

CITY COUNCIL MEETING

CITY OF DAVENPORT, IOWA

Wednesday, May 28, 2025; 5:30 PM

City Hall | 226 West 4th Street | Council Chambers

I. Moment of Silence

II. Pledge of Allegiance

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

Approval of the City Council Meeting minutes for May 14, 2025.

VI. City Administrator Update

VII. Report on Committee of the Whole

Approval of the Report on Committee of the Whole for May 21, 2025.

VIII. Appointments, Proclamations, Etc.

A. Proclamations

1. National Immigrant Heritage Month | June 2025 and World Refugee Day | June 20, 2025
2. LGBTQ+ Pride Month | June 2025
3. National Gun Violence Awareness Day | June 6, 2025

IX. Presentations

1. 2025 Fire Explorers Recognition
2. DavenportU Citizens Academy Graduation

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

XII. Approval of All Items on the Consent Agenda

****NOTE:** These are routine items and will be enacted at the City Council Meeting by one roll call vote without separate discussion unless an item is requested to be removed and considered separately.

1. Third Consideration: Ordinance repealing and replacing Chapter 6.04 entitled "Animals" of the Municipal Code of Davenport, Iowa to incorporate recommendations from the joint task force between the Humane Society of Scott County and the City of Davenport and to update language throughout for clarity. [All Wards]
2. Second Consideration: Ordinance amending Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" by adding 16th Street along the south side from 140 feet east of Division Street, east 25 feet. [Ward 4]
3. Resolution approving a petition for voluntary severance of 0.29 acres of real property located between the southern right-of-way of Forest Grove Drive and 2145 Forest Grove Drive, Lisa M. Schluensen Trust, Petitioner. [Ward 6]
4. Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events.

Christian Center Church; End of Summer Neighborhood Gathering; 2103 West 3rd Street; 11:00 a.m. - 6:00 p.m. Saturday, August 9, 2025; **Closure:** Oak Street from West 3rd Street south to the alley. [Ward 3]

5. Resolution accepting work completed under the West Locust Street (North Clark Street to North Lincoln Avenue) Rehabilitation project by CDMI Concrete Contractors, Inc of Port Byron, Illinois in the amount of \$883,833.59, CIP #35061. [Ward 4]
6. Resolution accepting work completed under the 2024 Pedestrian Curb Ramp Retrofit Program by Americore LLC of Muscatine, Iowa in the amount of \$348,375.90, CIP #35063. [All Wards]
7. Resolution accepting work completed under the State Revolving Fund (SRF) Parks Projects by Miller Trucking & Excavating of Silvis, Illinois in the amount of \$306,737.89, CIP #33041. [All Wards]
8. Resolution awarding a contract for the West 61st Street (Appomattox Road to Scott Street) Overlay project to Emery Construction Group Inc of Moline, Illinois in the amount of \$880,780.10, CIP #35062. [Ward 8]
9. Resolution awarding a contract for the Newberry Street (Lincoln Court to North Pine Street) Reconstruction project to N.J. Miller, Inc of Bettendorf, Iowa in the amount of \$440,025.50, CIP #35062. [Ward 3]
10. Resolution awarding a contract for the Torrey Pines Court Reconstruction project to Emery Construction Group Inc of Moline, Illinois in the amount of \$435,263.50, CIP #35062. [Ward 6]

11. Resolution awarding a contract for the Dubuque Street (East 29th Street to East 32nd Street) Mill and Overlay project to Taylor Ridge Paving & Construction of Andalusia, Illinois in the amount of \$254,793.89, CIP #35062. [Ward 7]
12. Resolution awarding a contract for the purchase of road salt for the 2025-2026 winter season, including base purchase and supplemental order, to Compass Minerals America, Inc of Overland Park, Kansas in the amount of \$83.69 per ton for the base purchase and \$99.11 per ton for the supplemental order. [All Wards]
13. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Ridgeview Drive (Cedar Street to Pacific Street) Reconstruction project, CIP #35061. [Ward 8]
14. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Kimberly Downs Road (East 33rd Street to Bridge Avenue) and Bridge Avenue (Kimberly Downs Road to Frontage Road) Reconstruction project, CIP #35061. [Ward 7]
15. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Freight House Window and Door Replacement project, CIP #23097. [Ward 3]
16. Resolution approving a fare increase for ADA paratransit services from \$1.75 to \$2.00 effective July 1, 2025. [All Wards]
17. Resolution approving fare increases for JARC services from \$1.00 to \$4.00 effective July 1, 2025, and from \$4.00 to \$6.00 effective July 1, 2026. [All Wards]
18. Resolution to fix meeting date for hearing on the issuance of not to exceed \$30,000,000 General Obligation Corporate Bonds, Series 2026. [All Wards]
19. Motion approving noise variance requests on the listed dates and times for outdoor events.

Common Chord and the City of Davenport; The Big 9 Concert Series; various locations (see attached schedule); 6:00 p.m. - 8:00 p.m. Saturday, May 31, 2025; 6:00 p.m. - 9:00 p.m. Saturday, June 14, 2025; 6:00 p.m. - 8:00 p.m. Saturday, June 28, 2025; 6:00 p.m. - 9:30 p.m. Thursday, July 3, 2025; 7:00 p.m. - 10:00 p.m. Saturday, July 12, 2025; 7:00 p.m. - 8:30 p.m. Thursday, July 17, 2025; and 7:00 p.m. - 10:00 p.m. Saturday, August 9, 2025; Outdoor music/band, over 50 dBA. [Ward 3]

J&M Displays; Rhythm City Casino Anniversary; 7077 Elmore Avenue; approximately 15-20 minutes between 9:00 p.m. and 9:45 p.m. Friday, June 13, 2025; Fireworks, over 50 dBA. [Ward 6]

Christian Center Church; End of Summer Neighborhood Gathering; 2103 West 3rd Street; 11:00 a.m. - 5:00 p.m. Saturday, August 9, 2025; Outdoor music, over 50 dBA. [Ward 3]

20. Motion approving beer and liquor license applications.

A. New license, new owner, temporary permit, temporary outdoor area, location transfer, etc. (as noted):

Ward 4

Washington Street Mini Mart (Over the Moon) – 1601 Washington Street – New License/Owners – License Type: Class E Liquor (Carry-Out)

Ward 5

Wide River Winery (Wide River Winery, LLC) – 1128 Mound Street – Temporary Event with Outdoor Area August 5-9 – License Type: Special Class C Beer/Wine (On-Premises)

Wide River Winery (Wide River Winery, LLC) – 1128 Mound Street – Temporary Event with Outdoor Area September 19-23 – License Type: Special Class C Beer/Wine (On-Premises)

B. Annual license renewals (with outdoor area as noted):

Ward 1

Emeis Golf Course (City of Davenport) - 4500 West Central Park Avenue - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 2

Rudy's Tacos (K & J 2024 Inc) - 3502 West Kimberly Road - License Type: Class C Liquor (On-Premises)

Ward 3

Endless Brews (Endless Brews, LLC) - 310 North Main Street - License Type: Special Class C Beer/wine (On-Premises)

Figge Art Museum (Figge Art Museum) - 225 West 2nd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 6

Duck Creek Golf Course (City of Davenport) - 3000 East Locust Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Kobe Sushi And Hibachi, LLC (Kobe Sushi and Hibachi, LLC) - 5242 Elmore Avenue - License Type: Class C Liquor (On-Premises)

Hy-Vee (Hy-Vee, Inc) - 1823 East Kimberly Road - License Type: Class C Liquor (On-Premises)

Portillo's Hot Dogs (Portillo's Hot Dogs, LLC) - 2741 East 53rd Street - License Type: Class B Retail Alcohol License (On-Premises)

Rhythm City Casino (Rhythm City Casino, LLC) - 7077 Elmore Avenue - Outdoor Area - License Type: Class C Liquor (On-Premises)

Sam's Club #8238 (Sam's West, Inc) - 3887 Elmore Avenue - License Type: Class E Liquor (Carry-Out)

Staybridge Suites (Surya Management, LLC) - 4729 Progress Drive - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 7

American Legion Post 26 (Davenport Post #26, The American Legion, Inc) - 702 W 35th Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

CVS Pharmacy #8658 (Iowa CVS Pharmacy, LLC) - 1655 W Kimberly Rd - License Type: Class E Liquor (Carry-Out)

Los Portales Mexican Restaurant 2, Inc (Los Portales Mexican Restaurant 2, Inc) - 1012 East Kimberly Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Olive Garden Italian Restaurant #1144 (GMRI, Inc) - 330 West Kimberly Road - License Type: Class C Liquor (On-Premises)

Ward 8

Red Hawk Golf Course (City of Davenport) - 6364 Northwest Boulevard - Outdoor Area - License Type: Class C Liquor (On-Premises)

21. Motion accepting work completed under the West 46th Street Culvert Over Cardinal Creek Guardrail Installation project by Lovewell Fence, Inc of Davenport, Iowa in the amount of \$56,050, CIP #35061. [Ward 2]

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

PLEASE NOTE: At this time individuals may address the City Council on any matters of City business not appearing on this agenda. This is not an opportunity to discuss issues with the Council members or get information. In accordance with Open Meetings law, the Council cannot take action on any complaint or suggestions tonight and cannot respond to any

allegations at this time.

Please state your name and ward for the record. There is a three (3) minute time limit. Please end your comments promptly.

XV. Reports of City Officials

XVI. Adjourn

City of Davenport

Department: Administration

Contact Info: Brian Krup | 563-326-6163

Subject:

Approval of the City Council Meeting minutes for May 14, 2025.

Action / Date
5/28/2025

Attachments:

1. 051425 City Council Meeting Minutes

City of Davenport, Iowa
City Council Meeting Minutes
Wednesday, May 14, 2025

The City Council of Davenport, Iowa met in regular session on Wednesday, May 14, 2025 at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street, Davenport, Iowa with Mayor Matson presiding and all Aldermen present except Newton (R. Dunn, Kelly, Meginnis, Reinartz, Gripp, Lynch, T. Dunn, Jobgen, and Burkholder).

I. Moment of Silence

II. Pledge of Allegiance | Led by Mayor Matson

III. Roll Call

IV. Meeting Protocol and Decorum

V. Approval of Minutes

APPROVED

Approval of the City Council Meeting minutes for April 23, 2025.

VI. City Administrator Update

VII. Report on Committee of the Whole

APPROVED

Approval of the Report on Committee of the Whole for May 7, 2025.

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, May 7, 2025
-- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderman Gripp. Upon the roll being called, all Aldermen were present except T. Dunn (*In person*: R. Dunn, Kelly, Meginnis, Reinartz, Gripp, Newton, Jobgen, and Burkholder; *Via telephone*: Lynch).

The following Public Hearings were held: **Community Development**: 1. on the updated Analysis of Impediments to Fair Housing Choice by Mosaic Community Planning, LLC; and 2. on the updated Housing Needs Assessment by Points Consulting, LLC. **Finance**: 1. on amending the FY 2025 Operating and Capital Improvement Budgets.

The following Proclamations were issued: Military Appreciation Week | May 11-17, 2025, and National Police Week | May 11-17, 2025 and Peace Officer Memorial Day | May 15, 2025, **2025-194**.

Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development**: Alderman Gripp reviewed all items listed. On motion by Alderman Reinartz, second by Alderman Jobgen item #4, Resolution placing a moratorium upon solar farms as a principal use and freestanding solar panels as an accessory use until November 14, 2025, moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Public Safety**: Alderman Jobgen reviewed all items listed. On motion by Alderman Jobgen, second by Alderman Gripp all items moved to the Consent Agenda. **Public Works**: Alderman R. Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderman Gripp item #10, Resolution awarding a contract for the demolition of 711 West 3rd Street to Valley Construction Company of Rock Island, Illinois in the amount of \$209,900, moved to the Discussion Agenda and all other items moved to the Consent Agenda. **Finance**: Alderwoman Newton reviewed all items listed. A motion was moved by Alderwoman Burkholder to amend item #1, Second Consideration: Ordinance repealing and replacing Chapter 6.04 entitled "Animals" of the Municipal Code of Davenport, Iowa to incorporate recommendations from the joint task force between the Humane Society of Scott County and the City of Davenport and to update language throughout for clarity, by adding the following definition: SANITARY CONDITION(S) - Means premises free from accumulated animal waste, offensive odors, overcrowding, insects or rodents due to animal keeping, or health or safety risk to humans or animals; amending the definition of

service animal to read as follows: SERVICE ANIMAL – Means a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability or as otherwise defined by the Americans with Disabilities Act. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being or companionship do not constitute work or tasks for the purposes of this definition; and deleting subsection 6.04.020(F). The motion was seconded by Alderwoman Meginnis, and upon the roll being called, all Aldermen present voted aye. On motion by Alderwoman Burkholder, second by Alderman Jobgen item #2, Resolution amending the FY 2025 Operating and Capital Improvement Budgets, moved to the Discussion Agenda and all other items moved to the Consent Agenda.

Council adjourned at **6:33 p.m.**

VIII. Appointments, Proclamations, Etc.

A. Appointments

APPROVED 2025-195

1. Civil Service Commission

-Cynthia J. Lee (new appointment)

2. Library Board of Trustees

-Joanna Drake (new appointment)

B. Proclamations

ISSUED 2025-196

1. Bike Month | May 2025

2. Public Works Week | May 18-24, 2025

3. River Cleanup Day | May 17, 2025

IX. Presentations

HELD

1. Police Officer Swearing-In Ceremony

-Hana Hart

-Samuel Weets

-Kyle Burton

-Raymond Lovell

-Nicholas Bougie

X. Petitions and Communications from Council Members and the Mayor

XI. Individual Approval of Items on the Discussion Agenda

1. *On motion by Alderman Gripp, second by Alderwoman Meginnis and all Aldermen present voting aye, the following Resolution was adopted.*

Resolution placing a moratorium upon solar farms as a principal use and freestanding solar panels as an accessory use until November 14, 2025. [All Wards]

ADOPTED 2025-197

2. *On motion by Alderman R. Dunn, second by Alderman Gripp and all Aldermen present voting aye except Alderwoman Meginnis who abstained, the following Resolution was adopted.*

Resolution awarding a contract for the demolition of 711 West 3rd Street to Valley Construction Company of Rock Island, Illinois in the amount of \$209,900. [Ward 3]

ADOPTED 2025-198

3. *On motion by Alderwoman Meginnis, second by Alderman R. Dunn and all Aldermen present voting aye, the following Resolution was adopted.*

Resolution amending the FY 2025 Operating and Capital Improvement Budgets. [All Wards]

ADOPTED 2025-199

XII. Approval of All Items on the Consent Agenda

On motion by Alderman Gripp, second by Alderwoman Meginnis and all Aldermen present voting aye, the Consent Agenda was approved as follows.

1. Third Consideration: Ordinance amending Schedule XV Pedestrian Traffic Signals of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by removing Fairmount Street at Buchanan School. [Ward 2]

ADOPTED 2025-200

ORDINANCE NO. **2025-200**

AN ORDINANCE AMENDING SCHEDULE XV PEDESTRIAN TRAFFIC SIGNALS OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY REMOVING FAIRMOUNT STREET AT BUCHANAN SCHOOL.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Schedule XV Pedestrian Traffic Signals of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport Iowa, be and the same is hereby amended by removing the following.

Fairmount Street at Buchanan School

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Adopted 5/14/2025: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

2. Third Consideration: Ordinance amending Chapter 13.16 entitled "Wastewater Facilities" of the Municipal Code of Davenport, Iowa to revise local discharge limits. [All Wards]

ADOPTED 2025-201

ORDINANCE NO. **2025-201**

AN ORDINANCE AMENDING CHAPTER 13.16 ENTITLED "WASTEWATER FACILITIES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO REVISE LOCAL DISCHARGE LIMITS.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Subsection 13.16.080(A)(3) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

(c) Beginning with the issuance of permits on and after July 1 2028, limits for daily maximum & monthly average BOD & TSS pounds will be capped. This limit shall apply to all existing and new SIUs. Limits for monthly average lbs BOD & TSS shall be issued per the following schedule:

Effective Date	Daily Maximum Limit	Monthly Average Limit
7/1/2028	7,000 lbs/day	6,000 lbs/day
7/1/2030	6,000 lbs/day	5,000 lbs/day
7/1/2035	5,000 lbs/day	4,000 lbs/day

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Adopted 5/14/2025: Mike Matson, Mayor; Attest: Brian Krup, Deputy City Clerk

3. Second Consideration: Ordinance repealing and replacing Chapter 6.04 entitled "Animals" of the Municipal Code of Davenport, Iowa to incorporate recommendations from the joint task force between the Humane Society of Scott County and the City of Davenport and to update language throughout for clarity. [All Wards] **MOVED TO THIRD CONSIDERATION**

4. First Consideration: Ordinance amending Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" by adding 16th Street along the south side from 140 feet east of Division Street, east 25 feet. [Ward 4] **MOVED TO SECOND CONSIDERATION**

5. Resolution accepting the updated Analysis of Impediments to Fair Housing Choice by Mosaic Community Planning, LLC. [All Wards] **ADOPTED 2025-202**

6. Resolution accepting the updated Housing Needs Assessment by Points Consulting, LLC. [All Wards] **ADOPTED 2025-203**

7. Resolution approving Case F25-03 being the request of D&D Property Holding, LLC for a final plat of Northside Industrial Park, a 3-lot subdivision on 28.3 acres located on Lot 1 of Iowa Research Commerce & Technology Park Third Addition. [Ward 8] **ADOPTED 2025-204**

8. Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events. **ADOPTED 2025-205**

QC Pride; Quad Cities Unity Pride Parade; Downtown; 9:00 a.m. - 12:30 p.m. Saturday, June 14, 2025; **Closures**: 2nd Street from Iowa Street to the Centennial Bridge; Iowa Street from East 3rd Street to East River Drive. [Ward 3]

Hope at the BRICK House; Block Party; 1431 Ripley Street; 5:00 p.m. - 8:00 p.m. every Friday June 13, 2025 - August 22, 2025 (full schedule attached); **Closure**: Ripley Street from West 14th Street to West 15th Street. [Ward 5]

Child Protection Response Center; Summer Family Day; 415 East George Washington Boulevard; 8:00 a.m. - 4:00 p.m. Saturday, June 21, 2025; **Closure**: East George Washington Boulevard from Brady Street to east of the parking lot of 3303 Brady Street. [Ward 5]

9. Resolution accepting work completed under the Modern Woodmen Park Field Renovation Project by Bush Sports Turf LLC of Milan, Illinois in the amount of \$740,597, CIP # 23098. [Ward 3] **ADOPTED 2025-206**

10. Resolution accepting work completed under the FY 2023 Contract Sewer Repair Program by Hagerty Earthworks LLC of Muscatine, Iowa in the amount of \$683,469.65, CIP #30060 and #33001. [All Wards] **ADOPTED 2025-207**

11. Resolution accepting work completed under the Forest Road (East Kimberly Road to East 39th Street) Reconstruction project by NJ Miller Inc of Bettendorf, Iowa in the amount of \$453,855.45, CIP #35062. [Ward 6] **ADOPTED 2025-208**

12. Resolution accepting work completed under the Compost Facility Floor Modification project by Ihrig Works, LLC of Long Grove, Iowa in the amount of \$370,547.81, CIP #39016. [Ward 1] **ADOPTED 2025-209**

13. Resolution accepting work completed under the Freight House Roof Replacement project by White Roofing Co, Inc of Eldridge, Iowa in the amount of \$266,063, CIP #23073. [Ward 3] **ADOPTED 2025-210**

14. Resolution awarding a contract for the East 53rd Street and Utica Ridge Road Intersection Improvements project to Eastern Iowa Excavating & Concrete, LLC of Cascade, Iowa in the amount of \$1,068,859.40, subject to Iowa Department of Transportation concurrence, CIP #35065. [Ward 6] **ADOPTED 2025-211**

15. Resolution awarding a contract for the 2025 High Volume Roadway Resurfacing project to CDMI Concrete Contractors Inc of Port Byron, Illinois in the amount of \$804,577.45, CIP #35061. [Wards 1, 2, 3, 5, & 8] **ADOPTED 2025-212**

16. Resolution awarding a contract for the Oak Street (2804 Oak Street to West 29th Street) Reconstruction project to Eastern Iowa Excavating & Concrete, LLC of Cascade, Iowa in the amount of \$289,626.16, CIP #35062. [Ward 2] **ADOPTED 2025-213**

17. Resolution awarding a one-year contract, with two possible one-year renewals, for the Root Control Program to Duke's Root Control, Inc of Elgin, Illinois. [All Wards] **ADOPTED 2025-214**

18. Resolution authorizing submission of a grant application to the Iowa Department of Transportation's Transportation Alternatives Program (TAP) for financial assistance to reroute the Duck Creek Recreational Trail under Division Street. [Wards 2 & 7] **ADOPTED 2025-215**

19. Resolution approving the purchase of five police interceptor utility vehicles from Stivers Ford of Waukee, Iowa in the amount of \$233,045 using State of Iowa Department of Administrative Services contract #24051, CIP #24032. [All Wards] **ADOPTED 2025-216**

20. Resolution approving a payment of \$146,472 to Forensic Technology Inc of Largo, Florida for a 5-year renewal of the NIBIN IBIS warranty and protection plan, CIP #63023. [All Wards] **ADOPTED 2025-217**

21. Motion approving noise variance requests on the listed dates and times for outdoor events. **PASSED 2025-218**

Mt. Sinai Fellowship; Praise-A-Thon; 4706 Northwest Boulevard; 11:00 a.m. - 4:00 p.m. Saturday, May 17, 2025; Outdoor music, over 50 dBA. [Ward 7]

Hope at the BRICK House; Block Party; 1431 Ripley Street; 5:00 p.m. - 8:00 p.m. every Friday June 13, 2025 - August 22, 2025 (full schedule attached); Outdoor music, over 50 dBA. [Ward 5]

QC Pride; Quad Cities Unity Pride Parade; Downtown (see attached parade route); 11:00 a.m. - 12:30 p.m. Saturday, June 14, 2025; Outdoor music, over 50 dBA. [Ward 3]

The Meat Market; Party; 1629 Washington Street; 4:00 p.m. - 7:00 p.m. Saturday, June 14, 2025; Outdoor music/band, over 50 dBA. [Ward 4]

22. Motion approving beer and liquor license applications.

PASSED 2025-219

A. New license, new owner, temporary permit, temporary outdoor area, location transfer, etc. (as noted):

Ward 5

Wide River Winery (Wide River Winery, LLC) – 1128 Mound Street – Temporary Event with Outdoor Area May 24th – License Type: Special Class C Beer/Wine (On-Premises)

B. Annual license renewals (with outdoor area as noted):

Ward 1

Frackie's (Frackie's Pub, Inc) - 2820 Rockingham Road - License Type: Class C Liquor (On-Premises)

Ward 3

Antonellas II, LLC (Antonellas II, LLC) - 421 West River Drive #5 - Outdoor Area - License Type: Special Class C Beer/Wine (On-Premises)

Embers Of Phoenix (Jai Mata Lakshmi, Inc) - 111 West 2nd Street - License Type: Class C Liquor (On-Premises)

Front Street Brewery, Inc. (Front Street Brewery, Inc) - 421 West River Drive #3,4 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Geezer's Drafthouse (Geezers, Inc) - 1654 West 3rd Street - Outdoor Area – License Type: Class C Liquor (On-Premises)

Half Nelson (Bucktown Restaurant Company, LLC) - 321 East 2nd Street #100 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Sippi's Restaurant (Sippi's, Inc) - 406 West 2nd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 6

QC Marts (Bethany Enterprises, Inc) - 2845 East 53rd Street - License Type: Class B Beer/Wine (Carry-out)

Red Robin America's Gourmet Burgers & Spirits (Red Robin International, Inc) – 3903 East 53rd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 7

Lunardi's (TS Lunardi, Inc) - 102 East Kimberly Road Unit E - License Type: Class C Liquor (On-Premises)

Sanchos (Lorbil Enterprises Inc) - 307 East George Washington Boulevard – License Type: Class C Liquor (On-Premises)

Ward 8

Thunder Bay Grille (Thunder Bay Grille, LLC) - 6511 Brady St - Outdoor Area – License Type: Class C Liquor (On-Premises)

23. Motion awarding a contract for the Main Library Chiller Glycol Conversion to Hometown Mechanical of Davenport, Iowa in the amount of \$66,990 CIP #23094. [Ward 3]

PASSED 2025-220

24. Motion awarding a contract for asbestos abatement at the Junior Theatre – Davenport Learning Center facility to Environmental Management Services of Iowa, Inc of Dubuque, Iowa in an amount not to exceed \$62,000, CIP #64130. [Ward 7]

PASSED 2025-221

25. Motion approving a payment of an amount not to exceed \$97,000 to Legacy Fire Apparatus of Shorewood, Illinois for repairs to fire truck T-3. [All Wards]

PASSED 2025-222

XIII. Other Ordinances, Resolutions and Motions

XIV. Public with Business

XV. Reports of City Officials

XVI. Adjourn **6:31 p.m.**

Brian J. Krup
Deputy City Clerk

City of Davenport

Department: Administration

Contact Info: Brian Krup | 563-326-6163

Subject:

Approval of the Report on Committee of the Whole for May 21, 2025.

Action / Date

5/28/2025

Attachments:

1. 052125 Committee of the Whole Report

CITY HALL, 226 WEST 4TH STREET, COUNCIL CHAMBERS, Davenport, Iowa, Wednesday, May, 21, 2025 -- The Davenport City Council met in Committee of the Whole at 5:30 p.m. with Mayor Matson presiding. The Council observed a moment of silence. Pledge of Allegiance led by Alderwoman Newton. Upon the roll being called, all Aldermen were present except Lynch (R. Dunn, Kelly, Meginnis, Reinartz, Gripp, Newton, T. Dunn, Jobgen, and Burkholder).

The following Public Hearings were held: **Public Works:** 1. on the plans, specifications, form of contract, and estimate of cost for the Ridgeview Drive (Cedar Street to Pacific Street) Reconstruction project, CIP #35061; 2. on the plans, specifications, form of contract, and estimate of cost for the Kimberly Downs Road (East 33rd Street to Bridge Avenue) and Bridge Avenue (Kimberly Downs Road to Frontage Road) Reconstruction project, CIP #35061; and 3. on the plans, specifications, form of contract, and estimate of cost for the Freight House Window and Door Replacement project, CIP #23097.

