

ORDINANCE NO. 13,607

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 12,075, passed December 20, 1993, and amended by Ordinance No. 13,111, passed November 7, 1994, and amended by Ordinance No. 13,133, passed December 19, 1994, and amended by Ordinance No. 13,319, passed March 25, 1996 by repealing Sections 7-33 and 7-43.12, thereof and enacting new Sections 7-33 and 7-43.12, all relating to disposition of unredeemed dogs and cats.

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

Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 12,075, passed December 20, 1993, and amended by Ordinance No. 13,111, passed November 7, 1994, and amended by Ordinance No. 13,133, passed December 19, 1994, and amended by Ordinance No. 13,319, passed March 25, 1996 by repealing Sections 7-33 and 7-43.12, thereof and enacting new Sections 7-33 and 7-43.12, all relating to disposition of unredeemed dogs and cats, as follows:

7-33. DISPOSITION OF UNREDEEMED DOGS.

(a) **Chief humane officer's discretion.** After the expiration of the appropriate impoundment period, as provided in this subchapter, the chief humane officer may do any of the following:

- (1) Allow adoption pursuant to subsection (b), or
- (2) Sell the dog for \$5.00 to any non-profit corporation which provides for care and adoption of dogs and offers animal cremation services, or
- (3) Humanely destroy the dog, or
- (4) Sell the dog for an amount as allowed by Iowa Code Section 145B.4 for scientific research pursuant to section 7-29 of this subchapter.

(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 \$60.00, (or a fee of \$30.00 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 code and surgical sterilization.

(3) In the case of a dog which 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 health pursuant to chapter 145B of the Code of Iowa.

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

7-43.12. DISPOSITION OF UNREDEEMED CATS.

(a) **Chief human officer's discretion.** After the expiration of the appropriate impoundment period, as provided in this subchapter, the chief humane officer may do any of the following:

(1) Allow adoption pursuant to subsection (b), or

(2) Sell the cat for \$3.00 to any non-profit corporation which provides for care and adoption of cats and offers animal cremation services, or

(3) Humanely destroy the cat, or

(4) Sell the cat for purposes of scientific research for \$3.00 to an institution duly approved and authorized by the state to conduct such research.

(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 \$40.00, which shall include the cost of a city cat license, and any vaccinations as required by this code and surgical sterilization.

(3) In the case of 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 provisions 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