ORDINANCE NO. 2017-02

July 5, 2017

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF MENLO, IOWA BY **REPEALING TITLE IV MENTAL AND PHYSICAL HEALTH, CHAPTER 1 ANIMAL CONTROL, SECTION 1 DEFINITIONS; SECTION 2 LICENSE; SECTION 3 IMMUNIZATIONS; AND SECTION 6 IMPOUNDING; AND READOPTION OF THE SAME AS REVISED FOR THE PURPOSE OF AMENDING THE CITY CODE REGARDING CATS AND OTHER ANIMALS.**

BE IT ENACTED by the City Council of the City of Menlo, Iowa that:

SECTION 1: SECTION MODIFIED The Code of Ordinances of the City of Menlo, Iowa shall be and the same is hereby AMENDED BY REPEALING Section 1 of TITLE IV MENTAL AND PHYSICAL HEALTH, CHAPTER 1 ANIMAL CONTROL, and re-enacting the same to state as follows:

4-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term "dogs" shall mean animals of the canine species whether altered or not.

2. The term "at large" shall mean any licensed or unlicensed animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.

3. The term "owner" shall mean any person owning, keeping, sheltering or harboring an animal.

4. The term “cats” shall mean animals of the cat family, felidae, whether altered or not.

5. The term “animal” shall mean nonhuman vertebrates.

SECTION 2: SECTION MODIFIED The Code of Ordinances of the City of Menlo, Iowa shall be and the same is hereby AMENDED BY REPEALING Section 2 of TITLE IV MENTAL AND PHYSICAL HEALTH, CHAPTER 1 ANIMAL CONTROL, and re-enacting the same to state as follows:

4-1-2 LICENSE. Every owner of a dog or cat over the age of six (6) months shall procure a

license from the City Clerk-Treasurer on or before the first day of January of each year. The City may require the owner of other animals to procure a license. The annual license fee shall be established by resolution of the Council.

No more than six (6) cats or dogs, of which no more than four (4) may be dogs shall be owned and maintained in compliance with this the Menlo Code of Ordinances. The young produced by any pets permitted herein may be maintained with the parent animal(s) for no more than ten (10) weeks. No more than three (3) Vietnamese potbellied pigs, Asian potbellied pigs or potbellied pigs shall be owned and maintained in compliance with this ordinance.

Upon payment of the license fee, and providing proof of a current vaccination against rabies, the City Clerk-Treasurer 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 animal. The City Clerk-Treasurer shall keep a duplicate of each license issued as a public record.

Upon issuance of the license, the City Clerk-Treasurer shall deliver to the owner a metal tag stamped with the number of the license for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the animal for which the license is issued.

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

SECTION 3: SECTION MODIFIED The Code of Ordinances of the City of Menlo, Iowa shall be and the same is hereby AMENDED BY REPEALING Section 3 of TITLE IV MENTAL AND PHYSICAL HEALTH, CHAPTER 1 ANIMAL CONTROL, and re-enacting the same to state as follows:

4-1-3 IMMUNIZATION. All dogs or cats six (6) months or older shall be vaccinated against rabies. Before issuance of the license the owner shall furnish a veterinarian's certificate showing that the animal for which the license is sought has been vaccinated, and that the vaccination does not expire within six (6) months from the effective date of the license. It shall be a violation of this Ordinance for any dog or cat to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every animal when not confined.

(Code of Iowa, Sec. 351.33)

SECTION 4: SECTION MODIFIED The Code of Ordinances of the City of Menlo, Iowa shall be and the same is hereby AMENDED BY REPEALING Section 6 of TITLE IV MENTAL AND PHYSICAL HEALTH, CHAPTER 1 ANIMAL CONTROL, and re-enacting the same to state as follows:

4-1-6 IMPOUNDING.

1. Any unlicensed or unvaccinated animal found at large or any licensed animal found at large in violation of Sections 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of a licensed animal shall be notified within two (2) days that upon payment of impounding fees, the animal will be returned. If the impounded licensed animal is not recovered by its owner within seven (7) days after notice, the animal shall be disposed of as provided in Section 717B.4 Code of Iowa.

3. Impounded unlicensed animals may be recovered by the owner, upon proper identification, by payment of the license fee, impounding fee and boarding costs, and the costs of vaccination if vaccination is required by Section 4-1-3. If such animals are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner as directed by the City Council. (Code of Iowa, Sec. 351.37)

4. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor."

(Code of Iowa, Sec. 351.39)

5. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

(Code of Iowa, Sec 351.39)

6. Impounding costs for an animal shall be no less than $50.00 plus $10.00 per day plus the actual cost of boarding the animal, for the first infraction. Second offense shall be no less than $75.00 plus $10.00 per day plus the actual cost of boarding the animal. Third and subsequent infractions shall be $100.00 plus $10.00 per day plus the actual cost of boarding the animal. Impounding fees will be billed to the owner and if not paid a lien will be made to the owner's property taxes.

SECTION 5: REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6: SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or

unconstitutional.

SECTION 7: WHEN EFFECTIVE. This ordinance shall be effective from and after its final passage, approval, and publication as provided by law.

Motion by __Mike Culver_ and second by ___Troy Miller____ to suspend the 1st and 2nd readings of Ordinance 2017-02 and to place Ordinance 2017-02 on its final reading. Roll call vote:

BEHNKEN	__Aye__	KORRADI	__Aye__
CULVER	__Aye__	MILLER	__Aye__
JACOBSON	__Aye__		

Passed, approved and adopted by the City Council this __5th__day of __July____ 2017.

By: Michael Clarke, MAYOR Attest by: Gwen Blass, CITY CLERK

ATTEST:
I, Gwen Blass, City Clerk of the City of Menlo, hereby certify that the above and foregoing is a true copy of Ordinance 2017-02 passed by the City Council of said City at the meeting held on July 5, 2017 and published as provided by law in _The Stuart Herald_ on _July 13____, 2017.

Gwen Blass, City Clerk