

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTOONA, IOWA, 2004, BY MODIFYING CHAPTER 55, ANIMAL PROTECTION AND CONTROL

BE IT ORDAINED by the City Council of the City of Altoona, Iowa:

SECTION 1. ORDINANCE MODIFIED. The Code of Ordinances of the City of Altoona, Iowa, 2004, is hereby amended by replacing the existing ordinance with the following:

**CHAPTER 55
ANIMAL PROTECTION AND CONTROL**

55.01 Definitions

55.02 Animal Neglect

55.03 Livestock Neglect

55.04 Abandonment of Cats and Dogs

55.05 Livestock

55.06 At Large Prohibited

55.07 Damage or Interference

55.08 Annoyance or Disturbance

55.09 Animal Littering

55.10 Rabies Vaccination

55.11 Owner's Duty

55.12 Confinement

55.13 Summons Issued

55.14 Disposal of Other Animals

55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
2. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.
(Code of Iowa, Sec. 717.1)
4. "Owner" means any person owning, keeping, sheltering or harboring an animal.

55.02 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

(Code of Iowa, Sec. 717B.3)

55.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.04 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717B.8)

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City.

(08-20-2012 #1 (351) – Dec. 12 Supp.)

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep, chickens, or other similar animals or fowl to run at large within the corporate limits of the City. Any such animal or fowl at large may be impounded. Nothing in this section, however, shall be construed as prohibiting any owner of a dog or cat from walking the dog or cat with a leash, cord, chain, or other similar restraint not more than six feet in length or from transporting such dog or cat within a motor vehicle.

(Ord. 11-21-05#4 [200] – Dec. 05 Supp.)

55.07 DAMAGE OR INTERFERENCE. No owner shall allow or permit his or her animal to damage or defile public property or the private property of another.

(Ord. 10-7-02#1(114) – 2004 Update)

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

55.09 ANIMAL LITTERING. It is unlawful for the owner or responsible party to allow the animal to deposit feces on public or private property without the consent of the property owner. Animal feces deposited on public or private property shall be immediately removed and disposed of in a sanitary manner. This section does not apply to the owner of a service dog when the owner is deemed to be legally blind or to have other medically and physically limiting disabilities.

55.10 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.11 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.12 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Ord. 11-01 #5(96) – Nov. 01 Supp.)

(Code of Iowa, Sec. 351.39)

55.13 SUMMONS ISSUED. The owner of any licensed dog or the owner, if known, of any unlicensed dog or other animal shall be issued a summons to appear before a proper court to answer charges of permitting such dog or animal to be at large in violation of this chapter.

55.14 DISPOSAL OF OTHER ANIMALS. If the owner of any animal apprehended, other than a dog, cannot be located after a reasonable effort by local authorities such animal may be humanely destroyed or otherwise disposed of in accordance with the law.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the ___ day of _____, _____, and approved this ___ day of _____, _____.

J. M. Skip Conkling, Mayor

ATTEST:

Randy Pierce, City Clerk

First Reading: _____ Second Reading: _____ Third Reading: _____

Council Vote:

	Ayes	Nays	Absent	Abstain
Boka				
Harmeyer				
Mertz				
O'Connor				
Sloan				

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ALTOONA, IOWA, 2004, BY MODIFYING CHAPTER 57, DANGEROUS AND VICIOUS ANIMALS

BE IT ORDAINED by the City Council of the City of Altoona, Iowa:

SECTION 1. ORDINANCE MODIFIED. The Code of Ordinances of the City of Altoona, Iowa, 2004, is hereby amended by replacing the existing ordinance with the following:

57.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Animal” means every wild, tame, or domestic member of the animal kingdom other than the genus and species *Homo sapiens*.
2. “Animal control officer” means the individual or individuals appointed by the City to enforce this chapter.
3. “At large” means off the premises of the owner, unless:
 - A. The animal is on a leash, cord, chain or similar restraint not more than six (6) feet in length and under the control of the person; or
 - B. The animal is within a motor vehicle; or
 - C. The animal is housed within a veterinary hospital, licensed kennel, pet shop or animal shelter; or
4. “Dangerous animal per se” means:
 - A. Badgers, wolverines, weasels, mink and other *Mustelids* (except ferrets);
 - B. Black widow spiders and scorpions;
 - C. Raccoons, opossums, and skunks;
 - D. Wolves and coyotes;
 - E. Bears;
 - F. All apes (including chimpanzees), baboons and macaques;
 - G. Monkeys, except the squirrel monkey, female spider monkey and female woolly monkey;
 - H. Elephants;
 - I. Wild boar;

