

**AMERICAN DOG OWNERS ASSOCIATION, INC.; RESPONSIBLE DOG OWNERS  
OF IOWA, INC.; and ROGER ANDERSON, Appellants,**

**vs.**

**CITY OF DES MOINES, Appellee**

**No. 89-1725**

Supreme Court of Iowa  
May 15, 1991, Filed

**PRIOR HISTORY:** [<sup>\*\*1</sup>] Appeal from the Iowa District Court for Polk County, Gene L. Needles, Judge. Plaintiffs appeal from a district court order upholding the constitutionality of a city ordinance. **DISPOSITION: AFFIRMED IN PART AND REVERSED IN PART.**

### **Case Summary:**

**PROCEDURAL POSTURE:** Plaintiffs, a dog owner and two organizations with members affected by an ordinance, sought review of a judgment from the Iowa District Court for Polk County, which upheld the constitutionality of a city ordinance stating special licensing and confinement requirements for vicious dogs.

**OVERVIEW:** Defendant city passed an ordinance requiring vicious dogs to comply with special licensing and confinement requirements. The ordinance attempted to define vicious dog by including certain recognized breed classifications, but it also referred to unrecognized breeds that were allegedly commonly known as pit bulls, pit bull dogs, or pit bull terriers. The owner of a dog affected by the ordinance and two organizations with affected members brought an action requesting a determination that the ordinance was unconstitutionally vague and asking that the city be enjoined from enforcing the ordinance. The district court upheld the constitutionality of the ordinance and denied injunctive relief. The court reversed the judgment that found the provisions of the ordinance referring to "pit bulls, pit bull dogs, or pit bull terriers" was constitutional, holding that the use of unrecognized breed classifications and the classification of dogs based on subjective criteria were fatally vague and had to be severed from the ordinance. The court affirmed the balance of the judgment.

**OUTCOME:** The court reversed the district court's judgment with respect to the subsections of the ordinance that used unrecognized breed classifications in defining a vicious dog that was subject to special licensing and confinement requirements. The court otherwise affirmed the judgment.