

ORDINANCE NO. 14,155

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,854, passed August 21, 2000, by repealing Sections 18-11, 18-15, 18-43, 18-44, 18-45, 18-48, 18-51, 18-64, paragraph (b) of 18-65, 18-93, 18-94, paragraph (e) of 18-95, 18-97, 18-99, 18-101, 18-107, and paragraph (b) of 18-108 thereof and enacting new Sections 18-11, 18-15, 18-43, 18-44, 18-45, 18-48, 18-51, 18-64, paragraph (b) of 18-65, 18-93, 18-94, paragraph (e) of 18-95, 18-97, 18-99, 18-101, 18-107, and paragraph (b) of 18-108 and adding and enacting new Sections 18-16, 18-17 and 18-44.01, relating to miscellaneous fees for animals.

Be It Ordained by the City Council of the
City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 13,854, passed August 21, 2000 is hereby amended by repealing Sections 18-11, 18-15, 18-43, 18-44, 18-45, 18-48, 18-51, 18-64, paragraph (b) of 18-65, 18-93, 18-94, paragraph (e) of 18-95, 18-97, 18-99, 18-101, 18-107, and paragraph (b) of 18-108 thereof and enacting new Sections 18-11, 18-15, 18-43, 18-44, 18-45, 18-48, 18-51, 18-64, paragraph (b) of 18-65, 18-93, 18-94, paragraph (e) of 18-95, 18-97, 18-99, 18-101, 18-107, and paragraph (b) of 18-108 and adding and enacting new Sections 18-16, 18-17 and 18-44.01, relating to miscellaneous fees for animals, as follows:

Sec. 18-11. Disposition upon owner's request -- Fee.

An animal may be humanely destroyed by the chief humane officer or other officer of the police department if the owner of the animal requests that such animal be destroyed and signs a release holding the city harmless and certifying ownership of the animal. A fee of \$50.00 shall be collected by the animal shelter for this service.

Sec. 18-15. Microchip fee.

A fee of \$40.00 shall be collected by the animal shelter for placing a microchip in any animal for identification purposes whether requested by the owner or as required by this chapter at sections 18-59 or 18-202.

Sec. 18-16. Trap fee.

The animal shelter may rent an animal trap for purposes of capturing domesticated animals. The rental for the trap is \$30.00 which includes the delivery and retrieval of the trap.

Sec. 18-17. Emergency care fee/reimbursement.

A fee which is reasonable and customary as determined by the Chief of Police or the Chief's designee shall be collected by the animal shelter for emergency care services if such services are performed on an animal by the city veterinarian. In the event emergency care services are performed on an animal through a private source and the City of Des Moines is charged for such services, all expenses of such services shall be reimbursed to the City. Such fees and expenses shall be collected by the animal shelter prior to release of the animal from impoundment.

ARTICLE II. DOGS

Sec. 18-43. License fee.

(a) The annual license fee for each dog shall be \$15.00 if such dog has been spayed or neutered and \$35.00 if such dog is not spayed or neutered or if satisfactory evidence of spaying or neutering is not presented with the application for the license. An applicant claiming that such dog is spayed or neutered shall present as evidence a certificate from a qualified veterinarian which contains the name and address of the owner and the name, color, sex and breed of the dog. The proper fee

shall be presented or sent with the application. No license shall be issued until the fee is paid in full.

(b) A dog owner who is 65 years of age or older may, upon application for a dog license, be issued a license for one dog per household for a fee of \$5.00. The fee for additional dogs shall be as provided in subsection (a) of this section.

Sec. 18-44. License application; form.

(a) The owner of a dog for which a license is required shall, on or before January 1 each year, apply to the city clerk, his or her designee, or any business in Des Moines approved by the City Clerk, for a license for each dog owned by him or her.

(b) Such application for a license may be made after January 1 and at any time for a dog which has come into the possession or ownership of the applicant or which has reached the age of six months after January 1.

(c) Any business in Des Moines that is approved by the City Clerk to sell animal licenses may charge an additional service fee of up to \$2.00 per license. This subsection does not apply to dogs defined as vicious under section 18-41 of this article, nor to applications for transfer of ownership of a dog under section 18-48 of this article, nor to applications for transfer of a license from one city or county to the City of Des Moines under section 18-49 of this article.

For purposes of determining whether a dog is vicious as defined under section 18-41 of this article the opinion of the City Veterinarian will control.

