

## COUNCIL ACTION FORM

**SUBJECT: ENHANCED DANGEROUS DOMESTIC ANIMAL ORDINANCE**

**BACKGROUND:**

On May 8, 2007, a citizen requested that the City Council enhance the regulation of Pit Bull type dogs to better protect the community. This letter was referred to staff and a report was delivered to the City Council on July 24, 2007. The report noted that animal control incidents involving Pit Bull type dogs have increased since December 2006. In addition, analysis of these incidents suggested that the Dangerous Domestic Animal Ordinance could be strengthened in several ways in order to better deal with these situations.

On September 25, staff presented proposed ordinance revisions to the City Council to include the following changes:

- The definition of a dangerous domestic animal has been broadened to include an animal that has seriously injured another domestic animal.
- Serious injury is defined in the ordinance.
- Provocation is defined in the ordinance and, in order to meet the criteria, the attack or potential for attack must be "without provocation."
- Animal control will have the authority to direct that an animal be secured during an investigation.
- Proof of financial responsibility will be required for owners of dangerous domestic animals.
- The confinement standards have been clarified.
- Additional handling and notification requirements have been added.
- An appeals process has been added.
- A process has been added for lifting the Dangerous Domestic Animal Classification pursuant to a review after three years.
- A requirement to report serious injury has been added to the ordinance.

Since September 25, staff held an additional meeting with interested parties representing dog owners as well as parties who have witnessed dog attacks. As a result of that meeting, the following additional changes to the ordinance are now being proposed:

- Further clarify provocation as it relates to animal behavior.
- Addition of a significant penalty for failure to comply with an order to secure an animal during an investigation.
- A provision clarifying the responsibility to maintain registration of a Dangerous Domestic Animal during changes of ownership or possession.

- A requirement for prompt reporting of Dangerous Domestic Animals that are missing.
- A 10-fold increase in the level of financial responsibility being required.
- Additional enhancements of the confinement standards.
- A requirement for timely compliance with Animal Control Officer handling requirements.
- Clarification of appeal requirements and addition of a provision for victim notification and written reporting of the hearing outcomes.
- Clarification of the Law Enforcement exemption to reflect on-duty behavior.

A copy of the complete Dangerous Domestic Animal Ordinance showing the proposed changes is attached, with changes made since the September 25 City Council meeting shown in bold.

**ALTERNATIVES:**

1. Approve on first reading the proposed Dangerous Domestic Animal Ordinance that requires additional physical security and liability insurance and that creates an appeal process for determinations made under the ordinance.
2. Direct that additional changes be made to the proposed ordinance.
3. Take no action, thereby leaving the current ordinance unchanged.

**MANAGER'S RECOMMENDED ACTION:**

Based on the increasing prevalence of dangerous domestic dog incidents, the difficulty in identifying responsible parties for some of these animals and the need to ensure the safety of the public, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, thereby approving the enhanced Dangerous Domestic Animal Ordinance as proposed.



# Memo

Legal Department

**TO:** Mayor Campbell and Members of the City Council

**FROM:** Judy K. Parks, Assistant City Attorney *JKP*

**DATE:** October 5, 2007

**SUBJECT:** Dangerous Animal Draft Ordinance

Attached please find the proposed ordinance to revise the Dangerous Animal provisions. To assist you in analyzing this, I have provided a copy with editing marks in place. Underlined words are those which will be new to the ordinance. Those which are underlined and in boldface are additions and changes which were made as a result of input from meeting with interested citizens and entities since the last time you considered this matter. These were not present in that earlier version. Any words which are not in bold print or underlined are from the current version of the ordinance.

## DIVISION II DANGEROUS DOMESTIC ANIMALS

### Sec. 3.201. PURPOSE.

The purpose of the sections in Division II of this chapter is to establish regulations to protect the public from the hazards associated with dangerous domestic animals which are now or may hereafter be kept in the City.

*(Ord. No. 3030, Sec. 1, 12-20-88)*

### Sec. 3.202. DEFINITIONS AND DETERMINATION OF DANGEROUS DOMESTIC ANIMALS.

(1) It shall be unlawful for any person to keep a dangerous domestic animal except as otherwise provided in this section.

For purposes of this section "Dangerous Domestic Animal" means:

- (a) Any animal which has inflicted serious injury on a person without provocation.
- (b) Any animal which has at the animal's own initiative, seriously injured or killed a domestic animal.
- (c) Any animal owned or harbored primarily or in part for the purpose of animal fighting.
- (d) Any animal which by breeding, training, disposition or behavior may pose a potential risk of attacking and inflicting injury without provocation upon people or other animals.