J. Snakes that are naturally venomous or poisonous;

K. All cats, except domestic cats (Carnivora of the family Felidae including but not limited to lions, cougars, tigers, jaguars, leopards, lynx, bobcats, etc.);

5. “Dog” means and includes members of the *Canine* species, male or female, whether neutered or not.

6. “Dangerous dog” means any dog shall be categorized as a dangerous dog if it fits into any of the following categories:

A. Any dog which, when unprovoked, bites a person or a domestic pet or animal, whether on public or private property.

B. Any uncontrolled dog that chases or approaches a person without provocation in a manner that threatens the safety of humans or domestic pets or animals.

C. Any dog with a demonstrated propensity, tendency or disposition to attack, to cause injury to, or to otherwise threaten the safety of humans or domestic pets or animals. This category shall include a security dog that has been trained to attack.

D. Acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape.

7. “Provocation” means that the threat, injury or damage caused by the dog was sustained by a person who, at the time, was willfully trespassing upon the premises occupied by the owner of the dog, or the person was tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.

8. “Vicious animal” means any animal, including a dog, except for a dangerous animal per se, as listed above, if it fits into any of the following categories:

A. Any dog or animal that according to the records of a health department, police department, or humane society or according to any other records available to the Police Department has directly inflicted any physical injury that resulted in broken bones or lacerations requiring sutures on a human being without provocation on public or private property.

B. Any dog or animal that has killed a domestic pet or animal without provocation while off its owner’s property.

C. Any dog or animal while off its owner’s property without provocation bites, attacks or endangers the safety of humans, domestic pets or animals.

9. Exceptions. A dog shall not be categorized as dangerous or vicious if it bites, attacks or menaces a person, domestic pet or animal in order to:

- A. Defend its owner, caretaker or another person from an attack by a person or animal.
- B. Protect itself, its young or another animal.
- C. Defend itself against any person or animal that has tormented, assaulted or abused it.
- D. Defends its owner's or caretaker's property against trespassers.

57.02 KEEPING OF DANGEROUS ANIMALS PER SE PROHIBITED. No person shall keep, shelter, or harbor any dangerous animal per se as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep such animal for any purpose or in any capacity within the City.

57.03 KEEPING OF DANGEROUS DOGS REGULATED. The owner or caretaker of any dog determined to be dangerous pursuant to the provisions of the City Code shall comply with the following regulations:

1. No person owning, harboring or having care of a dangerous dog may permit such dog to go outside of its kennel or pen unless the dog is securely leashed on a leash no longer than 4 feet in length.
2. No person may permit a dangerous dog to be kept on a chain, rope, leash or similar restraining device outside its kennel or pen unless a person competent to govern the animal is in physical control of the restraining device and remains in position to control the dog at all times. The dog may not be leashed to inanimate objects such as trees, posts and buildings.
3. No dangerous dog may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the dog to exit the building on its own volition, except through a door leading directly to a pen or kennel.
4. No dangerous dog may be kept in a house or structure when the windows are open or when screen windows or doors are the only obstacle preventing the dog from exiting the structure.
5. The owner of a dangerous dog must successfully complete a dog behavior modification course at owner's expense instructed by a licensed or certified dog behavior specialist within 60 days after receiving notification declaring the dog dangerous. The owner shall be required to provide a copy of proof of successful completion of the course to the Chief of Police and the proof shall include certification or receipt bearing the name of the instructor and the dates of instruction.
6. The owner of a dangerous dog must microchip the dog at the owner's expense within 60 days after receiving notification declaring the dog dangerous in addition to licensing the pet in accordance with Chapter 56 of this Code in order to assist in locating the dangerous dog should it be found at large.
7. The owner shall allow the dog to be photographed for identification purposes
8. The dog shall be spayed or neutered at the owner's expense

