

ORDINANCE NO. 03-O-2024-2025

AN ORDINANCE AMENDING TITLE VIII OF THE 1994 RECODIFICATION OF THE MUNICIPAL CODE OF THE CITY OF STORM LAKE, IOWA, BY REPEALING AND REPLACING CHAPTER 8-4 PERTAINING TO ANIMAL CONTROL

WHEREAS, Title VIII, Police, of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa ("City Code") contains Chapter 8-4 pertaining to the control and regulation of animals and animal ownership within the corporate limits of Storm Lake; and

WHEREAS, the City Council of the City of Storm Lake ("Council" or "City," respectively) seeks to repeal and replace Chapter 8-4 pertaining to animal control and regulation for the purposes of updating the provisions; and

WHEREAS, the City finds it proper and necessary to adopt revised ordinances to protect the health and welfare of citizens; and

WHEREAS, the Council hereby determines the revisions and changes to the various animal control sections of City Code Title VIII are in the public's best interests.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STORM LAKE, IOWA, THAT:

SECTION ONE. Title VIII of the 1994 Recodification of the Municipal Code of the City of Storm Lake, Iowa, is hereby amended by repealing Chapter 8-4, Cats, in its entirety and replacing it with the following in lieu thereof:

Chapter 8-4

CATS

Sections:

8-4-1 Definitions

8-4-2 License

8-4-3 Immunization

8-4-4 Kennel Cats

8-4-5 Cats Disturbing the Peace

8-4-6 Impounding

8-4-7 Population Control Programs

8-4-8 Municipal Infraction

Section 8-4-1 Definitions

For use within this Chapter the following are defined:

- (A) "AT LARGE": Refers to any cat running otherwise than upon the premises of its owner when the cat is not attached to a leash held by a competent person, restrained within a motor vehicle, or in any animal hospital or kennel.
- (B) "CATS": Includes both male and female members of the felis catus domestica species, whether altered or not.
- (C) "OWNER": Any person, firm or corporation owning, harboring, sheltering or keeping a cat, including any person who feeds or otherwise cares for a cat.
- (D) "POPULATION CONTROL PROGRAM" shall mean a program allowed by the City Council exempting persons from liability under this Chapter for carrying on a comprehensive population management strategy.

Section 8-4-2 License

- (A) License Required. Every owner of a cat shall annually procure a cat license from the City. The license fee shall be in the amount set by Council Resolution and shall be paid no later than January 1 of each year. It shall be unlawful for an owner to have a cat within the city without procuring a license as required by this Ordinance.
- (B) Application for License and Issuance Requirements. License applications shall be on a form provided and proscribed by the City Manager. Applications shall be made within six months of possession of the cat. Applications shall include evidence of rabies vaccination. The rabies vaccination required shall be that which is approved by the state of Iowa in accordance with the approved state agency's standards and requirements, and the frequency of revaccination necessary for approved vaccinations shall be established by that state department. The vaccine shall be administered by a licensed veterinarian and shall be given as approved by the state of Iowa.

A copy of a certificate from a licensed veterinarian must accompany all applications claiming an animal has been spayed or neutered. The city clerk or designee shall issue cat licenses when the application requirements are met and license fee is paid.
- (C) Duration of License. A license granted pursuant to this provision shall be valid for a period of one year.
- (D) License Tag. Upon payment of the license fee, the City shall issue to the owner a license which shall contain the name of the owner, his/her place of residence, and a description of the cat. The City shall keep a duplicate of each license issued as a public record. Upon issuance of the license, the City shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the cat for which the license is issued. Any cat found running at large without the license tag attached to its collar or harness shall be deemed unlicensed. Licenses and license tags are not transferable.

(E) Exceptions. The requirements for licensing cats shall not apply in the following circumstances:

1. The cat is in transit through the city only.
2. The first thirty (30) calendar days of residency in the city by the owner, or the first thirty (30) calendar days the owner has owned the cat and the cat is at least six months old.