"Provocation" for purposes of this subsection, means that the threat, injury or damage caused by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

"Serious Injury" for purposes of this subsection means any physical injury to a human being or a domestic animal as a result of an animal's actions which demonstrate an intent to harm resulting in a major fracture, muscle tears, disfiguring lacerations or which requires multiple sutures or corrective or cosmetic surgery.

(2) DETERMINATION OF A DANGEROUS DOMESTIC ANIMAL. ~~Decisions~~ The determination as to whether a particular animal is a dangerous domestic animal shall be made by the City Animal Control Officer on the basis of reasonable evidence, which may include, **but is not limited to, consideration of** a verified report of an incident involving unprovoked aggressive behavior directed at a person or a domestic animal; **any provocation or trespass on the part of the animal attacked; compliance, or lack of same, with all animal control ordinances on the part of any animal or the person responsible for any animal;** or and the opinions of experts.

### (3) SECURING ANIMAL .

(a) During the period of investigation, the Animal Control Officer or designee shall have the authority to order the owner or keeper of an animal under investigation to secure that animal. This may include the directive that the animal be secured off the premises of the owner or keeper.

at the owner's expense.

**(b) Failure to strictly comply with all conditions of the order to secure an animal during investigation shall be a municipal infraction punishable by a fine of \$500 for a first offense and \$750 for any subsequent offense. Each day that the violation occurs or is permitted to exist constitutes a separate offense.**

(c) If the Animal Control Officer has reason to believe that the animal threatens the safety of persons ~~the public~~ or domestic animals, the Animal Control Officer may enter upon any premises upon which the animal is kept and remove the animal from those premises to a place of impoundment.

Entry onto said premises shall be only with the consent of the person in lawful control of the premises, or after obtaining a search warrant pursuant to law.

*(Ord. No. 2936, Sec. 1, 10-15-85; Ord. No. 3030, Sec. 1, 12-20-88; Ord. No. 3509, Sec. 1, 1-26-99)*

### **Sec. 3.203 REGISTRATION REQUIRED.**

(1) All animals within the scope of section 3.202 shall be registered with the City Animal Control Officer by all adult person(s) responsible for the keeping of the animal. Failure or refusal to register each such animal, including stating providing the animal location where the animal resides and its identifying characteristics, on forms provided by the City, shall constitute a violation of the Ames Municipal Code. Failure to re-register if the animal's owner is changed, or is moved to another location, or to report an animal as missing, shall also be a violation hereof.

**(2) Re-registration is required in the event animal's owner, keeper or possessor is changed or the animal's place of residence is moved to another location. The registration requirements attach to the animal and compliance with all registration requirements shall be the strict duty of any person or entity which acquires ownership, keeping, or possession of the animal.**

(3) The registration of an animal shall be renewed annually. The premises and facilities where such registered animals ~~are~~ is kept shall be inspected annually, unless there is reason to believe animals are being improperly kept or cared for, in which case inspections may be made as the Animal Control Officer deems necessary. The City Council may establish a schedule of fees to cover costs of administration and inspection.

**(4) In the event the an animal registered pursuant to these provisions is found to be missing, this event shall be promptly reported to the Police Department or Animal Control.**

*(Ord. No. 3030, Sec. 1, 12-20-88)*

### **Sec. 3.204. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED.**

(1) Any person keeping a dangerous animal within the scope of section 3.202(1) shall be required to prove financial responsibility for any injury or damage that may be caused by the animal by either: (a) posting a cash or surety bond in the amount of ten one hundred thousand dollars (\$100,000.00), or (b) presenting 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 one hundred thousand one million dollars (\$1,000,000.00) for the injury or death of any person, for damage to property of others, and for acts of negligence by the owner or the owner's agents, in the keeping or owning of such

potentially dangerous animal. 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 an reason. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for a period of up to thirty days following a determination that an animal is a dangerous animal within the scope of section 3.202.

(2) Failure to provide a certificate of insurance after thirty days shall be a violation of this section, and the dangerous animal shall be subject to removal or shall be humanely destroyed at the expense of the person keeping the dangerous animal.

