall be immune from all civil liability for an action or actions taken pursuant to this chapter, or for failure to take action to enforce the provisions of this chapter. It is not the purpose or intent of this chapter to create on the part of the City, its officers, employees, agents, or volunteers a special duty or relationship toward a specific class of individuals. This chapter has been enacted for the safety and welfare of the public as a whole.

Sec. 58. 8.16.200. Violation - Penalty.

(1) No person shall violate or fail to comply with this chapter.

Sec. 60. Effective date. This Ordinance shall take effect and be in full thirty (30) days after its passage and approval in accordance with law.

PASSED BY the City Council of the City of Des Moines this 12th day of June, 2014 and signed in authentication thereof this 12th day of June, 2014.



M A Y O R

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Clerk

Published: June 17, 2014

Effective Date: July 12, 2014

LEGAL NOTICE
SUMMARY OF ADOPTED ORDINANCE
CITY OF DES MOINES

ORDINANCE NO. 1599, Adopted June 12, 2014.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to animals and repeals and replaces Title 8 DMMC as reorganized and consistent with state law.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins
City Clerk

Published: June 17, 2014