Action Items for Discussion: (The votes on all motions were by voice vote. All votes were unanimous unless specifically noted.) **Community Development:** Alderman Gripp reviewed the one item listed. On motion by Alderman Reinartz, second by Alderwoman Burkholder the item moved to the Consent Agenda. **Public Safety:** Alderman Jobgen reviewed all items listed. On motion by Alderman T. Dunn, second by Alderwoman Newton all items moved to the Consent Agenda. **Public Works:** Alderman R. Dunn reviewed all items listed. On motion by Alderman Kelly, second by Alderwoman Meginnis all items moved to the Consent Agenda. **Finance:** Alderwoman Newton reviewed the two items listed. On motion by Alderwoman Burkholder, second by Alderman R. Dunn the two items moved to the Consent Agenda.

Council adjourned at **5:58 p.m.**

City of Davenport

Department: Office of the Mayor
Contact Info: Brian Krup | 563-326-6163

Action / Date
5/28/2025

Subject:

National Immigrant Heritage Month | June 2025 and World Refugee Day | June 20, 2025

City of Davenport

Department: Office of the Mayor
Contact Info: Brian Krup | 563-326-6163

Action / Date
5/28/2025

Subject:
LGBTQ+ Pride Month | June 2025

City of Davenport

Department: Office of the Mayor
Contact Info: Brian Krup | 563-326-6163

Action / Date
5/28/2025

Subject:
National Gun Violence Awareness Day | June 6, 2025

City of Davenport

Department: Administration
Contact Info: Nicole Gleason | 563-326-7734

Action / Date
5/28/2025

Subject:

Third Consideration: Ordinance repealing and replacing Chapter 6.04 entitled "Animals" of the Municipal Code of Davenport, Iowa to incorporate recommendations from the joint task force between the Humane Society of Scott County and the City of Davenport and to update language throughout for clarity. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

The City of Davenport contracts animal control and sheltering services to the Humane Society of Scott County. The current service agreement established a task force to evaluate any necessary ordinance updates or programmatic changes that contribute to a sustainable business model. The task force consults with local government agencies, the State Director of Iowa for the Humane Society of the United States, and other municipal codes from Iowa communities.

An overview of the task force's recommended ordinance changes was presented at the February 18, 2025 management update. The proposed changes include:

- 6.04.010 | Update definitions and new definitions for adequate shelter, dangerous dog, and service animal.
- 6.04.070 | Update criteria for mistreatment of animals.
- 6.04.075 | New section to outline procedures for mistreated or threatened animals.
- 6.04.110 | Replace vicious dogs section with dangerous dogs.
- 6.04.115 | Update the term "working service dog" to "security service dog."
- 6.04.165 | Establish an Animal Hearing Commission to hear appeals to dangerous dog determinations.
- Various other sections | Update references to humane society to animal control. Animal control is a more general term and includes humane society officers in the definition.
- Other sections | Minor wording updates for the purpose of clarity, cross-references, or to reflect changes needed due to other changes in this ordinance.

Attachments:

1. Ordinance AMENDED 050725
2. Ordinance
3. Current Chapter 6.04
4. Current Chapter 6.04 Strikethrough Version
5. Animal Services Update | February 18, 2025

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 6.04 ENTITLED "ANIMALS" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO INCORPORATE RECOMMENDATIONS FROM THE JOINT TASK FORCE BETWEEN THE HUMANE SOCIETY OF SCOTT COUNTY AND THE CITY OF DAVENPORT AND TO UPDATE LANGUAGE THROUGHOUT FOR CLARITY.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Chapter 06.04 entitled "Animals" of the Municipal Code of Davenport, Iowa be and the same is hereby repealed in its entirety and replaced as follows:

6.04.010. Definitions.

For the purpose of this chapter, certain terms and words are defined as set forth in this section unless otherwise defined herein.

- A. ADEQUATE FOOD - Means the provision, at suitable intervals as the dietary requirements of the species so require, of a quantity of wholesome foodstuff suitable for the species and age sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish, or container.
- B. ADEQUATE SHELTER - Means a ventilated protective covering which provides sufficient protection from moisture, wind, sun, extreme temperatures, or other adverse weather conditions, which provides adequate space for standing, sitting, lying, and free movement, and which is maintained in a sanitary manner. Adequate shelter may vary by age, species, breed, and physical condition of the animal. Structural minimum of adequate shelter is an enclosure with at least three solid sides, a roof, a solid and dry resting surface, adequate ventilation, and bedding as appropriate for the weather conditions. Metal drums, animal crates or carriers, vehicles, spaces under structures such as decks are not considered adequate shelter.
- C. ADEQUATE WATER - Means reasonable access to a supply of clean, fresh, potable water provided in a sanitary manner and provided at suitable intervals for the species not to exceed 24 hours at any one interval.
- D. ANIMAL - Means a living organism, other than human beings, birds, fish, or invertebrates, domesticated or wild, and distinguished from other living things by structural and functional characteristics such as locomotion.

- E. ANIMAL CONTROL OFFICER - Means any humane officer employed by a humane society under contract with the City, any animal control officer under the jurisdiction of the chief of police, or any other person authorized by the City Administrator to enforce the provisions of this chapter by means of appropriate police powers.
- F. ANIMAL SHELTER - Means a facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the City or operated under contract with the City for the purpose of humane boarding of animals impounded under the provisions of this chapter or any other ordinance.
- G. BOARDING KENNEL - Means a place or establishment other than an animal shelter or pound where dogs, cats, or other animals, not owned by the proprietor, are sheltered, fed and watered in return for consideration.
- H. CAT - Means all members of the feline species regardless of sex.
- I. COMMERCIAL BREEDER - Means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or less breeding males or females is not a commercial breeder.
- J. COMMERCIAL KENNEL - Means a kennel which performs grooming, boarding, or training services for dogs or cats in return for consideration.
- K. COMMISSION - Means the natural resources commission of the Department of Natural Resources created and established by the Code of Iowa.
- L. COMPANION ANIMAL – A domesticated dog or cat kept for companionship by its caretaker.
- M. DANGEROUS DOG – Means a dog that has:
 - 1. Killed a human being;
 - 2. Taken aggressive action that caused a serious injury as defined in Iowa Code section 702.18 to a human;
 - 3. Killed another domesticated animal, excluding fowl;
 - 4. Twice within a 48-month period attacked, bitten, or otherwise caused an injury to a person engaged in lawful activity; or
 - 5. An animal judicially or administratively determined to be a dangerous animal or similar designation by the City of Davenport or another jurisdiction with a substantially similar definition of dangerous animal.

The following circumstances shall be excluded from the definition of a dangerous dog:

- 1. An animal engaged in law enforcement work that is engaged in official law enforcement activities at the time of the attack or bite;
- 2. A security service dog registered with animal control on its designated restricted

nonresidential property at the time of the attack or bite;

The following circumstances may be excluded from the definition of a dangerous dog:

1. An animal that attacks or bites a person who is engaged in unlawful activity against the person or property of another at the time of the attack or bite;
2. An animal that attacks or bites in order to protect a human being, domestic animal, or livestock;
3. An animal that was attacked by an animal at large;
4. An animal that was deliberately provoked by the person or animal that was harmed;
5. An animal that bites in an animal care facility, veterinary office, animal shelter, or other state-licensed animal facility; or
6. An animal that kills another domesticated animal owned by the same owner or the incident originated on the property of the attacking or biting dog's owner.

- N. DOG - Means all members of the species *Canis familiaris*.
- O. EUTHANASIA - Means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.
- P. FUR-BEARING ANIMALS - Means the following which are declared to be fur-bearing animals for the purpose of regulation and protection under this chapter: beaver, badger, mink, otter, muskrat, raccoon, skunk, opossum, spotted skunk or civet cat, weasel, coyote, bobcat, wolf, groundhog, red fox, gray fox, and any other animals defined as fur-bearing by Iowa Code 481.A.
- Q. HOUSING FACILITIES - Means any room, building or area used to contain a primary enclosure or enclosures.
- R. OWNER - Means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for three or more days.
- S. PERSON - Means an individual, partnership, corporation, or association and includes any officer, employee, or agency thereof.
- T. PET SHOP - Means an establishment where any dog, cat, rabbit, rodent, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale.
- U. PRIMARY ENCLOSURE - Means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage or compartment.
- V. SANITARY CONDITION(S) – Means premises free from accumulated animal waste, offensive odors, overcrowding, insects or rodents due to animal keeping, or health or

safety risk to humans or animals.

- W. SECURITY SERVICE DOG - Means any dog trained or used to perform security-related tasks including guarding, protecting, patrolling, rescuing, or defending persons or property, in the custody and control of a handler.
- X. SERVICE ANIMAL – Means a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability or as otherwise defined by the Americans with Disabilities Act. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being or companionship do not constitute work or tasks for the purposes of this definition.
- Y. TAKE - Means any pursuing, hunting, killing, trapping, snaring, netting, searching for, shooting at, stalking or lying in wait for, or attempting any for the foregoing, any animal protected by state laws, regulations or rules adopted by the commission or this ordinance.

6.04.020. License required.

- A. Every dog and every cat shall be licensed. Dogs and cats shall be licensed within 30 days of the date they are initially inoculated for rabies and annually within 30 days' time of the date of the current rabies vaccination. No person shall have, harbor, keep or possess any unlicensed dog or cat in violation of this chapter.
- B. Licenses shall be purchased from the animal control, veterinarians practicing in the Quad Cities area, or online with evidence of a current rabies vaccination signed by a licensed veterinarian. Veterinarians who inoculate a dog or cat shall be required to share rabies vaccination documentation with the City of Davenport or its designee on a minimum of a monthly basis. Established fees collected by veterinarians shall be submitted to the county animal control facility in a manner agreed upon by the animal control and the individual veterinarians. Veterinary offices may charge an administration fee not to exceed \$5 per tag.
- C. Licenses are not transferable between animal owners or animals.
- D. Annual license fees shall be set by resolution of the City Council:
 - 1. Neutered/spayed dog or cat (altered)
 - 2. Non-altered dog or cat
 - 3. Dogs governed by 6.04.110 Dangerous Dogs shall as set by resolution 2024-393 and subsequent resolutions.

In lieu of an animal owner obtaining a license annually, the owner may purchase a multi-year license, which may be obtained to cover the period for which the current rabies vaccination is effective (a multiple year license). The fee for a multi-year license shall be calculated by multiplying the applicable annual license fee by the number of years the current rabies vaccination covers.

- E. Residents age 60 or older and residents who are recipients of Social Security Disability Insurance Benefits may license their neutered dogs or cats for an annual fee of \$1.
- F. Upon proof of loss, a duplicate license tag may be obtained upon payment of a

replacement fee not to exceed \$5.

- G. A person owning or possessing any dog or cat who moves into the City shall obtain a license for said animal within 30 days of the date the person takes up residency in Davenport.
- H. Notwithstanding the licensing requirements of this chapter, the following animals shall not be required to be licensed while in the City:
 - 1. Animals whose owner or custodian is a nonresident of the City and who are visiting within the City temporarily. Temporarily means for a period of time 30 days or less within any consecutive twelve-month period.
 - 2. Animals brought into the City for participation in a show, exhibition, demonstration or exhibit and which remain in the City for a period of 30 consecutive days or less.
- I. The executive director of animal control or an animal control officer may revoke a person's privilege to license and keep a dog or cat within the City. Such revocation shall be for a period as determined by the executive director or animal control officer. Revocation of the privilege to license and keep a dog or cat within the City may be initiated if the owner or custodian of the dog or cat has committed any violations of the provisions of this chapter, except violations for failing to license an animal as required by this chapter shall not be included as violations leading to revocation within any consecutive twelve-month period. A violation shall be shown by a conviction upon a citation or a finding by the Deputy City Clerk or by a non- appealed notice of violation.
- J. An owner or custodian whose privilege has been revoked shall, within 10 days after notice of the revocation, remove from their residence all dogs and cats which the person owns, keeps, harbors or maintains. If the license is revoked, the owner or custodian shall surrender the animal to animal control or permanently remove the animal from the city limits within five calendar days after either the time for appeal has expired or the decision of the Deputy City Clerk has been served on the owner or custodian. If the animal is found in the City after the five-day period, it shall be immediately impounded. Failure to remove a dog or surrender it to animal control may be prosecuted as a municipal infraction violation or simple misdemeanor. An owner whose license has been revoked shall inform animal control in writing upon the animal's removal from the city limits the name, address and telephone number of the animal's new owner, the location where the animal will be kept and the name and description of the animal. In addition, the owner shall notify the new owner in writing of any details concerning any and all complaints concerning the animal, and any terms, conditions or restrictions imposed by animal control as to the animal. The owner shall provide animal control with a copy of the notification provided to the new owner as well as an acknowledgment by the new owner of the receipt thereof.
- K. Upon revocation of a person's privilege to license and keep dogs or cats, no part of the licensee fee shall be refunded.
- L. During the period of revocation, any dog or cat which the person owns, keeps, harbors or maintains at their residence may be immediately confiscated upon its discovery and disposed of by animal control absent clear and convincing proof that the animal or animals belong to a person visiting the resident.
- M. The animal control officer shall provide the owner or custodian of the animal or animals,

as shown on animal control records, so confiscated with notice of the confiscation. If the animal or animals are unlicensed or no record exists as to the owner or custodian of an animal, notice of confiscation shall be directed to the address of the residence.

- N. Any person whose privilege to license and keep animals has been revoked, but who owns, keeps, harbors or maintains a dog or cat during the period of the revocation shall have an additional period of up to one year added to the original period of revocation for each violation of the revocation.
- O. The notice of revocation or notice of extension of the revocation period, or notice of confiscation of any animal may be appealed as provided in Section 2.86.020 of the City code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the City code. If the City demonstrates sufficient evidence in support of its determination the burden shall shift to the appealing party to demonstrate by clear and convincing evidence that he or she has had no role in the care, supervision, possession or control of the animal or that the incident which caused the enforcement action by the City was caused by a third party or event not under the supervision or control of the appealing party. If no timely appeal is filed the notified person shall be deemed to have waived all rights to challenge the action taken by the City.
- P. When permanent ownership of an animal is transferred, the new owner shall, within 14 days from the date ownership is assumed, obtain a license if the animal is required to be licensed pursuant to this chapter.

6.04.030. Display of license.

The license tag obtained pursuant to Section 6.04.020 shall be securely attached to a substantial collar which collar shall be worn by the animal at all times. License tags are not transferable to any other animal. Upon demand, the owner of an animal shall display the City license to an animal control officer or Davenport police officer.

6.04.040. Rabies vaccination and reporting.

- A. All dogs, cats and ferrets shall be inoculated against rabies by a licensed veterinarian upon such animal attaining the age as defined by Iowa Code section 351.33. Rabies vaccinations shall be readministered at least once every three years for dogs and cats and once every year for ferrets or as otherwise recommended by the United States Department of Agriculture.
- B. A person who acquires a dog, cat or ferret that does not have a current rabies vaccination certificate shall have the animal inoculated for rabies within 30 days after the animal was acquired or within 30 days of the animal attaining the age as defined by Iowa Code section 351.33, if the animal was not yet of age when acquired.
- C. The owner or custodian of any animal required to be vaccinated against rabies shall keep a current rabies vaccination tag securely attached to a substantial collar which shall be worn by the animal at all times.
- D. Whenever a veterinarian inoculates an animal for rabies the veterinarian shall complete a rabies vaccination report which shall be forwarded to the City or its designee. The report shall contain the following information:
 - 1. The name, age and sex of the animal;

2. A general description of the animal;
3. The date the current vaccination was given to the animal;
4. The revaccination date;
5. The vaccination tag number assigned to the animal; and
6. The name and address of the animal's owner or custodian.

The veterinarian shall sign the report and all reports shall be sent to animal control within 30 days of the administration of the vaccination.

6.04.050. Report of bites required.

- A. Any person having knowledge of any dog, cat, or ferret bite or scratch which has caused a skin abrasion upon any person or for which the victim required medical attention, which bite or scratch occurred within the City, shall immediately report such fact to animal control or the Davenport Police Department. This section shall not apply if said bite or scratch occurred while the animal was being treated, confined, or housed within a veterinary hospital or clinic and that facility knows such animal is currently inoculated for rabies and has the certification to prove such inoculation. In such cases reporting of the bite or scratch shall be discretionary with the veterinary hospital or clinic.
- B. Any animal that has been involved in biting a person must be quarantined for 10 days from the date of the bite. Such confinement may be at the premises of the owner if deemed appropriate and sufficient safeguards are provided to the discretion of the animal control officer and/ or the Scott County Health Department. If an animal is not quarantined at the owner's premises it shall be confined at the animal shelter or at a licensed veterinary hospital of the owner's choosing. All costs of the quarantine shall be the owner's liability. This section shall not apply to police canines.
- C. The owner of an animal that has been reported as having inflicted a bite on a person shall, on demand, produce the animal for examination and quarantine to an animal control officer or police officer. It is unlawful to fail to or refuse to produce such an animal. Failure to produce an animal demanded shall subject the owner or custodian to arrest if probable cause exists to believe the animal inflicted a bite on a person or other animal.
- D. It is unlawful for any person to remove any animal which has been quarantined pursuant to this chapter from its place of quarantine without the express consent of an animal control officer and/or Scott County Health Department officer.

6.04.055. Livestock and poultry prohibited.

- A. Notwithstanding the provisions of Chapter 6.06 of the Davenport Municipal Code, it shall be unlawful to maintain, keep or harbor any cattle, swine (except Vietnamese or Asian potbellied pigs), sheep, llamas, horses, jacks, goats, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese, and ducks), or similar domestic animals raised for home use or for profit within the City limits unless the property upon which such animals are maintained, kept or harbored is zoned as agricultural property. This section shall not apply to a bona fide zoological garden, pet shop, educational institute, circus, carnival, or veterinary hospital treating such animals.

- B. It shall be unlawful for any person to ride any animal upon the public or private sidewalks within the City, nor shall any person ride any animal upon a public street or right of way during the hours of sunset to sunrise, except for public parades for which a permit has been issued by the City.
- C. The lawful keeping of livestock, which is otherwise unlawful by reason of the enactment of this chapter, may be continued upon property located within the City provided livestock was maintained thereon prior to the enactment of this chapter, and may be continued until such time as livestock is no longer kept or maintained upon such property. The burden of proving the maintenance of livestock upon a parcel of land within the City proper to the enactment of this chapter shall lie with the person claiming such prior existence. Nothing herein shall be deemed to exempt an owner of livestock within the City limits from the enforcement of nuisance or other laws regarding the keeping of such livestock.

6.04.060. Animal running at large.

- A. It shall be unlawful for the owner or custodian of any dog, cat, or other animal to fail to keep the same from running at large within the City. For the purpose of this chapter an animal shall not be deemed running at large, even if the animal is not restrained, as long as one of the following situations applies:
 - 1. When the animal is restrained either upon the premises of the owner or custodian or upon another's premises with the permission of the owner of that premises, so long as the animal is restrained in such a manner that it cannot enter on the public streets, sidewalks, alleys, other public areas, or property not owned by the owner, custodian, or permittee, unless the animal has been declared dangerous or vicious, in which case the provisions of Section 6.04.110 shall apply.
 - 2. When the animal is confined or restrained upon the premises of the owner or custodian within a secured building, or within a secured pen, enclosure or similar structure which has secured sides, bottom, and top such that the animal cannot escape, or within fencing or similar means secured such that the animal cannot escape and which is fastened by an adequate locking device.
 - 3. When an animal is enclosed within an automobile or other vehicle of its owner or custodian such that it cannot escape and such that said confinement does not endanger the animal's health or well-being.
 - 4. When the animal is being walked off the premises of its owner or custodian so long as the animal is on a leash not more than six feet in length and under the control of a person competent to restrain and control the animal.
 - 5. When the animal is properly housed in a veterinary hospital or registered kennel.
- B. Notwithstanding any provision to the contrary, animals injured on or along public streets or public rights-of-way shall be deemed running at large. The animal control officer or Davenport police officer shall remove all such animals and at his or her discretion take such an animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such an animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this chapter. Dead animals on or along public streets shall be removed by city operations.

staff.

- C. Every female dog or cat in heat shall be confined in a building or secure enclosure during the period of heat, in such a manner as will prevent the animal from coming into contact with the other animals unless the animal is used in a planned breeding situation. An animal is deemed to be in heat when it is in an estrogous state or ovulating. Nothing in this subsection shall be construed to prohibit exercising the animal provided the animal is restrained on a leash or similar restraint not more than six feet in length and is under the control of a person competent to restrain and control the animal or from transporting such animal within a motor vehicle.
- D. Any dog, cat, or other animal which is found in violation of this section may be impounded. Any such animal impounded may be redeemed by its owner or custodian within three days from the time specified in Section 6.04.140 and upon payment of the applicable redemption fee, current rabies vaccination fee unless current rabies inoculation is proven, the current licensing fees and penalties if the animal is unlicensed, impoundment fees, and the fees, costs and charges for any emergency medical treatment administered to the animal. Redemption fees shall be set by resolution of the City Council:
 - 1. For a first violation
 - 2. For a second violation
 - 3. For a third violation
 - 4. Fourth violation will result in the revocation of the license to keep the animal.
- E. Any violation of this section may result in the immediate apprehension and impoundment of the animal by an animal control officer. After the time specified in Section 6.04.140 animal control may dispose of an unredeemed animal. If an animal control officer is unable to apprehend an animal or impoundment is not feasible, the animal control officer shall provide the owner or custodian of the animal with a notice of violation under the procedures contained in Section 6.04.155.

6.04.070. Mistreatment of animals.

The following acts shall constitute mistreatment of animals, and shall subject the owner or other person to the penalty provisions of state law and the Municipal Code:

- A. Failure to provide the animal access to adequate food, adequate water, and easy access to adequate shelter from the elements;
- B. Beating, tormenting, overloading, overworking, or molesting an animal;
- C. Permitting or encouraging any combat between animals, or between animals and humans, unless the animal is trained and used by a government agency and accompanied by the appropriate government agency handler;
- D. Abandoning an animal as defined by Iowa Code 717.B;
- E. Exposing any known poisonous material with the intent of allowing or encouraging the material to be eaten by any bird, fowl, domesticated animal, community cat, or livestock;
- F. Failure to maintain sanitary conditions where animals are kept;

- G. Harboring or owning any sick, diseased or injured animal without procuring veterinary care for said animal(s);
- H. Maintaining an animal in such conditions and hygiene that the animal is unable to walk or move normally, conduct routine bodily functions, or stay clean and free of urine, fecal matter, open wounds, disease, and parasites;
- I. Leaving an animal in a vehicle, on a vehicle, tethered or confined for a length of time that could result in danger to or death of an animal. If the City of Davenport or designee determines that such animal is in immediate danger, the City of Davenport or designee may remove the animal by whatever means necessary without liability, for the purpose of taking the animal into protective custody pursuant to Iowa Code 717.B.5 Rescue of Threatened Animals;
- J. Intentionally injuring, maiming, disfiguring, mutilating, or destroying an animal by any means that causes pain or suffering;
- K. Cropping or docking of an animal's ears or tail, except by a licensed veterinarian, under anesthesia, and following accepted pain management practice;
- L. Chaining, tethering, penning, or otherwise restraining or confining an animal outdoors for more than 15 minutes without access to adequate food, adequate water, adequate shelter, and adequate protection from the elements.

6.04.075. Disposition of Mistreated Animals.

Impoundment procedures of threatened or mistreated animals:

- A. A law enforcement officer or animal control officer, after consulting with a veterinarian licensed by the State, may rescue a threatened animal as provided in this section. The officer may enter onto private property to rescue a threatened animal if the officer obtains a search warrant issued by a court or enters onto the premises in a manner consistent with the laws of the State of Iowa and the United States, including Article 1, Section 8 of the Constitution of the State of Iowa and the Fourth Amendment to the Constitution of the United States;
- B. If an animal is rescued pursuant to this section, the City shall provide for the maintenance of the threatened animal at a licensed shelter or through a contract with an animal care provider. The City or designee shall post a notice in a conspicuous place at the location where the animal was rescued. The notice shall state that the animal has been rescued by the City pursuant to this section and Iowa Code 717B.5 as amended;
- C. The animal shall be subject to disposition as required by a court pursuant to Iowa Code 717B.4, as amended;
- D. The disposition of a threatened animal rescued by the City shall occur as provided in Iowa Code 717B.4, as amended.

6.04.080. Removal of excrement.

- A. An owner or custodian of any animal shall keep all structures, pens, coops, or yards wherein an animal is confined clean and free from excrement and the odor arising from excrement. Such area shall also be clean and free of vermin and any thing that is likely to become putrid, offensive, or injurious to health. An area, structure, pen, coop, or yard not maintained in a clean and sanitary condition may be declared a public nuisance.

- B. It shall be unlawful for an owner or custodian to permit an animal to discharge excrement upon any public property, common area, common thoroughfare, street, sidewalk, alley, play area, park or private property unless the excrement is immediately picked up and disposed of in an appropriate refuse container. If the owner of private property has given another owner or custodian permission for their animal to use their private property then this section shall not apply to that particular usage.
- C. Animal excrement shall not be placed in storm sewers or street gutters, but shall be picked up and disposed of in a sanitary manner in an appropriate refuse container.

6.04.090. Number of animals regulated.

- A. It is unlawful for any person to keep or maintain at any one location within the City more than four of the following types of animals, those being dogs, cats, ferrets, and potbellied pigs; and of those four no more than three shall be of the same species. This limitation applies to animals that are more than six months old or animals that are from more than one litter that are more than three months old. This limitation shall not apply to any person provided that person (1) is licensed to operate a kennel, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder operation, veterinary hospital, zoological garden, circus, carnival, educational or medical institution, or research facility as defined by state law, and said person is in compliance with the zoning ordinances of the City, or (2) if such animals are kept or maintained upon property zoned as agricultural property within the City, or (3) if said person has applied for and obtained a permit to keep more than four animals from animal control and said person keeps said animals within a residentially zoned district and exception (1), above, does not apply to said person. Upon receipt of an application for a permit as provided by this section and the payment of a \$10 fee, an animal control officer shall inspect the applicant's animal housing facilities and the sanitary condition of the same. If the housing facilities are adequate and kept in a sanitary condition an excess number of animals permit shall be issued.
- B. Indoor pets such as gerbils, hamsters, guinea pigs, mice, birds, fish, snakes and reptiles, and similar animals normally maintained as pets in an enclosure inside of a dwelling are not proscribed by this section unless specifically regulated by other sections.
- C. If a person is found to be keeping more than four animals without the permit required by this section, the excessive number of animals may be immediately removed from the property and impounded. Any such impounded animals shall be held for seven days and if the owner has not either complied with the requirements of this section or petitioned the court for the return of the animals by the end of the seventh day, the animal shelter shall seek to permanently place the animals or euthanize such animals.