(d) The owner of any dog defined as vicious under section 18-41 of this article shall comply with section 18-56 of this article at the time an application for license is made under this section

(e) Such application shall be in writing on blanks provided by the city clerk or his or her designee and shall state the breed, sex, age, color, and name of the dog and the address, phone number, and signature of the owner. Such application shall also state the date of the most recent rabies vaccination and the date the dog shall be revaccinated.

(f) An application to license a vicious dog must include, in addition to the information required in subsection (d) of this section, presentation by the applicant of a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$100,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or his or her agents, in the keeping or owning of such vicious dog. The certificate shall require notice to the city, in conformity with general city standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to 30 days subsequent to the determination that a dog is vicious; however, if after 30 days a certificate of insurance or a policy has not been submitted, the dog shall be deemed unlicensed and subject to sections 18-58 and 18-59, as applicable.

Sec. 18-44.01. Insurance on vicious dogs not licensed.

The owner of every dog which is defined as vicious under section 18-41 of this article and which is under six months of age and is not licensed shall maintain insurance as set forth in section 18-44(d) of this article.

Sec. 18-45. Tag.

(a) The city clerk or his or her designee shall, upon receipt of the application for a dog license, deliver or mail to the applicant a license which shall be in the form of a metal tag stamped with the following information:

(1) The year for which it is issued.

(2) The name of the city.

(3) The tag number as shown in the records in the office of the city clerk.

(b) The size and shape of the tags shall be changed each year.

(c) The tag shall be attached by the owner to a substantial collar and, during the term of the license, shall be at all times kept on the dog for which the license is issued. Upon the expiration of the license the owner shall remove the tag from the dog.

(d) Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of \$5.00 to the city clerk or his or her designee. The city clerk or his or her designee shall enter in the license record the new number assigned.

Sec. 18-48. Transfer of license on change of ownership.

(a) When the ownership of a dog is transferred, the license may be transferred by the city clerk or his or her designee by notation on the license record, giving the name and address of the new owner. The city clerk or his or her designee, when making an ownership transfer, shall collect a fee of \$5.00.

(b) A license tag issued for one dog shall not be transferred to any other dog.

Sec. 18-51. License fee delinquency.

(a) Notwithstanding section 18-46 of this article, all fees for dog licenses shall become delinquent on April 1 of the year in which they are due and payable. A penalty of \$50.00 shall be added to each unpaid license on and after the delinquent date except where the dog has been newly acquired or is under 6 months of age.

(b) The delinquent penalty will apply to a newly acquired dog and to a dog at least 6 months of age if a license is not obtained by the later of April 1 in the year in which the dog is acquired or reaches 6 months of age, or 30 days after the dog is acquired or reaches 6 months of age.

(c) No license shall be issued without the payment of the applicable fees. This section shall not be deemed to relieve an owner from criminal liability under section 18-42 of this article.

Sec. 18-64. Redemption of impounded dog.

(a) *Licensed dog.* The owner of an impounded licensed dog which is not required to be held for observation as provided by section 18-167 may claim and redeem such animal upon payment of an impounding fee of \$25.00 and a

daily boarding fee of \$12.00. If, within a year's time, the same dog is impounded a second time, the impounding fee shall be increased to \$50.00 plus the daily boarding fee. If, within a year's time, the same dog is impounded three times, the impounding fee shall be increased to \$75.00 plus the daily boarding fee. If, within a year's time, the same dog is impounded four or more times, the impounding fee shall be increased to \$100.00 plus the daily boarding fee.

(b) *Unlicensed dog.* The owner of an impounded unlicensed dog which is not required to be held for observation as provided by section 18-167 may claim and redeem such animal upon payment of an impounding fee of \$50.00 and the boarding fees enumerated in subsection (a) of this section if redeemed within 48 hours and upon a showing of the appropriate license for such dog. However, if the owner has fulfilled all requirements to have an impounded dog licensed except the animal has not received the required vaccination, upon such showing the chief humane officer or other police department official may, after payment of the required fees, release such dog upon the condition that the dog is vaccinated by a licensed veterinarian within 24 hours of such release and that a certificate of such vaccination is furnished to the chief humane officer or other police department official to entitle the owner to the issuance of the license tag for such dog. It shall be the duty of the chief humane officer or other police department official to ascertain the name and address of the veterinarian to which such dog will be taken by the owner for vaccination and to make it known to the police department if proof of such vaccination is not furnished within three days after the conditional release of the dog to the owner. If proof of vaccination is not provided within three days, the police department may immediately pick up and impound such dog.

