

ORDINANCE NO. _____
AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY
OF JEFFERSON, IOWA, 2017, BY AMENDING PROVISIONS
PERTAINING TO ANIMAL PROTECTION AND CONTROL

Be it enacted by the City Council of Jefferson, Iowa:

SECTION 1. Section Amended. Section 55.01 of the Code of Ordinances of the City of Jefferson, Iowa, 2017, is repealed and the following adopted in lieu thereof:

55.01 DEFINITIONS. The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)

3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
4. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
5. "Caregiver" means the person responsible for a feral cat colony.
6. "Fair" means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the Code of Iowa or any fair event conducted by a fair under the provisions of Chapter 174 of the Code of Iowa.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
6. "Feral cat" means any wild or untamed cat. A feral cat is not a stray cat.
7. "Feral cat colony" means a group of homeless, wild or untamed cats living or growing together.

8. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the Code of Iowa.

9. "Illegal animal" means:

A. Badgers, wolverines, weasels, skunk and mink;

B. Raccoons;

C. Bats;

D. Scorpions;

E. Any dog which has attacked a human being or domestic animal one or more times, without provocation.

10. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.

(Code of Iowa, Sec. 717.1)

11. "Nuisance" means disturbing the peace by habitually or continually crying or screaming, or the habitual and significant destruction, desecration, or soiling of property against the owner or possessor of the property.

12. "Owner" means any person owning, keeping, sheltering or harboring an animal.

13. "Pet" means a living dog, cat or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.

14. "Vicious animal" means and includes:

A. Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;

B. Any dog that snaps, attempts to bite a human being or domestic animal, or manifests a disposition to snap or bite;

C. Any dog that, unprovoked, chases or approaches anyone in a menacing fashion off the owner's property;

D. Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes; or

E. Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the police department, the county sheriff, a law enforcement agency of the state or of the United States or a branch of the armed forces of the United States.

A dog shall not be deemed to be "vicious" if the threat or injury: (a) is caused by a person who is assaulting the dog's owner, committing a willful trespass or tort upon the owner's premises, or provoking, tormenting, or abusing the dog or can be shown to have done so repeatedly at other times, (b) is a response to pain or injury, or is to protect itself, its kennel, its offspring, or its owner's property, or (c) is inflicted by a dog owned by a law enforcement agency in the line of duty.

SECTION 2. Sections Added. The Code of Ordinances of the City of Jefferson, Iowa, 2017, is amended and the following Sections 55.23 thru 55.26 are adopted and added therein:

55.23 FERAL CAT COLONY. It is unlawful for any person to maintain a feral cat colony unless the colony is a managed colony in which food, water, and shelter are provided by a caregiver in conjunction with the implementation of the Trap-Neuter-Return (TNR) Program as set forth in section 55.25 of this Chapter.

55.24 MANAGED FERAL CATS. The City of Jefferson, in order to encourage the stabilization of the feral cat population in the City, shall implement the Trap-Neuter-Return (TNR) Program as follows:

1. Live-trap any free-roaming cat in a humane manner,
2. Have the cat surgically altered, ear-notched (if feral), microchipped (if feral and if so determined by the City), and vaccinated against rabies, and
3. Give a written report annually to the Jefferson City Council on the following:
 - A. Number of colonies and location with the city limits;
 - B. Total number of cats in colonies;
 - C. Number of cats and kittens spayed and neutered pursuant to the TNR program; and
 - D. Number of cats and kittens placed in permanent homes.

55.25 MAINTAINING A FERAL CAT COLONY. Feral cat colony caregivers shall:

1. Take responsibility for feeding and watering the cat colony regularly through the year, while ensuring that the food storage area(s) are secure from insect, rodent, and other vermin attraction and harborage.
2. Work to sterilize, vaccinate and ear-notch all adult cats that can be captured. Implanting a microchip is recommended; and
3. Remove droppings, spoiled food, and other waste from the premises as often as necessary, and at least every seven (7) days, to prevent odor, insect or rodent attracting or breeding, or any other nuisance.
4. Provide contact information in the event that complaints are received by the City of Jefferson concerning management of the colony.

5. Register the feral cat colony with the City of Jefferson.
6. Obtain written permission of the owner of any property, to which the Caregiver requires access to provide colony care.
7. In the event kittens are born to a colony cat, the Caregiver shall take reasonable steps likely to result in the removal of the kittens in homes or foster homes for the purpose of subsequent permanent placement.
8. Obtaining proper medical attention to any colony cat that appears to need it.
9. Provide written reports to the City of Jefferson covering six month periods, due April 15 (reporting months October through March) and October 15 (reporting months April through September) of each year, on forms prepared by and provided by the City of Jefferson.

55.26 ORDINANCE ENFORCEMENT. The City of Jefferson shall have the following rights:

1. The right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.
2. The right to seize or remove cats from a colony that is creating a nuisance as defined above and the caregiver has been given 48 hours to remove and relocate and has failed to do so.
3. The right to seize or remove a colony of cats when the feral cat colony caregiver regularly fails to comply with the requirements of 55.25 and replacement/substitute cannot be located within 30 days of notice to the caregiver..

SECTION 3. Severability. 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 4. When effective. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Finally passed by the Council and approved on _____, 2021.

Matt Gordon, Mayor

Attest:

Roxanne Gorsuch, City Clerk

I hereby certify that the foregoing ordinance was published in The Jefferson Herald on _____, 2021.

Roxanne Gorsuch, City Clerk