6.04.100. Wild, exotic or dangerous animals prohibited.

- A. It shall be unlawful for any person to own, possess, harbor, maintain, sell or traffic in any of the following wild, exotic or dangerous animals.
 - 1. All poisonous snakes and poisonous reptiles; all nonpoisonous snakes greater than 10 feet in length; Gila monsters, alligators, crocodiles and caimans;
 - 2. Gorillas, chimpanzees, orangutans, baboons, and other non-human primate

mammals, both arboreal and nonarboreal.

3. Any species of feline not falling within the categories of ordinary domesticated house cats *felis catus*.
 4. Bears or any species;
 5. Raccoons, porcupines, skunks, badgers, and other similar fur-bearing animals except ferrets;
 6. Foxes, wolves, coyotes, or other species not falling within the category of *canis familiaris*.
 7. Any animal of any species known to be vicious or dangerous, excluding animals covered by 6.04.110.
 8. Any animal prohibited under Iowa Code section 717F.
- B. This subsection shall not apply to any bona fide zoological garden, bona fide educational or medical institution, museum, veterinary hospital, wildlife rescue entity or wildlife rehabilitation entity with an appropriate permit from the state, any such animals under the jurisdiction of the commission, game breeders, a circus or carnival licensed by the City, nor shall it apply to a bona fide research institute or facility using wild, exotic or dangerous animals for scientific research. In addition, this section shall not apply to any primate trained and used to assist a handicapped person.
- C. Any wild, exotic or dangerous animal found within the City in violation of this section is deemed a public nuisance per se. If a wild, exotic or dangerous animal is found to be roaming at large within the City, it may, in the discretion of the police department or animal control officer, be destroyed immediately without prior notice to the owner thereof. The City and its agents shall be under no duty or obligation to capture or otherwise confine the animal.
- D. Any person found to be keeping, sheltering, harboring or maintaining a wild, exotic or dangerous animal in violation of this section is subject to the animals' immediate seizure as contraband. Any animal so seized shall be held for three business days. If the owner has not petitioned the court regarding disposition of the animal and served notice of the pendency of the owner's petition for disposition of the animal on animal control within that time period, animal control may euthanize the animal or permanently place it with an entity which is exempt from the provisions of this section. If necessary, animal control may impound a wild, exotic or dangerous animal at another facility. The animal's owner shall be responsible for all costs and expenses incurred by animal control or the City which arise as a result of the seizure and impoundment of a wild, exotic or dangerous animal. Under no circumstance shall a wild, exotic or dangerous animal be returned to or placed with a nonexempt entity within the City limits. If a wild, exotic or dangerous animal is ever again found to be within the City in violation of this section, it shall be immediately confiscated and disposed of as animal control deems appropriate.
- E. Any person keeping wild, exotic or dangerous animals prior to the enactment of this chapter shall be allowed to keep such animals for the duration of the animal's natural life. Upon the death of a wild, exotic or dangerous animal, the owner of such animal shall not be allowed to replace such animal except as otherwise allowed by this section. The

burden of proving the prior ownership of a wild, exotic or dangerous animal prior to the enactment of this chapter lies with the person keeping such wild, exotic or dangerous animal. Nothing herein shall be deemed to exclude the enforcement of nuisance or other laws on the owner of such animals.

6.04.110. Dangerous dogs.

- A. Any person keeping a dog deemed dangerous or vicious prior to June 1, 2025 shall be allowed to keep such animal for the duration of the animal's natural life and shall be excluded from the requirements of this chapter for dangerous dogs if the following conditions are met:
- The animal has been microchipped and that microchip is registered with animal control;
 - The animal remains licensed under the requirements of this chapter;
 - The animal's owner or custodian posts their property with conspicuous signs warning of the presence of a dog;
 - The animal's owner or custodian maintains continuous residency within the city of Davenport;
 - The animal's owner or custodian complies with any provision deemed necessary by the executive director of animal control in consultation with the City of Davenport Legal Department to ensure public safety; and
 - The animal is not involved in a bite, attack, or dangerous behavior incident as defined by this chapter. Any new incidents involving a grandfathered dog will be evaluated under the criteria of the definition effective June 1, 2025.
- B. The declaration that a dog is dangerous shall be made by an animal control officer. Notification of the declaration and the owner's appeal rights shall be made in accordance with the procedures contained in Section 6.04.155.
- C. No person shall own, keep, harbor, foster, or maintain any dog that has been declared dangerous except as provided herein.
- D. No person shall allow a dangerous dog to be in or upon any premises or vehicle owned, leased, occupied, or controlled by the person, except as provided herein.
- E. No person shall bring any dangerous dog into the City of Davenport without approval of the City Administrator.
- F. No person shall allow a dangerous dog in a City park or off-leash dog area.
- G. Upon receiving a complaint or having reasonable suspicion that a dangerous dog is being kept, sheltered, or harbored within the city, animal control or the City of Davenport may initiate an investigation. If, after investigation, animal control or the City of Davenport determines that a dangerous dog is indeed being kept, sheltered, or harbored within the city by any person, the City of Davenport, or its designee, shall declare the animal a dangerous dog. The owner or caretaker of the dog shall then be ordered to either humanely euthanize the animal or have it microchipped and rehomed outside the city limits within fourteen calendar days from the date of service of the order. Until the dog

is euthanized or rehomed, it must be securely confined or leashed under the direct control of a person 18 years of age or older.

- H. Notice of the declaration that a dog has been deemed dangerous shall be promptly served in person to the owner, if known. If personal service cannot be completed within the city limits, the notice may be sent by certified mail. The notice shall include:
- Description of the animal;
 - Declaration that the animal has been deemed dangerous;
 - The basis for the declaration;
 - An order requiring the owner to humanely euthanize the dog or have the dog microchipped and rehomed outside the city limits within fourteen days of the service of the notice;
 - A warning that the dog will be subject to seizure if it is not rehomed or humanely euthanized within the required timeframe; and
 - Information on the right to appeal, stating the owner may file a written notice of appeal with the Legal Department within fourteen days from the date of service.
- I. If the owner is ordered to humanely euthanize the dog or have it microchipped and rehomed outside the city limits, the owner must comply within the required timeframe of the notice of the declaration. If the owner fails to do so, the City of Davenport or its designee is authorized to seize and impound the animal. Additionally, the animal may be seized at any time if it is not securely confined or leashed under the direct control of a person 18 years of age or older. An impounded animal shall be held for fourteen days or, if an appeal is filed, until seven days after the final decision of the appeal. If the appeal results in a reversal of the dangerous declaration, the animal shall be immediately released to the owner or their representative. However, if the declaration remains in effect and the owner does not seek a review by the district court, the City of Davenport or its designee shall proceed with the disposition of the animal in accordance with the policies of the organization providing shelter services.
- J. Orders and declarations concerning dangerous dogs issued by the City of Davenport or its designee may be appealed through the administrative appeal procedure set forth in Section 6.04.165 of this Code.
- K. Any dog alleged to be dangerous and held under impoundment or quarantine shall not be released to the owner but shall remain confined at the owner's expense until the outcome of the hearing is determined. If the dog is deemed dangerous, all costs associated with its impoundment or quarantine shall be the responsibility of the owner. If the Animal Hearing Commission after a full and complete hearing determines the animal should not be deemed dangerous, all costs of the impoundment and/or quarantine will be the responsibility of the City of Davenport.
- L. Failure to comply with an order issued by the City of Davenport or its designee under this section whether not appeal or upheld on appeal shall constitute a misdemeanor offense. A violation of any of the provisions of this section may be charged as a simple misdemeanor offense. Additionally, any animal control or police officer shall have the right

to seize and impound the animal if any of the conditions and specifications established by this section are not being met.

6.04.115. Security service dogs.

- A. No person shall engage in the business of providing security service dog service in the City or to act as a handler, unless said person has obtained a license as required by this section prior thereto.
- B. No person shall own or have the care or custody of a security service dog unless the person has secured a working service dog license, tag and identification number from the City or its agent. The fee for each security service dog license shall be \$10. No security service dog license or tag shall be issued unless said working service dog is currently vaccinated for rabies.
- C. An application for a license to operate, maintain and conduct security service dog service in the City shall be filed, together with an application fee of \$200, with the City or its agent. The application shall state the name, address, type of organization of security service dog service, its method of operation, the names and addresses of its officers, and the names of its employees and include evidence that the applicant is a bona fide security service licensed by any state or federal authority. The application must be accompanied by an insurance certificate or a surety bond underwritten by a corporate surety admitted to do business in the state of Iowa, in a form approved by the City Attorney, in the sum of \$300,000 blanket coverage for the security service dog service. The security dog service and surety shall be jointly and severally liable to any person, firm or corporation for damages suffered by reason of the wrongful acts of the security service dog service. Notice of proposed cancellation of the insurance or bond shall be provided to the City or its agent not less than 30 days in advance of the cancellation date.
- D. Each applicant for a security service dog handler license shall be a natural person and shall pay an annual fee of \$100 and shall be required to carry insurance or a surety bond in the amount of \$100,000 covering the same items as set forth in subsection D above. A security service dog service licensed under subsection D above need not obtain a separate handler license under this subsection.
- E. It shall be unlawful for any person to engage in any business or occupation licensed under this section in the City unless such person holds a valid license pursuant to this section. A violation of this section may be charged as a simple misdemeanor.
- F. Every handler or owner of a security service dog shall see to it that such animal wears a clearly visible tag approved by the City or its agent at all times it is within the City unless the dog is performing a security service which requires not wearing a tag in order to perform the service safely. Such tag shall have stamped thereon "Security Service Dog, Tag No., City of Davenport," and the year the tag was issued for. Lost or stolen tags shall be immediately reported to the City or its agent and shall be replaced by the City or its agent at the cost provided for other tags as stated in this chapter.
- G. Any security service dog service or handler that sells or otherwise transfers ownership of any security service dog shall, not less than 10 days after the transfer, file a report with the City or its agent containing the name and address of the person to whom such dog was transferred, a description and identification tag number of the dog, and any other information the City or its agent deems necessary.

- H. Any person whose security service dog is lost or stolen or whose dog has died shall, within 24 hours of the loss or theft, or within 10 days of the death, file a report with the City or its agent containing a description and identification tag number of the dog, and any other information the City or its agent deems necessary.
- I. A security service dog, properly registered as required by this section, in the custody and control of a licensed security service dog service or handler, shall not be declared to be a dangerous or vicious dog, provided that at the time of attack said dog was under the direct supervision of a security service dog service or licensed handler.

6.04.120. Damage to property.

No person shall allow or permit their animal to damage, injure, or destroy any shrubbery, plants, flowers, grass, fence, or anything whatsoever upon public or private property without prior permission from the property owner or authorized person.

6.04.130. Barking dogs regulations.

It shall be unlawful to keep or harbor any dog which, by frequent, regular, habitual, or continued barking, yelping, or howling shall cause serious annoyance to the surrounding neighborhood. Such action is a violation of this chapter and is also hereby declared a public nuisance. The animal control officer or a Davenport police officer shall have the authority to use all reasonable means to abate such nuisance, including but not limited to requiring that the owner or custodian make bona fide efforts to quiet the dog and impoundment of the dog if the owner or custodian is absent from the premises. If the dog is impounded, the officer shall attempt to locate and notify the absent owner or custodian by any reasonable means as soon as possible.

6.04.140. Impoundment.

- A. The City may establish and maintain a municipal animal shelter or the City may contract with any nonprofit incorporated society or association which shall provide and maintain an animal shelter for the enforcement of this chapter. It shall be the duty of the persons authorized by the City to operate such animal shelter to supervise and control such facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not redeemed, and to assist in the enforcement and operation of this chapter. The provisions of this chapter shall be enforceable by any animal control officer and by members of the Davenport Police Department.
- B. Impoundment Procedure. Unrestrained animals found running at large, nuisance animals, neglected animals, abandoned animals, and cats or dogs running at large without license tags or rabies vaccination tags shall be taken and impounded in the animal shelter and there confined in a humane manner.

All at large and impounded dogs and cats shall have an electronic identification device, otherwise known as a microchip, placed under the animal's skin after 72 hours in impound, unless waived by the executive director of animal control or their designee for good cause. The microchip identification shall become part of the at large animal's record, and the impoundment fee shall be increased to include the cost of the microchip implantation and registration in the amount set by Animal Control.

- C. Notice. Every dog or cat found without a license, collar, microchip, rabies tag, or similar identification shall be kept for not less than three days after being impounded unless sooner redeemed by the owner in accordance with this article. Dogs with identification shall be kept not less than seven days after being impounded unless sooner redeemed by the owner in accordance with this article.
- D. Claim Fees. A person redeeming an impounded dog or cat shall pay the required redemption fee as stated in Section 6.04.060 for a first, second or third offense and the required boarding fees as provided for by this section. In addition, before an unlawfully unlicensed animal may be redeemed the person redeeming the animal must obtain a license as stated in this chapter. In addition, a person redeeming an animal shall pay any additional fees required under the provisions of this chapter, including any monies expended for the provision of medical treatment provided to the animal.

The boarding fees for other animals shall be set by resolution of the City Council:

- 1. For each dog, cat, ferret or similar animal a per day fee for the animal's care, food, water and shelter.
 - 2. For each domestic fowl, chicken, goose, duck or waterfowl a per day fee for the animal's care, food, water and shelter.
 - 3. For each horse, mule, jack, cow, bull, steer, ox, swine, sheep, goat or similar animals a per day fee plus actual expenses incurred for the animal's care, food, water and shelter.
 - 4. For any animal not specified herein, a per day fee plus actual expenses incurred for the animal's care, food, water and shelter.
- E. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an animal control officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be subjected to humane euthanasia.
 - F. Unclaimed Animals. Animals not reclaimed or redeemed within the time limitations provided by this chapter shall become the property of the City or animal shelter and shall be placed for adoption in a suitable home or subjected to humane euthanasia. No unclaimed dog or cat shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, secured by a cash deposit, guaranteeing that such animal will be sterilized.
 - G. The refusal to redeem or reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal. An owner or custodian who refuses to pay such expenses shall be in violation of this chapter and subject to citation for the same.
 - H. Neither the City nor the animal shelter, nor their agents and officers enforcing the provisions of this chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this chapter.

6.04.150. Enforcing provisions.

- A. Animal control officers and Davenport police officers are authorized to issue municipal

infraction citations or notices of violations for violations of the provisions of this chapter. If provided for by a section of this chapter, a Davenport police officer may enforce a violation of a section as a simple misdemeanor.

- B. It is unlawful for any person to interfere with, hinder, willfully prevent or attempt to prevent any police officer, animal control officer, or person authorized to enforce this chapter by the City Administrator in the enforcement of this chapter.
- C. Inspection Procedures. Whenever it becomes necessary to make an inspection to enforce any of the provisions of or to perform any duty imposed by this chapter or other applicable law, or whenever the animal control officer or other authorized person has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the officer is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the officer by this chapter or other applicable law. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons entry is sought. If the property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other person in control of the property and request entry explaining the reason therefor. If entry is refused, or the owner or person in control of the property cannot be located after due diligence, the officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.
- D. Immediate Inspection. Notwithstanding Section 6.04.170 subsection B., if the animal control officer or police officer has reasonable cause to believe that the keeping or the maintenance of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such investigation, whether the property is occupied or unoccupied. If occupied, the officer shall first present proper identification and demand entry explaining the reasons therefor and the purpose of the inspection.

6.04.155. Notice of violation, confiscation, revocation.

An animal control officer or police officer may send notice of violation to an animal's owner or keeper. A notice of violation initiates administrative sanction procedures for violations of this chapter, revocation of a person's privilege to license or keep animals within the City, extension of periods of revocation, confiscation of an animal by the City, or a declaration that an animal is dangerous. A notice of violation shall be sent by certified mail or personally served upon an animal's owner or keeper at the request of a victim of a dog attack as defined in Section 6.04.010(K). The notice of violation may be appealed as provided in Section 2.86.020 of the City code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the City code. If a timely appeal is not filed the notice of violation shall be conclusively presumed to be true. If no timely appeal is filed the notified person shall be deemed to have waived all rights to challenge the action taken by the City.

6.04.160. Nuisances.

- A. Any animal which is not confined or kept under restraint as required by this chapter, and any wild, exotic, dangerous animal kept or maintained within the City in violation of this chapter, any animal which barks so frequently, regularly, or habitually that it causes

serious annoyance to the surrounding neighborhood, is hereby declared a public nuisance.

- B. Whenever an animal control officer or police officer determines that a nuisance exists, the officer may cause a written notice ordering the abatement of the nuisance to be served upon the owner or custodian. The notice to abate shall contain a description of what constitutes the nuisance, the location of the nuisance, a statement of the act or acts necessary to abate the nuisance, a definite time within which the nuisance shall be abated which time shall be reasonable under the circumstances, and a statement that the City will abate the nuisance if the nuisance is not abated in the manner and within the time stated and no request for a hearing is made within the time stated. Notice to abate shall be served personally upon the owner or custodian by serving the owner or custodian or any person residing at the residence who is at least 18 years old, or by serving the owner or custodian by certified mail return receipt requested. If service is by certified mail, service shall be deemed given when mailed.
- C. Any person ordered to abate a nuisance may request a hearing on the order to abate as provided in Section 2.86.020 of the City code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the City code. If no timely appeal is filed the nuisance shall be conclusively presumed to exist and the person who was notified to abate it shall be conclusively presumed to be responsible for the existence of the nuisance.
- D. If a person ordered to abate a nuisance neglects or fails to abate the nuisance as directed, the City may abate the nuisance. If an animal is impounded, the owner or custodian of the animal shall be notified of the impoundment as provided in Section 6.04.140. Notwithstanding any other provision of this chapter, the impoundment authority shall keep an impounded animal until such time as the animal control officer who ordered the abatement notifies the impoundment authority that the owner or custodian has complied with the order to abate or has abated the nuisance in some other acceptable manner, in which case, the animal may be released to the owner or custodian upon payment of all the costs, fees and other expenses incurred in the care of the animal have been paid. If the impoundment authority is not notified of the owner's or custodian's compliance within three days after the impoundment, in the case of a previously abated nuisance animal, or from the time specified in a formal order of abatement, the impounded animal may be disposed of in the discretion of animal control.

6.04.165. Animal Hearing Commission

- A. Purpose. The Animal Hearing Commission has the following powers:
 - 1. To hear and rule on appeals related to dangerous animal determinations within the city;
 - 2. To make decisions on whether an animal should be deemed dangerous under the city's animal ordinances; and
 - 3. Authority to assign animal owners to training or other remediation efforts.
- B. Composition. The Commission shall consist of up to eight members, appointed by the City Administrator or designee, with the approval of City Council. Appointments shall be for a period of two years. Each member shall be at least 21 years of age and shall serve without compensation. The Commission shall further consist of at least one of each of the following:

1. A City of Davenport representative or employee not involved in the case, including but not limited to the designated hearing officers under Chapter 2.86;
2. A community member with animal expertise who is not involved in providing animal protection services;
3. A board-certified veterinarian who works with companion animals, a veterinarian technician, a veterinarian's assistant, other veterinary professional, or animal behavior specialist.

Commission members must be available for timely case resolution and may be excused from the commission for lack of attendance. At least three members shall be present at each hearing conducted by the Commission. Any member may be recused if the member perceives a conflict of interest or personal connection involved in any case.

- C. Hearing Procedure. Procedures for initiating an appeal of a dangerous dog declaration are the same as those outlined in Chapter 2.86. The Animal Hearing Commission as a body will serve as the administrative hearing officer for appeals related to dangerous animal determinations. The commissioners shall have all the rights, duties, and responsibilities of an administrative hearing officer under Chapter 2.86 and shall follow and adhere to all of the procedures outline in Chapter 2.86. There will be no fee for a hearing of this type. Requests for external adjudication will not be accepted for hearings related to dangerous animal determinations.

6.04.170. Penalties.

- A. A violation of any provision of this chapter shall constitute a municipal infraction and may be cited and punished accordingly.
- B. If provided for, a section of this chapter may be charged as a simple misdemeanor offense and may be cited and punished accordingly, in lieu of the issuance of a municipal infraction citation, at the officer's discretion.
- C. In addition to a municipal infraction citation or simple misdemeanor citation for violations under this chapter, a notice of violation for the same incident may be issued to invoke the procedures pursuant to Section 6.04.155 of this chapter.
- D. The following scheduled fines are established for municipal infractions:
 1. Section 6.04.020 (Licenses) \$20;
 2. Section 6.04.030 (Display of tags); Section 6.04.040 (Rabies vaccination); Section 6.04.060 (At large); and Section 6.04.080 (Animal waste): (i) first offense \$30; second offense \$40; third offense \$50; fourth or subsequent offense up to \$200;
 3. Section 6.04.110 (Dangerous dog): first offense \$250; second offense \$500; third or subsequent offense \$750.
- E. If no scheduled fine is provided for a violation, then the fine imposed shall not exceed \$500 for a first offense and \$750 for a second or subsequent offense.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void

provisions.

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

EFFECTIVE DATE. This ordinance shall be in full force and effective June 1, 2025 after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE CHAPTER 6.04 ENTITLED "ANIMALS" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO INCORPORATE RECOMMENDATIONS FROM THE JOINT TASK FORCE BETWEEN THE HUMANE SOCIETY OF SCOTT COUNTY AND THE CITY OF DAVENPORT AND TO UPDATE LANGUAGE THROUGHOUT FOR CLARITY.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Chapter 06.04 entitled "Animals" of the Municipal Code of Davenport, Iowa be and the same is hereby repealed in its entirety and replaced as follows:

6.04.010 Definitions.

For the purpose of this chapter, certain terms and words are defined as set forth in this section unless otherwise defined herein.

- A. ADEQUATE FOOD - Means the provision, at suitable intervals as the dietary requirements of the species so require, of a quantity of wholesome foodstuff suitable for the species and age sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish, or container.
- B. ADEQUATE SHELTER - Means a ventilated protective covering which provides sufficient protection from moisture, wind, sun, extreme temperatures, or other adverse weather conditions, which provides adequate space for standing, sitting, lying, and free movement, and which is maintained in a sanitary manner. Adequate shelter may vary by age, species, breed, and physical condition of the animal. Structural minimum of adequate shelter is an enclosure with at least three solid sides, a roof, a solid and dry resting surface, adequate ventilation, and bedding as appropriate for the weather conditions. Metal drums, animal crates or carriers, vehicles, spaces under structures such as decks are not considered adequate shelter.
- C. ADEQUATE WATER - Means reasonable access to a supply of clean, fresh, potable water provided in a sanitary manner and provided at suitable intervals for the species not to exceed 24 hours at any one interval.
- D. ANIMAL - Means a living organism, other than human beings, birds, fish, or invertebrates, domesticated or wild, and distinguished from other living things by structural and functional characteristics such as locomotion.

- E. ANIMAL CONTROL OFFICER - Means any humane officer employed by a humane society under contract with the City, any animal control officer under the jurisdiction of the chief of police, or any other person authorized by the City Administrator to enforce the provisions of this chapter by means of appropriate police powers.
- F. ANIMAL SHELTER - Means a facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the City or operated under contract with the City for the purpose of humane boarding of animals impounded under the provisions of this chapter or any other ordinance.
- G. BOARDING KENNEL - Means a place or establishment other than an animal shelter or pound where dogs, cats, or other animals, not owned by the proprietor, are sheltered, fed and watered in return for consideration.
- H. CAT - Means all members of the feline species regardless of sex.
- I. COMMERCIAL BREEDER - Means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or less breeding males or females is not a commercial breeder.
- J. COMMERCIAL KENNEL - Means a kennel which performs grooming, boarding, or training services for dogs or cats in return for consideration.
- K. COMMISSION - Means the natural resources commission of the Department of Natural Resources created and established by the Code of Iowa.
- L. COMPANION ANIMAL – A domesticated dog or cat kept for companionship by its caretaker.
- M. DANGEROUS DOG – Means a dog that has:
 - 1. Killed a human being;
 - 2. Taken aggressive action that caused a serious injury as defined in Iowa Code section 702.18 to a human;
 - 3. Killed another domesticated animal, excluding fowl;
 - 4. Twice within a 48-month period attacked, bitten, or otherwise caused an injury to a person engaged in lawful activity; or
 - 5. An animal judicially or administratively determined to be a dangerous animal or similar designation by the City Davenport or another jurisdiction with a substantially similar definition of dangerous animal.

The following circumstances shall be excluded from the definition of a dangerous dog:

- 1. An animal engaged in law enforcement work that is engaged in official law enforcement activities at the time of the attack or bite;
- 2. A security service dog registered with animal control on its designated restricted

nonresidential property at the time of the attack or bite;

The following circumstances may be excluded from the definition of a dangerous dog:

1. An animal that attacks or bites a person who is engaged in unlawful activity against the person or property of another at the time of the attack or bite;
2. An animal that attacks or bites in order to protect a human being, domestic animal, or livestock;
3. An animal that was attacked by an animal at large;
4. An animal that was deliberately provoked by the person or animal that was harmed;
5. An animal that bites in an animal care facility, veterinary office, animal shelter, or other state-licensed animal facility; or
6. An animal that kills another domesticated animal owned by the same owner or the incident originated on the property of the attacking or biting dog's owner.

- N. DOG - Means all members of the species *Canis familiaris*.
- O. EUTHANASIA - Means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.
- P. FUR-BEARING ANIMALS - Means the following which are declared to be fur-bearing animals for the purpose of regulation and protection under this chapter: beaver, badger, mink, otter, muskrat, raccoon, skunk, opossum, spotted skunk or civet cat, weasel, coyote, bobcat, wolf, groundhog, red fox, gray fox, and any other animals defined as fur-bearing by Iowa Code 481.A.
- Q. HOUSING FACILITIES - Means any room, building or area used to contain a primary enclosure or enclosures.
- R. OWNER - Means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for three or more days.
- S. PERSON - Means an individual, partnership, corporation, or association and includes any officer, employee, or agency thereof.
- T. PET SHOP - Means an establishment where any dog, cat, rabbit, rodent, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale.
- U. PRIMARY ENCLOSURE - Means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage or compartment.
- V. SECURITY SERVICE DOG - Means any dog trained or used to perform security-related tasks including guarding, protecting, patrolling, rescuing, or defending persons or

property, in the custody and control of a handler.

- W. SERVICE ANIMAL – Means a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability or as otherwise defined by the Americans with Disabilities Act. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being or companionship do not constitute work or tasks for the purposes of this definition.
- X. TAKE - Means any pursuing, hunting, killing, trapping, snaring, netting, searching for, shooting at, stalking or lying in wait for, or attempting any for the foregoing, any animal protected by state laws, regulations or rules adopted by the commission or this ordinance.