### **Sec. 3.205. CONFINEMENT STANDARDS.**

All animals within the scope of Sec. 3.202(1) shall be confined pursuant to a confinement plan approved by Animal Control. If such confinement facilities are indoors, all access doors must be continually locked.. If such confinement facilities are outdoors, they must be securely constructed with chain link **or masonry** fence sides, with **securely** attached ceilings and with a concrete floor **securely** attached to the sides of the pen. Entrance gates must be continually locked with a key or combination lock. A perimeter fence **of appropriate height and material to prevent escape must be built** at least 4 feet from the primary enclosure **must** and shall be built to surround all sides of the enclosure not adjacent to a solid wall of a building.

When taken outdoors, **whether on or off the owner or keeper's premises**, the animals must at all times be muzzled and leashed **with equipment which has been approved by the Animal Control Officer**, or confined in a vehicle, cage or other animal carrier **so as to be out of the reach of passersby**

*(Ord. No. 3030, Sec. 1, 12-20-88)*

### **Sec 3.206 ADDITIONAL HANDLING REQUIREMENTS**

In addition to insurance and confinement, the Animal Control Officer shall have the authority to place additional handling requirements on any animal which is within the scope of Section 3.202(1) and to require timely compliance with the requirements. Any or all of the following conditions may be imposed:

(a) the requirement that the animal be spayed or neutered at the owner's expense by a specific date and proof of same furnished to Animal Control;

(b) the requirement that the animal be photographed by Animal Control, and implanted at the owner's expense with a microchip containing owner identification information. The microchip information shall be registered with Animal Control;

(c) the requirement that the owner and animal shall satisfactorily complete a pet safety course pre-approved by the Animal Control, at the owner's expense;

(d) that the animal shall at all times be required to wear a conspicuously colored collar with permanently affixed owner identification;

(e) that the owner of the dangerous animal has posted on the premises a clearly visible written warning sign stating that there is dangerous animal on the property with a conspicuous warning symbol that informs children of the presence of a dangerous animal. The sign shall be very visible from the public roadway or 50 feet, whichever is less; and

(f) that the animal have current rabies vaccination and furnish proof of same to Animal Control.

### **Sec. 3.207. REMOVAL.**

When the Animal Control Officer determines that the owner has failed to cannot keep an the animal in compliance with the standards set out elsewhere in this chapter, and that ~~the~~ animal presents a risk of harm to the public, the City Animal Control Officer shall order in writing that an owner shall have an animal euthanatized ~~humanely destroyed~~ within ten (10) days of the order.

Failure to comply with the Animal Control Officer's order shall be a violation of this section.  
(Ord. No. 3030, Sec. 1, 12-20-88; Ord. No. 3509, Sec. 1, 1-26-99)

### **Sec. 3.208. APPEAL PROCEDURES.**

#### Appeal of Euthanasia Order

(1) An person who receives an order from the animal control officer requiring that a dangerous domestic animal be removed and humanely destroyed as provided in section 3.207 may appeal the order by filing a written notice of the appeal to the Chief of Police within seven days of the date of the order. The written appeal shall state the grounds of the appeal, including how the person proposes to keep the dangerous domestic animal in a manner that is in compliance with the standards set out in this chapter, and how the person proposes to reduce the risk of harm that the dangerous domestic animal poses to the public.

(2) Upon receiving a notice of appeal, a hearing shall be convened, chaired by the Chief of Police or designee, to receive any testimony or other evidence that is deemed appropriate concerning the Euthanasia Order.

**(3) When an appeal has been filed, Animal Control shall make a reasonable effort to notify any persons who would have had direct involvement in the situation which led to the euthanasia order, including those persons who were injured or who are owners or keepers of any animals which were injured by the Dangerous Domestic Animal.**

(4)The appeal shall be heard by a committee appointed by the Chief of Police and consisting of a minimum of three people, including a member of the public, a dog professional, and an Animal Control director from another agency or his/her designee.

(5) Following such hearing, the Committee may:

(a) uphold the decision of the animal control officer and order the dangerous animal to be destroyed; or

(b) modify or reverse the decision of the animal control officer, after which the animal control officer shall take such action as is necessary to carry out the decision of the Committee.

**(6) The decision of the Committee and the reasons for it shall be summarized in writing and provided to the person who filed the appeal.**

#### Appeal of Registration Requirement

(1) An person who receives an order from the animal control officer requiring that a dangerous domestic animal be registered as provided in section 3.203 may appeal the order by filing a written notice of the appeal to the Chief of Police within seven days of the date of the

order. The written appeal shall state the grounds of the appeal.