57.04 KEEPING OF VICIOUS DOGS REGULATED. The owner or caretaker of any dog determined to be vicious pursuant to the provisions of the City Code shall comply with the following regulations:

1. No person owning, harboring or having care of a vicious dog may permit such dog to go outside of its kennel or pen unless the dog is securely leashed on a leash, no longer than 4 feet in length.
2. No person may permit a vicious dog to be kept on a chain, rope, leash or similar restraining device outside its kennel or pen unless a person competent to govern the animal is in physical control of the restraining device and remains in position to control the dog at all times. The dog may not be leashed to inanimate objects such as trees, posts and buildings.
3. A vicious dog outside the dog's kennel shall be muzzled in a humane way by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when either shown in a sanctioned American Kennel Club Show or upon prior written approval by the Chief of Police or his designee.
4. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel on the premises of the owner or caretaker, except when leashed and muzzled. When constructed in an open yard, the pen or kennel must be childproof from the outside and dog proof from the inside. A strong metal double fence with adequate space between fences (at least 2 feet) must be provided so that a child cannot reach into the dog enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the City. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
5. No vicious dog may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the dog to exit the building on its own volition, except through a door leading directly to a pen or kennel meeting all of the requirements of this subsection. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
6. The owner or caretaker of a vicious dog shall display, in prominent places on his or her premises near all entrances to the premises, signs in letters of no less than 2 inches high warning that there is a vicious dog on the property. A similar sign is required to be posted on the kennel or pen of the dog.
7. The owner or caretaker of a vicious dog shall immediately notify the police department if the dog is on the loose, is unconfined, has attacked another animal, has attacked a human being, has died, has been sold or has been given away. If the vicious dog has been sold or given away, the owner or caretaker shall also provide the police department with the name, address and telephone number of the new owner of the vicious

dog. If the vicious dog is sold or given away to a person residing outside the City, the owner or caretaker shall present evidence to the police department showing that he or she has notified the police department or other law enforcement agency of the dog's new residence.

8. An owner or caretaker of any dog declared vicious found to be in violation of any section of this Code related to vicious dogs shall be ordered in writing to safely remove the dog from the City or destroy the animal within 10 days.

9. The owner of a vicious dog must successfully complete a dog behavior modification course at owner's expense instructed by a licensed or certified dog behavior specialist within 60 days after receiving notification declaring the dog vicious. The owner shall be required to provide a copy of proof of successful completion of the course to the Chief of Police and the proof shall include certification or receipt bearing the name of the instructor and the dates of instruction.

10. The owner of a vicious dog must microchip the dog at the owner's expense within 60 days after receiving notification declaring the dog vicious in addition to licensing the pet in accordance with Chapter 56 of this Code in order to assist in locating the vicious dog should it be found at large.

11. The owner of a vicious dog shall be denied a permit for the dog to enter any park designated as a dog park in the City of Altoona.

12. The owner shall allow the dog to be photographed for identification purposes

13. The dog shall be spayed or neutered at the owner's expense

57.05 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor for any reason within the City a vicious animal except in the following circumstances:

1. Dogs used while in the line of duty by the police department, any other law enforcement agency or unit of the United States Military Service.

2. The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 57.04. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious Dog" or words of similar import, and the owner of such premises shall inform the Police Chief that a guard dog is on duty at said premises.

57.06 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF DANGEROUS ANIMALS OR VICIOUS DOGS.

1. Upon investigation, an animal control officer may determine whether a dog fits into any of the categories of dangerous dog or vicious dog. The officer shall immediately inform the owner or caretaker in writing, by personal service or by certified mail, of said determination.

2. In the event that a dangerous or vicious animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the animal control officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

3. Any animal in violation of 57.04 may be issued an Order of Removal by the animal control officer. The order to remove a vicious animal or dog issued by the animal control officer may be appealed to the Police Chief. In order to appeal such order, written notice of appeal must be filed with the City Clerk within five (5) business days after receipt of the order contained in the notice to remove the dangerous animal or vicious dog. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the animal control officer.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. 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 Removal Order.