6.04.020 License required.

- A. Every dog and every cat shall be licensed. Dogs and cats shall be licensed within 30 days of the date they are initially inoculated for rabies and annually within 30 days' time of the date of the current rabies vaccination. No person shall have, harbor, keep or possess any unlicensed dog or cat in violation of this chapter.
- B. Licenses shall be purchased from the animal control, veterinarians practicing in the Quad Cities area, or online with evidence of a current rabies vaccination signed by a licensed veterinarian. Veterinarians who inoculate a dog or cat shall be required to share rabies vaccination documentation with the City of Davenport or its designee on a minimum of a monthly basis. Established fees collected by veterinarians shall be submitted to the county animal control facility in a manner agreed upon by the animal control and the individual veterinarians. Veterinary offices may charge an administration fee not to exceed \$5 per tag.
- C. Licenses are not transferable between animal owners or animals.
- D. Annual license fees shall be set by resolution of the City Council:
 - 1. Neutered/spayed dog or cat (altered)
 - 2. Non-altered dog or cat
 - 3. Dogs governed by 6.04.110 Dangerous Dogs shall as set by resolution 2024-393 and subsequent resolutions.

In lieu of an animal owner obtaining a license annually, the owner may purchase a multi-year license, which may be obtained to cover the period for which the current rabies vaccination is effective (a multiple year license). The fee for a multi-year license shall be calculated by multiplying the applicable annual license fee by the number of years the current rabies vaccination covers.

- E. Residents age 60 or older and residents who are recipients of Social Security Disability Insurance Benefits may license their neutered dogs or cats for an annual fee of \$1.
- F. Service animals may be licensed for \$1 annually when the dog is owned or maintained by a person actually training the service animal or is owned by an individual who is assisted by the service animal. The burden of proving that a service animal is trained to do work or perform tasks for the benefit of a person with a disability is on the person

seeking to license the dog. Animal control may require documentation of the person's affiliation with an organization established for the purpose of training service animals or whatever evidence animal control deems satisfactory to establish the validity of such claim.

- G. Upon proof of loss, a duplicate license tag may be obtained upon payment of a replacement fee not to exceed \$5.
- H. A person owning or possessing any dog or cat who moves into the City shall obtain a license for said animal within 30 days of the date the person takes up residency in Davenport.
- I. Notwithstanding the licensing requirements of this chapter, the following animals shall not be required to be licensed while in the City:
 - 1. Animals whose owner or custodian is a nonresident of the City and who are visiting within the City temporarily. Temporarily means for a period of time 30 days or less within any consecutive twelve-month period.
 - 2. Animals brought into the City for participation in a show, exhibition, demonstration or exhibit and which remain in the City for a period of 30 consecutive days or less.
- J. The executive director of animal control or an animal control officer may revoke a person's privilege to license and keep a dog or cat within the City. Such revocation shall be for a period as determined by the executive director or animal control officer. Revocation of the privilege to license and keep a dog or cat within the City may be initiated if the owner or custodian of the dog or cat has committed any violations of the provisions of this chapter, except violations for failing to license an animal as required by this chapter shall not be included as violations leading to revocation within any consecutive twelve-month period. A violation shall be shown by a conviction upon a citation or a finding by the Deputy City Clerk or by a non-appealed notice of violation.
- K. An owner or custodian whose privilege has been revoked shall, within 10 days after notice of the revocation, remove from their residence all dogs and cats which the person owns, keeps, harbors or maintains. If the license is revoked, the owner or custodian shall surrender the animal to animal control or permanently remove the animal from the city limits within five calendar days after either the time for appeal has expired or the decision of the Deputy City Clerk has been served on the owner or custodian. If the animal is found in the City after the five-day period, it shall be immediately impounded. Failure to remove a dog or surrender it to animal control may be prosecuted as a municipal infraction violation or simple misdemeanor. An owner whose license has been revoked shall inform animal control in writing upon the animal's removal from the city limits the name, address and telephone number of the animal's new owner, the location where the animal will be kept and the name and description of the animal. In addition, the owner shall notify the new owner in writing of any details concerning any and all complaints concerning the animal, and any terms, conditions or restrictions imposed by animal control as to the animal. The owner shall provide animal control with a copy of the notification provided to the new owner as well as an acknowledgment by the new owner of the receipt thereof.
- L. Upon revocation of a person's privilege to license and keep dogs or cats, no part of the licensee fee shall be refunded.

- M. During the period of revocation, any dog or cat which the person owns, keeps, harbors or maintains at their residence may be immediately confiscated upon its discovery and disposed of by animal control absent clear and convincing proof that the animal or animals belong to a person visiting the resident.
- N. The animal control officer shall provide the owner or custodian of the animal or animals, as shown on animal control records, so confiscated with notice of the confiscation. If the animal or animals are unlicensed or no record exists as to the owner or custodian of an animal, notice of confiscation shall be directed to the address of the residence.
- O. Any person whose privilege to license and keep animals has been revoked, but who owns, keeps, harbors or maintains a dog or cat during the period of the revocation shall have an additional period of up to one year added to the original period of revocation for each violation of the revocation.
- P. The notice of revocation or notice of extension of the revocation period, or notice of confiscation of any animal may be appealed as provided in Section 2.86.020 of the City code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the City code. If the City demonstrates sufficient evidence in support of its determination the burden shall shift to the appealing party to demonstrate by clear and convincing evidence that he or she has had no role in the care, supervision, possession or control of the animal or that the incident which caused the enforcement action by the City was caused by a third party or event not under the supervision or control of the appealing party. If no timely appeal is filed the notified person shall be deemed to have waived all rights to challenge the action taken by the City.
- Q. When permanent ownership of an animal is transferred, the new owner shall, within 14 days from the date ownership is assumed, obtain a license if the animal is required to be licensed pursuant to this chapter.

6.04.030 Display of license.

The license tag obtained pursuant to Section 6.04.020 shall be securely attached to a substantial collar which collar shall be worn by the animal at all times. License tags are not transferable to any other animal. Upon demand, the owner of an animal shall display the City license to an animal control officer or Davenport police officer.

6.04.040 Rabies vaccination and reporting.

- A. All dogs, cats and ferrets shall be inoculated against rabies by a licensed veterinarian upon such animal attaining the age as defined by Iowa Code section 351.33. Rabies vaccinations shall be readministered at least once every three years for dogs and cats and once every year for ferrets or as otherwise recommended by the United States Department of Agriculture.
- B. A person who acquires a dog, cat or ferret that does not have a current rabies vaccination certificate shall have the animal inoculated for rabies within 30 days after the animal was acquired or within 30 days of the animal attaining the age as defined by Iowa Code section 351.33, if the animal was not yet of age when acquired.
- C. The owner or custodian of any animal required to be vaccinated against rabies shall keep a current rabies vaccination tag securely attached to a substantial collar which shall be worn by the animal at all times.

- D. Whenever a veterinarian inoculates an animal for rabies the veterinarian shall complete a rabies vaccination report which shall be forwarded to the City or its designee. The report shall contain the following information:

1. The name, age and sex of the animal;
2. A general description of the animal;
3. The date the current vaccination was given to the animal;
4. The revaccination date;
5. The vaccination tag number assigned to the animal; and
6. The name and address of the animal's owner or custodian.

The veterinarian shall sign the report and all reports shall be sent to animal control within 30 days of the administration of the vaccination.

6.04.050 Report of bites required.

- A. Any person having knowledge of any dog, cat, or ferret bite or scratch which has caused a skin abrasion upon any person or for which the victim required medical attention, which bite or scratch occurred within the City, shall immediately report such fact to animal control or the Davenport Police Department. This section shall not apply if said bite or scratch occurred while the animal was being treated, confined, or housed within a veterinary hospital or clinic and that facility knows such animal is currently inoculated for rabies and has the certification to prove such inoculation. In such cases reporting of the bite or scratch shall be discretionary with the veterinary hospital or clinic.
- B. Any animal that has been involved in biting a person must be quarantined for 10 days from the date of the bite. Such confinement may be at the premises of the owner if deemed appropriate and sufficient safeguards are provided to the discretion of the animal control officer and/ or the Scott County Health Department. If an animal is not quarantined at the owner's premises it shall be confined at the animal shelter or at a licensed veterinary hospital of the owner's choosing. All costs of the quarantine shall be the owner's liability. This section shall not apply to police canines.
- C. The owner of an animal that has been reported as having inflicted a bite on a person shall, on demand, produce the animal for examination and quarantine to an animal control officer or police officer. It is unlawful to fail to or refuse to produce such an animal. Failure to produce an animal demanded shall subject the owner or custodian to arrest if probable cause exists to believe the animal inflicted a bite on a person or other animal.
- D. It is unlawful for any person to remove any animal which has been quarantined pursuant to this chapter from its place of quarantine without the express consent of an animal control officer and/or Scott County Health Department officer.

6.04.055 Livestock and poultry prohibited.

- A. Notwithstanding the provisions of Chapter 6.06 of the Davenport Municipal Code, it shall be unlawful to maintain, keep or harbor any cattle, swine (except Vietnamese or Asian

potbellied pigs), sheep, llamas, horses, jacks, goats, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese, and ducks), or similar domestic animals raised for home use or for profit within the City limits unless the property upon which such animals are maintained, kept or harbored is zoned as agricultural property. This section shall not apply to a bona fide zoological garden, pet shop, educational institute, circus, carnival, or veterinary hospital treating such animals.

- B. It shall be unlawful for any person to ride any animal upon the public or private sidewalks within the City, nor shall any person ride any animal upon a public street or right of way during the hours of sunset to sunrise, except for public parades for which a permit has been issued by the City.
- C. The lawful keeping of livestock, which is otherwise unlawful by reason of the enactment of this chapter, may be continued upon property located within the City provided livestock was maintained thereon prior to the enactment of this chapter, and may be continued until such time as livestock is no longer kept or maintained upon such property. The burden of proving the maintenance of livestock upon a parcel of land within the City proper to the enactment of this chapter shall lie with the person claiming such prior existence. Nothing herein shall be deemed to exempt an owner of livestock within the City limits from the enforcement of nuisance or other laws regarding the keeping of such livestock.

6.04.060 Animal running at large.

- A. It shall be unlawful for the owner or custodian of any dog, cat, or other animal to fail to keep the same from running at large within the City. For the purpose of this chapter an animal shall not be deemed running at large, even if the animal is not restrained, as long as one of the following situations applies:
 - 1. When the animal is restrained either upon the premises of the owner or custodian or upon another's premises with the permission of the owner of that premises, so long as the animal is restrained in such a manner that it cannot enter on the public streets, sidewalks, alleys, other public areas, or property not owned by the owner, custodian, or permittee, unless the animal has been declared dangerous or vicious, in which case the provisions of Section 6.04.110 shall apply.
 - 2. When the animal is confined or restrained upon the premises of the owner or custodian within a secured building, or within a secured pen, enclosure or similar structure which has secured sides, bottom, and top such that the animal cannot escape, or within fencing or similar means secured such that the animal cannot escape and which is fastened by an adequate locking device.
 - 3. When an animal is enclosed within an automobile or other vehicle of its owner or custodian such that it cannot escape and such that said confinement does not endanger the animal's health or well-being.
 - 4. When the animal is being walked off the premises of its owner or custodian so long as the animal is on a leash not more than six feet in length and under the control of a person competent to restrain and control the animal.
 - 5. When the animal is properly housed in a veterinary hospital or registered kennel.

- B. Notwithstanding any provision to the contrary, animals injured on or along public streets or public rights-of-way shall be deemed running at large. The animal control officer or Davenport police officer shall remove all such animals and at his or her discretion take such an animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such an animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this chapter. Dead animals on or along public streets shall be removed by city operations staff.
- C. Every female dog or cat in heat shall be confined in a building or secure enclosure during the period of heat, in such a manner as will prevent the animal from coming into contact with the other animals unless the animal is used in a planned breeding situation. An animal is deemed to be in heat when it is in an estrous state or ovulating. Nothing in this subsection shall be construed to prohibit exercising the animal provided the animal is restrained on a leash or similar restraint not more than six feet in length and is under the control of a person competent to restrain and control the animal or from transporting such animal within a motor vehicle.
- D. Any dog, cat, or other animal which is found in violation of this section may be impounded. Any such animal impounded may be redeemed by its owner or custodian within three days from the time specified in Section 6.04.140 and upon payment of the applicable redemption fee, current rabies vaccination fee unless current rabies inoculation is proven, the current licensing fees and penalties if the animal is unlicensed, impoundment fees, and the fees, costs and charges for any emergency medical treatment administered to the animal. Redemption fees shall be set by resolution of the City Council:
 - 1. For a first violation
 - 2. For a second violation
 - 3. For a third violation
 - 4. Fourth violation will result in the revocation of the license to keep the animal.
- E. Any violation of this section may result in the immediate apprehension and impoundment of the animal by an animal control officer. After the time specified in Section 6.04.140 animal control may dispose of an unredeemed animal. If an animal control officer is unable to apprehend an animal or impoundment is not feasible, the animal control officer shall provide the owner or custodian of the animal with a notice of violation under the procedures contained in Section 6.04.155.

6.04.070 Mistreatment of animals.

The following acts shall constitute mistreatment of animals, and shall subject the owner or other person to the penalty provisions of state law and the Municipal Code:

- A. Failure to provide the animal access to adequate food, adequate water, and easy access to adequate shelter from the elements;
- B. Beating, tormenting, overloading, overworking, or molesting an animal;
- C. Permitting or encouraging any combat between animals, or between animals and humans, unless the animal is trained and used by a government agency and accompanied by the

appropriate government agency handler;

- D. Abandoning an animal as defined by Iowa Code 717.B;
- E. Exposing any known poisonous material with the intent of allowing or encouraging the material to be eaten by any bird, fowl, domesticated animal, community cat, or livestock;
- F. Failure to maintain sanitary conditions where animals are kept;
- G. Harboring or owning any sick, diseased or injured animal without procuring veterinary care for said animal(s);
- H. Maintaining an animal in such conditions and hygiene that the animal is unable to walk or move normally, conduct routine bodily functions, or stay clean and free of urine, fecal matter, open wounds, disease, and parasites;
- I. Leaving an animal in a vehicle, on a vehicle, tethered or confined for a length of time that could result in danger to or death of an animal. If the City of Davenport or designee determines that such animal is in immediate danger, the City of Davenport or designee may remove the animal by whatever means necessary without liability, for the purpose of taking the animal into protective custody pursuant to Iowa Code 717.B.5 Rescue of Threatened Animals;
- J. Intentionally injuring, maiming, disfiguring, mutilating, or destroying an animal by any means that causes pain or suffering;
- K. Cropping or docking of an animal's ears or tail, except by a licensed veterinarian, under anesthesia, and following accepted pain management practice;
- L. Chaining, tethering, penning, or otherwise restraining or confining an animal outdoors for more than 15 minutes without access to adequate food, adequate water, adequate shelter, and adequate protection from the elements.

6.04.075 Disposition of Mistreated Animals.

Impoundment procedures of threatened or mistreated animals:

- A. A law enforcement officer or animal control officer, after consulting with a veterinarian licensed by the State, may rescue a threatened animal as provided in this section. The officer may enter onto private property to rescue a threatened animal if the officer obtains a search warrant issued by a court or enters onto the premises in a manner consistent with the laws of the State of Iowa and the United States, including Article 1, Section 8 of the Constitution of the State of Iowa and the Fourth Amendment to the Constitution of the United States;
- B. If an animal is rescued pursuant to this section, the City shall provide for the maintenance of the threatened animal at a licensed shelter or through a contract with an animal care provider. The City or designee shall post a notice in a conspicuous place at the location where the animal was rescued. The notice shall state that the animal has been rescued by the City pursuant to this section and Iowa Code 717B.5 as amended;
- C. The animal shall be subject to disposition as required by a court pursuant to Iowa Code 717B.4, as amended;
- D. The disposition of a threatened animal rescued by the City shall occur as provided in Iowa

Code 717B.4, as amended.

6.04.080 Removal of excrement.

- A. An owner or custodian of any animal shall keep all structures, pens, coops, or yards wherein an animal is confined clean and free from excrement and the odor arising from excrement. Such area shall also be clean and free of vermin and any thing that is likely to become putrid, offensive, or injurious to health. An area, structure, pen, coop, or yard not maintained in a clean and sanitary condition may be declared a public nuisance.
- B. It shall be unlawful for an owner or custodian to permit an animal to discharge excrement upon any public property, common area, common thoroughfare, street, sidewalk, alley, play area, park or private property unless the excrement is immediately picked up and disposed of in an appropriate refuse container. If the owner of private property has given another owner or custodian permission for their animal to use their private property then this section shall not apply to that particular usage.
- C. Animal excrement shall not be placed in storm sewers or street gutters, but shall be picked up and disposed of in a sanitary manner in an appropriate refuse container.

6.04.090 Number of animals regulated.

- A. It is unlawful for any person to keep or maintain at any one location within the City more than four of the following types of animals, those being dogs, cats, ferrets, and potbellied pigs; and of those four no more than three shall be of the same species. This limitation applies to animals that are more than six months old or animals that are from more than one litter that are more than three months old. This limitation shall not apply to any person provided that person (1) is licensed to operate a kennel, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder operation, veterinary hospital, zoological garden, circus, carnival, educational or medical institution, or research facility as defined by state law, and said person is in compliance with the zoning ordinances of the City, or (2) if such animals are kept or maintained upon property zoned as agricultural property within the City, or (3) if said person has applied for and obtained a permit to keep more than four animals from animal control and said person keeps said animals within a residentially zoned district and exception (1), above, does not apply to said person. Upon receipt of an application for a permit as provided by this section and the payment of a \$10 fee, an animal control officer shall inspect the applicant's animal housing facilities and the sanitary condition of the same. If the housing facilities are adequate and kept in a sanitary condition an excess number of animals permit shall be issued.
- B. Indoor pets such as gerbils, hamsters, guinea pigs, mice, birds, fish, snakes and reptiles, and similar animals normally maintained as pets in an enclosure inside of a dwelling are not proscribed by this section unless specifically regulated by other sections.
- C. If a person is found to be keeping more than four animals without the permit required by this section, the excessive number of animals may be immediately removed from the property and impounded. Any such impounded animals shall be held for seven days and if the owner has not either complied with the requirements of this section or petitioned the court for the return of the animals by the end of the seventh day, the animal shelter shall seek to permanently place the animals or euthanize such animals.

6.04.100 Wild, exotic or dangerous animals prohibited.

- A. It shall be unlawful for any person to own, possess, harbor, maintain, sell or traffic in any of the following wild, exotic or dangerous animals.
 - 1. All poisonous snakes and poisonous reptiles; all nonpoisonous snakes greater than 10 feet in length; Gila monsters, alligators, crocodiles and caimans;
 - 2. Gorillas, chimpanzees, orangutans, baboons, and other non-human primate mammals, both arboreal and nonarboreal.
 - 3. Any species of feline not falling within the categories of ordinary domesticated house cats *felis catus*.
 - 4. Bears or any species;
 - 5. Raccoons, porcupines, skunks, badgers, and other similar fur-bearing animals except ferrets;
 - 6. Foxes, wolves, coyotes, or other species not falling within the category of *canis familiaris*.
 - 7. Any animal of any species known to be vicious or dangerous, excluding animals covered by 6.04.110.
 - 8. Any animal prohibited under Iowa Code section 717F.
- B. This subsection shall not apply to any bona fide zoological garden, bona fide educational or medical institution, museum, veterinary hospital, wildlife rescue entity or wildlife rehabilitation entity with an appropriate permit from the state, any such animals under the jurisdiction of the commission, game breeders, a circus or carnival licensed by the City, nor shall it apply to a bona fide research institute or facility using wild, exotic or dangerous animals for scientific research. In addition, this section shall not apply to any primate trained and used to assist a handicapped person.
- C. Any wild, exotic or dangerous animal found within the City in violation of this section is deemed a public nuisance per se. If a wild, exotic or dangerous animal is found to be roaming at large within the City, it may, in the discretion of the police department or animal control officer, be destroyed immediately without prior notice to the owner thereof. The City and its agents shall be under no duty or obligation to capture or otherwise confine the animal.
- D. Any person found to be keeping, sheltering, harboring or maintaining a wild, exotic or dangerous animal in violation of this section is subject to the animals' immediate seizure as contraband. Any animal so seized shall be held for three business days. If the owner has not petitioned the court regarding disposition of the animal and served notice of the pendency of the owner's petition for disposition of the animal on animal control within that time period, animal control may euthanize the animal or permanently place it with an entity which is exempt from the provisions of this section. If necessary, animal control may impound a wild, exotic or dangerous animal at another facility. The animal's owner shall be responsible for all costs and expenses incurred by animal control or the City which arise as a result of the seizure and impoundment of a wild, exotic or dangerous

animal. Under no circumstance shall a wild, exotic or dangerous animal be returned to or placed with a nonexempt entity within the City limits. If a wild, exotic or dangerous animal is ever again found to be within the City in violation of this section, it shall be immediately confiscated and disposed of as animal control deems appropriate.

- E. Any person keeping wild, exotic or dangerous animals prior to the enactment of this chapter shall be allowed to keep such animals for the duration of the animal's natural life. Upon the death of a wild, exotic or dangerous animal, the owner of such animal shall not be allowed to replace such animal except as otherwise allowed by this section. The burden of proving the prior ownership of a wild, exotic or dangerous animal prior to the enactment of this chapter lies with the person keeping such wild, exotic or dangerous animal. Nothing herein shall be deemed to exclude the enforcement of nuisance or other laws on the owner of such animals.

6.04.110 Dangerous dogs.

- A. Any person keeping a dog deemed dangerous or vicious prior to June 1, 2025 shall be allowed to keep such animal for the duration of the animal's natural life and shall be excluded from the requirements of this chapter for dangerous dogs if the following conditions are met:
- The animal has been microchipped and that microchip is registered with animal control;
 - The animal remains licensed under the requirements of this chapter;
 - The animal's owner or custodian posts their property with conspicuous signs warning of the presence of a dog;
 - The animal's owner or custodian maintains continuous residency within the city of Davenport;
 - The animal's owner or custodian complies with any provision deemed necessary by the executive director of animal control in consultation with the City of Davenport Legal Department to ensure public safety; and
 - The animal is not involved in a bite, attack, or dangerous behavior incident as defined by this chapter. Any new incidents involving a grandfathered dog will be evaluated under the criteria of the definition effective June 1, 2025.
- B. The declaration that a dog is dangerous shall be made by an animal control officer. Notification of the declaration and the owner's appeal rights shall be made in accordance with the procedures contained in Section 6.04.155.
- C. No person shall own, keep, harbor, foster, or maintain any dog that has been declared dangerous except as provided herein.
- D. No person shall allow a dangerous dog to be in or upon any premises or vehicle owned, leased, occupied, or controlled by the person, except as provided herein.
- E. No person shall bring any dangerous dog into the City of Davenport without approval of the City Administrator.

- F. No person shall allow a dangerous dog in a City park or off-leash dog area.
- G. Upon receiving a complaint or having reasonable suspicion that a dangerous dog is being kept, sheltered, or harbored within the city, animal control or the City of Davenport may initiate an investigation. If, after investigation, animal control or the City of Davenport determines that a dangerous dog is indeed being kept, sheltered, or harbored within the city by any person, the City of Davenport, or its designee, shall declare the animal a dangerous dog. The owner or caretaker of the dog shall then be ordered to either humanely euthanize the animal or have it microchipped and rehomed outside the city limits within fourteen calendar days from the date of service of the order. Until the dog is euthanized or rehomed, it must be securely confined or leashed under the direct control of a person 18 years of age or older.
- H. Notice of the declaration that a dog has been deemed dangerous shall be promptly served in person to the owner, if known. If personal service cannot be completed within the city limits, the notice may be sent by certified mail. The notice shall include:
- Description of the animal;
 - Declaration that the animal has been deemed dangerous;
 - The basis for the declaration;
 - An order requiring the owner to humanely euthanize the dog or have the dog microchipped and rehomed outside the city limits within fourteen days of the service of the notice;
 - A warning that the dog will be subject to seizure if it is not rehomed or humanely euthanized within the required timeframe; and
 - Information on the right to appeal, stating the owner may file a written notice of appeal with the Legal Department within fourteen days from the date of service.
- I. If the owner is ordered to humanely euthanize the dog or have it microchipped and rehomed outside the city limits, the owner must comply within the required timeframe of the notice of the declaration. If the owner fails to do so, the City of Davenport or its designee is authorized to seize and impound the animal. Additionally, the animal may be seized at any time if it is not securely confined or leashed under the direct control of a person 18 years of age or older. An impounded animal shall be held for fourteen days or, if an appeal is filed, until seven days after the final decision of the appeal. If the appeal results in a reversal of the dangerous declaration, the animal shall be immediately released to the owner or their representative. However, if the declaration remains in effect and the owner does not seek a review by the district court, the City of Davenport or its designee shall proceed with the disposition of the animal in accordance with the policies of the organization providing shelter services.
- J. Orders and declarations concerning dangerous dogs issued by the City of Davenport or its designee may be appealed through the administrative appeal procedure set forth in Section 6.04.165 of this Code.
- K. Any dog alleged to be dangerous and held under impoundment or quarantine shall not

be released to the owner but shall remain confined at the owner's expense until the outcome of the hearing is determined. If the dog is deemed dangerous, all costs associated with its impoundment or quarantine shall be the responsibility of the owner. If the Animal Hearing Commission after a full and complete hearing determines the animal should not be deemed dangerous, all costs of the impoundment and/or quarantine will be the responsibility of the City of Davenport.

- L. Failure to comply with an order issued by the City of Davenport or its designee under this section whether not appeal or upheld on appeal shall constitute a misdemeanor offense. A violation of any of the provisions of this section may be charged as a simple misdemeanor offense. Additionally, any animal control or police officer shall have the right to seize and impound the animal if any of the conditions and specifications established by this section are not being met.

