

## CITY OF CAMANCHE ORDINANCE 788

### AN ORDINANCE AMENDING THE CAMANCHE, IOWA MUNICIPAL CODE BY AMENDING TITLE 4 MENTAL AND PHYSICAL HEALTH CHAPTER 1 ANIMAL CONTROL OF THE CAMANCHE CODE OF ORDINANCES.

Section 1. **Purpose.** The purpose of this ordinance is to amend the Camanche Municipal Code by modifying Title 6 Mental and Physical Health Chapter 1 Animal Control.

Section 2. **Facts Found.** The City Council of the City of Camanche, Iowa hereby makes the following findings of fact:

1. The City of Camanche, Iowa Code of Ordinances was codified in 2019
2. Title 4 Chapter 1 has procedures which are no longer efficient for operation
3. Title 4 Chapter 1 contains grammatical errors to correct
4. It is in the best interest of the City of Camanche to amend Title 4 Chapter 1

Section 3. **Amendment.** Title 4 Chapter 11 Sections 4-1-3, 4-1-4, 4-1-5, 4-1-6, 4-1-7, 4-1-8, 4-1-9, 4-1-10, 4-1-12, 4-1-13, 4-1-14, 4-1-16, 4-1-17, 4-1-18, 4-1-19, 4-1-21, 4-1-24, 4-1-26, 4-1-37, 4-1-39, are amended and the following language is inserted in lieu thereof:

4-1-3 **LICENSE--TAG REQUIRED.** Applications for licenses shall be made to the City Clerk which shall include name and address of owner, description, breed and sex of the dog or cat, the appropriate fee, and rabies certification issued by a licensed veterinarian and anti-rabies clinic. Subsequent application renewals for the same animal may be made orally or through other means of communications with City Hall. The licensee, upon procurement of the license, shall securely attach the license tag to a collar or harness, and this collar or harness with the license tag attached shall at all times be kept on the dog or cat for which the license is issued. Any dog or cat found without a collar or harness to which a licensed tag is attached shall be deemed unlicensed, and shall be impounded.

4-1-4 **LICENSE--FEE--LIABILITY.** The head of the family shall be liable for payment of the license fee on any dog and/or cat owned, harbored or kept by any member of the family. If the owner of the dogs and/or cats cannot be ascertained, for owner-occupied dwellings, the title holder shall be liable for payment of license fees and fines. For leased premises, the tenant on the lease shall be liable for the payment of license fees and fines.

4-1-5 **LICENSE REQUIRED.** It is unlawful for any owner to own, possess or harbor a dog in the City without having obtained a license therefor in compliance with the provisions set forth in

this chapter, except that a license shall not be required for dogs under the age of six months, which are confined to the owner's premises.

"Number of dogs and cats" means any person shall not own, keep, possess, shelter, or harbor more than four dogs and/or cats and no more than a total of four dogs and/or cats permitted per street address. "Owner" means any person owning, keeping, sheltering, or harboring dogs and cats.

No person may license more than four dogs and/or cats and no more than a total of four dogs and/or cats permitted per street address. From the date of the birth of a litter, the owner shall have six months to dispose of the litter and comply with this section.

4-1-6 LICENSE--FINES. A violation of the licensing provisions shall carry the following fines and be charged by citation or municipal infraction:

1. For unregistered dogs and cats found on the premises, a fine of twenty-five dollars for the first offense and fifty dollars for each subsequent offense in a twelve month rolling calendar year.

2. For dogs and cats running at large, without registration, a twenty-five dollar fine for each dog and cat running at large in addition to the pickup fee for a first offense, and fifty dollars for second and subsequent offenses, plus the pick-up fee.

4-1-7 LICENSE--FEE--DESIGNATED. A license shall be issued after submission of the written application, rabies certification, and after payment of the following applicable fees:

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|--|---------|
| 1. For each unaltered male dog .....   | \$15.00 |
| 2. For each unaltered male cat .....   | \$6.00  |
| 3. For each unaltered female dog ..... | \$15.00 |
| 4. For each unaltered female cat ..... | \$6.00  |
| 5. For each neutered male dog .....    | \$10.00 |
| 6. For each neutered male cat .....    | \$3.00  |
| 7. For each spayed female dog .....    | \$10.00 |
| 8. For each spayed female cat .....    | \$3.00  |

Subsequent fees shall be amended by resolution of the City Council.