5. When an appeal has been filed, the animal control officer shall make a reasonable effort to notify any persons who would have had direct involvement in the situation which led to the Order of Removal, including those persons who were injured or who are owners or keepers of any animals which were injured by the animal.

6. 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. The hearing of such appeal shall be scheduled within ten (10) days of the receipt of notice of appeal. After such hearing, the committee may affirm or reverse the order of the animal control officer. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) days after the hearing or any continued session thereof.

7. Pending the outcome of the hearing, the dog must be securely confined in a humane manner either on the premises of the owner or caretaker pursuant to 57.04 or with a licensed veterinarian.

8. If the committee affirms the action of the animal control officer, the committee shall order in its written decision that the person owning, sheltering, harboring, or keeping such dangerous animal or vicious dog remove such animal from the City or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the animal control officer is not appealed and is not complied with within three (3) days of its issuance, the animal control officer is authorized to seize and impound such dangerous or vicious animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the decision and order of the committee was issued has not petitioned the District Court for a review of said order,

the City shall cause the animal to be disposed of by sale or destroy such animal in a humane manner. Failure to comply with an order of the City issued pursuant hereto constitutes a misdemeanor offense.

57.07 INSURANCE. Every person keeping or maintaining a dangerous or vicious dog as provided in this chapter, or a guard dog as provided in this chapter, shall accompany any application or display upon request by the animal control officer a certificate of insurance from an insurance company authorized to do business in the State with coverage of at least one hundred fifty thousand dollars (\$150,000.00) combined single limit liability for bodily injury. Such certificate of insurance shall provide that no cancellation of the insurance will be made unless ten (10) days' written notice is first given to the City Clerk. Failure to provide or display such certificate of insurance shall be determined to be in violation of the vicious dog code as provided in this chapter.

57.08 PENALTY. Violation of any provision of this chapter by an owner of an animal may be enforced as a municipal infraction within the meaning of Section 364.22 of the *Code of Iowa*, pursuant to Chapter 4 of this Code of Ordinances. Enforcement pursuant to this section shall be undertaken by the enforcement officer upon the advice and consent of the City of Attorney.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the ____ day of _____, _____, and approved this ____ day of _____, _____.

J. M. Skip Conkling, Mayor

ATTEST:

Randy Pierce, City Clerk

First Reading: _____ Second Reading: _____ Third Reading: _____

Council Vote:

	Ayes	Nays	Absent	Abstain
Boka				
Harmeyer				
Mertz				
O'Connor				
Sloan				

**ALTOONA POLICE DEPARTMENT
CITY OF ALTOONA, IOWA**

**Interoffice
MEMORANDUM**

FROM: Jody Matherly, Chief of Police

DATE: July 14, 2014

TO: Honorable Mayor Skip Conkling
Honorable City Council
Jeff Mark, City Administrator
Randy Pierce, City Clerk/Finance Director

**SUBJECT: Animal Ordinance
Conflicting Pit Bull Language**

In our current animal ordinance in our city code, the language is confusing regarding Pit Bulls or other dogs who bite or have a propensity to bite. Sections 55.09, 57.01(9) and 57.06 prohibit sheltering in the city Pit Bulls or other dogs if they bite. Section 57.08 allows Pit Bulls with restrictions even if they don't bite and allows Pit bulls or other dogs with restrictions if they bite. In addition, our present ordinance language is lengthy, redundant and confusing.

I would like to discuss this at a work session to get direction on the council's desire. The options are: 1) prohibit Pit Bulls under any circumstance, 2) allow Pit Bulls with restrictions, 3) allow Pit Bulls with no restrictions. **I highly recommend option 3) allow Pit Bulls with no restrictions.**

In discussing this with other police chiefs as well as the ARL (see e-mail below), one of the difficulties when using breed specific language is trying to determine whether or not the dog is indeed a Pit Bull. Cross-breeding cause problems in determining predominant breed and most veterinarians will not appear in court to testify as to the breed. Altoona and Des Moines are the only two cities in Polk County that control Pit bulls with breed specific language. I recommend city ordinance that is not breed specific. The proposed ordinance I sent you is shaped after Ankeny's city code, with a few modifications. In talking to the Ankeny police chief, he says their ordinance has worked well for citizens and staff to understand and has been upheld in court.