6.04.115 Security service dogs.

- A. No person shall engage in the business of providing security service dog service in the City or to act as a handler, unless said person has obtained a license as required by this section prior thereto.
- B. No person shall own or have the care or custody of a security service dog unless the person has secured a working service dog license, tag and identification number from the City or its agent. The fee for each security service dog license shall be \$10. No security service dog license or tag shall be issued unless said working service dog is currently vaccinated for rabies.
- C. An application for a license to operate, maintain and conduct security service dog service in the City shall be filed, together with an application fee of \$200, with the City or its agent. The application shall state the name, address, type of organization of security service dog service, its method of operation, the names and addresses of its officers, and the names of its employees and include evidence that the applicant is a bona fide security service licensed by any state or federal authority. The application must be accompanied by an insurance certificate or a surety bond underwritten by a corporate surety admitted to do business in the state of Iowa, in a form approved by the City Attorney, in the sum of \$300,000 blanket coverage for the security service dog service. The security dog service and surety shall be jointly and severally liable to any person, firm or corporation for damages suffered by reason of the wrongful acts of the security service dog service. Notice of proposed cancellation of the insurance or bond shall be provided to the City or its agent not less than 30 days in advance of the cancellation date.
- D. Each applicant for a security service dog handler license shall be a natural person and shall pay an annual fee of \$100 and shall be required to carry insurance or a surety bond in the amount of \$100,000 covering the same items as set forth in subsection D above. A security service dog service licensed under subsection D above need not obtain a separate handler license under this subsection.
- E. It shall be unlawful for any person to engage in any business or occupation licensed under this section in the City unless such person holds a valid license pursuant to this section. A violation of this section may be charged as a simple misdemeanor.
- F. Every handler or owner of a security service dog shall see to it that such animal wears a clearly visible tag approved by the City or its agent at all times it is within the City unless

the dog is performing a security service which requires not wearing a tag in order to perform the service safely. Such tag shall have stamped thereon "Security Service Dog, Tag No., City of Davenport," and the year the tag was issued for. Lost or stolen tags shall be immediately reported to the City or its agent and shall be replaced by the City or its agent at the cost provided for other tags as stated in this chapter.

- G. Any security service dog service or handler that sells or otherwise transfers ownership of any security service dog shall, not less than 10 days after the transfer, file a report with the City or its agent containing the name and address of the person to whom such dog was transferred, a description and identification tag number of the dog, and any other information the City or its agent deems necessary.
- H. Any person whose security service dog is lost or stolen or whose dog has died shall, within 24 hours of the loss or theft, or within 10 days of the death, file a report with the City or its agent containing a description and identification tag number of the dog, and any other information the City or its agent deems necessary.
- I. A security service dog, properly registered as required by this section, in the custody and control of a licensed security service dog service or handler, shall not be declared to be a dangerous or vicious dog, provided that at the time of attack said dog was under the direct supervision of a security service dog service or licensed handler.

6.04.120 Damage to property.

No person shall allow or permit their animal to damage, injure, or destroy any shrubbery, plants, flowers, grass, fence, or anything whatsoever upon public or private property without prior permission from the property owner or authorized person.

6.04.130 Barking dogs regulations.

It shall be unlawful to keep or harbor any dog which, by frequent, regular, habitual, or continued barking, yelping, or howling shall cause serious annoyance to the surrounding neighborhood. Such action is a violation of this chapter and is also hereby declared a public nuisance. The animal control officer or a Davenport police officer shall have the authority to use all reasonable means to abate such nuisance, including but not limited to requiring that the owner or custodian make bona fide efforts to quiet the dog and impoundment of the dog if the owner or custodian is absent from the premises. If the dog is impounded, the officer shall attempt to locate and notify the absent owner or custodian by any reasonable means as soon as possible.

6.04.140 Impoundment.

- A. The City may establish and maintain a municipal animal shelter or the City may contract with any nonprofit incorporated society or association which shall provide and maintain an animal shelter for the enforcement of this chapter. It shall be the duty of the persons authorized by the City to operate such animal shelter to supervise and control such facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not redeemed, and to assist in the enforcement and operation of this chapter. The provisions of this chapter shall be enforceable by any animal control officer and by members of the Davenport Police Department.

- B. Impoundment Procedure. Unrestrained animals found running at large, nuisance animals, neglected animals, abandoned animals, and cats or dogs running at large without license tags or rabies vaccination tags shall be taken and impounded in the animal shelter and there confined in a humane manner.

All at large and impounded dogs and cats shall have an electronic identification device, otherwise known as a microchip, placed under the animal's skin after 72 hours in impound, unless waived by the executive director of animal control or their designee for good cause. The microchip identification shall become part of the at large animal's record, and the impoundment fee shall be increased to include the cost of the microchip implantation and registration in the amount set by Animal Control.

- C. Notice. Every dog or cat found without a license, collar, microchip, rabies tag, or similar identification shall be kept for not less than three days after being impounded unless sooner redeemed by the owner in accordance with this article. Dogs with identification shall be kept not less than seven days after being impounded unless sooner redeemed by the owner in accordance with this article.
- D. Claim Fees. A person redeeming an impounded dog or cat shall pay the required redemption fee as stated in Section 6.04.060 for a first, second or third offense and the required boarding fees as provided for by this section. In addition, before an unlawfully unlicensed animal may be redeemed the person redeeming the animal must obtain a license as stated in this chapter. In addition, a person redeeming an animal shall pay any additional fees required under the provisions of this chapter, including any monies expended for the provision of medical treatment provided to the animal.

The boarding fees for other animals shall be set by resolution of the City Council:

1. For each dog, cat, ferret or similar animal a per day fee for the animal's care, food, water and shelter.
 2. For each domestic fowl, chicken, goose, duck or waterfowl a per day fee for the animal's care, food, water and shelter.
 3. For each horse, mule, jack, cow, bull, steer, ox, swine, sheep, goat or similar animals a per day fee plus actual expenses incurred for the animal's care, food, water and shelter.
 4. For any animal not specified herein, a per day fee plus actual expenses incurred for the animal's care, food, water and shelter.
- E. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an animal control officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be subjected to humane euthanasia.
- F. Unclaimed Animals. Animals not reclaimed or redeemed within the time limitations provided by this chapter shall become the property of the City or animal shelter and shall be placed for adoption in a suitable home or subjected to humane euthanasia. No unclaimed dog or cat shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, secured by a cash deposit, guaranteeing that such animal will be sterilized.

- G. The refusal to redeem or reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal. An owner or custodian who refuses to pay such expenses shall be in violation of this chapter and subject to citation for the same.
- H. Neither the City nor the animal shelter, nor their agents and officers enforcing the provisions of this chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this chapter.

6.04.150 Enforcing provisions.

- A. Animal control officers and Davenport police officers are authorized to issue municipal infraction citations or notices of violations for violations of the provisions of this chapter. If provided for by a section of this chapter, a Davenport police officer may enforce a violation of a section as a simple misdemeanor.
- B. It is unlawful for any person to interfere with, hinder, willfully prevent or attempt to prevent any police officer, animal control officer, or person authorized to enforce this chapter by the City Administrator in the enforcement of this chapter.
- C. Inspection Procedures. Whenever it becomes necessary to make an inspection to enforce any of the provisions of or to perform any duty imposed by this chapter or other applicable law, or whenever the animal control officer or other authorized person has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the officer is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the officer by this chapter or other applicable law. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons entry is sought. If the property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other person in control of the property and request entry explaining the reason therefor. If entry is refused, or the owner or person in control of the property cannot be located after due diligence, the officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.
- D. Immediate Inspection. Notwithstanding Section 6.04.170 subsection B., if the animal control officer or police officer has reasonable cause to believe that the keeping or the maintenance of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such investigation, whether the property is occupied or unoccupied. If occupied, the officer shall first present proper identification and demand entry explaining the reasons therefor and the purpose of the inspection.

6.04.155 Notice of violation, confiscation, revocation.

An animal control officer or police officer may send notice of violation to an animal's owner or keeper. A notice of violation initiates administrative sanction procedures for violations of this chapter, revocation of a person's privilege to license or keep animals within the City, extension of periods of revocation, confiscation of an animal by the City, or a declaration that an animal is dangerous. A notice of violation shall be sent by certified mail or personally served

upon an animal's owner or keeper at the request of a victim of a dog attack as defined in Section 6.04.010(K). The notice of violation may be appealed as provided in Section 2.86.020 of the City code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the City code. If a timely appeal is not filed the notice of violation shall be conclusively presumed to be true. If no timely appeal is filed the notified person shall be deemed to have waived all rights to challenge the action taken by the City.

6.04.160 Nuisances.

- A. Any animal which is not confined or kept under restraint as required by this chapter, and any wild, exotic, dangerous animal kept or maintained within the City in violation of this chapter, any animal which barks so frequently, regularly, or habitually that it causes serious annoyance to the surrounding neighborhood, is hereby declared a public nuisance.
- B. Whenever an animal control officer or police officer determines that a nuisance exists, the officer may cause a written notice ordering the abatement of the nuisance to be served upon the owner or custodian. The notice to abate shall contain a description of what constitutes the nuisance, the location of the nuisance, a statement of the act or acts necessary to abate the nuisance, a definite time within which the nuisance shall be abated which time shall be reasonable under the circumstances, and a statement that the City will abate the nuisance if the nuisance is not abated in the manner and within the time stated and no request for a hearing is made within the time stated. Notice to abate shall be served personally upon the owner or custodian by serving the owner or custodian or any person residing at the residence who is at least 18 years old, or by serving the owner or custodian by certified mail return receipt requested. If service is by certified mail, service shall be deemed given when mailed.
- C. Any person ordered to abate a nuisance may request a hearing on the order to abate as provided in Section 2.86.020 of the City code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the City code. If no timely appeal is filed the nuisance shall be conclusively presumed to exist and the person who was notified to abate it shall be conclusively presumed to be responsible for the existence of the nuisance.
- D. If a person ordered to abate a nuisance neglects or fails to abate the nuisance as directed, the City may abate the nuisance. If an animal is impounded, the owner or custodian of the animal shall be notified of the impoundment as provided in Section 6.04.140. Notwithstanding any other provision of this chapter, the impoundment authority shall keep an impounded animal until such time as the animal control officer who ordered the abatement notifies the impoundment authority that the owner or custodian has complied with the order to abate or has abated the nuisance in some other acceptable manner, in which case, the animal may be released to the owner or custodian upon payment of all the costs, fees and other expenses incurred in the care of the animal have been paid. If the impoundment authority is not notified of the owner's or custodian's compliance within three days after the impoundment, in the case of a previously abated nuisance animal, or from the time specified in a formal order of abatement, the impounded animal may be disposed of in the discretion of animal control.

6.04.165 Animal Hearing Commission

- A. Purpose. The Animal Hearing Commission has the following powers:
 - 1. To hear and rule on appeals related to dangerous animal determinations within the city;
 - 2. To make decisions on whether an animal should be deemed dangerous under the city's animal ordinances; and
 - 3. Authority to assign animal owners to training or other remediation efforts.
- B. Composition. The Commission shall consist of up to eight members, appointed by the City Administrator or designee, with the approval of City Council. Appointments shall be for a period of two years. Each member shall be at least 21 years of age and shall serve without compensation. The Commission shall further consist of at least one of each of the following:
 - 1. A City of Davenport representative or employee not involved in the case, including but not limited to the designated hearing officers under Chapter 2.86;
 - 2. A community member with animal expertise who is not involved in providing animal protection services;
 - 3. A board-certified veterinarian who works with companion animals, a veterinarian technician, a veterinarian's assistant, other veterinary professional, or animal behavior specialist.

Commission members must be available for timely case resolution and may be excused from the commission for lack of attendance. At least three members shall be present at each hearing conducted by the Commission. Any member may be recused if the member perceives a conflict of interest or personal connection involved in any case.

- C. Hearing Procedure. Procedures for initiating an appeal of a dangerous dog declaration are the same as those outlined in Chapter 2.86. The Animal Hearing Commission as a body will serve as the administrative hearing officer for appeals related to dangerous animal determinations. The commissioners shall have all the rights, duties, and responsibilities of an administrative hearing officer under Chapter 2.86 and shall follow and adhere to all of the procedures outline in Chapter 2.86. There will be no fee for a hearing of this type. Requests for external adjudication will not be accepted for hearings related to dangerous animal determinations.

6.04.170 Penalties.

- A. A violation of any provision of this chapter shall constitute a municipal infraction and may be cited and punished accordingly.
- B. If provided for, a section of this chapter may be charged as a simple misdemeanor offense and may be cited and punished accordingly, in lieu of the issuance of a municipal infraction citation, at the officer's discretion.
- C. In addition to a municipal infraction citation or simple misdemeanor citation for violations under this chapter, a notice of violation for the same incident may be issued to invoke the procedures pursuant to Section 6.04.155 of this chapter.
- D. The following scheduled fines are established for municipal infractions:
 - 1. Section 6.04.020 (Licenses) \$20;

2. Section 6.04.030 (Display of tags); Section 6.04.040 (Rabies vaccination); Section 6.04.060 (At large); and Section 6.04.080 (Animal waste): (i) first offense \$30; second offense \$40; third offense \$50; fourth or subsequent offense up to \$200;
3. Section 6.04.110 (Dangerous dog): first offense \$250; second offense \$500; third or subsequent offense \$750.

- E. If no scheduled fine is provided for a violation, then the fine imposed shall not exceed \$500 for a first offense and \$750 for a second or subsequent offense.

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

EFFECTIVE DATE. This ordinance shall be in full force and effective June 1, 2025 after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Published in the *Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

Chapter 6.04 ANIMALS¹

6.04.010. Definitions. [Ord. 2003-210 (part); Ord. 02-573 § 1; Ord. 2000-285 § 1; Ord. 93-283 § 1 (part)]

For the purpose of this chapter, certain terms and words are defined as set forth in this section unless otherwise defined herein.

- A. ADEQUATE FOOD - Means the provision, at suitable intervals as the dietary requirements of the species so require, of a quantity of wholesome foodstuff suitable for the species and age sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish, or container.
- B. ADEQUATE WATER - Means reasonable access to a supply of clean, fresh, potable water provided in a sanitary manner and provided at suitable intervals for the species not to exceed 24 hours at any one interval.
- C. ANIMAL - Means a living organism, other than human beings, birds, fish, or invertebrates, domesticated or wild, and distinguished from other living things by structural and functional characteristics such as locomotion.
- D. ANIMAL CONTROL OFFICER - Means any humane officer employed by a humane society under contract with the City, any animal control officer under the jurisdiction of the chief of police, or any other person authorized by the City Administrator to enforce the provisions of this chapter by means of appropriate police powers.
- E. ANIMAL SHELTER - Means a facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the City or operated under contract with the City for the purpose of humane boarding of animals impounded under the provisions of this chapter or any other ordinance.
- F. BOARDING KENNEL - Means a place or establishment other than an animal shelter or pound where dogs, cats, or other animals, not owned by the proprietor, are sheltered, fed and watered in return for consideration.
- G. CAT - Means all members of the feline species regardless of sex.
- H. COMMERCIAL BREEDER - Means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or less breeding males or females is not a commercial breeder.
- I. COMMERCIAL KENNEL - Means a kennel which performs grooming, boarding, or training services for dogs or cats in return for consideration.

1. Editor's Note: Prior Ordinances Codified Herein Include Portions Of Ords. 75-3, 78-920 And Prior Code §§ 4-1, 4-3, 4-4, 4-9, 4-10, 4-11, 4-11A And 4-11B.

- J. COMMISSION - Means the natural resources commission of the Department of Natural Resources created and established by the Code of Iowa.
- K. DOG - Means all members of the species *Canis familiaris*.
1. A "dangerous dog" means any dog that (i) while unmuzzled, unleashed, or without the supervision of a person whose verbal commands are obeyed charges or chases in a terrorizing manner with an apparent attitude of attack any person who is upon a street, alley, sidewalk or other public place; or (ii) has a known propensity, tendency or disposition to attack without provocation or to otherwise threaten the safety of persons or domestic animals; or (iii) an animal trained, owned, or harbored for the purpose, primarily, or in part, of animal fighting.
 2. A "vicious dog" means any dog that (i) unprovoked, bites or attacks a person causing bodily injury as defined by Iowa Code 702.18; or (ii) severely injures or kills another domestic animal; or (iii) has been found to be a dangerous dog on two or more occasions.
 3. A dog may be declared dangerous or vicious even if it bites, attacks or menaces a trespasser on the dog's owner's property or a person who is contemporaneously tormenting, teasing or abusing the dog.
 4. The declaration that a dog is dangerous or vicious shall be made by an animal control officer. Notification of the declaration and the owner's appeal rights shall be made in accordance with the procedures contained in Section 6.04.155.
- L. EUTHANASIA - Means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.
- M. FUR-BEARING ANIMALS - Means the following which are declared to be fur-bearing animals for the purpose of regulation and protection under this chapter: beaver, badger, mink, otter, muskrat, raccoon, skunk, opossum, spotted skunk or civet cat, weasel, coyote, bobcat, wolf, groundhog, red fox, gray fox, and any other animals defined as fur-bearing by the commission.
- N. GUARD DOG - Means any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog such dog being either securely enclosed within the area at all times or under the continuous control of a trained handler.
- O. HOUSING FACILITIES - Means any room, building or area used to contain a primary enclosure or enclosures.
- P. OWNER - Means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for three or more days.

- Q. PERSON - Means an individual, partnership, corporation, or association and includes any officer, employee, or agency thereof.
- R. PET SHOP - Means an establishment where any dog, cat, rabbit, rodent, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale.
- S. PRIMARY ENCLOSURE - Means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage or compartment.
- T. TAKE - Means any pursuing, hunting, killing, trapping, snaring, netting, searching for, shooting at, stalking or lying in wait for, or attempting any for the foregoing, any animal protected by state laws, regulations or rules adopted by the commission or this ordinance.

6.04.020. License required. [Amended 8-28-2024 by Ord. No. 2024-382; Ord. 2015-118 § 5; Ord. 2006-211 § 1; Ord. 2003-210 (part); Ord. 02-573 §§ 2-4; Ord. 2000-285 § 2; Ord. 93-283 § 1 (part)]

- A. Every dog and every cat shall be licensed. Dogs and cats shall be licensed within 30 days of the date they are initially inoculated for rabies and annually within 30 days' time of the date of the current rabies vaccination. No person shall have, harbor, keep or possess any unlicensed dog or cat in violation of this chapter.
- B. Licenses shall be purchased from the humane society, veterinarians practicing in the Quad Cities area, or online with evidence of a current rabies vaccination signed by a licensed veterinarian. Veterinarians who inoculate a dog or cat shall be required to share rabies vaccination documentation with the City of Davenport or its designee on a minimum of a monthly basis. Established fees collected by veterinarians shall be submitted to the county animal control facility in a manner agreed upon by the humane society and the individual veterinarians. Veterinary offices may charge an administration fee not to exceed \$5 per tag.

Dangerous and vicious animals require a special license that must be purchased annually from the City of Davenport or its designee.

- C. Licenses are not transferable between animal owners or animals.
- D. Annual license fees shall be set by resolution of the City Council:
 - 1. Neutered/spayed dog or cat (altered)
 - 2. Non-altered dog or cat
 - 3. Dog declared dangerous
 - 4. Dog declared vicious

In lieu of an animal owner obtaining a license annually, the owner may purchase a multi-year license, which may be obtained to cover the period for which the current rabies vaccination is effective (a multiple year license). The fee for a multi-year license shall be calculated by multiplying the applicable annual license fee by the number of years the current rabies vaccination covers.

- E. Residents age 60 or older and residents who are recipients of Social Security Disability Insurance Benefits may license their neutered dogs or cats for an annual fee of \$1.
- F. Altered dogs, duly and properly trained to aid or assist any person who is blind, deaf or physically handicapped, may be licensed for \$1 annually when the dog is owned or maintained by a person actually training the dog to be used to aid or assist persons who are blind, deaf or physically handicapped, or is owned by a blind, deaf or physically handicapped person. The burden of proving that a dog is being trained to assist a person who is blind, deaf or physically handicapped is on the person seeking to license the dog. The humane society may require documentation of the person's affiliation with an organization established for the purpose of training dogs to provide aid or assistance to blind, deaf or physically handicapped persons or whatever evidence the humane society deems satisfactory to establish the validity of such claim.
- G. The owner of a dog that has been declared a dangerous dog may qualify to license said dog for the normal licensing fee upon proof that the owner and said dog have attended and successfully completed a dog obedience class or similar program approved by the humane society.
- H. Upon proof of loss, a duplicate license tag may be obtained upon payment of a replacement fee not to exceed \$5.
- I. A person owning or possessing any dog or cat who moves into the City shall obtain a license for said animal within 30 days of the date the person takes up residency in Davenport.
- J. Notwithstanding the licensing requirements of this chapter, the following animals shall not be required to be licensed while in the City:
 - 1. Animals whose owner or custodian is a nonresident of the City and who are visiting within the City temporarily. Temporarily means for a period of time 30 days or less within any consecutive twelve-month period.
 - 2. Animals brought into the City for participation in a show, exhibition, demonstration or exhibit and which remain in the City for a period of 30 consecutive days or less.
- K. The executive director of the Scott County Humane Society or an animal control officer of the humane society may revoke a person's privilege to license and keep a dog or cat within the City. Such revocation shall be for a period as determined by the executive director or animal control officer. Revocation of the privilege to license and keep a dog or cat within the City may be initiated if the owner or custodian of the dog or cat has committed any violations of the provisions of this chapter, except that violations for failing to license a cat, nondangerous dog or nonvicious dog shall not be included as violations leading to revocation within any consecutive twelve-month period. A violation shall be shown by a conviction upon a citation or a finding by the Deputy City Clerk or by a non-appealed notice of violation.
- L. An owner or custodian whose privilege has been revoked shall, within 10 days after notice of the revocation, remove from their residence all dogs and cats which the person owns, keeps, harbors or maintains. If the license is revoked, the owner or custodian shall surrender the animal to the humane society or permanently remove the animal from the (City/county)

within five calendar days after either the time for appeal has expired or the decision of the Deputy City Clerk has been served on the owner or custodian. If the animal is found in the City after the five-day period, it shall be immediately impounded. Failure to remove a dog or surrender it to the humane society may be prosecuted as a municipal infraction violation or simple misdemeanor. An owner whose license has been revoked shall inform the humane society in writing upon the animal's removal from the City/county the name, address and telephone number of the animal's new owner, the location where the animal will be kept and the name and description of the animal. In addition, the owner shall notify the new owner in writing of any details concerning any and all complaints concerning the animal, and any terms, conditions or restrictions imposed by the humane society as to the animal. The owner shall provide the humane society with a copy of the notification provided to the new owner as well as an acknowledgment by the new owner of the receipt thereof.

- M. Upon revocation of a person's privilege to license and keep dogs or cats, no part of the licensee fee shall be refunded.
- N. During the period of revocation, any dog or cat which the person owns, keeps, harbors or maintains at their residence may be immediately confiscated upon its discovery and disposed of by the humane society absent clear and convincing proof that the animal or animals belong to a person visiting the resident.
- O. The humane society or animal control officer shall provide the owner or custodian of the animal or animals, as shown on the records at the humane society, so confiscated with notice of the confiscation. If the animal or animals are unlicensed or no record exists as to the owner or custodian of an animal, notice of confiscation shall be directed to the address of the residence.
- P. Any person whose privilege to license and keep animals has been revoked, but who owns, keeps, harbors or maintains a dog or cat during the period of the revocation shall have an additional period of up to one year added to the original period of revocation for each violation of the revocation.
- Q. The notice of revocation or notice of extension of the revocation period, or notice of confiscation of any animal may be appealed as provided in Section 2.86.020 of the City code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the City code. If the City demonstrates sufficient evidence in support of its determination the burden shall shift to the appealing party to demonstrate by clear and convincing evidence that he or she has had no role in the care, supervision, possession or control of the animal or that the incident which caused the enforcement action by the City was caused by a third party or event not under the supervision or control of the appealing party. If no timely appeal is filed the notified person shall be deemed to have waived all rights to challenge the action taken by the City.
- R. When permanent ownership of an animal is transferred, the new owner shall, within 14 days from the date ownership is assumed, obtain a license if the animal is required to be licensed pursuant to this chapter.
- S. An application to license a dangerous or vicious dog must include presentation by the applicant of a certificate of insurance issuance by an insurance company licensed to do

business in this state which provides personal liability insurance coverage for the death or injury of any person, or damage to property of others, and for acts of negligence of the owner or owner's agents in the keeping of said dangerous or vicious animal. The minimum amount of coverage shall be \$50,000 for an animal declared dangerous, and \$100,000 for an animal declared vicious. The certificate of insurance shall also require notice to the City, in conformity with general City standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If said certificate is not immediately available, a binder that indicates the proper coverage may be accepted for up to 30 days subsequent to the determination that an animal is dangerous or vicious; however, if after 30 days a certificate of insurance or a policy has not been submitted, the animal shall be deemed unlicensed and be disposed of at the discretion of animal control officers. The prescribed insurance coverage, whether it be certificate, policy, or binder, must be obtained within 10 days of the declaration of the animal as dangerous or vicious, with retention of the animal by animal control officers until compliance with this subsection is assured.

6.04.030. Display of license. [Ord. 93-283 § 1 (part)]

The license tag obtained pursuant to Section 6.04.020 shall be securely attached to a substantial collar which collar shall be worn by the animal at all times. License tags are not transferable to any other animal. Upon demand, the owner of an animal shall display the City license to an animal control officer or Davenport police officer.

6.04.040. Rabies vaccination and reporting. [Ord. 2000-285 § 3; Ord. 93-283 § 1 (part)]

- A. All dogs, cats and ferrets shall be inoculated against rabies by a licensed veterinarian upon such animal attaining the age of six months old. Rabies vaccinations shall be readministered at least once every three years for dogs and cats and once every year for ferrets or as otherwise recommended by the United States Department of Agriculture.
- B. A person who acquires a dog, cat or ferret that does not have a current rabies vaccination certificate shall have the animal inoculated for rabies within 30 days after the animal was acquired or within 30 days of the animal attaining the age of six months, if the animal was not yet six months old when acquired.
- C. The owner or custodian of any animal required to be vaccinated against rabies shall keep a current rabies vaccination tag securely attached to a substantial collar which shall be worn by the animal at all times.
- D. Whenever a veterinarian inoculates an animal for rabies the veterinarian shall complete a rabies vaccination report which shall be forwarded to the City or its designee. The report shall contain the following information:
 - 1. The name, age and sex of the animal;
 - 2. A general description of the animal;
 - 3. The date the current vaccination was given to the animal;

4. The revaccination date;
5. The vaccination tag number assigned to the animal; and
6. The name and address of the animal's owner or custodian.

The veterinarian shall sign the report and all reports shall be sent to the humane society within 30 days of the administration of the vaccination.

6.04.050. Report of bites required. [Ord. 93-283 § 1 (part)]

- A. Any person having knowledge of any dog, cat, or ferret bite or scratch which has caused a skin abrasion upon any person or for which the victim required medical attention, which bite or scratch occurred within the City, shall immediately report such fact to the Davenport Police Department. This section shall not apply if said bite or scratch occurred while the animal was being treated, confined, or housed within a veterinary hospital or clinic and that facility knows such animal is currently inoculated for rabies and has the certification to prove such inoculation. In such cases reporting of the bite or scratch shall be discretionary with the veterinary hospital or clinic.
- B. Any animal that has been involved in biting a person or other animal must be quarantined for 10 days from the date of the bite. Such confinement may be at the premises of the owner if deemed appropriate and sufficient safeguards are provided to the discretion of the animal control officer and/or the Scott County Health Department. If an animal is not quarantined at the owner's premises it shall be confined at the animal shelter or at a licensed veterinary hospital of the owner's choosing. All costs of the quarantine shall be the owner's liability. This section shall not apply to police canines.
- C. The owner of an animal that has been reported as having inflicted a bite on a person or other animal shall, on demand, produce the animal for examination and quarantine to an animal control officer or police officer. It is unlawful to fail to or refuse to produce such an animal. Failure to produce an animal demanded shall subject the owner or custodian to arrest if probable cause exists to believe the animal inflicted a bite on a person or other animal.
- D. It is unlawful for any person to remove any animal which has been quarantined pursuant to this chapter from its place of quarantine without the express consent of an animal control officer and/or Scott County Health Department officer.

