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**CITY OF SIOUX CITY  
REQUEST FOR CITY COUNCIL ACTION**

**MEETING DATE:** September 15, 2008                      **ACTION ITEM #** 14

**FROM:** Andrew W. Mai, City Attorney

**SUBJECT:** Ordinance creating Chapter 7.10 entitled "Pit Bulls Prohibited" of the Sioux City Municipal Code to prohibit pit bulls in Sioux City with limited exceptions.

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<b>Reviewed By:</b>	Department Director	Finance Department	<input checked="" type="checkbox"/> City Attorney	<input checked="" type="checkbox"/> City Manager
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**RECOMMENDATION:**

Approve the ordinance prohibiting pit bulls in Sioux City.

**DISCUSSION:**

The attached ordinance would ban pit bulls in the City with certain exceptions. Current owners of pit bulls who continuously register and license their pit bull would be able to keep their pet. The humane society, animal control and dog shows are exempted from the ban. Offspring of registered pit bulls are exempt until they are six months old. Non exempted pit bulls which are apprehended will be destroyed after ten days unless the owner of the pit bull produces evidence deemed sufficient by the poundmaster that the pit bull is to be permanently taken out of Sioux City, and the owner pays the cost of impoundment.

**Justification for the Ban**

Currently there are 78 pit bulls licensed in Sioux City out of 3,232 total dogs. Therefore pit bulls make up less than three percent of the dogs licensed in Sioux City. However, since October they accounted for 47 percent of the number of high risk/vicious dog hearings in Sioux City. Clearly some pit bulls are not licensed but other breeds of dogs are not licensed as well.

A special report contained in the September 15, 2000 issue of the Journal of the American Veterinary Medical Association, summarized the breeds of dogs involved in fatal human attacks during a 20 year period. Most victims were children. Between 1979 and 1998 pit bulls led the list accounting for 27% of the deaths. The study determined that the percentage of dog bite related fatalities caused by pit bulls did not match the percentage of ownership of pit bulls compared with other dogs and therefore, "there appears to be a breed specific problem with fatalities." JAVMA, Vol. 217, No.6, September 15, 2000.

**Other Jurisdictions**

In no way would this ordinance be the first of its kind. The following Cities/Counties in Iowa have banned pit bulls: Anamosa, Belle Plaine, Benton County ( which includes Urbana and

Blairstown), Council Bluffs, Muscatine, Arcadia, Aspinwall, Auburn, Bagley, Brayton, Exira, Garrison, Gray, Halbur, Jamaica, Lanesboro, Lidderdale, Miles, Ralston, Redfield, Rippey, Scranton, Templeton, Yale, Clinton County, Charlotte, Delmar, Goose Lake, Welton, Delaware County, Delaware, Delhi, Dundee, Edgewood, Greeley, Masonville, Ryan, Dubuque County, Bernard, Centralia, Holy Cross, Luxemburg, New Vienna, Sageville, Sherrill, Worthington, Zwingle. Numerous other Cities in Iowa including Des Moines place pit bulls under a high risk animal category.

Metropolitan areas throughout the Country have also banned pit bulls including: Cincinnati, Denver, Miami and Chicago. In addition, at least 36 countries around the world, including Australia, France, Norway, United Kingdom, Denmark, New Zealand and most of the European countries have outwardly banned pitbulls.

### **Alternatives to a Ban**

If it is determined that pit bulls are a problem the most efficient, cost effective and effective way to address the problem is likely to ban pit bulls. Some cities, including Des Moines, have placed pit bulls in the high risk category and required them to be confined and muzzled. This approach likely could be effective if it were enforced aggressively and correctly. Enforcement is labor intensive as it would require inspection of homes and facilities. In contrast banning pit bulls becomes easier over time as the grandfathered pit bulls age and are not replaced by new pit bulls until eventually few legal pit bulls are left.

### **Effectiveness of Ban**

In response to a questionnaire sent by Captain Pete Groetken, Gaylen Barrett, Chief Animal Control Officer of Council Bluffs indicated Gaylen said the impact from the pit bull ban was incredible. Gaylen provided the following statistical information to highlight the impact the ban on pit bulls has had in Council Bluffs:

- In CY 2004, there were a total of 125 dog bites reported. Pit bulls accounted for 29 of the bites.
- In CY 2007, there were a total of 97 dog bites reported. Pit bulls accounted for only 2 of the bites (or 2.06%).

There is a concern that if pit bulls are banned that another aggressive breed may simply take its place. It appears that at least in Council Bluffs other breeds are not taking the place of the pit bull due to the ban. However, this concern remains.

Finally, it should be noted that this ban, at least initially, may lead to an increase in administrative staff time.

### **FINANCIAL IMPACT:**

None.

### **RELATIONSHIP TO STRATEGIC PLAN:**

We will be known as a safe and healthy city.