Sec. 18-65. Disposition of unredeemed dogs.

(b) *Adoption.* A person seeking to adopt a dog shall:

(1) File a form as prescribed by the chief of police, which shall identify the dog desired for adoption; if the same dog is identified for adoption by more than one person, the form filed first in time with the chief humane officer shall be honored.

(2) Pay an adoption fee of \$85.00 or a fee of \$42.50 when the person seeking to adopt a dog is 65 years of age or older, which shall include the cost of a city dog license and vaccinations as required by this article and surgical sterilization.

(3) If a dog is too young to submit to vaccinations or to surgical sterilization, the person shall agree in writing to surgical sterilization of the adopted dog within a designated time period. Upon submission of written proof of compliance from a veterinarian, \$10.00

shall be refunded to the person adopting the dog. Any person who fails to comply with such an agreement shall be guilty of a simple misdemeanor, and the chief humane officer or his or her designee shall be authorized to seize and impound the dog for the purpose of administering vaccinations and surgical sterilization as necessary.

(4) The chief of police is authorized to promulgate further rules to effect such an adoption process.

(5) The provisions of this section relating to the adoption of unredeemed dogs shall also apply to adoption agencies not qualified under subsection (a) (2) of this section.

(6) The city shall reserve the right to reject any and all adoptions for any purpose the city deems necessary, including but not limited to health concerns.

(7) No dog shall be put up for adoption if a request has been made for that dog for scientific research by an institution

authorized by the state
department of public
health pursuant to I.C.
§ 145B.1 et seq.

(8) The city takes no
responsibility nor makes
any warranties or
assumes any liability
for the condition of the
dog adopted.

ARTICLE III. CATS

Sec. 18-93. Amount of license fee.

(a) The annual license fee for each cat shall be \$15.00 if such cat has been spayed or neutered and \$35.00 if such cat is not spayed or neutered or if satisfactory evidence of spaying or neutering is not presented with the application for the license. An applicant claiming that such cat is spayed or neutered shall present as evidence a certificate from a licensed veterinarian which contains the name, address and phone number of the owner and the name, color, sex and breed of the cat. The proper fee shall be presented or sent with the application. No license shall be issued until the fee is paid in full.

(b) A cat owner who is 65 years of age or older may, upon application for a cat license, be issued a license for one cat per household for a fee of \$5.00. The fee for additional cats shall be as provided in subsection (a) of this section.

Sec. 18-94. License application; form.

(a) The owner of a cat for which a license is required shall, on or before January 1

each year, apply to the city clerk, his or her designee, or any business in Des Moines approved by the City clerk, for a license for each cat owned by him or her.

(b) Such application for a license may be made after January 1 and at any time for a cat which has come into the possession or ownership of the applicant or which has reached the age of six months after January 1.

(c) Any business in Des Moines that is approved by the City Clerk to sell animal licenses may charge an additional service fee of up to \$2.00 per license. This subsection does not apply to applications for transfer of ownership under section 18-97 of this article.

(d) Such application shall be in writing on a form provided by the city clerk or his or her designee and shall state the breed, sex, age, color, and name of the cat and the name, address, phone number and signature of the owner. Such application shall also state the date of the most recent rabies vaccination and the date the cat will be revaccinated.

Sec. 18-95. Tag.

(e) Upon the filing of an affidavit that the license tag or spay/neuter tag has been lost or destroyed, the owner may obtain another license or a spay/neuter tag on the payment of \$5.00 to the city clerk or his or her designee. The city clerk or his or her designee shall enter in the license record the new number assigned.

Sec. 18-97. Transfer of license on change of ownership.

(a) When the ownership of a cat is transferred, the license may be transferred by the city clerk or his or her designee by notation on the license record, giving the name, address and phone number of the new owner. The city clerk or his or her designee, when making an ownership transfer, shall collect a fee of \$5.00.

(b) A license tag issued for one cat shall not be transferred to any other cat.

Sec. 18-99. License fee delinquency.

(a) A penalty of \$50.00 shall be added to each unpaid cat license on April 1 of the year in which it is due and payable except where the cat has been newly acquired or is under 6 months of age on April 1 of the same year. Nothing in this section shall preclude the issuance of a criminal charge for failure to comply with any applicable section of this chapter.

