

ORDINANCE 249

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CARSON, IOWA, CHAPTER 55 ENTITLED "ANIMAL PROTECTION AND CONTROL", BY AMENDING SECTION 55.01 ENTITLED "DEFINITIONS" AND BY AMENDING SECTION 55.09 ENTITLED "NUMBER RESTRICTED"; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council of the City of Carson, Iowa:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend Chapter 55 of the Code of Ordinances by amending Section 55.01 entitled "DEFINITIONS" and by amending Section 55.09 entitled NUMBER RESTRICTED".

SECTION 2. AMENDMENT OF SECTION 55.01. Section 55.01 of the Code of Ordinances of the City of Carson, Iowa, is hereby amended by repealing in its entirety Section 55.01 of the Code of Ordinances of the City of Carson, Iowa, and by re-enacting the same to state as follows:

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

1. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1).
2. "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.
3. "Cats" means animals which are a member of the Feline species, male or female, whether neutered or not.
4. "Dogs" means animals which are a member of the Canine species, male or female, whether neutered or not.
5. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.
(Code of Iowa, Sec. 717.1)
6. "Owner" means any person owning, keeping, sheltering or harboring an animal.

SECTION 3. AMENDMENT OF SECTION 55.09. Section 55.09 of the Code of Ordinances of the City of Carson, Iowa, is hereby amended by repealing in its entirety Section 55.09 of the Code of Ordinances of the City of Carson, Iowa, and by re-enacting the same to state as follows:

55.09 NUMBER RESTRICTED. It is unlawful for any person residing in a residential or dwelling unit in the City or for any group of persons residing in the same residential or dwelling unit in the City to own, harbor, house, confine or keep at any time more than a total of four (4) of any combination of the following types of animals per residential or dwelling unit in the City:

- A. Cats over the age of four (4) months.
- B. Dogs.

If more than one person resides in the same residential or dwelling unit in the City, the above restrictions apply to the combined total of all of the animals owned, harbored, housed, confined or kept in that residential or dwelling unit in the City by all of such persons.

Provided however, this restrictions shall not apply to:

1. A place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed, watered, groomed, or boarded in return for a consideration; or
2. Cats under the age of four (4) months; or
3. Specific animals owned, kept or harbored by a person prior to January 1, 2000; or
4. Any specific animals owned and kept by an individual or group of individuals living in the same residential or dwelling unit upon moving into the City, which specific animals may be owned, harbored or kept for the remainder of the animals' lives, if the animals are licensed as provided for in Chapter 56 of this Code of Ordinances. No new animals shall be allowed to replace any such specific animals until the number of animals kept falls below the maximum of a total of four (4) of any combination of the following types of animals per residential or dwelling unit in the City.

SECTION 4. REPEALER. All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. SEVERABILITY CLAUSE. 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 6. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed by the City Council on the 13 day of December, 2021 and approved this 13 day of December, 2021.

Tim Todd
Tim Todd, Mayor

ATTEST:

Brianne Duede
Brianne Duede, City Clerk

1st Reading: 10-11-2021 COUNCIL ROLL CALL
VOTE: 4 Ayes: Pilling, Brandon, Houser, Graves. Motion Carried.

2nd Reading: 11-8-2021
5 Ayes: Brandon, Graves, Richardson, Pilling. Motion Carried.

3rd Reading: 12-13-2021
5 Ayes: Pilling, Brandon, Graves, Richardson Motion Carried.

12/17/21 Sent to Daily NonPanel For Publishing. -B. Duede