(2) Upon receiving a notice of appeal, a hearing shall be convened, chaired by the Chief of Police or designee, to receive any testimony or other evidence that is deemed appropriate concerning the determination that an animal be registered.

**(3) When an appeal has been filed, Animal Control shall make a reasonable effort to notify any persons who would have had direct involvement in the situation which led to the registration requirement, including those persons who were injured or who are owners or keepers of any animals which were injured by the Dangerous Domestic Animal.**

(4) The appeal shall be heard by a committee appointed by the Chief of Police and consisting of a minimum of three people, including a member of the public, a dog professional, and an Animal Control director from another agency or his/her designee.

(5) Following such hearing, the Committee may:

(a) uphold the decision of the animal control officer and order the dangerous animal remain registered under the conditions imposed; or

(b) modify or reverse the decision of the animal control officer, after which the animal control officer shall take such action as is necessary to carry out the decision of the Chief of Police.

**(6) The decision of the Committee and the reasons for it shall be summarized in writing and provided to the person who filed the appeal.**

### **Sec. 3.209. LIFT OF REGISTRATION REQUIREMENTS**

If any animal previously determined to be subject to registration as a Dangerous Domestic Animal has not exhibited any of the behaviors specified under Section 3.202(1)(a) for a period of thirty six (36) months since the date of the registration, then that animal is eligible for a review of the determination with a potential for lifting the registration requirements.

Application for such review shall be the responsibility of the owner and must be filed with the Animal Control Department.

The review shall be completed by a committee appointed by the Chief of Police and consisting of a minimum of three people, including a member of the public, a dog professional, and an Animal Control director from another agency or his/her designee.

### **Sec. 3.210 REPORTING OF INCIDENTS REQUIRED**

It shall be the duty of any person having knowledge of an incident in which any domestic animal has caused serious injury to a person or another domestic animal to report that incident within 24 hours of its occurrence. Failure to do so is a violation punishable as a municipal infraction.

### **Sec. 3.211 POLICE SERVICE DOGS EXEMPT**

Police Service Dogs which are in active use by a Law Enforcement agency shall be exempt from the Dangerous Animal provisions.



**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING SECTIONS 3.201 TO 3.205 AND ENACTING NEW SECTIONS 3.201 TO 3.211 THEREOF, FOR THE PURPOSE OF REVISING PROVISIONS RELATED TO DANGEROUS ANIMALS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Sections 3.201 to 3.205 and enacting new Sections 3.201 to 3.211 as follows:

**" DIVISION II  
DANGEROUS DOMESTIC ANIMALS**

**Sec. 3.201. PURPOSE.**

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- (c) Any animal owned or harbored primarily or in part for the purpose of animal fighting.
- (d) Any animal which by breeding, training, disposition or behavior may pose a potential risk of attacking and inflicting injury without provocation upon people or other animals.

"Provocation" for purposes of this subsection, means that the threat, injury or damage caused by the animal was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

"Serious Injury" for purposes of this subsection means any physical injury to a human being or a domestic animal as a result of an animal's actions which demonstrate an intent to harm resulting in a major fracture, muscle tears, disfiguring lacerations or which requires multiple sutures or corrective or cosmetic surgery.

(2) **DETERMINATION OF A DANGEROUS DOMESTIC ANIMAL.** The determination as to whether a particular animal is a dangerous domestic animal shall be made by the City Animal Control Officer on the basis of reasonable evidence, which may include, but is not limited to, consideration of a verified report of an incident involving unprovoked aggressive behavior directed at a person or a domestic animal; any provocation or trespass on the part of the animal attacked; compliance, or lack of same, with all animal control ordinances on the part of any animal or the person responsible for any animal; and the opinions of experts.

(3) **SECURING ANIMAL.**

(a) During the period of investigation, the Animal Control Officer or designee shall have the authority to order the owner or keeper of an animal under investigation to secure that animal. This may include the directive that the animal be secured off the premises of the owner or keeper, at the owner's expense.

(b) Failure to strictly comply with all conditions of the order to secure an animal during investigation shall be a municipal infraction punishable by a fine of \$500 for a first offense and \$750 for any subsequent offense. Each day that the violation occurs or is permitted to exist constitutes a separate offense.

(c) If the Animal Control Officer has reason to believe that the animal threatens the safety of persons or domestic animals, the Animal Control Officer may enter upon any premises upon which the animal is kept and remove the animal from those premises to a place of impoundment.