(b) The penalty will apply to a newly acquired cat and to a cat at least 6 months of age if a license is not obtained by the later of April 1 in the year in which the cat is acquired or reaches 6 months of age, or 30 days after the cat is acquired or reaches 6 months of age.

Sec. 18-101. Penalties.

(a) Notwithstanding any other section of this article, any owner who allows the rabies vaccination to lapse at any time during the licensing year shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-15 of this code.

(b) The removal of a license tag or a spay/neuter tag from a cat prior to the expiration of that tag by any person who is not the owner thereof or the agent of such owner shall be guilty of a misdemeanor punishable by fine or imprisonment as provided by section 1-15 of this code.

Sec. 18-107. Redemption of impounded cat.

(a) *Licensed cat.* The owner of an impounded licensed cat which is not required to be held for observation, as provided by section 18-167 of this chapter, may claim and redeem such animal upon payment of an impounding fee of \$25.00 and a daily boarding fee of \$12.00. If, within a year's time, the same cat is impounded a second time, the impounding fee shall be increased to \$50.00 plus the daily boarding fee, and the owner shall agree in writing to surgical sterilization of the cat within a designated time period; any person who fails to comply with such an agreement shall be guilty of a simple misdemeanor. If, within a year's time, the same cat is impounded three times, the impounding fee shall be increased to \$75.00 plus the daily boarding fee. If, within a year's time, the same cat is impounded four or more times, the impounding fee shall be increased to \$100.00 plus the daily boarding fee.

(b) *Unlicensed cat.* The owner of an impounded unlicensed cat which is not required to be held for observation, as provided by section 18-167 of this chapter, may claim and redeem such animal upon payment of an impounding fee of \$50.00 and the boarding fees and, if applicable, a sterilization agreement, as provided in subsection (a) of this section, if redeemed within 48 hours and upon a showing of the appropriate license for such cat. If the owner has fulfilled all requirements to have an impounded cat licensed except the animal has not received the required vaccination, upon payment of the appropriate fees including one for the cost of a vaccination, the city veterinarian shall administer such vaccination. If the city veterinarian is not available to administer the vaccination, the chief humane officer or other police department official may, after payment of the required fees, release such cat upon the condition that the cat is returned to the city's veterinarian within 24 hours of such

release for vaccination. If the cat is not returned for vaccination as stated in this subsection, the cat may be impounded and the owner shall be guilty of a simple misdemeanor.

Sec. 18-108. Disposition of unredeemed cats.

(b) *Adoption.* A person seeking to adopt a cat shall:

(1) File a form as prescribed by the chief of police, which shall identify the cat desired for adoption; if the same cat is identified for adoption by more than one person, the form filed first in time with the chief humane officer shall be honored.

(2) Pay an adoption fee of \$85.00 or a fee of \$42.50 when the person seeking to adopt a cat is 65 years of age or older, which shall include the cost of a city cat license and any vaccinations as required by this article and surgical sterilization.

(3) If a cat which is too young to submit to vaccinations or to surgical sterilization, the person shall agree in writing to surgical sterilization of the adopted cat within a designated time period;

upon submission of written proof of compliance from a veterinarian, \$10.00 shall be refunded to the person adopting the cat. Any person who fails to comply with such an agreement shall be guilty of a simple misdemeanor, and the chief humane officer or his or her designee shall be authorized to seize and impound the cat for the purpose of administering vaccinations and surgical sterilization as necessary.

(4) The chief of police is authorized to promulgate further rules to effect such an adoption process.

(5) The city shall reserve the right to reject any and all adoptions for any purpose the city deems necessary, including but not limited to health concerns.

(6) The city takes no responsibility nor makes any warranties or assumes any liability for the condition of the cat adopted.

(7) The subsections of this section relating to adoption of unredeemed cats shall also apply to

adoption agencies not
qualified under
subsection (a)(2) of
this section.

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

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney
Preston A. Daniels, Mayor

Attest:

I, Donna V. Boetel-Baker, City Clerk of the City of Des Moines,
Iowa, hereby certify that the above and foregoing is a true copy
of an ordinance (Roll Call No. 02- 2544), passed by the City
Council of said City at a meeting held October 21, 2002 signed
by the Mayor on October 21, 2002 and published as provided by
law in the Business Record on November 4, 2002 Authorized by
Publication Order No.3452.

Donna V. Boetel-Baker, City Clerk