### **ALTERNATIVES (Optional):**

Choose not to adopt the amendment.

**ATTACHMENTS:**

Proposed ordinance.

**ORDINANCE NO. 2008-\_\_\_\_\_**

ORDINANCE CREATING CHAPTER 7.10 ENTITLED "PIT BULLS PROHIBITED" OF THE SIOUX CITY MUNICIPAL CODE TO PROHIBIT PIT BULLS IN SIOUX CITY WITH LIMITED EXCEPTIONS.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SIOUX CITY, IOWA:

Section 1. Pit Bull Prohibition. Chapter 7.10 "Pit Bulls Prohibited" of Title 7 "Animals" of the Sioux City Municipal Code is hereby created to read as follows:

**7.10.010 Pit Bull defined.** A "pit bull" is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier or American Staffordshire Terrier as set forth in the standards established by the American Kennel Club or United Kennel Club for any of the aforementioned breeds.

**7.10.020 Pit Bull registration.** All pit bulls in the City must be registered by their owners within six months from the effective date of this section. Owners shall register their pit bull on the license form by listing the applicable pit bull breed next to the word "breed" on the city license form. The word pit bull should be placed next to the word "breed" on the form if the dog has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier or American Staffordshire Terrier. Owners of pit bulls currently licensed but unsure if they filled out the "breed" section of the form may contact the poundmaster and amend their license if necessary but must do so within six months from the effective date of this ordinance. Each year, upon renewal of the license, the owner of a pit bull must register the pit bull by appropriately filling in the breed section.

**7.10.030 Pit Bulls prohibited.** It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport or sell within the City of Sioux City, Iowa, any pit bull.

**7.10.040 Exceptions.**

1. Pit bulls currently and continuously registered and licensed pursuant to Section 7.10.020 of this Chapter shall be exempt from Section 7.10.030.

2. Offspring of registered pit bulls shall be exempt from Section 7.10.030 for the first six months of life. Within ten days of their birth, owners of offspring of registered pit bulls shall send a certified letter to the poundmaster announcing their birth. Failure to properly notify the poundmaster shall remove the exemption from the offspring.

3. Pit bulls temporarily held by the Human Society of Sioux City shall be exempt from Section 7.10.030.

4. Pit bulls temporarily transported and held in the City for the purpose of showing the pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization shall be exempt from Section 7.10.030. Pit bulls may not be temporarily transported or held in the City for the above referenced purpose for more than thirty days.

5. Pit bulls held in the City's animal shelter, transported by City personnel or transported by persons contracted by the City for animal control services shall be exempt from Section 7.10.030.

**7.10.050 Impoundment**

1. The poundmaster of the City of Sioux City, Iowa, is authorized to immediately impound any pit bull found in the City of Sioux City, Iowa, which does not fall within one of the exceptions

contained in Section 7.10.040 above. Unless it is determined that the pit bull falls under one of the exceptions and subject to subsection 2 below, ten calendar days after impoundment the poundmaster shall destroy the pit bull unless the owner of the pit bull produces evidence deemed sufficient by the poundmaster that the pit bull is to be permanently taken out of Sioux City, and the owner pays the cost of impoundment.

2. When the poundmaster has impounded any pit bull pursuant to this section and the owner of the pit bull disputes the classification of the animal as a pit bull and/or disputes whether the pit bull is exempted from Section 7.10.030, the owner of the pit bull may file a written request for a hearing with the City Manager or the City Manager's designee within seven calendar days after impoundment. The appellant/owner of the pit bull shall bear the burden of proof. The City Manager or the City Manager's designee will act as hearing officer. At the conclusion of the hearing or some time thereafter the hearing officer shall render a written decision as to whether the animal is a pit bull. The findings of the City Manager or the City Manager's designee shall be conclusive.

3. The City Manager or the City Manager's designee upon finding that the animal is a pit bull pursuant to subsection 2 above shall order the destruction of the pit bull unless the owner of the pit bull produces evidence deemed sufficient by the poundmaster that the pit bull is to be permanently taken out of Sioux City, and the owner pays the cost of impoundment. The City Manager or City Manager's designee shall not destroy any pit bull until all legal proceedings and appellate time frames have expired.

4. Nothing herein shall prevent the poundmaster from simultaneously following any other procedure or process contained within this Title as appropriate.

Section 2. Severability Clause. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage and publication as by law provided.

PASSED BY THE CITY COUNCIL ON, AND APPROVED ON: \_\_\_\_\_

\_\_\_\_\_  
Michael M Hobart, Mayor

ATTEST: \_\_\_\_\_  
Lisa L. McCardle, City Clerk

I hereby certify that the foregoing was published in the Sioux City Journal on \_\_\_\_\_

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Lisa L. McCardle, City Clerk