Entry onto said premises shall be only with the consent of the person in lawful control of the premises, or after obtaining a search warrant pursuant to law.

*(Ord. No. 2936, Sec. 1, 10-15-85; Ord. No. 3030, Sec. 1, 12-20-88; Ord. No. 3509, Sec. 1, 1-26-99)*

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(2) Re-registration is required in the event animal's owner, keeper or possessor is changed or the animal's place of residence is moved to another location. The registration requirements attach to the animal and compliance with all registration requirements shall be the strict duty of any person or entity which acquires ownership, keeping, or possession of the animal.

(3) The registration of an animal shall be renewed annually. The premises and facilities where such registered animal is kept shall be inspected annually, unless there is reason to believe animals are being improperly kept or cared for, in which case inspections may be made as the Animal Control Officer deems necessary. The City Council may establish a schedule of fees to cover costs of administration and inspection.

(4) In the event the animal registered pursuant to these provisions is found to be missing, this event shall be promptly reported to the Police Department or Animal Control.

*(Ord. No. 3030, Sec. 1, 12-20-88)*

**Sec. 3.204. PROOF OF FINANCIAL RESPONSIBILITY REQUIRED.**

(1) Any person keeping a dangerous animal within the scope of section 3.202(1) shall be required to prove financial responsibility for any injury or damage that may be caused by the animal by either: (a) posting a cash or surety bond in the amount of one hundred thousand dollars (\$100,000.00), or (b) presenting 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 one one million dollars (\$1,000,000.00) for the injury or death of any person, for damage to property of others, and for acts of negligence by the owner or the owner's agents, in the keeping or owning of such potentially dangerous animal. 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. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for a period of up to thirty days following a determination that an animal is a dangerous animal within the scope of section 3.202.

(2) Failure to provide a certificate of insurance after thirty days shall be a violation of this section, and the dangerous animal shall be subject to removal or shall be humanely destroyed at the expense of the person keeping the dangerous animal.

**Sec. 3.205. CONFINEMENT STANDARDS.**

All animals within the scope of Sec. 3.202(1) shall be confined pursuant to a confinement plan approved by Animal Control. If such confinement facilities are indoors, all access doors must be continually locked. If such confinement facilities are outdoors, they must be securely constructed with chain link or masonry fence sides, with securely attached ceilings and with a concrete floor securely attached to the sides of the pen. Entrance gates must be

continually locked with a key or combination lock. A perimeter fence of appropriate height and material to prevent escape must be built at least 4 feet from the primary enclosure and shall be built to surround all sides of the enclosure not adjacent to a solid wall of a building. When taken outdoors, whether on or off the owner or keeper's premises, the animals must at all times be muzzled and leashed with equipment which has been approved by the Animal Control Officer, or confined in a vehicle, cage or other animal carrier so as to be out of the reach of passersby. (Ord. No. 3030, Sec. 1, 12-20-88)

**Sec 3.206. ADDITIONAL HANDLING REQUIREMENTS**

In addition to insurance and confinement, the Animal Control Officer shall have the authority to place additional handling requirements on any animal which is within the scope of Section 3.202(1) and to require timely compliance with the requirements. Any or all of the following conditions may be imposed:

- (a) the requirement that the animal be spayed or neutered at the owner's expense by a specific date and proof of same furnished to Animal Control;
- (b) the requirement that the animal be photographed by Animal Control, and implanted at the owner's expense with a microchip containing owner identification information. The microchip information shall be registered with Animal Control;
- (c) the requirement that the owner and animal shall satisfactorily complete a pet safety course pre-approved by the Animal Control, at the owner's expense;
- (d) that the animal shall at all times be required to wear a conspicuously colored collar with permanently affixed owner identification;
- (e) that the owner of the dangerous animal has posted on the premises a clearly visible written warning sign stating that there is dangerous animal on the property with a conspicuous warning symbol that informs children of the presence of a dangerous animal. The sign shall be very visible from the public roadway or 50 feet, whichever is less; and
- (f) that the animal have current rabies vaccination and furnish proof of same to Animal Control.

**Sec. 3.207. REMOVAL.**

When the Animal Control Officer determines that the owner has failed to keep an animal in compliance with the standards set out elsewhere in this chapter, and that animal presents a risk of harm to the public, the City Animal Control Officer shall order in writing that an owner shall have an animal euthanatized within ten (10) days of the order. Failure to comply with the Animal Control Officer's order shall be a violation of this section.