I have discussed this issue with Mr. Laden, Jeff Harden and Chad Quick and all agree that a new ordinance with no breed specific language is desired. Previously, the building department handled pit bull enforcement. At this time, the police department will handle all dog complaints and enforcement of related ordinances for consistency and to avoid any miscommunication

From: Stephanie Filer [<mailto:SFiler@arl-iowa.org>]
Sent: Monday, July 15, 2013 2:42 PM
To: Jody Matherly
Subject: RE: Altoona Ordinance on Vicious Animals

Hi Chief Matherly –

Yes, absolutely. In fact, Chariton just removed their 25 year ban against dogs visually identified as “pit bulls” and instead opted for stronger, breed-neutral language to protect people from all dogs. We helped them create that language (final version attached). They have steps in place to identify potentially dangerous behaviors and intervene prior to it becoming something more serious. I have also attached the model ordinance that we provided that they based their ordinance off of.

Here is a copy of Perry’s current ordinance also:

http://www.perryia.org/uploads/1/0/9/5/10951144/chapter_55.pdf

It is also a strong ordinance that is written to address both public safety priorities as well as animal welfare concerns. It has very clearly defined actions in place for animals who have demonstrated that they are unsafe while not discriminating against any animal or their owners who have not acted in this way.

In the end, the community should be protected against all dangerous animals, not just ones who may “look” like X, Y, or Z breed. Since our dog population is so diverse these days, the genetic lines are no longer pure and there are very few purpose-bred dogs anymore, the old notion of “breed tendencies” has been diluted. Further adding to that is the fact that it is nearly impossible to determine a dog’s genetic make-up based on its physical appearance alone and even if you were accurate in guessing the breed, the breed does not indicate how the dog will act (whether good or bad).

So communities who have breed-specific ordinances are relying on ill-trained people to attempt to classify mixed breed dogs as “potentially dangerous” or “not” based on appearance alone. That creates a false sense of security for dogs labeled “safe” by their appearance and unfairly restricts and labels other dogs as “dangerous” based on their looks – never taking into consideration that the dog that looks safe may be dangerous and the dog who looks “dangerous” may be a perfectly sweet family pet. It also does nothing to address situations that cause dogs of ALL breeds to be potentially dangerous including neglect, reckless owners, improper confinement, tethering, unaltered dogs, and nursing/pregnant dogs – all factors that play into dog bites the majority of the time, further proving that the breed alone is irrelevant.

The best practice across the nation for safe communities is to have a breed-neutral approach that looks at all dogs as individuals and responds consistently to any problems, regardless of breed (or supposed breed) because:

- Nationally, laws that target breeds have never succeeded in enhancing public safety.
- There is no credible evidence to support the claim that dogs are dangerous based on breed, or appearance – in fact the American Kennel Club, the National Animal Control Association, the American Bar Association, the U.S. Department of Justice, the Center for Disease Control, the Association of Dog Trainers, and dozens more all agree
- ALL dog owners should be held to the same high standards of care and conduct

This is probably far more information than you were looking for and I am more than happy to answer any questions you might have. I'm working from home today but feel free to call me on my cell anytime at 319-929-5540.

STEPHANIE FILER
Manager of Special Gifts & Partnerships

Animal Rescue League of Iowa
(515) 473-9116 - sfiler@arl-iowa.org

Help us care for the 18,500+ animals that come through our door each year with a one-time or monthly donation!

From: Jody Matherly [<mailto:JMatherly@altoonapd.com>]
Sent: Monday, July 15, 2013 12:47 PM
To: Stephanie Filer
Subject: FW: Altoona Ordinance on Vicious Animals

Stephanie,

Thank you for contacting us. Do you have those other city ordinances on hand that you helped with and can send me? Our present ordinance is confusing and breed specific (no pit-bulls). I can clean-up the confusing part but the breed specific may be trickier. Do you have any data that would support staying away from breed specific prohibition language? Obviously the first things that come to mind are that breed specific language is difficult for officers to enforce, harder to prove in court, unfair to owners of the dog, etc.

Jody L. Matherly
Chief of Police
Altoona, Iowa
515-967-5132

Respectfully,

Jody Matherly, Chief of Police