

ORDINANCE NO. 15,735

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, as heretofore amended, by amending Sections 18-91, 18-103, 18-105, 18-106, 18-108, and by adding and enacting new Section 18-109, relating to community cats.

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, as heretofore amended, is hereby amended by amending Sections 18-91, 18-103, 18-105, 18-106, 18-108, and by adding and enacting new Section 18-109 relating to community cats, as follows:

Sec. 18-91. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cat means and includes both male and female animals of the species *Felis catus*, altered or not.

Chief of police means the legally designated chief of the police department or a designated representative.

Community cat means a cat that meets the requirements of subsection 18-109(a) of this article.

Habitual offender means a person who has been convicted of any violation relating to cats under Chapter 18 of the Des Moines Municipal Code three or more times in a five year period except that multiple convictions on violations occurring as a result of a single incident will count as one conviction for purposes of this definition.

Impound or impounded means a cat which is held at the animal shelter for any period of time.

Sec. 18-103. Running at large.

- (a) A cat, properly licensed and displaying such license as required by law, shall not be deemed at large if:
 - (1) The cat is spayed or neutered and is displaying a spay/neuter tag.
 - (2) The cat is on or off the premises of the owner and is properly restrained within a motor vehicle.
 - (3) The cat is properly housed in a veterinary hospital or registered kennel or commercial establishment as defined by I.C. § 162.1 et seq.

- (4) The cat is not causing damage or interfering with property as prohibited by section 18-10 of this chapter.
- (5) The owner and the cat are participating in a regularly scheduled competitive or exhibition event sanctioned or sponsored by a nationally recognized organization, local chapter thereof, or other generally recognized local organization, provided that the cat is in the actual physical presence of the owner or trainer at all times.
- (b) A community cat shall not be deemed at large unless the cat has been deemed a nuisance by the chief humane officer pursuant to section 18-109(b), or is visibly sick or injured.
- (c) A cat that has an owner shall be deemed to be at large if it is not properly licensed or if it is not housed, restrained or controlled in one of the methods set forth in subsection (a) of this section.

Sec. 18-105. Notice of impoundment.

The police department, acting under the direction of the city manager, shall cause to be taken up and impounded any cat found to be at large within the city, as defined in this article. The city manager, his or her designee, or a contractor shall give notice thereof in not less than two days to the owner if such owner's name and address appear on the cat's collar or harness or is otherwise known. No notice is required for impoundment of a community cat.

Sec. 18-106. Impoundment period.

Every cat found without a license and a collar or harness shall be kept for not less than three days after being impounded unless sooner redeemed by the owner in accordance with this article. A cat with identification shall be kept not less than seven days after being impounded unless sooner redeemed by the owner in accordance with this article. Any owner given notice by the police department within 48 hours prior to the appropriate expiration date will be allowed an additional 48 hours in which to redeem the cat. An impounded community cat may be processed immediately for disposition as allowed under subsection 18-108(d) of this chapter.

Sec. 18-108. Disposition of unredeemed cats.

- (a) *Chief humane officer's discretion.* After the expiration of the appropriate impoundment period, as provided in this article, unless the animal shelter is operated by a contractor, the chief humane officer may do any of the following:
 - (1) Allow adoption pursuant to subsection (b) of this section;
 - (2) Sell the cat for an amount set in the Schedule of Fees adopted by the City Council by resolution to any nonprofit corporation which provides for care and adoption of cats and offers animal cremation services;
 - (3) Humanely destroy the cat; or
 - (4) Sell the cat for purposes of scientific research for an amount set in the Schedule of Fees adopted by the City Council by resolution 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 in the amounts set in the Schedule of Fees adopted by the City Council by resolution which fee 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, the amount set in the Schedule of Fees adopted by the City Council by resolution 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.
- (c) *Disposition when contractor operates the animal shelter.* Upon a written release of any cat by the chief humane officer or his or her designee, a contractor shall take possession and ownership of any unredeemed cat or community cat.
- (d) Community cats may be processed for disposition under any options, except adoption, stated under this section 18-108 and in addition a community cat may be returned to the area where captured unless the property owner or the caretaker of the property where the cat was captured requests that the cat not be returned, or if the cat is too sick or injured to be returned in the opinion of a veterinarian.

Sec. 18-109. Community Cats.

- (a) Requirements. Community cats shall be allowed as free roaming cats if all the following are met:
- (1) no person owns the cat,
 - (2) cat has been assessed by a veterinarian and deemed healthy,
 - (3) cat has been spayed or neutered,
 - (4) cat has been vaccinated for rabies, feline rhinotracheitis, calicivirus, and panleukopenia, and reasonable attempts to revaccinate cats in accordance with the directions of a veterinarian,
 - (5) cats must be ear tipped by the veterinarian making the health assessment and after determining the cat is spayed or neutered, has been properly vaccinated, and has no known owner.

- (b) *Nuisance.* Community cats that create a nuisance may be captured and impounded. For the purpose of this section “nuisance” shall be defined as anything which interferes with the enjoyment of life or property. The chief humane officer may determine if a community cat is a nuisance and shall use information obtained from citizens complaining about a community cat and his/her expertise to determine if a community cat is a nuisance.
- (c) *Returning community cat to area.* A community cat shall 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.
- (d) *Liability.* The city shall have no liability for the disposition of any community cat.

Section 2. This ordinance shall be in full force and effect as of March 1, 2019.

FORM APPROVED:

Douglas P. Philip, Assistant City Attorney

T. M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 18-2100), passed by the City Council of said City at a meeting held December 17, 2018 signed by the Mayor on December 17, 2018 and published and provided by law in the Business Record on January 4, 2019. Authorized by Publication Order No. 10563.

Diane Rauh, City Clerk