Section 8-4-3 Immunization

Every cat owner shall obtain proper immunization against rabies. Ownership or possession of a cat within the corporate limits of Storm Lake without proper immunization against rabies shall be unlawful. Proof of immunization issued by a licensed veterinarian in the form of a metal tag shall be worn by any cat owner's cat, and the cat owner shall additionally maintain documented proof of such immunization.

Section 8-4-4 Kennel Cats

Kennel cats which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this Chapter.

Section 8-4-5 Cats Disturbing the Peace

- (A) It shall be unlawful for an owner of a cat to allow or permit such cat to pass upon the premises of another.
- (B) It shall be unlawful for an owner of a cat to allow or permit such cat to run at large. This provision shall not be construed to prohibit population control programs undertaken by a nonprofit in conformity with Section 8-4-7.
- (C) It shall be unlawful for an owner of a cat to allow or permit such cat to cause serious annoyance or disturbance to any person by frequent and habitual howling, whining, meowing, or otherwise.
- (D) It shall be unlawful for any person who owns, possesses or controls an animal to permit the animal's excrement to be left upon any public property, or any private property neither owned nor occupied by such person. Animal excrement shall be immediately removed and properly disposed of in a trash receptacle.

Section 8-4-6 Impounding

- (A) Any unlicensed cat found at large, or any licensed cat found at large in violation of the provisions of this Chapter, shall be seized and impounded at the owner's cost.

(B) The owners of such licensed cats shall be notified in writing within two (2) days of impounding that upon payment of impounding costs such cats will be returned. If the impounded licensed cats are not recovered by their owners within five (5) days after notice, the cats shall be humanely disposed of by the Chief of Police.

(C) Impounded unlicensed cats may be recovered by the owner, upon proper identification by payment of the license fee and impounding costs. If such cats are not claimed within five (5) days after impounding, they shall be humanely disposed of by the Chief of Police.

Section 8-4-7 Population Control Programs

A nonprofit engaged in the practice of implementing a comprehensive population control program may operate such program within the City for unlicensed feral, stray, or otherwise unclaimed cats at large without incurring liability as an owner. As part of the program hereunder, a cat may be returned to the area where it was captured unless the property owner or the caretaker of the property where the cat was captured requests that the cat not be returned, or the cat is sick or injured. The City shall have no liability for the activities of any such nonprofit, nor shall the nonprofit's program interfere with the City's continued enforcement of all ordinances applicable to cats and other animals, including all otherwise applicable at-large and nuisance violation provisions of this Chapter for cats that have been subject to a population control program.

Section 8-4-8 Municipal Infraction

A violation of any of the provisions of this Chapter shall constitute a municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of this Code and by Section 364.22 of the Code of Iowa.

SECTION TWO. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION THREE. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION FOUR. Effective. This Ordinance shall be in full force and effect, from and after its passage, adoption, and approval and publication as required by law, unless a subsequent effective date is set out hereinabove.

SECTION FIVE. When this ordinance is in effect, it shall automatically supplement, amend, and become a part of the said Recodification of the Municipal Code of the City of Storm Lake, Iowa.

PASSED on its first consideration the _____ day of _____, 2024.

PASSED on its second consideration the _____ day of _____, 2024.

Requirement of consideration and vote at two (2) prior Council meetings suspended the _____ day of _____, 2024.

PASSED AND APPROVED on its third consideration this _____ day of _____, 2024.

CITY OF STORM LAKE, IOWA

By: _____

Mike Porsch, Mayor

_____ No action taken by Mayor.

_____ Vetoed this _____ day of _____, 2024.

Michael Porsch, Mayor

ATTEST:

Mayra A, Martinez, City Clerk

_____ Repassed and adopted over the veto this _____ day of _____, 2024.

_____ Veto affirmed this _____ day of _____, 2024 by failure of vote taken to repass.

_____ Veto affirmed no timely vote taken to repass over veto.

ATTEST:

Mayra A. Martinez, City Clerk