

ORDINANCE 02-2018

AN ORDINANCE RELATING TO THE LICENSING OF DOG AND CAT PETS, AND OF FEEDING STRAY PET ANIMALS, AND PROVIDING PENALTIES THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARNAVILLO, IOWA:

Section 1. The Code of Ordinances Chapter 55 is amended by adding the following modified, new and existing renumbered sections beginning with section 55.10:

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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| 55.01 | Definitions | 55.11 | Owner's Duty |
| 55.02 | Animal Neglect | 55.12 | Confinement |
| 55.03 | Livestock Neglect | 55.13 | Dog or Cat License Required |
| 55.04 | Abandonment of Cats and Dogs | 55.14 | At Large: Impoundment |
| 55.05 | Livestock | 55.15 | Disposition of Animals |
| 55.06 | At Large Prohibited | 55.16 | Impounding Costs |
| 55.07 | Damage or Interference | 55.17 | Feeding At Large Pet Animals |
| 55.08 | Annoyance or Disturbance | 55.18 | Cleaning up After Animals |
| 55.09 | Dangerous and Vicious Animals | 55.19 | Pet Awards Prohibited |
| 55.10 | Rabies Vaccination | 55.20 | Penalties |

55.10 RABIES VACCINATION. Every owner of a dog or cat shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog or cat in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in State or Federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements. Veterinarians shall maintain records and issue tags and certificates as required by Iowa State Law.

(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.

(Code of Iowa, Sec. 351.39)

55.13 DOG OR CAT LICENSE REQUIRED. Every owner of a dog or cat over the age of six (6) months being maintained or harbored within the corporate limits of the City of Garnavillo, Iowa shall procure a pet license from the City. Licenses must be applied for within 30 days of the date wherein such a license would be required. Licenses issued shall be effective for a 1- to 3-year period, based on the rabies vaccination schedule or certificate of that dog/cat so produced.

A. LICENSE REQUIREMENTS.

1. Every dog or cat over six (6) months of age, shall have a current rabies vaccination pursuant to Section 55.10 of this chapter. The failure to produce such Certificate when so requested by the City Administrator or its representative shall be prima facie evidence that such animal has not been vaccinated.

(Code of Iowa, Sec. 351.33)

2. Payment of the fee, the schedule of licensing fees to be determined by resolution of the City Council.

B. LICENSE RECORDS. The City Clerk or designee shall maintain a public record of each license issued containing the name of the dog/cat's owner, address and description of the animal.

C. ISSUANCE OF LICENSE. Upon payment of the license fee, the City Clerk or designee shall issue to the owner a license which shall contain the name of the owner, the owner's place of residence and a description of the dog/cat and such other reasonable information.

D. LICENSE TAGS.

1. The metal rabies vaccination tag showing the name of the veterinarian, the tag number, and the year of issuance, as required by Iowa State Law, will serve as the required tag for the city license.

2. The license tag issued by the veterinarian shall be securely fastened to a collar or harness which shall be worn at all times by the dog or cat for which it was issued unless the animal is kept inside. It shall be unlawful for any person other than the owner, unless at the request of the owner, to remove the collar from the dog or cat.

3. A license issued for a dog or cat shall not be transferable to another such animal. Upon the expiration of the license the owner shall remove said tag from the dog or cat.

4. Any dog or cat found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

5. The City Clerk shall be notified immediately of all lost or reissued tags.

E. ENFORCEMENT.

1. Veterinarians shall in no way be responsible for the enforcement of the required licensing within the city of Garnavillo. Enforcement of this chapter shall be the responsibility of the City Clerk or designee.
2. Designated City officials enforcing the provisions of this chapter relating to vaccination and impoundment of dogs/cats shall not be responsible for any accident or disease of a dog or cat resulting from the enforcement of the provisions of said chapter.
3. Impoundment and Disposition in regard to Sections 55.14 and 55.15 of this Chapter 55.

55.14 AT LARGE: IMPOUNDMENT.

1. Animals found at large in violation of this chapter shall be seized and impounded at the impoundment facilities utilized by the City, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.
2. Pet owners that have their animals seized will be invoiced for charges in relation to the seizure as follows:
 - A. There will be a \$25.00 minimum charge for each seized animal.
 - B. There will be an additional charge of \$6.00 per one-fourth hour (15 minutes) from the time it takes to seize the animal(s) and take it to the impoundment facility until the time City staff reports back to City Hall after turning the animal over to the impoundment facility.
 - C. Mileage set at the current IRS rate will be charged for all miles driven to seize the animal, take it to the impoundment facility, and return to City Hall.
 - D. All animal seizure fees will be sent to the pet owner by regular mail or delivered by City staff. All fees are due within thirty (30) days of the invoice date. If fees are not paid within thirty (30) days, the unpaid and delinquent fees shall constitute a lien upon the pet owner's property and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Ord. 01-2012 –Sep. 12 Supp.)

55.15 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.16 IMPOUNDING COSTS. Impounding costs are those set by the impoundment facility.

55.17 FEEDING AT LARGE PET ANIMALS. It shall be a violation of this Chapter to feed animals which are defined as pets pursuant to this chapter which are at large.

55.18 CLEANING UP AFTER ANIMALS. It is the duty of every person owning or having custody or control of an animal to clean up and remove the feces deposited by such animal at all times when said animal is not on the owner's premises. Such animal feces shall be disposed of in a sanitary manner.

55.19 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

- A. A prize for participating in a game.
- B. A prize for participating in a fair.
- C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
- D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.

2. Exceptions. This section does not apply to any of the following:

- A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
- B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

55.20 PENALTIES. Any violation of this chapter shall be deemed to be a municipal infraction, subject to such penalties as provided by the Iowa Code Section 364.22 and Chapter 3 of the Code of Ordinances of Garnavillo, Iowa.

(Ord. 09-2012 – Sep. 12 Supp.)

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Passed and approved this _____ day of _____, 2018.

Mark Priebe, Mayor

ATTEST:

Elizabeth Jaster, City Clerk