CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

NO CHANGE FROM FIRST READING

ITEM: **DATE: February 21, 2017**

Second reading, waiver of third reading, and final approval of proposed Ordinance to amend Title 5, Chapter 3 of the Municipal Code to reduce the minimum quarantine period for a confined animal from fourteen (14) days to ten (10) days.

FINANCIAL IMPACT:

This proposed Ordinance amendment should have little or no financial impact to the City.

BACKGROUND:

This proposed Ordinance would reduce the minimum quarantine period to confine animals suspected of a bite or attack incident or possibly infected with rabies from fourteen (14) days to ten (10) days. Iowa Code section 351.39 provides for a ten (10) day quarantine period. The Cities of West Des Moines, Clive, and Urbandale have proposed to enter into an Iowa Code Chapter 28E Agreement with Furry Friends Refuge to provide animal control sheltering services on behalf of the three (3) cities. The proposed agreement references a 10-day confinement period in conformance with state code. All three (3) cities intend to amend their respective ordinances to switch from fourteen (14) days to ten (10) days. All costs incurred during the quarantine period will be the sole responsibility of the animal owner, but the cities could incur costs for unclaimed animals.

The council members on the Public Safety City Council subcommittee were unable to attend the February 3, 2017, meeting, so there was no recommendation. This proposed ordinance was distributed to the subcommittee members by e-mail on January 30, 2017. The City Council unanimously approved of the first reading of this proposed Ordinance at its meeting held on February 6, 2017.

OUTSTANDING ISSUES (if any): None

RECOMMENDATION:

Approval of the second reading, waiver of the third reading, and final approval of this proposed Ordinance.

Lead Staff Member: **Jason B. Wittgraf, Assistant City Attorney** JBW

STAFF REVIEWS

Department Director	James Barrett, Chief of Police
Appropriations/Finance	
Legal	
Agenda Acceptance	KN

PUBLICATION(S) (if applicable)

Published In	
Dates(s) Published	

SUBCOMMITTEE REVIEW (if applicable)

Committee			
Date Reviewed			
Recommendation			

ORDINANCE NO._____

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, BY AMENDING TITLE 5, "POLICE REGULATIONS", CHAPTER 3, "ANIMAL CONTROL", SECTION 13 "QUARANTINE FOR A MINIMUM PERIOD OF FOURTEEN DAYS"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1: Title 5, Chapter 3, Section 13 is hereby amended by deleting ~~strike through~~ text and adding underline text.

5-3-13: QUARANTINE FOR A MINIMUM PERIOD OF TEN ~~FOURTEEN~~ DAYS:

A. It shall be the duty of the chief of police or designee ~~his lawful agent~~, to order the owner of any animal which has bitten or scratched a person or another animal, or any animal suspected of being infected with rabies, to confine such animal for a period of ten (10) ~~fourteen (14)~~ days at the municipal animal pound, a veterinary clinic or a registered kennel. The chief of police or designee ~~his lawful agent~~ may allow a dog or cat which has bitten or scratched a person or another animal while on the owner's property and which is either probably under six (6) months of age or is properly licensed and has a current certificate of inoculation for rabies, to remain in quarantine for that period on the property of the owner so long as the dog or cat is there confined and out of contact with members of the public or other animals during the quarantine period. Such home quarantine shall not be allowed where there is a reasonable belief that the animal's condition requires observation at a veterinary clinic or where the animal does not remain in quarantine in the manner prescribed by the chief of police or designee ~~his lawful agent~~.

B. The owner of animals confined or quarantined as stated herein shall pay all impoundment and confinement costs, together with veterinary charges and tests involved.

SECTION 2. REPEALER. All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed.

SECTION 3. SAVINGS CLAUSE. If any section, provision, sentence, clause, phrase, 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 provision, section, subsection, sentence, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, adoption, and publication as required by law.

PASSED AND APPROVED this _____ day of _____, 2017.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T. Jacobson, City Clerk