6.04.055. Livestock and poultry prohibited. [Ord. 2017-451 § 2; Ord. 2017-46 § 2; Ord. 93-283 § 1 (part)]

- A. Notwithstanding the provisions of Chapter 6.06 of the Davenport Municipal Code, it shall be unlawful to maintain, keep or harbor any cattle, swine (except Vietnamese or Asian potbellied pigs), sheep, llamas, horses, jacks, goats, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese, and ducks), or similar domestic animals raised for home use or for profit within the City limits unless the property upon which such animals are maintained, kept or harbored is zoned as agricultural property. This section shall not apply to a bona fide zoological garden, pet shop, educational institute, circus, carnival, or veterinary hospital treating such animals.

- B. It shall be unlawful for any person to ride any animal upon the public or private sidewalks within the City, nor shall any person ride any animal upon a public street or right of way during the hours of sunset to sunrise, except for public parades for which a permit has been issued by the City.
- C. The lawful keeping of livestock, which is otherwise unlawful by reason of the enactment of this chapter, may be continued upon property located within the City provided livestock was maintained thereon prior to the enactment of this chapter, and may be continued until such time as livestock is no longer kept or maintained upon such property. The burden of proving the maintenance of livestock upon a parcel of land within the City proper to the enactment of this chapter shall lie with the person claiming such prior existence. Nothing herein shall be deemed to exempt an owner of livestock within the City limits from the enforcement of nuisance or other laws regarding the keeping of such livestock.

6.04.060. Animal running at large. [Amended 8-28-2024 by Ord. No. 2024-382; Ord. 2003-210 (part); Ord. 02-573 § 7; Ord. 2002-501 § 1; Ord. 2000-285 § 4; Ord. 93-283 § 1 (part)]

- A. It shall be unlawful for the owner or custodian of any dog, cat, or other animal to fail to keep the same from running at large within the City. For the purpose of this chapter an animal shall not be deemed running at large, even if the animal is not restrained, as long as one of the following situations applies:
 - 1. When the animal is restrained either upon the premises of the owner or custodian or upon another's premises with the permission of the owner of that premises, so long as the animal is restrained in such a manner that it cannot enter on the public streets, sidewalks, alleys, other public areas, or property not owned by the owner, custodian, or permittee, unless the animal has been declared dangerous or vicious, in which case the provisions of Section 6.04.110 shall apply.
 - 2. When the animal is confined or restrained upon the premises of the owner or custodian within a secured building, or within a secured pen, enclosure or similar structure which has secured sides, bottom, and top such that the animal cannot escape, or within fencing or similar means secured such that the animal cannot escape and which is fastened by an adequate locking device.
 - 3. When an animal is enclosed within an automobile or other vehicle of its owner or custodian such that it cannot escape and such that said confinement does not endanger the animal's health or well-being.
 - 4. When the animal is being walked off the premises of its owner or custodian so long as the animal is on a leash not more than six feet in length and under the control of a person competent to restrain and control the animal.
 - 5. When the animal is properly housed in a veterinary hospital or registered kennel.
- B. Notwithstanding any provision to the contrary, animals injured on or along public streets or public rights-of-way shall be deemed running at large. The animal control officer or Davenport police officer shall remove all such animals and at his or her discretion take such

an animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such an animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this chapter. Dead animals on or along public streets shall be removed by city operations staff.

- C. Every female dog or cat in heat shall be confined in a building or secure enclosure during the period of heat, in such a manner as will prevent the animal from coming into contact with the other animals unless the animal is used in a planned breeding situation. An animal is deemed to be in heat when it is in an estrogous state or ovulating. Nothing in this subsection shall be construed to prohibit exercising the animal provided the animal is restrained on a leash or similar restraint not more than six feet in length and is under the control of a person competent to restrain and control the animal or from transporting such animal within a motor vehicle.
- D. Any dog, cat, or other animal which is found in violation of this section may be impounded. Any such animal impounded may be redeemed by its owner or custodian within three days from the time specified in Section 6.04.140 and upon payment of the applicable redemption fee, current rabies vaccination fee unless current rabies inoculation is proven, the current licensing fees and penalties if the animal is unlicensed, impoundment fees, and the fees, costs and charges for any emergency medical treatment administered to the animal. Redemption fees shall be set by resolution of the City Council:
 - 1. For a first violation
 - 2. For a second violation
 - 3. For a third violation
 - 4. Fourth violation will result in the revocation of the license to keep the animal.
- E. Any violation of this section may result in the immediate apprehension and impoundment of the animal by an animal control officer. After the time specified in Section 6.04.140 the humane society may dispose of an unredeemed animal. If an animal control officer is unable to apprehend an animal or impoundment is not feasible, the animal control officer shall provide the owner or custodian of the animal with a notice of violation under the procedures contained in Section 6.04.155.

6.04.070. Mistreatment of animals. [Ord. 2000-285 § 5; Ord. 93-283 § 1 (part)]

- A. A person who does any of the following to an animal commits animal neglect:
 - 1. Confines the animal without adequate food, water or shelter, or in a manner that creates an unreasonable threat to the animal's health or safety;
 - 2. Fails to supply adequate food or water to an unconfined animal owned or cared for by the person;
 - 3. Causes injury or death to an animal when disciplining it;
 - 4. Causes unnecessary pain and suffering to an animal by failing to adequately tend to the animal's health needs or grooming.

- B. The disposition of a neglected animal shall be governed by state law.
- C. No person shall torment, tease or harass any tied, fenced or otherwise confined animal.
- D. No person shall expose any poison, poisonous meat or poisonous substance anywhere within the City for the purpose of poisoning any animal. This section shall not apply to a person who exposes poisons about a premises, in accordance with the labeling instructions on the poisonous product, for the purpose of exterminating insects, mice or rats. The use of any poison other than one specifically produced for exterminating insects, mice or rats shall be prima facie evidence of a violation of this section.
- E. No person shall abandon any animal or cause such to be done, except that a person may deliver an animal to another person who accepts ownership of such animal or the person may deliver an animal to the humane society.
- F. A violation of this section may be charged as a simple misdemeanor.

6.04.080. Removal of excrement. [Ord. 93-283 § 1 (part)]

- A. An owner or custodian of any animal shall keep all structures, pens, coops, or yards wherein an animal is confined clean and free from excrement and the odor arising from excrement. Such area shall also be clean and free of vermin and any thing that is likely to become putrid, offensive, or injurious to health. An area, structure, pen, coop, or yard not maintained in a clean and sanitary condition may be declared a public nuisance.
- B. It shall be unlawful for an owner or custodian to permit an animal to discharge excrement upon any public property, common area, common thoroughfare, street, sidewalk, alley, play area, park or private property unless the excrement is immediately picked up and disposed of in an appropriate refuse container. If the owner of private property has given another owner or custodian permission for their animal to use their private property then this section shall not apply to that particular usage.
- C. Animal excrement shall not be placed in storm sewers or street gutters, but shall be picked up and disposed of in a sanitary manner in an appropriate refuse container.

6.04.090. Number of animals regulated. [Ord. 02-573 § 8; Ord. 93-283 § 1 (part)]

- A. It is unlawful for any person to keep or maintain at any one location within the City more than four of the following types of animals, those being dogs, cats, ferrets, and potbellied pigs; and of those four no more than three shall be of the same species. This limitation applies to animals that are more than six months old or animals that are from more than one litter that are more than three months old. This limitation shall not apply to any person provided that person (1) is licensed to operate a kennel, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder operation, veterinary hospital, zoological garden, circus, carnival, educational or medical institution, or research facility as defined by state law, and said person is in compliance with the zoning ordinances of the City, or (2) if such animals are kept or maintained upon property zoned as agricultural property within the City, or (3) if said person has applied for and obtained a permit to keep more than four animals from the Humane Society of Scott County and said person keeps said animals within a

residentially zoned district and exception (1), above, does not apply to said person. Upon receipt of an application for a permit as provided by this section and the payment of a \$10 fee, an animal control officer shall inspect the applicant's animal housing facilities and the sanitary condition of the same. If the housing facilities are adequate and kept in a sanitary condition an excess number of animals permit shall be issued.

- B. Indoor pets such as gerbils, hamsters, guinea pigs, mice, birds, fish, snakes and reptiles, and similar animals normally maintained as pets in an enclosure inside of a dwelling are not proscribed by this section unless specifically regulated by other sections.
- C. If a person is found to be keeping more than four animals without the permit required by this section, the excessive number of animals may be immediately removed from the property and impounded. Any such impounded animals shall be held for seven days and if the owner has not either complied with the requirements of this section or petitioned the court for the return of the animals by the end of the seventh day, the animal shelter shall seek to permanently place the animals or euthanize such animals.

6.04.100. Wild, exotic or dangerous animals prohibited. [Ord. 2000-285 § 6; Ord. 93-283 § 1 (part)]

- A. It shall be unlawful for any person to own, possess, harbor, maintain, sell or traffic in any of the following wild, exotic or dangerous animals.
 - 1. All poisonous snakes and poisonous reptiles; all nonpoisonous snakes greater than 10 feet in length; Gila monsters, alligators, crocodiles and caimans;
 - 2. Gorillas, chimpanzees, orangutans, baboons, and other non-human primate mammals, both arboreal and nonarboreal.
 - 3. Any species of feline not falling within the categories of ordinary domesticated house cats as established by the American Cat Fancier Association;
 - 4. Bears or any species;
 - 5. Raccoons, porcupines, skunks, badgers, and other similar fur-bearing animals except ferrets;
 - 6. Foxes, wolves, coyotes, or other species not falling within the category of canis familiaris.
 - 7. Any animal of any species known to be vicious or dangerous, excluding canis familiaris.
- B. The prohibition contained in Section 6.04.100A of this chapter shall not apply to the keeping of poisonous snakes, poisonous reptiles, Gila monsters, crocodiles, alligators and caimans provided that the owner of such an animal is 18 years of age or older, and that person has either (1) received a bachelor of science degree based upon courses of instruction which included courses in herpetology from an accredited college level institution, or (2) has successfully completed a course of instruction taught under the auspices of a bona fide municipal zoo on the proper handling, care and keeping of such animals, or (3) has completed a course of instruction of at least 20 hours duration at an accredited educational institution on

the care, handling, and keeping of reptiles, and (4) has applied for and received from the Humane Society a permit to keep such animals, such application to be on a form approved by the City Council.

- C. The prohibition contained in Section 6.04.100 A., as to non-specified other primates, shall not apply to the keeping of primates provided that the owner of such an animal is 18 years of age or older, and that person has either a bachelor of science degree based upon courses of instruction which included courses in primatology from an accredited college level institution, or (2) has successfully completed a course of instruction taught under the auspices of a bona fide municipal zoo on the proper handling, care and keeping of such animals, or (3) has completed a course of instruction of at least 20 hours duration at an accredited educational institution on the care, handling, and keeping of primates, and (4) has applied for and received from the Humane Society a permit to keep such animals, such application to be on a form approved by the City Council.
- D. This subsection shall not apply to any bona fide zoological garden, bona fide educational or medical institution, museum, veterinary hospital, wildlife rescue entity or wildlife rehabilitation entity with an appropriate permit from the state, any such animals under the jurisdiction of the commission, game breeders, a circus or carnival licensed by the City, nor shall it apply to a bona fide research institute or facility using wild, exotic or dangerous animals for scientific research. In addition, this section shall not apply to any primate trained and used to assist a handicapped person.
- E. Any wild, exotic or dangerous animal found within the City in violation of this section is deemed a public nuisance per se. If a wild, exotic or dangerous animal is found to be roaming at large within the City, it may, in the discretion of the police department or animal control officer, be destroyed immediately without prior notice to the owner thereof. The City and its agents shall be under no duty or obligation to capture or otherwise confine the animal.
- F. Any person found to be keeping, sheltering, harboring or maintaining a wild, exotic or dangerous animal in violation of this section is subject to the animals' immediate seizure as contraband. Any animal so seized shall be held for three business days. If the owner has not petitioned the court regarding disposition of the animal and served notice of the pendency of the owner's petition for disposition of the animal on the humane society within that time period, the humane society may euthanize the animal or permanently place it with an entity which is exempt from the provisions of this section. If necessary, the animal control officer or humane society may impound a wild, exotic or dangerous animal at another facility. The animal's owner shall be responsible for all costs and expenses incurred by the humane society or the City which arise as a result of the seizure and impoundment of a wild, exotic or dangerous animal. Under no circumstance shall a wild, exotic or dangerous animal be returned to or placed with a nonexempt entity within the City limits. If a wild, exotic or dangerous animal is ever again found to be within the City in violation of this section, it shall be immediately confiscated and disposed of as the humane society deems appropriate.
- G. Any person keeping wild, exotic or dangerous animals prior to the enactment of this chapter shall be allowed to keep such animals for the duration of the animal's natural life. Upon the death of a wild, exotic or dangerous animal, the owner of such animal shall not be allowed to replace such animal except as otherwise allowed by this section. The burden of proving the

prior ownership of a wild, exotic or dangerous animal prior to the enactment of this chapter lies with the person keeping such wild, exotic or dangerous animal. Nothing herein shall be deemed to exclude the enforcement of nuisance or other laws on the owner of such animals.

6.04.110. Vicious dogs. [Ord. 2003-210 (part); Ord. 2000-285 § 7; Ord. 93-283 § 1 (part)]

- A. No person shall keep or maintain any dog that has been declared a vicious and/or dangerous dog unless such dog is kept in an enclosure or on a run line located within a fenced area. The fencing material shall not have openings of more than two inches. Wooden fences shall not have openings of more than two inches. Any gates shall be securable and of such design as to prevent the entry of small children or the escape of the animal, and shall be kept secured. Kennels shall have double walls to prevent the insertion of fingers, hands, or other objects. The enclosure must not be located nearer than 10 feet to adjoining property lines or public rights-of-way. The floor of the enclosure must consist of concrete, or a similar material that will prevent the animal from digging its way out of the enclosure.

The run line shall consist of a chain or cable having a tensile strength of at least 300 pounds which does not allow the dog to get closer than 10 feet from adjoining property lines or public right-of-way. In addition, if the dog is kept on a run line within a fenced area, the dog shall be muzzled at all times. If the dog is confined indoors, it shall not be confined on a porch, patio, or in a structure with open windows, screen windows, or screen doors.

- B. If a vicious dog is not within an enclosure or on a run-line within a fenced area, the dog shall be either within the owner's residence or muzzled and restrained with a chain or cable leash having a minimum tensile strength of at least 300 pounds that is no more than four feet in length. If the dog is on a leash, the leash must be controlled by an adult who can control the dog.
- C. No person shall keep, use or maintain any dangerous or vicious dog on any premises unless the premises is posted to warn of the presence of dangerous or vicious dogs. Said warning shall consist of a sign placed at each entrance/exit for the premises in a position to be legible from the sidewalk or ground level adjacent to the sign. If the premises is not enclosed by a fence and the dog is kept within an enclosure, a sign shall be posted on every side of the enclosure in a position to be legible from the sidewalk or ground level.
- D. No person shall sell, exchange, transfer or give a vicious dog to another person.
- E. Owners and custodians of vicious dogs shall post their property with conspicuous signs warning of the presence of a vicious dog.
- F. A vicious dog must be neutered or spayed.
- G. A vicious dog that inflicts bodily injury on a person or other animal by biting after it has been declared vicious, or a vicious dog not kept or maintained in compliance with this section, constitutes a public hazard and may be seized and destroyed.
- H. This section shall not apply to police canines and guard dogs. Guard dogs must be registered with the humane society and licensed and are restricted to property zoned nonresidential. The annual fee for registration of a guard dog shall be \$10. The registration form shall include the dog's location by address; the dog's gender and general description, the dog's current City

license number, the dog's current rabies vaccination number, and the name of an emergency contact person who is available 24 hours a day. Guard dogs shall be confined to a fenced in area that is adequate to prevent the dog from escaping the fenced area. The fenced area shall be clearly posted with warning signs.

- I. Any dog declared vicious must have an identification microchip inserted by a veterinarian and to have at least two color photographs taken of said dog to be placed on file with the animal control office. This shall be done within 10 days of the dog being declared vicious and at the expense of the dog's owner or custodian.
- J. A violation of any of the provisions of this section may be charged as a simple misdemeanor offense. Additionally, any animal control or police officer shall have the right to seize and impound the dog if any of the conditions and specifications established by this section for the keeping of vicious dogs are not being met.

6.04.115. Working service dogs. [Ord. 02-573 § 9]

- A. For purposes of this section, the following words and phrases shall have the assigned meanings.
 - 1. "Working service dog" means any dog trained to detect or to guard, protect, patrol or defend any premises, area or yard, in the custody and control of a handler.
 - 2. "Handler" means any person who has custody and control of a working service dog within the City.
 - 3. "Working service dog service" means engaging in the business of providing working service dogs in the City.
- B. No person shall engage in the business of providing working service dog service in the City or to act as a handler, unless said person has obtained a license as required by this section prior thereto.
- C. No person shall own or have the care or custody of a working service dog unless the person has secured a working service dog license, tag and identification number from the City or its agent. The fee for each working service dog license shall be \$10. No working service dog license or tag shall be issued unless said working service dog is currently vaccinated for rabies.
- D. An application for a license to operate, maintain and conduct working service dog service in the City shall be filed, together with an application fee of \$200, with the City or its agent. The application shall state the name, address, type of organization of working service dog service, its method of operation, the names and addresses of its officers, and the names of its employees and include evidence that the applicant is a bona fide security service licensed by any state or federal authority. The application must be accompanied by an insurance certificate or a surety bond underwritten by a corporate surety admitted to do business in the state of Iowa, in a form approved by the City Attorney, in the sum of \$300,000 blanket coverage for the working service dog service. The working dog service and surety shall be jointly and severally liable to any person, firm or corporation for damages suffered by reason of the wrongful acts of the working service dog service. Notice of proposed cancellation of

the insurance or bond shall be provided to the City or its agent not less than 30 days in advance of the cancellation date.

- E. Each applicant for a working service dog handler license shall be a natural person and shall pay an annual fee of \$100 and shall be required to carry insurance or a surety bond in the amount of \$100,000 covering the same items as set forth in subsection D above. A working service dog service licensed under subsection D above need not obtain a separate handler license under this subsection.
- F. It shall be unlawful for any person to engage in any business or occupation licensed under this section in the City unless such person holds a valid license pursuant to this section. A violation of this section may be charged as a simple misdemeanor.
- G. Every handler or owner of a working service dog shall see to it that such animal wears a clearly visible tag approved by the City or its agent at all times it is within the City unless the dog is performing a working service which requires not wearing a tag in order to perform the service safely. Such tag shall have stamped thereon "Working Service Dog, Tag No., City of Davenport," and the year the tag was issued for. Lost or stolen tags shall be immediately reported to the City or its agent and shall be replaced by the City or its agent at the cost provided for other tags as stated in this chapter.
- H. Any working service dog service or handler that sells or otherwise transfers ownership of any working service dog shall, not less than 10 days after the transfer, file a report with the City or its agent containing the name and address of the person to whom such dog was transferred, a description and identification tag number of the dog, and any other information the City or its agent deems necessary.
- I. Any person whose working service dog is lost or stolen or whose dog has died shall, within 24 hours of the loss or theft, or within 10 days of the death, file a report with the City or its agent containing a description and identification tag number of the dog, and any other information the City or its agent deems necessary.
- J. A working service dog, properly registered as required by this section, in the custody and control of a licensed working service dog service or handler, shall not be declared to be a dangerous or vicious dog, provided that at the time of attack said dog was under the direct supervision of a working service dog service or licensed handler.

6.04.120. Damage to property. [Ord. 93-283 § 1 (part)]

No person shall allow or permit their animal to damage, injure, or destroy any shrubbery, plants, flowers, grass, fence, or anything whatsoever upon public or private property without prior permission from the property owner or authorized person.

6.04.130. Barking dogs regulations. [Ord. 93-283 § 1 (part)]

It shall be unlawful to keep or harbor any dog which, by frequent, regular, habitual, or continued barking, yelping, or howling shall cause serious annoyance to the surrounding neighborhood. Such action is a violation of this chapter and is also hereby declared a public nuisance. The animal control officer or a Davenport police officer shall have the authority to use all reasonable means

to abate such nuisance, including but not limited to requiring that the owner or custodian make bona fide efforts to quiet the dog and impoundment of the dog if the owner or custodian is absent from the premises. If the dog is impounded, the officer shall attempt to locate and notify the absent owner or custodian by any reasonable means as soon as possible.

6.04.140. Impoundment. [Amended 8-28-2024 by Ord. No. 2024-382; Ord. 2015-373; ; Ord. 2000-285 § 8; Ord. 93-283 § 1 (part)]

- A. The City may establish and maintain a municipal animal shelter or the City may contract with any nonprofit incorporated society or association which shall provide and maintain an animal shelter for the enforcement of this chapter. It shall be the duty of the persons authorized by the City to operate such animal shelter to supervise and control such facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not redeemed, and to assist in the enforcement and operation of this chapter. The provisions of this chapter shall be enforceable by any animal control officer and by members of the Davenport Police Department.
- B. Impoundment Procedure. Unrestrained animals found running at large, nuisance animals, neglected animals, abandoned animals, and cats or dogs running at large without license tags or rabies vaccination tags shall be taken and impounded in the animal shelter and there confined in a humane manner.

All at large and impounded dogs and cats shall have an electronic identification device, otherwise known as a microchip, placed under the animal's skin after 72 hours in impound, unless waived by the executive director of the humane society or their designee for good cause. The microchip identification shall become part of the at large animal's record, and the impoundment fee shall be increased to include the cost of the microchip implantation and registration in the amount set by Animal Control.

- C. Notice. Every dog or cat found without a license, collar, microchip, rabies tag, or similar identification shall be kept for not less than three days after being impounded unless sooner redeemed by the owner in accordance with this article. Dogs with identification shall be kept not less than seven days after being impounded unless sooner redeemed by the owner in accordance with this article.
- D. Claim Fees. A person redeeming an impounded dog or cat shall pay the required redemption fee as stated in Section 6.04.060 for a first, second or third offense and the required boarding fees as provided for by this section. In addition, before an unlawfully unlicensed animal may be redeemed the person redeeming the animal must obtain a license as stated in this chapter. In addition, a person redeeming an animal shall pay any additional fees required under the provisions of this chapter, including any monies expended for the provision of medical treatment provided to the animal.

The boarding fees for other animals shall be set by resolution of the City Council:

1. For each dog, cat, ferret or similar animal a per day fee for the animal's care, food, water and shelter.

2. For each domestic fowl, chicken, goose, duck or waterfowl a per day fee for the animal's care, food, water and shelter.
 3. For each horse, mule, jack, cow, bull, steer, ox, swine, sheep, goat or similar animals a per day fee plus actual expenses incurred for the animal's care, food, water and shelter.
 4. For any animal not specified herein, a per day fee plus actual expenses incurred for the animal's care, food, water and shelter.
- E. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an animal control officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be subjected to humane euthanasia.
- F. Unclaimed Animals. Animals not reclaimed or redeemed within the time limitations provided by this chapter shall become the property of the City or animal shelter and shall be placed for adoption in a suitable home or subjected to humane euthanasia. No unclaimed dog or cat shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, secured by a cash deposit, guaranteeing that such animal will be sterilized.
- G. The refusal to redeem or reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal. An owner or custodian who refuses to pay such expenses shall be in violation of this chapter and subject to citation for the same.
- H. Neither the City nor the animal shelter, nor their agents and officers enforcing the provisions of this chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this chapter.

6.04.150. Enforcing provisions. [Ord. 2000-285 § 9; Ord. 93-283 § 1 (part)]

- A. Humane society employees, animal control officers and Davenport police officers are authorized to issue municipal infraction citations or notices of violations for violations of the provisions of this chapter. If provided for by a section of this chapter, a Davenport police officer may enforce a violation of a section as a simple misdemeanor.
- B. It is unlawful for any person to interfere with, hinder, willfully prevent or attempt to prevent any police officer, animal control officer, or person authorized to enforce this chapter by the City Administrator in the enforcement of this chapter.
- C. Inspection Procedures. Whenever it becomes necessary to make an inspection to enforce any of the provisions of or to perform any duty imposed by this chapter or other applicable law, or whenever the animal control officer or other authorized person has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the officer is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the officer by this chapter or other applicable law. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons entry is sought. If the property is unoccupied, the officer shall first make a reasonable effort to locate the

owner or other person in control of the property and request entry explaining the reason therefor. If entry is refused, or the owner or person in control of the property cannot be located after due diligence, the officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

- D. Immediate Inspection. Notwithstanding Section 6.04.170 subsection B., if the animal control officer or police officer has reasonable cause to believe that the keeping or the maintenance of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such investigation, whether the property is occupied or unoccupied. If occupied, the officer shall first present proper identification and demand entry explaining the reasons therefor and the purpose of the inspection.

6.04.155. Notice of violation, confiscation, revocation. [Ord. 2015-118 § 6; Ord. 2006-211 § 2; Ord. 2003-210 (part); Ord. 02-573 § 5; Ord. 2000-285 § 10]

An animal control officer or police officer may send notice of violation to an animal's owner or keeper. A notice of violation initiates administrative sanction procedures for violations of this chapter, revocation of a person's privilege to license or keep animals within the City, extension of periods of revocation, confiscation of an animal by the City, or a declaration that a dog is dangerous or vicious. A notice of violation shall be sent by certified mail or personally served upon an animal's owner or keeper at the request of a victim of a dog attack as defined in Section 6.04.010(K). The notice of violation may be appealed as provided in Section 2.86.020 of the City code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the City code. If a timely appeal is not filed the notice of violation shall be conclusively presumed to be true. If no timely appeal is filed the notified person shall be deemed to have waived all rights to challenge the action taken by the City.