4-1-8 LICENSE--DUE DATE. A dog or cat must be licensed by March 31st of each year, or at the time a dog or cat comes into possession or ownership. All dogs and cats must be licensed by the time they reach six months of age. A dog or cat licensed the previous year must be licensed by March 31st of each subsequent year. Failure to re-license a dog or cat by March 31st will result in a late license penalty fee of \$ 25.00, which must be paid at the time a license issued. Subsequent fees shall be directed by resolution of the City Council.

4-1-9 HARBORING VICIOUS DOG OR CAT UNLAWFUL. It is unlawful for any person to harbor or keep a vicious dog or cat within the City. A dog or cat is deemed to be vicious when it shall have attacked or bitten a person, without provocation, and when propensity to attack or bite

a person shall exist and is known or reasonably ought to be known to the owner, or as further defined in section 4-1-1 subsection 16 of this ordinance.

#### 4-1-10 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS DOGS OR CATS.

5. The hearing shall be held before the mayor, or the Mayor's designee, which may be the City Administrator, police chief, or a member of the Camanche City Council so designated by the mayor. If, after hearing, the hearing officer upholds the determination of the officer that the dog or cat is a vicious dog or cat, or is a vicious dog or cat held in violation of this ordinance, as set out in the notice of hearing, the hearing officer, or their designee shall either order the person owning, sheltering, harboring or keeping the animal to permanently license and confine the dog or cat as required by this article or remove it from the City or order it destroyed. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of the issuance, the humane officer, the police chief or their designee is authorized to seize or impound the dog or cat. A dog or cat so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the individual or entity against whom the order of the hearing officer or their designee was issued has not appealed such order to the Iowa District Court or has not complied with the order, the humane officer, the police chief or their designee shall cause the dog or cat to be destroyed.

8. Any dog or cat that is alleged to be vicious and that is under impoundment or quarantine at the appropriate impound facility shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing and or appeal. All costs of such impoundment or quarantine shall be paid by the owner if the dog or cat is determined to be vicious. If the dog or cat is not determined to be vicious, all costs shall be paid by the City, except costs attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner.

#### 4-1-12 DANGEROUS ANIMALS OR REPTILES.

6. The owner or custodian of any impounded dangerous animal shall be liable to the City in the amount of the impoundment fees charged for other impoundment animals pursuant to the provisions of this Chapter or for such fee as may be set by ordinances and for actual feeding, care, cost and impoundment cost as determined by the appropriate impoundment facility. No impounded dangerous animal shall be released until all required fees and costs have been paid or arranged to be paid, and disposition of the animal has been approved by the animal control officer. Prior to the release of an impounded animal to the owner or custodian, the animal control officer shall determine that adequate provision has been made for the removal of the animal to a place outside the City or for confinement within the City under authority of Section 4-1-12(6).

8. The animal control officer or any police officer is authorized to release custody and possession of a dangerous animal to an appropriate impoundment facility if such animal is not reclaimed by its owner or custodian within three business days after the date of impoundment, not including the day of impoundment. Any animal so released by the City after the expiration of such time may then be disposed of in a lawful manner by an appropriate impoundment facility including but not limited to, the sale or destruction of said animal. The animal may be released

to and disposed of by the appropriate impoundment facility prior to the expiration of such time if in the professional opinion of the veterinarian or manager of the control facility, disposition is necessary to avoid the unnecessary suffering of a sick or injured animal.

4-1-13 HUMANE OFFICER--APPOINTMENT. The Chief of Police shall appoint a staff member of the Camanche Police Department or the Camanche Public Works Department, or a qualified individual as determined by the Chief of Police to perform the duties of humane officer. The humane officer shall be under the supervision and direction of the Chief of Police.

4-1-14 HUMANE OFFICER--DUTIES. It shall be the duty of the humane officer or their designee to impound any dogs found running at large in violation of the terms of this chapter or those being kept, owned, sheltered, or harbored in violation of the terms of this chapter.

4-1-16 HUMANE OFFICER--IMPOUNDMENT DUTIES. It shall be the duty of the humane officer or their designee to apprehend any animal found running at large, committing a public nuisance, or a vicious animal contrary to the provisions of this title and to impound such animal. The humane officer, upon receiving any animal, shall make a complete registry, entering the animal species, breed, color and the sex of such animal and whether licensed. If licensed, the humane officer shall enter the name and address of the owner and the number of the license tag in a digital record kept solely for that purpose. When the Humane Officer designates an animal as vicious under the definition of this ordinance, the animal shall be impounded and remitted to the City's designated impound facility.