(Ord. No. 3030, Sec. 1, 12-20-88; Ord. No. 3509, Sec. 1, 1-26-99)

**Sec. 3.208. APPEAL PROCEDURES.**

**Appeal of Euthanasia Order**

- (1) An person who receives an order from the animal control officer requiring that a dangerous domestic animal be removed and humanely destroyed as provided in section 3.207 may appeal the order by filing a written notice of the appeal to the Chief of Police within seven days of the date of the order. The written appeal shall state the grounds of the appeal, including how the person proposes to keep the dangerous domestic animal in a manner that is in compliance with the standards set out in this chapter, and how the person proposes to reduce the risk of harm that the dangerous domestic animal poses to the public.
- (2) Upon receiving a notice of appeal, a hearing shall be convened, chaired by the Chief of Police or designee, to receive any testimony or other evidence that is deemed appropriate concerning the Euthanasia Order.
- (3) When an appeal has been filed, Animal Control shall make a reasonable effort to notify any persons who would have had direct involvement in the situation which led to the euthanasia order, including those persons who were injured or who are owners or keepers of any animals which were injured by the Dangerous Domestic Animal.
- (4) The appeal shall be heard by a committee appointed by the Chief of Police and consisting of a minimum of three people, including a member of the public, a dog professional, and an Animal Control director from another agency or his/her designee.

- (5) Following such hearing, the Committee may:
- (a) uphold the decision of the animal control officer and order the dangerous animal to be destroyed; or
  - (b) modify or reverse the decision of the animal control officer, after which the animal control officer shall take such action as is necessary to carry out the decision of the Committee.
- (6) The decision of the Committee and the reasons for it shall be summarized in writing and provided to the person who filed the appeal.

#### **Appeal of Registration Requirement**

- (1) An person who receives an order from the animal control officer requiring that a dangerous domestic animal be registered as provided in section 3.203 may appeal the order by filing a written notice of the appeal to the Chief of Police within seven days of the date of the order. The written appeal shall state the grounds of the appeal.
- (2) Upon receiving a notice of appeal, a hearing shall be convened, chaired by the Chief of Police or designee, to receive any testimony or other evidence that is deemed appropriate concerning the determination that an animal be registered.
- (3) When an appeal has been filed, Animal Control shall make a reasonable effort to notify any persons who would have had direct involvement in the situation which led to the registration requirement, including those persons who were injured or who are owners or keepers of any animals which were injured by the Dangerous Domestic Animal.
- (4) The appeal shall be heard by a committee appointed by the Chief of Police and consisting of a minimum of three people, including a member of the public, a dog professional, and an Animal Control director from another agency or his/her designee.
- (5) Following such hearing, the Committee may:
- (a) uphold the decision of the animal control officer and order the dangerous animal remain registered under the conditions imposed; or
  - (b) modify or reverse the decision of the animal control officer, after which the animal control officer shall take such action as is necessary to carry out the decision of the Chief of Police.
- (6) The decision of the Committee and the reasons for it shall be summarized in writing and provided to the person who filed the appeal.

#### **Sec. 3.209. LIFT OF REGISTRATION REQUIREMENTS**

If any animal previously determined to be subject to registration as a Dangerous Domestic Animal has not exhibited any of the behaviors specified under Section 3.202(1)(a) for a period of thirty six (36) months since the date of the registration, then that animal is eligible for a review of the determination with a potential for lifting the registration requirements. Application for such review shall be the responsibility of the owner and must be filed with the Animal Control Department. The review shall be completed by a committee appointed by the Chief of Police and consisting of a minimum of three people, including a member of the public, a dog professional, and an Animal Control director from another agency or his/her designee.

#### **Sec. 3.210. REPORTING OF INCIDENTS REQUIRED**

It shall be the duty of any person having knowledge of an incident in which any domestic animal has caused serious injury to a person or another domestic animal to report that incident within 24 hours of its occurrence. Failure to do so is a violation punishable as a municipal infraction.

#### **Sec. 3.211. POLICE SERVICE DOGS EXEMPT**

Police Service Dogs which are in active use by a Law Enforcement agency shall be exempt from the Dangerous Animal provisions."

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as provided in Section 3.501, except where specifically provided otherwise.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

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

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk  
O0950

\_\_\_\_\_  
Ann H. Campbell, Mayor