6.04.160. Nuisances. [Ord. 2015-118 § 7; Ord. 2006-211 § 3; Ord. 2003-210 (part); Ord. 2000-285 § 11; Ord. 97-247 § 1; Ord. 93-283 § 1 (part)]

- A. Any animal which is not confined or kept under restraint as required by this chapter, and any wild, exotic, dangerous or vicious animal kept or maintained within the City in violation of this chapter, any animal which barks so frequently, regularly, or habitually that it causes serious annoyance to the surrounding neighborhood, is hereby declared a public nuisance.
- B. Whenever an animal control officer or police officer determines that a nuisance exists, the officer may cause a written notice ordering the abatement of the nuisance to be served upon the owner or custodian. The notice to abate shall contain a description of what constitutes the nuisance, the location of the nuisance, a statement of the act or acts necessary to abate the nuisance, a definite time within which the nuisance shall be abated which time shall be reasonable under the circumstances, and a statement that the City will abate the nuisance if the nuisance is not abated in the manner and within the time stated and no request for a hearing is made within the time stated. Notice to abate shall be served personally upon the owner or custodian by serving the owner or custodian or any person residing at the residence who is at least 18 years old, or by serving the owner or custodian by certified mail return receipt requested. If service is by certified mail, service shall be deemed given when mailed.

- C. Any person ordered to abate a nuisance may request a hearing on the order to abate as provided in Section 2.86.020 of the City code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the City code. If no timely appeal is filed the nuisance shall be conclusively presumed to exist and the person who was notified to abate it shall be conclusively presumed to be responsible for the existence of the nuisance.
- D. If a person ordered to abate a nuisance neglects or fails to abate the nuisance as directed, the City may abate the nuisance. If an animal is impounded, the owner or custodian of the animal shall be notified of the impoundment as provided in Section 6.04.140. Notwithstanding any other provision of this chapter, the impoundment authority shall keep an impounded animal until such time as the animal control officer who ordered the abatement notifies the impoundment authority that the owner or custodian has complied with the order to abate or has abated the nuisance in some other acceptable manner, in which case, the animal may be released to the owner or custodian upon payment of all the costs, fees and other expenses incurred in the care of the animal have been paid. If the impoundment authority is not notified of the owner's or custodian's compliance within three days after the impoundment, in the case of a previously abated nuisance animal, or from the time specified in a formal order of abatement, the impounded animal may be disposed of in the discretion of the humane society.

6.04.165. (Reserved)²**6.04.170. Penalties. [Ord. 02-573 § 6; Ord. 2002-501 § 2; Ord. 2000-285 § 12; Ord. 93-283 § 1 (part)]**

- A. A violation of any provision of this chapter shall constitute a municipal infraction and may be cited and punished accordingly.
- B. If provided for, a section of this chapter may be charged as a simple misdemeanor offense and may be cited and punished accordingly, in lieu of the issuance of a municipal infraction citation, at the officer's discretion.
- C. In addition to a municipal infraction citation or simple misdemeanor citation for violations under this chapter, a notice of violation for the same incident may be issued to invoke the procedures pursuant to Section 6.04.155 of this chapter.
- D. The following scheduled fines are established for municipal infractions:
 - 1. Section 6.04.020 (Licenses) \$20;
 - 2. Section 6.04.030 (Display of tags); Section 6.04.040 (Rabies vaccination); Section 6.04.060 (At large); and Section 6.04.080 (Animal waste): (i) first offense \$30; second offense \$40; third offense \$50; fourth or subsequent offense up to \$200;
 - 3. Section 6.04.110A or B (Vicious dog): first offense \$250; second offense \$500; third or subsequent offense \$750.
- E. If no scheduled fine is provided for a violation, then the fine imposed shall not exceed \$500

2. Editor's Note: Former Section 6.04.165, Animal hearing commission, previously codified herein and containing portions of Ordinance No. 2003-210 and 2003-523, was repealed in its entirety by Ordinance No. 2006-211.

for a first offense and \$750 for a second or subsequent offense.

Title 6

ANIMALS

Chapter 6.04 ANIMALS		6.06.025.	Denial, suspension, revocation, non-renewal.
6.04.010.	Definitions.	6.06.030.	Number and type of chickens allowed.
6.04.020.	License required.	6.06.040.	Zoning districts allowed:
6.04.030.	Display of license.	6.06.050.	Noncommercial use only.
6.04.040.	Rabies vaccination and reporting.	6.06.060.	Enclosures.
6.04.050.	Report of bites required.	6.06.070.	Odor and noise impacts:
6.04.055.	Livestock and poultry prohibited.	6.06.080.	Predators, rodents, insects, and parasites.
6.04.060.	Animal running at large.	6.06.090.	Feed and water.
6.04.070.	Mistreatment of animals.	6.06.100.	Waste storage and removal.
6.04.080.	Removal of excrement.	6.06.110.	Chickens at large.
6.04.090.	Number of animals regulated.	6.06.120.	Unlawful acts.
6.04.100.	Wild, exotic or dangerous animals prohibited.	6.06.130.	Use of outside resources.
6.04.110.	Vicious dogs. <u>Dangerous dogs.</u>	6.06.140.	Nuisances.
6.04.115.	Working Security <u>service dogs.</u>	Chapter 6.08 (RESERVED)	
6.04.120.	Damage to property.	(Reserved)	
6.04.130.	Barking dogs regulations.	6.08.010.	(Reserved)
6.04.140.	Impoundment.	Chapter 6.12 (RESERVED)	
6.04.150.	Enforcing provisions.	(Reserved)	
6.04.155.	Notice of violation, confiscation, revocation.	6.12.010.	(Reserved)
6.04.160.	Nuisances.	Chapter 6.16 TRAPPING ANIMALS	
6.04.165.	(Reserved) <u>Animal Hearing Commission</u>	6.16.010.	Definitions.
6.04.170.	Penalties.	6.16.020.	Trapping regulated.
Chapter 6.06 URBAN CHICKENS		6.16.030.	Disturbing dens.
6.06.010.	Definitions.	6.16.040.	Shooting or spearing.
6.06.020.	Administration.	6.16.050.	Colony traps prohibited.
6.06.021.	Permit required.	Chapter 6.20 (RESERVED)	
6.06.022.	Application.	(Reserved)	
6.06.023.	Requirements.	6.20.010.	(Reserved)
6.06.024.	Issuance of permit.		

**Chapter 6.04
ANIMALS¹****6.04.010. Definitions. [Ord. 2003-210 (part); Ord. 02-573 § 1; Ord. 2000-285 § 1; Ord. 93-283 § 1 (part)]**

For the purpose of this chapter, certain terms and words are defined as set forth in this section unless otherwise defined herein.

- A. ADEQUATE FOOD - Means the provision, at suitable intervals as the dietary requirements of the species so require, of a quantity of wholesome foodstuff suitable for the species and age sufficient to maintain a reasonable level of nutrition in each animal. The foodstuff shall be served in a clean receptacle, dish, or container.
- B. ADEQUATE SHELTER - Means a ventilated protective covering which provides sufficient protection from moisture, wind, sun, extreme temperatures, or other adverse weather conditions, which provides adequate space for standing, sitting, lying, and free movement, and which is maintained in a sanitary manner. Adequate shelter may vary by age, species, breed, and physical condition of the animal. Structural minimum of adequate shelter is an enclosure with at least three solid sides, a roof, a solid and dry resting surface, adequate ventilation, and bedding as appropriate for the weather conditions. Metal drums, animal crates or carriers, vehicles, spaces under structures such as decks are not considered adequate shelter.
- B-C. ADEQUATE WATER - Means reasonable access to a supply of clean, fresh, potable water provided in a sanitary manner and provided at suitable intervals for the species not to exceed 24 hours at any one interval.
- C-D. ANIMAL - Means a living organism, other than human beings, birds, fish, or invertebrates, domesticated or wild, and distinguished from other living things by structural and functional characteristics such as locomotion.
- D-E. ANIMAL CONTROL OFFICER - Means any humane officer employed by a humane society under contract with the City, any animal control officer under the jurisdiction of the chief of police, or any other person authorized by the City Administrator to enforce the provisions of this chapter by means of appropriate police powers.
- E-F. ANIMAL SHELTER - Means a facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the City or operated under contract with the City for the purpose of humane boarding of animals impounded under the provisions of this chapter or any other ordinance.
- F-G. BOARDING KENNEL - Means a place or establishment other than an animal shelter or pound where dogs, cats, or other animals, not owned by the proprietor, are sheltered, fed and watered in return for consideration.
- G-H. CAT - Means all members of the feline species regardless of sex.
- H-I. COMMERCIAL BREEDER - Means a person, engaged in the business of breeding dogs or cats, who sells, exchanges, or leases dogs or cats in return for consideration, or who offers to do so, whether or not the animals are raised, trained, groomed, or boarded by the person. A person who owns or harbors three or less breeding males or females is not a commercial breeder.
- I-J. COMMERCIAL KENNEL - Means a kennel which performs grooming, boarding, or training services for dogs or cats in return for consideration.

K. COMMISSION - Means the natural resources commission of the Department of Natural Resources created and established by the Code of Iowa.

J.L. COMPANION ANIMAL – A domesticated dog or cat kept for companionship by its caretaker.

M. DANGEROUS DOG – Means a dog that has:

1. Killed a human being;
2. Taken aggressive action that caused a serious injury as defined in Iowa Code section 702.18 to a human;
3. Killed another domesticated animal, excluding fowl;
4. Twice within a 48-month period attacked, bitten, or otherwise caused an injury to a person engaged in lawful activity; or
5. An animal judicially or administratively determined to be a dangerous animal or similar designation by the City Davenport or another jurisdiction with a substantially similar definition of dangerous animal.

The following circumstances shall be excluded from the definition of a dangerous dog:

1. An animal engaged in law enforcement work that is engaged in official law enforcement activities at the time of the attack or bite;
2. A security service dog registered with animal control on its designated restricted nonresidential property at the time of the attack or bite;

The following circumstances may be excluded from the definition of a dangerous dog:

1. An animal that attacks or bites a person who is engaged in unlawful activity against the person or property of another at the time of the attack or bite;
2. An animal that attacks or bites in order to protect a human being, domestic animal, or livestock;
3. An animal that was attacked by an animal at large;
4. An animal that was deliberately provoked by the person or animal that was harmed;
5. An animal that bites in an animal care facility, veterinary office, animal shelter, or other state-licensed animal facility; or
6. An animal that kills another domesticated animal owned by the same owner or the incident originated on the property of the attacking or biting dog's owner.

K.N. DOG - Means all members of the species Canis familiaris.

- ~~1. The declaration that a dog is dangerous or vicious shall be made by an animal control officer. Notification of the declaration and the owner's appeal rights shall be made in accordance with the procedures contained in Section 6.04.155.~~

L.O. EUTHANASIA - Means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.

M.P. FUR-BEARING ANIMALS - Means the following which are declared to be fur-bearing animals for

6.04.010

ANIMALS

6.04.020

the purpose of regulation and protection under this chapter: beaver, badger, mink, otter, muskrat, raccoon, skunk, opossum, spotted skunk or civet cat, weasel, coyote, bobcat, wolf, groundhog, red fox, gray fox, and any other animals defined as fur-bearing by ~~the commission~~ Iowa Code 481.A.

~~N. GUARD DOG — Means any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog such dog being either securely enclosed within the area at all times or under the continuous control of a trained handler.~~

~~O.Q.~~ HOUSING FACILITIES - Means any room, building or area used to contain a primary enclosure or enclosures.

~~P.R.~~ OWNER - Means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for three or more days.

~~Q.S.~~ PERSON - Means an individual, partnership, corporation, or association and includes any officer, employee, or agency thereof.

~~R.T.~~ PET SHOP - Means an establishment where any dog, cat, rabbit, rodent, fish other than live bait, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale.

~~S.U.~~ PRIMARY ENCLOSURE - Means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, cage or compartment.

~~V. SECURITY SERVICE DOG - Means any dog trained or used to perform security-related tasks including guarding, protecting, patrolling, rescuing, or defending persons or property, in the custody and control of a handler.~~

~~W. SERVICE ANIMAL – Means a dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability or as otherwise defined by the Americans with Disabilities Act. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being or companionship do not constitute work or tasks for the purposes of this definition.~~

~~T.X.~~ TAKE - Means any pursuing, hunting, killing, trapping, snaring, netting, searching for, shooting at, stalking or lying in wait for, or attempting any for the foregoing, any animal protected by state laws, regulations or rules adopted by the commission or this ordinance.

6.04.020. License required. [Amended 8-28-2024 by Ord. No. 2024-382; Ord. 2015-118 § 5; Ord. 2006-211 § 1; Ord. 2003-210 (part); Ord. 02-573 §§ 2-4; Ord. 2000-285 § 2; Ord. 93-283 § 1 (part)]

- A. Every dog and every cat shall be licensed. Dogs and cats shall be licensed within 30 days of the date they are initially inoculated for rabies and annually within 30 days' time of the date of the current rabies vaccination. No person shall have, harbor, keep or possess any unlicensed dog or cat in violation of this chapter.
- B. Licenses shall be purchased from the ~~humane society~~animal control, veterinarians practicing in the Quad Cities area, or online with evidence of a current rabies vaccination signed by a licensed veterinarian. Veterinarians who inoculate a dog or cat shall be required to share rabies vaccination documentation with the City of Davenport or its designee on a minimum of a monthly basis. Established fees collected by veterinarians shall be submitted to the county animal control facility in a manner agreed upon by the ~~humane society~~animal control and the individual veterinarians. Veterinary offices may charge an administration fee not to exceed \$5 per tag.

~~Dangerous and vicious animals require a special license that must be purchased annually from the City of Davenport or its designee.~~

- C. Licenses are not transferable between animal owners or animals.
- D. Annual license fees shall be set by resolution of the City Council:
 - 1. Neutered/spayed dog or cat (altered)
 - 2. Non-altered dog or cat
 - 3. Dogs governed by 6.04.110 Dangerous Dogs shall as set by resolution 2024-393 and subsequent resolutions.

In lieu of an animal owner obtaining a license annually, the owner may purchase a multi-year license, which may be obtained to cover the period for which the current rabies vaccination is effective (a multiple year license). The fee for a multi-year license shall be calculated by multiplying the applicable annual license fee by the number of years the current rabies vaccination covers.

- E. Residents age 60 or older and residents who are recipients of Social Security Disability Insurance Benefits may license their neutered dogs or cats for an annual fee of \$1.
- F. ~~Altered dogs, duly and properly trained to aid or assist any person who is blind, deaf or physically handicapped,~~Service animals may be licensed for \$1 annually when the dog is owned or maintained by a person actually training the ~~dog to be used to aid or assist persons who are blind, deaf or physically handicapped,~~service animal or is owned by a ~~blind, deaf or physically handicapped person~~an individual who is assisted by the service animal. The burden of proving ~~that a dog is being trained to assist a person who is blind, deaf or physically handicapped~~that a service animal is trained to do work or perform tasks for the benefit of a person with a disability is on the person seeking to license the dog. ~~The humane society~~Animal control may require documentation of the person's affiliation with an organization established for the purpose of training ~~dogs to provide aid or assistance to blind, deaf or physically handicapped persons~~service animals or whatever evidence ~~the humane society~~animal control deems satisfactory to establish the validity of such claim.
- G. ~~The owner of a dog that has been declared a dangerous dog may qualify to license said dog for the normal licensing fee upon proof that the owner and said dog have attended and successfully completed a dog obedience class or similar program approved by the humane society.~~

H.G. Upon proof of loss, a duplicate license tag may be obtained upon payment of a replacement fee not to exceed \$5.

I.H. A person owning or possessing any dog or cat who moves into the City shall obtain a license for said animal within 30 days of the date the person takes up residency in Davenport.

I.I. Notwithstanding the licensing requirements of this chapter, the following animals shall not be required to be licensed while in the City:

1. Animals whose owner or custodian is a nonresident of the City and who are visiting within the City temporarily. Temporarily means for a period of time 30 days or less within any consecutive twelve-month period.
2. Animals brought into the City for participation in a show, exhibition, demonstration or exhibit and which remain in the City for a period of 30 consecutive days or less.

K.J. The executive director of ~~the Scott County Humane Society~~ animal control or an animal control officer ~~of the humane society~~ may revoke a person's privilege to license and keep a dog or cat within the City. Such revocation shall be for a period as determined by the executive director or animal control officer. Revocation of the privilege to license and keep a dog or cat within the City may be initiated if the owner or custodian of the dog or cat has committed any violations of the provisions of this chapter, except ~~that~~ violations for failing to license ~~a cat, nondangerous dog or nonvicious dog~~ an animal as required by this chapter shall not be included as violations leading to revocation within any consecutive twelve-month period. A violation shall be shown by a conviction upon a citation or a finding by the Deputy City Clerk or by a non- appealed notice of violation.

L.K. An owner or custodian whose privilege has been revoked shall, within 10 days after notice of the revocation, remove from their residence all dogs and cats which the person owns, keeps, harbors or maintains. If the license is revoked, the owner or custodian shall surrender the animal to ~~the humane society~~ animal control or permanently remove the animal from the ~~(City/county)~~ city limits within five calendar days after either the time for appeal has expired or the decision of the Deputy City Clerk has been served on the owner or custodian. If the animal is found in the City after the five-day period, it shall be immediately impounded. Failure to remove a dog or surrender it to ~~the humane society~~ animal control may be prosecuted as a municipal infraction violation or simple misdemeanor. An owner whose license has been revoked shall inform ~~the humane society~~ animal control in writing upon the animal's removal from the City/county city limits the name, address and telephone number of the animal's new owner, the location where the animal will be kept and the name and description of the animal. In addition, the owner shall notify the new owner in writing of any details concerning any and all complaints concerning the animal, and any terms, conditions or restrictions imposed by ~~the humane society~~ animal control as to the animal. The owner shall provide ~~the humane society~~ animal control with a copy of the notification provided to the new owner as well as an acknowledgment by the new owner of the receipt thereof.

M.L. Upon revocation of a person's privilege to license and keep dogs or cats, no part of the licensee fee shall be refunded.

N.M. During the period of revocation, any dog or cat which the person owns, keeps, harbors or maintains at their residence may be immediately confiscated upon its discovery and disposed of by ~~the humane society~~ animal control absent clear and convincing proof that the animal or animals belong to a person visiting the resident.

O.N. The ~~humane society~~ or animal control officer shall provide the owner or custodian of the animal or animals, as shown on ~~the records at the humane society~~ animal control records, so confiscated with notice of the confiscation.

If the animal or animals are unlicensed or no record exists as to the owner or custodian of an animal, notice of confiscation shall be directed to the address of the residence.

P.O. Any person whose privilege to license and keep animals has been revoked, but who owns, keeps, harbors or maintains a dog or cat during the period of the revocation shall have an additional period of up to one year added to the original period of revocation for each violation of the revocation.

Q.P. The notice of revocation or notice of extension of the revocation period, or notice of confiscation of any animal may be appealed as provided in Section 2.86.020 of the City code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the City code. If the City demonstrates sufficient evidence in support of its determination the burden shall shift to the appealing party to demonstrate by clear and convincing evidence that he or she has had no role in the care, supervision, possession or control of the animal or that the incident which caused the enforcement action by the City was caused by a third party or event not under the supervision or control of the appealing party. If no timely appeal is filed the notified person shall be deemed to have waived all rights to challenge the action taken by the City.

R.Q. When permanent ownership of an animal is transferred, the new owner shall, within 14 days from the date ownership is assumed, obtain a license if the animal is required to be licensed pursuant to this chapter.

~~S. An application to license a dangerous or vicious dog must include presentation by the applicant of a certificate of insurance issuance by an insurance company licensed to do business in this state which provides personal liability insurance coverage for the death or injury of any person, or damage to property of others, and for acts of negligence of the owner or owner's agents in the keeping of said dangerous or vicious animal. The minimum amount of coverage shall be \$50,000 for an animal declared dangerous, and \$100,000 for an animal declared vicious. The certificate of insurance shall also require notice to the City, in conformity with general City standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If said certificate is not immediately available, a binder that indicates the proper coverage may be accepted for up to 30 days subsequent to the determination that an animal is dangerous or vicious; however, if after 30 days a certificate of insurance or a policy has not been submitted, the animal shall be deemed unlicensed and be disposed of at the discretion of animal control officers. The prescribed insurance coverage, whether it be certificate, policy, or binder, must be obtained within 10 days of the declaration of the animal as dangerous or vicious, with retention of the animal by animal control officers until compliance with this subsection is assured.~~

6.04.030. Display of license. [Ord. 93-283 § 1 (part)]

The license tag obtained pursuant to Section 6.04.020 shall be securely attached to a substantial collar which collar shall be worn by the animal at all times. License tags are not transferable to any other animal. Upon demand, the owner of an animal shall display the City license to an animal control officer or Davenport police officer.

6.04.040. Rabies vaccination and reporting. [Ord. 2000-285 § 3; Ord. 93-283 § 1 (part)]

A. All dogs, cats and ferrets shall be inoculated against rabies by a licensed veterinarian upon such animal attaining the age ~~of six months old~~ as defined by Iowa Code section 351.33. Rabies vaccinations shall be readministered at least once every three years for dogs and cats and once every year for ferrets or as otherwise recommended by the United States Department of Agriculture.

- B. A person who acquires a dog, cat or ferret that does not have a current rabies vaccination certificate shall have the animal inoculated for rabies within 30 days after the animal was acquired or within 30 days of the animal attaining the age ~~of six months~~ as defined by Iowa Code section 351.33, if the animal was not yet ~~six months old~~ of age when acquired.
- C. The owner or custodian of any animal required to be vaccinated against rabies shall keep a current rabies vaccination tag securely attached to a substantial collar which shall be worn by the animal at all times.
- D. Whenever a veterinarian inoculates an animal for rabies the veterinarian shall complete a rabies vaccination report which shall be forwarded to the City or its designee. The report shall contain the following information:
1. The name, age and sex of the animal;
 2. A general description of the animal;
 3. The date the current vaccination was given to the animal;
 4. The revaccination date;
 5. The vaccination tag number assigned to the animal; and
 6. The name and address of the animal's owner or custodian.

The veterinarian shall sign the report and all reports shall be sent to ~~the humane society~~ animal control within 30 days of the administration of the vaccination.

6.04.050. Report of bites required. [Ord. 93-283 § 1 (part)]

- A. Any person having knowledge of any dog, cat, or ferret bite or scratch which has caused a skin abrasion upon any person or for which the victim required medical attention, which bite or scratch occurred within the City, shall immediately report such fact to animal control ~~or~~ the Davenport Police Department. This section shall not apply if said bite or scratch occurred while the animal was being treated, confined, or housed within a veterinary hospital or clinic and that facility knows such animal is currently inoculated for rabies and has the certification to prove such inoculation. In such cases reporting of the bite or scratch shall be discretionary with the veterinary hospital or clinic.
- B. Any animal that has been involved in biting a person ~~or other animal~~ must be quarantined for 10 days from the date of the bite. Such confinement may be at the premises of the owner if deemed appropriate and sufficient safeguards are provided to the discretion of the animal control officer and/ or the Scott County Health Department. If an animal is not quarantined at the owner's premises it shall be confined at the animal shelter or at a licensed veterinary hospital of the owner's choosing. All costs of the quarantine shall be the owner's liability. This section shall not apply to police canines.
- C. The owner of an animal that has been reported as having inflicted a bite on a person ~~or other animal~~ shall, on demand, produce the animal for examination and quarantine to an animal control officer or police officer. It is unlawful to fail to or refuse to produce such an animal. Failure to produce an animal demanded shall subject the owner or custodian to arrest if probable cause exists to believe the animal inflicted a bite on a person or other animal.
- D. It is unlawful for any person to remove any animal which has been quarantined pursuant to this chapter from its place of quarantine without the express consent of an animal control officer and/or

Scott County Health Department officer.

6.04.055. Livestock and poultry prohibited. [Ord. 2017-451 § 2; Ord. 2017-46 § 2; Ord. 93-283 § 1 (part)]

- A. Notwithstanding the provisions of Chapter 6.06 of the Davenport Municipal Code, it shall be unlawful to maintain, keep or harbor any cattle, swine (except Vietnamese or Asian potbellied pigs), sheep, llamas, horses, jacks, goats, guinea fowl, ostriches, poultry (domestic chickens, turkeys, geese, and ducks), or similar domestic animals raised for home use or for profit within the City limits unless the property upon which such animals are maintained, kept or harbored is zoned as agricultural property. This section shall not apply to a bona fide zoological garden, pet shop, educational institute, circus, carnival, or veterinary hospital treating such animals.
- B. It shall be unlawful for any person to ride any animal upon the public or private sidewalks within the City, nor shall any person ride any animal upon a public street or right of way during the hours of sunset to sunrise, except for public parades for which a permit has been issued by the City.
- C. The lawful keeping of livestock, which is otherwise unlawful by reason of the enactment of this chapter, may be continued upon property located within the City provided livestock was maintained thereon prior to the enactment of this chapter, and may be continued until such time as livestock is no longer kept or maintained upon such property. The burden of proving the maintenance of livestock upon a parcel of land within the City proper to the enactment of this chapter shall lie with the person claiming such prior existence. Nothing herein shall be deemed to exempt an owner of livestock within the City limits from the enforcement of nuisance or other laws regarding the keeping of such livestock.

6.04.060. Animal running at large. [Amended 8-28-2024 by Ord. No. 2024-382; Ord. 2003-210 (part); Ord. 02-573 § 7; Ord. 2002-501 § 1; Ord. 2000-285 § 4; Ord. 93-283 § 1 (part)]

- A. It shall be unlawful for the owner or custodian of any dog, cat, or other animal to fail to keep the same from running at large within the City. For the purpose of this chapter an animal shall not be deemed running at large, even if the animal is not restrained, as long as one of the following situations applies:
 - 1. When the animal is restrained either upon the premises of the owner or custodian or upon another's premises with the permission of the owner of that premises, so long as the animal is restrained in such a manner that it cannot enter on the public streets, sidewalks, alleys, other public areas, or property not owned by the owner, custodian, or permittee, unless the animal has been declared dangerous or vicious, in which case the provisions of Section 6.04.110 shall apply.
 - 2. When the animal is confined or restrained upon the premises of the owner or custodian within a secured building, or within a secured pen, enclosure or similar structure which has secured sides, bottom, and top such that the animal cannot escape, or within fencing or similar means secured such that the animal cannot escape and which is fastened by an adequate locking device.
 - 3. When an animal is enclosed within an automobile or other vehicle of its owner or custodian such that it cannot escape and such that said confinement does not endanger the animal's health or well-being.
 - 4. When the animal is being walked off the premises of its owner or custodian so long as the animal is on a leash not more than six feet in length and under the control of a person competent to restrain and control the animal.

