

ORDINANCE NO. 14,415

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, and amended by Ordinance No. 14,155, passed October 21, 2002, by amending Sections 18-44, 18-57 and 18-203 thereof, regarding license applications, confinement/leashing and seizure or destruction of vicious 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, and amended by Ordinance No. 14,155, passed October 21, 2002 is hereby amended by amending Sections 18-44, 18-57 and 18-203, regarding license applications, confinement/leashing and seizure or destruction of vicious animals, as follows:

Sec. 18-44. License application; form.

- (f) An application to license a vicious dog must include, in addition to the information required in subsection (d) of this section, presentation by the applicant of a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$100,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or his or her agents, in the keeping or owning of such vicious dog. The certificate shall require notice to the city, in conformity with general city standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for

purposes of this subsection. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to 30 days subsequent to the determination that a dog is vicious; however, if after 30 days a certificate of insurance or a policy has not been submitted or if the required insurance is cancelled during the license year, the dog shall be deemed unlicensed and subject to sections 18-58 and 18-59, as applicable.

Sec. 18-57. Vicious dogs not properly confined/leashed.

A vicious dog which is found more than twice not to be confined or leashed as required by this article shall be required to be permanently removed from the city or destroyed. An animal which is returned to the city after removal under this section shall be destroyed.

Sec. 18-203. Immediate seizure or destruction of animals.

Any animal found at large which displays dangerous tendencies, or which is an illegal animal, or which has been previously declared vicious or is vicious by breed according to Article II, Section 18(41)(6), (7), (8), or (9) of this Chapter and has bitten without provocation a person or a domestic animal while such vicious dog was not properly confined or leashed may be processed as a dangerous animal under section 18-202 of this article, and the animal may be immediately seized anywhere within the city unless the animal is so dangerous that it cannot safely be apprehended, in which case the chief humane officer or his or her designee is authorized to destroy it immediately.

Sec. 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

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 05-463), passed by the City Council of said City at a meeting held February 28, 2005 signed by the Mayor on February 28, 2005 and published as provided by law in the Business Record on March 7, 2005. Authorized by Publication Order No. 4570.

Diane Rauh, City Clerk