4-1-17 IMPOUNDMENT--NOTICE. Not later than three business days after the impounding of any dog, cat or other animal the owner, if identifiable shall be notified by regular mail, addressed to such owner as such owner's name and address appears upon the license tag of the dog, cat or other animal, or by phone if such owner's phone number is on record with the City and current. If the owner of the dog, cat or other animal is unknown or if such dog, cat or other animal is unlicensed, then written notice shall be posted for three days on the front door of City Hall, the City's website and social media accounts describing the dog, cat or other animal and the place and time of taking.

4-1-18 IMPOUNDMENT--REDEMPTION.

1. Transportation cost to reimburse the City for transporting the animal, thirty dollars
2. For keeping any dog, cat or other animal, actual fees incurred by the City as charged by the City's designated impound facility.
4. Any such dog or cat may be redeemed by the owner upon payment of the fees provided in this section, provided that such redemption is made within a three business day holding period as set forth in 4-1-17. Before any impounded dog or cat is released to the owner thereof, the owner shall pay to the City or the designated impound facility the daily pound boarding fee as established by contract between the City and the designated impound facility for each day during which the dog or cat has been kept within the pound or other approved shelters, together with a daily impoundment fee as follows:

Impoundment	Fee
1. First impoundment	\$ 25.00
2. Second impoundment	50.00
3. Third impoundment	100.00
4. Fourth impoundment	200.00
5. Fifth and each subsequent impoundment	300.00

Any impounded dog or cat shall be released to the owner thereof upon the presentation of a current license tag issued for each dog or cat, or receipt for such license for the current, and upon payment of the fees required in this section. These fees shall be used for animal control and welfare. No dog or cat shall be released without verification or administering from a licensed veterinarian in the State of Iowa proper rabies vaccination. Any additional fees and fines due to an inability to have such vaccination administered or verified shall be the responsibility of the animal owner.

4-1-19 UNCLAIMED DOG, CAT OR OTHER ANIMAL--DESTRUCTION. Unless reclaimed by the owner, it shall be the duty of the humane officer to keep all dogs, cats and other animals impounded for a period of three business days after notice to the owner or from the date of posting notice. If at the expiration date of three business days from the date of notice to the owner or the date of posting notice such dog, cat or other animal shall not have been reclaimed, it may be remitted to the City's designated appropriate impound facility or destroyed.

4-1-21 CONFINEMENT. No dog, cat or other animal which, in the opinion of the humane officer or a policeman, is dangerous or of vicious propensities, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. Every female dog in season (in heat) shall at all times be confined in an enclosure. If any dog, cat or other animal is found either running at large or not properly confined in violation of this section, it shall be taken up and impounded and shall not be released except upon approval of the humane officer after the payment of the fees as provided herein; provided, however, that if any dog, cat or other animal found at large, which in the opinion of the humane officer is dangerous or vicious and cannot be safely taken up and impounded, such dog, cat or other animal may be remitted to the City's designated impound facility or destroyed.

4-1-24 BARKING--REMOVAL OF WASTE.

1. Barking. It is unlawful for any person to keep or harbor within the City any dog, cat or animal which by loud or frequent barking, yelping or howling causes serious annoyance to other persons in the area. No persons shall be convicted under this paragraph except upon evidence of two or more persons of different households unless identified by an officer of the Camanche Police Department or the Code Enforcement Officer.

4-1-26 Reserved

4-1-37 KEEPING OF DOMESTIC FOWL AND LIVESTOCK

9. Properties taxed as agricultural land and zoned AG-1, Agricultural Rural by the City of Camanche are exempt from items 1-8 listed above.

4-1-39 PENALTY FOR VIOLATIONS. Anyone violating any of the provisions of this chapter shall, upon conviction, be subject to a fine not to exceed amounts designated under Title 1 Chapter 3 of the Camanche Code of Ordinances. Each day that a violation is permitted to exist constitutes a separate offense.

Section 4. **Repealer.** All ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

Section 5. **Severability Clause.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect this ordinance as a whole, or any section, provision, or part thereof not adjudicated invalid or unconstitutional.

Section 6. **When Effective.** This ordinance shall be in full effect from and after its final passage, approval, and publication as required by law.

Passed and approved by the Camanche City Council this 3rd day of January, 2023.

Austin Pruett, Mayor

Attest: Toni L. Schneider, City Clerk