5. When the animal is properly housed in a veterinary hospital or registered kennel.
- B. Notwithstanding any provision to the contrary, animals injured on or along public streets or public rights-of-way shall be deemed running at large. The animal control officer or Davenport police officer shall remove all such animals and at his or her discretion take such an animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such an animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this chapter. Dead animals on or along public streets shall be removed by city operations staff.
- C. Every female dog or cat in heat shall be confined in a building or secure enclosure during the period of heat, in such a manner as will prevent the animal from coming into contact with the other animals unless the animal is used in a planned breeding situation. An animal is deemed to be in heat when it is in an estrogous state or ovulating. Nothing in this subsection shall be construed to prohibit exercising the animal provided the animal is restrained on a leash or similar restraint not more than six feet in length and is under the control of a person competent to restrain and control the animal or from transporting such animal within a motor vehicle.
- D. Any dog, cat, or other animal which is found in violation of this section may be impounded. Any such animal impounded may be redeemed by its owner or custodian within three days from the time specified in Section 6.04.140 and upon payment of the applicable redemption fee, current rabies vaccination fee unless current rabies inoculation is proven, the current licensing fees and penalties if the animal is unlicensed, impoundment fees, and the fees, costs and charges for any emergency medical treatment administered to the animal. Redemption fees shall be set by resolution of the City Council:
 1. For a first violation
 2. For a second violation
 3. For a third violation
 4. Fourth violation will result in the revocation of the license to keep the animal.
- E. Any violation of this section may result in the immediate apprehension and impoundment of the animal by an animal control officer. After the time specified in Section 6.04.140 ~~the humane society~~animal control may dispose of an unredeemed animal. If an animal control officer is unable to apprehend an animal or impoundment is not feasible, the animal control officer shall provide the owner or custodian of the animal with a notice of violation under the procedures contained in Section 6.04.155.

~~6.04.070. Mistreatment of animals. [Ord. 2000-285 § 5; Ord. 93-283 § 1 (part)]~~

~~A. A person who does any of the following to an animal commits animal neglect:~~

- ~~1. Confines the animal without adequate food, water or shelter, or in a manner that creates an unreasonable threat to the animal's health or safety;~~
- ~~2. Fails to supply adequate food or water to an unconfined animal owned or cared for by the person;~~
- ~~3. Causes injury or death to an animal when disciplining it;~~
- ~~4. Causes unnecessary pain and suffering to an animal by failing to adequately tend to the animal's~~

~~health needs or grooming.~~

~~B. The disposition of a neglected animal shall be governed by state law.~~

~~C. No person shall torment, tease or harass any tied, fenced or otherwise confined animal.~~

~~D. No person shall expose any poison, poisonous meat or poisonous substance anywhere within the City for the purpose of poisoning any animal. This section shall not apply to a person who exposes poisons about a premises, in accordance with the labeling instructions on the poisonous product, for the purpose of exterminating insects, mice or rats. The use of any poison other than one specifically produced for exterminating insects, mice or rats shall be prima facie evidence of a violation of this section.~~

~~E. No person shall abandon any animal or cause such to be done, except that a person may deliver an animal to another person who accepts ownership of such animal or the person may deliver an animal to the humane society.~~

~~F. A violation of this section may be charged as a simple misdemeanor.~~

6.04.070. Mistreatment of animals.

The following acts shall constitute mistreatment of animals, and shall subject the owner or other person to the penalty provisions of state law and the Municipal Code:

A. Failure to provide the animal access to adequate food, adequate water, and easy access to adequate shelter from the elements;

B. Beating, tormenting, overloading, overworking, or molesting an animal;

C. Permitting or encouraging any combat between animals, or between animals and humans, unless the animal is trained and used by a government agency and accompanied by the appropriate government agency handler;

D. Abandoning an animal as defined by Iowa Code 717.B;

E. Exposing any known poisonous material with the intent of allowing or encouraging the material to be eaten by any bird, fowl, domesticated animal, community cat, or livestock;

F. Failure to maintain sanitary conditions where animals are kept;

G. Harboring or owning any sick, diseased or injured animal without procuring veterinary care for said animal(s);

H. Maintaining an animal in such conditions and hygiene that the animal is unable to walk or move normally, conduct routine bodily functions, or stay clean and free of urine, fecal matter, open wounds, disease, and parasites;

I. Leaving an animal in a vehicle, on a vehicle, tethered or confined for a length of time that could result in danger to or death of an animal. If the City of Davenport or designee determines that such animal is in immediate danger, the City of Davenport or designee may remove the animal by whatever means necessary without liability, for the purpose of taking the animal into protective custody pursuant to Iowa Code 717.B.5 Rescue of Threatened Animals;

J. Intentionally injuring, maiming, disfiguring, mutilating, or destroying an animal by any means that causes pain or suffering;

K. Cropping or docking of an animal's ears or tail, except by a licensed veterinarian, under anesthesia, and

following accepted pain management practice;

- L. Chaining, tethering, penning, or otherwise restraining or confining an animal outdoors for more than 15 minutes without access to adequate food, adequate water, adequate shelter, and adequate protection from the elements.

6.04.075. Disposition of Mistreated Animals.

Impoundment procedures of threatened or mistreated animals:

- A. A law enforcement officer or animal control officer, after consulting with a veterinarian licensed by the State, may rescue a threatened animal as provided in this section. The officer may enter onto private property to rescue a threatened animal if the officer obtains a search warrant issued by a court or enters onto the premises in a manner consistent with the laws of the State of Iowa and the United States, including Article 1, Section 8 of the Constitution of the State of Iowa and the Fourth Amendment to the Constitution of the United States;
- B. If an animal is rescued pursuant to this section, the City shall provide for the maintenance of the threatened animal at a licensed shelter or through a contract with an animal care provider. The City or designee shall post a notice in a conspicuous place at the location where the animal was rescued. The notice shall state that the animal has been rescued by the City pursuant to this section and Iowa Code 717B.5 as amended;
- C. The animal shall be subject to disposition as required by a court pursuant to Iowa Code 717B.4, as amended;
- D. The disposition of a threatened animal rescued by the City shall occur as provided in Iowa Code 717B.4, as amended.

6.04.080. Removal of excrement. [Ord. 93-283 § 1 (part)]

- A. An owner or custodian of any animal shall keep all structures, pens, coops, or yards wherein an animal is confined clean and free from excrement and the odor arising from excrement. Such area shall also be clean and free of vermin and any thing that is likely to become putrid, offensive, or injurious to health. An area, structure, pen, coop, or yard not maintained in a clean and sanitary condition may be declared a public nuisance.
- B. It shall be unlawful for an owner or custodian to permit an animal to discharge excrement upon any public property, common area, common thoroughfare, street, sidewalk, alley, play area, park or private property unless the excrement is immediately picked up and disposed of in an appropriate refuse container. If the owner of private property has given another owner or custodian permission for their animal to use their private property then this section shall not apply to that particular usage.
- C. Animal excrement shall not be placed in storm sewers or street gutters, but shall be picked up and disposed of in a sanitary manner in an appropriate refuse container.

6.04.090. Number of animals regulated. [Ord. 02-573 § 8; Ord. 93-283 § 1 (part)]

- A. It is unlawful for any person to keep or maintain at any one location within the City more than four of the following types of animals, those being dogs, cats, ferrets, and potbellied pigs; and of those four no more than three shall be of the same species. This limitation applies to animals that are more than six months old or animals that are from more than one litter that are more than three months old. This limitation shall not apply to any person provided that person (1) is licensed to operate a kennel, animal shelter, pet shop, boarding kennel, commercial kennel, commercial breeder operation, veterinary hospital, zoological garden, circus, carnival, educational or medical institution, or research facility as defined by state law, and said person is in compliance with the zoning ordinances of the City, or (2) if

6.04.090

ANIMALS

6.04.100

such animals are kept or maintained upon property zoned as agricultural property within the City, or (3) if said person has applied for and obtained a permit to keep more than four animals from ~~the Humane Society of Scott County~~animal control and said person keeps said animals within a residentially zoned district and exception (1), above, does not apply to said person. Upon receipt of an application for a permit as provided by this section and the payment of a \$10 fee, an animal control officer shall inspect the applicant's animal housing facilities and the sanitary condition of the same. If the housing facilities are adequate and kept in a sanitary condition an excess number of animals permit shall be issued.

- B. Indoor pets such as gerbils, hamsters, guinea pigs, mice, birds, fish, snakes and reptiles, and similar animals normally maintained as pets in an enclosure inside of a dwelling are not proscribed by this section unless specifically regulated by other sections.
- C. If a person is found to be keeping more than four animals without the permit required by this section, the excessive number of animals may be immediately removed from the property and impounded. Any such impounded animals shall be held for seven days and if the owner has not either complied with the requirements of this section or petitioned the court for the return of the animals by the end of the seventh day, the animal shelter shall seek to permanently place the animals or euthanize such animals.

6.04.100. Wild, exotic or dangerous animals prohibited. [Ord. 2000-285 § 6; Ord. 93-283 § 1 (part)]

- A. It shall be unlawful for any person to own, possess, harbor, maintain, sell or traffic in any of the following wild, exotic or dangerous animals.
 - 1. All poisonous snakes and poisonous reptiles; all nonpoisonous snakes greater than 10 feet in length; Gila monsters, alligators, crocodiles and caimans;
 - 2. Gorillas, chimpanzees, orangutans, baboons, and other non-human primate mammals, both arboreal and nonarboreal.
 - 3. Any species of feline not falling within the categories of ordinary domesticated house cats ~~as established by the American Cat Fancier Association;~~felis catus.
 - 4. Bears or any species;
 - 5. Raccoons, porcupines, skunks, badgers, and other similar fur-bearing animals except ferrets;
 - 6. Foxes, wolves, coyotes, or other species not falling within the category of canis familiaris.
 - ~~7.~~7.8. Any animal of any species known to be vicious or dangerous, excluding animals covered by 6.04.110~~canis familiaris.~~
 - ~~7.8.~~Any animal prohibited under Iowa Code section 717F.

- ~~B. The prohibition contained in Section 6.04.100A of this chapter shall not apply to the keeping of poisonous snakes, poisonous reptiles, Gila monsters, crocodiles, alligators and caimans provided that the owner of such an animal is 18 years of age or older, and that person has either (1) received a bachelor of science degree based upon courses of instruction which included courses in herpetology from an accredited college level institution, or (2) has successfully completed a course of instruction taught under the auspices of a bona fide municipal zoo on the proper handling, care and keeping of such animals, or (3) has completed a course of instruction of at least 20 hours duration at an accredited educational institution on the care, handling, and keeping of reptiles, and (4) has applied for and received from the Humane Society a permit to keep such animals, such application to be on a form approved by the City Council.~~
- ~~The prohibition contained in Section 6.04.100 A., as to non-specified other primates, shall not apply to the keeping of primates provided that the owner of such an animal is 18 years of age or older, and that~~

6.04.090

ANIMALS

6.04.100

~~person has either a bachelor of science degree based upon courses of instruction which included courses in primatology from an accredited college level institution, or (2) has successfully completed a course of instruction taught under the auspices of a bona fide municipal zoo on the proper handling, care and keeping of such animals, or (3) has completed a course of instruction of at least 20 hours duration at an accredited educational institution on the care, handling, and keeping of primates, and (4) has applied for and received from the Humane Society a permit to keep such animals, such application to be on a form approved by the City Council.~~

~~E.B.~~ This subsection shall not apply to any bona fide zoological garden, bona fide educational or medical institution, museum, veterinary hospital, wildlife rescue entity or wildlife rehabilitation entity with an appropriate permit from the state, any such animals under the jurisdiction of the commission, game breeders, a circus or carnival licensed by the City, nor shall it apply to a bona fide research institute or facility using wild, exotic or dangerous animals for scientific research. In addition, this section shall not apply to any primate trained and used to assist a handicapped person.

~~D.C.~~ Any wild, exotic or dangerous animal found within the City in violation of this section is deemed a public nuisance per se. If a wild, exotic or dangerous animal is found to be roaming at large within the City, it may, in the discretion of the police department or animal control officer, be destroyed immediately without prior notice to the owner thereof. The City and its agents shall be under no duty or obligation to capture or otherwise confine the animal.

~~E.D.~~ Any person found to be keeping, sheltering, harboring or maintaining a wild, exotic or dangerous animal in violation of this section is subject to the animals' immediate seizure as contraband. Any animal so seized shall be held for three business days. If the owner has not petitioned the court regarding disposition of the animal and served notice of the pendency of the owner's petition for disposition of the animal on ~~the humane society~~animal control within that time period, ~~the humane society~~animal control may euthanize the animal or permanently place it with an entity which is exempt from the provisions of this section. If necessary, ~~the animal control officer or humane society~~animal control may impound a wild, exotic or dangerous animal at another facility. The animal's owner shall be responsible for all costs and expenses incurred by ~~the humane society~~animal control or the City which arise as a result of the seizure and impoundment of a wild, exotic or dangerous animal. Under no circumstance shall a wild, exotic or dangerous animal be returned to or placed with a nonexempt entity within the City limits. If a wild, exotic or dangerous animal is ever again found to be within the City in violation of this section, it shall be immediately confiscated and disposed of as ~~the humane society~~animal control deems appropriate.

~~F.E.~~ Any person keeping wild, exotic or dangerous animals prior to the enactment of this chapter shall be allowed to keep such animals for the duration of the animal's natural life. Upon the death of a wild, exotic or dangerous animal, the owner of such animal shall not be allowed to replace such animal except as otherwise allowed by this section. The burden of proving the prior ownership of a wild, exotic or dangerous animal prior to the enactment of this chapter lies with the person keeping such wild, exotic or dangerous animal. Nothing herein shall be deemed to exclude the enforcement of nuisance or other laws on the owner of such animals.

~~6.04.110. Vicious dogs. [Ord. 2003-210 (part); Ord. 2000-285 § 7; Ord. 93-283 § 1 (part)]~~

~~A.—No person shall keep or maintain any dog that has been declared a vicious and/or dangerous dog unless such dog is kept in an enclosure or on a run line located within a fenced area. The fencing material shall not have openings of more than two inches. Wooden fences shall not have openings of more than two inches. Any gates shall be securable and of such design as to prevent the entry of small children or the escape of the animal, and shall be kept secured. Kennels shall have double walls to prevent the insertion of fingers, hands, or other objects. The enclosure must not be located nearer than 10 feet to adjoining property lines or public rights of way. The floor of the enclosure must consist of concrete, or a similar material that will prevent the animal from digging its way out of the enclosure.~~

~~The run line shall consist of a chain or cable having a tensile strength of at least 300 pounds which does not allow the dog to get closer than 10 feet from adjoining property lines or public right of way. In addition, if the dog is kept on a run line within a fenced area, the dog shall be muzzled at all times. If the dog is confined indoors, it shall not be confined on a porch, patio, or in a structure with open windows, screen windows, or screen doors.~~

~~B.—If a vicious dog is not within an enclosure or on a run line within a fenced area, the dog shall be either within the owner's residence or muzzled and restrained with a chain or cable leash having a minimum tensile strength of at least 300 pounds that is no more than four feet in length. If the dog is on a leash, the leash must be controlled by an adult who can control the dog.~~

~~C.—No person shall keep, use or maintain any dangerous or vicious dog on any premises unless the premises is posted to warn of the presence of dangerous or vicious dogs. Said warning shall consist of a sign placed at each entrance/exit for the premises in a position to be legible from the sidewalk or ground level adjacent to the sign. If the premises is not enclosed by a fence and the dog is kept within an enclosure, a sign shall be posted on every side of the enclosure in a position to be legible from the sidewalk or ground level.~~

~~D.—No person shall sell, exchange, transfer or give a vicious dog to another person.~~

~~E.—Owners and custodians of vicious dogs shall post their property with conspicuous signs warning of the presence of a vicious dog.~~

~~F.—A vicious dog must be neutered or spayed.~~

~~G.—A vicious dog that inflicts bodily injury on a person or other animal by biting after it has been declared vicious, or a vicious dog not kept or maintained in compliance with this section, constitutes a public hazard and may be seized and destroyed.~~

~~H.—This section shall not apply to police canines and guard dogs. Guard dogs must be registered with the humane society and licensed and are restricted to property zoned nonresidential. The annual fee for registration of a guard dog shall be \$10. The registration form shall include the dog's location by address; the dog's gender and general description, the dog's current City license number, the dog's current rabies vaccination number, and the name of an emergency contact person who is available 24 hours a day. Guard dogs shall be confined to a fenced in area that is adequate to prevent the dog from escaping the fenced area. The fenced area shall be clearly posted with warning signs.~~

~~I.—Any dog declared vicious must have an identification microchip inserted by a veterinarian and to have at least two color photographs taken of said dog to be placed on file with the animal control office. This shall be done within 10 days of the dog being declared vicious and at the expense of the dog's owner or custodian.~~

~~J.—A violation of any of the provisions of this section may be charged as a simple misdemeanor offense.~~

~~Additionally, any animal control or police officer shall have the right to seize and impound the dog if any of the conditions and specifications established by this section for the keeping of vicious dogs are not being met.~~

6.04.110. Dangerous dogs.

- A. Any person keeping a dog deemed dangerous or vicious prior to June 1, 2025 shall be allowed to keep such animal for the duration of the animal's natural life and shall be excluded from the requirements of this chapter for dangerous dogs if the following conditions are met:
- The animal has been microchipped and that microchip is registered with animal control;
 - The animal remains licensed under the requirements of this chapter;
 - The animal's owner or custodian posts their property with conspicuous signs warning of the presence of a dog;
 - The animal's owner or custodian maintains continuous residency within the city of Davenport;
 - The animal's owner or custodian complies with any provision deemed necessary by the executive director of animal control in consultation with the City of Davenport Legal Department to ensure public safety; and
 - The animal is not involved in a bite, attack, or dangerous behavior incident as defined by this chapter. Any new incidents involving a grandfathered dog will be evaluated under the criteria of the definition effective June 1, 2025.
- B. The declaration that a dog is dangerous shall be made by an animal control officer. Notification of the declaration and the owner's appeal rights shall be made in accordance with the procedures contained in Section 6.04.155.
- C. No person shall own, keep, harbor, foster, or maintain any dog that has been declared dangerous except as provided herein.
- D. No person shall allow a dangerous dog to be in or upon any premises or vehicle owned, leased, occupied, or controlled by the person, except as provided herein.
- E. No person shall bring any dangerous dog into the City of Davenport without approval of the City Administrator.
- F. No person shall allow a dangerous dog in a City park or off-leash dog area.
- G.** Upon receiving a complaint or having reasonable suspicion that a dangerous dog is being kept, sheltered, or harbored within the city, animal control or the City of Davenport may initiate an investigation. If, after investigation, animal control or the City of Davenport determines that a dangerous dog is indeed being kept, sheltered, or harbored within the city by any person, the City of Davenport, or its designee, shall declare the animal a dangerous dog. The owner or caretaker of the dog shall then be ordered to either humanely euthanize the animal or have it microchipped and rehomed outside the city limits within fourteen calendar days from the date of service of the order. Until the dog is euthanized or rehomed, it must be securely confined or leashed under the direct control of a person 18 years of age or older.
- H. Notice of the declaration that a dog has been deemed dangerous shall be promptly served in person to the owner, if known. If personal service cannot be completed within the city limits, the notice may be sent by certified mail. The notice shall include:
- Description of the animal;
 - Declaration that the animal has been deemed dangerous;

- The basis for the declaration;
- An order requiring the owner to humanely euthanize the dog or have the dog microchipped and rehomed outside the city limits within fourteen days of the service of the notice;
- A warning that the dog will be subject to seizure if it is not rehomed or humanely euthanized within the required timeframe; and
- Information on the right to appeal, stating the owner may file a written notice of appeal with the Legal Department within fourteen days from the date of service.

- I. If the owner is ordered to humanely euthanize the dog or have it microchipped and rehomed outside the city limits, the owner must comply within the required timeframe of the notice of the declaration. If the owner fails to do so, the City of Davenport or its designee is authorized to seize and impound the animal. Additionally, the animal may be seized at any time if it is not securely confined or leashed under the direct control of a person 18 years of age or older. An impounded animal shall be held for fourteen days or, if an appeal is filed, until seven days after the final decision of the appeal. If the appeal results in a reversal of the dangerous declaration, the animal shall be immediately release to the owner or their representative. However, if the declaration remains in effect and the owner does not seek a review by the district court, the City of Davenport or its designee shall proceed with the disposition of the animal in accordance with the policies of the organization providing shelter services.
- J. Orders and declarations concerning dangerous dogs issued by the City of Davenport or its designee may be appealed through the administrative appeal procedure set forth in Section 6.04.165 of this Code.
- K. Any dog alleged to be dangerous and held under impoundment or quarantine shall not be released to the owner but shall remain confined at the owner's expense until the outcome of the hearing is determined. If the dog is deemed dangerous, all costs associated with its impoundment or quarantine shall be the responsibility of the owner. If the Animal Hearing Commission after a full and complete hearing determines the animal should not be deemed dangerous, all costs of the impoundment and/or quarantine will be the responsibility of the City of Davenport.
- L. Failure to comply with an order issued by the City of Davenport or its designee under this section whether not appeal or upheld on appeal shall constitute a misdemeanor offense. A violation of any of the provisions of this section may be charged as a simple misdemeanor offense. Additionally, any animal control or police officer shall have the right to seize and impound the animal if any of the conditions and specifications established by this section are not being met.

6.04.115. Working Security service dogs. [Ord. 02-573 § 9]

~~A. For purposes of this section, the following words and phrases shall have the assigned meanings.~~

- ~~1. "Working service dog" means any dog trained to detect or to guard, protect, patrol or defend any premises, area or yard, in the custody and control of a handler.~~
- ~~2. "Handler" means any person who has custody and control of a working service dog within the City.~~
- ~~3. "Working service dog service" means engaging in the business of providing working service dogs in the City.~~

~~B.A.~~ No person shall engage in the business of providing working security service dog service in the City or to act as a handler, unless said person has obtained a license as required by this section prior thereto.

~~C.B.~~ No person shall own or have the care or custody of a working security service dog unless the person has secured a working service dog license, tag and identification number from the City or its agent. The fee for each working security service dog license shall be \$10. No working security service dog license or tag shall be issued unless said working service dog is currently vaccinated for rabies.

~~D.C.~~ An application for a license to operate, maintain and conduct working security service dog service in

the City shall be filed, together with an application fee of \$200, with the City or its agent. The application shall state the name, address, type of organization of working-security service dog service, its method of operation, the names and addresses of its officers, and the names of its employees and include evidence that the applicant is a bona fide security service licensed by any state or federal authority. The application must be accompanied by an insurance certificate or a surety bond underwritten by a corporate surety admitted to do business in the state of Iowa, in a form approved by the City Attorney, in the sum of \$300,000 blanket coverage for the working-security service dog service. The workingsecurity dog service and surety shall be jointly and severally liable to any person, firm or corporation for damages suffered by reason of the wrongful acts of the workingsecurity service dog service. Notice of proposed cancellation of the insurance or bond shall be provided to the City or its agent not less than 30 days in advance of the cancellation date.

E.D. Each applicant for a workingsecurity service dog handler license shall be a natural person and shall pay an annual fee of \$100 and shall be required to carry insurance or a surety bond in the amount of \$100,000 covering the same items as set forth in subsection D above. A workingsecurity service dog service licensed under subsection D above need not obtain a separate handler license under this subsection.

F.E. It shall be unlawful for any person to engage in any business or occupation licensed under this section in the City unless such person holds a valid license pursuant to this section. A violation of this section may be charged as a simple misdemeanor.

G.F. Every handler or owner of a working-security service dog shall see to it that such animal wears a clearly visible tag approved by the City or its agent at all times it is within the City unless the dog is performing a working-security service which requires not wearing a tag in order to perform the service safely. Such tag shall have stamped thereon "Working-Security Service Dog, Tag No., City of Davenport," and the year the tag was issued for. Lost or stolen tags shall be immediately reported to the City or its agent and shall be replaced by the City or its agent at the cost provided for other tags as stated in this chapter.

H.G. Any working-security service dog service or handler that sells or otherwise transfers ownership of any working-security service dog shall, not less than 10 days after the transfer, file a report with the City or its agent containing the name and address of the person to whom such dog was transferred, a description and identification tag number of the dog, and any other information the City or its agent deems necessary.

I.H. Any person whose working-security service dog is lost or stolen or whose dog has died shall, within 24 hours of the loss or theft, or within 10 days of the death, file a report with the City or its agent containing a description and identification tag number of the dog, and any other information the City or its agent deems necessary.

J.I. A working-security service dog, properly registered as required by this section, in the custody and control of a licensed working-security service dog service or handler, shall not be declared to be a dangerous or vicious dog, provided that at the time of attack said dog was under the direct supervision of a working-security service dog service or licensed handler.

6.04.120. Damage to property. [Ord. 93-283 § 1 (part)]

No person shall allow or permit their animal to damage, injure, or destroy any shrubbery, plants, flowers, grass, fence, or anything whatsoever upon public or private property without prior permission from the property owner or authorized person.

6.04.130. Barking dogs regulations. [Ord. 93-283 § 1 (part)]

It shall be unlawful to keep or harbor any dog which, by frequent, regular, habitual, or continued barking, yelping, or howling shall cause serious annoyance to the surrounding neighborhood. Such action is a violation of this chapter and is also hereby declared a public nuisance. The animal control officer or a Davenport police officer shall have the authority to use all reasonable means to abate such nuisance, including but not limited to requiring that the owner or custodian make bona fide efforts to quiet the dog and impoundment of the dog if the owner or custodian is absent from the premises. If the dog is impounded, the officer shall attempt to locate and notify the absent owner or custodian by any reasonable means as soon as possible.

6.04.140. Impoundment. [Amended 8-28-2024 by Ord. No. 2024-382; Ord. 2015-373: ; Ord. 2000-285 § 8; Ord. 93-283 § 1 (part)]

- A. The City may establish and maintain a municipal animal shelter or the City may contract with any nonprofit incorporated society or association which shall provide and maintain an animal shelter for the enforcement of this chapter. It shall be the duty of the persons authorized by the City to operate such animal shelter to supervise and control such facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not redeemed, and to assist in the enforcement and operation of this chapter. The provisions of this chapter shall be enforceable by any animal control officer and by members of the Davenport Police Department.
- B. Impoundment Procedure. Unrestrained animals found running at large, nuisance animals, neglected animals, abandoned animals, and cats or dogs running at large without license tags or rabies vaccination tags shall be taken and impounded in the animal shelter and there confined in a humane manner.

All at large and impounded dogs and cats shall have an electronic identification device, otherwise known as a microchip, placed under the animal's skin after 72 hours in impound, unless waived by the executive director of ~~the humane society~~animal control or their designee for good cause. The microchip identification shall become part of the at large animal's record, and the impoundment fee shall be increased to include the cost of the microchip implantation and registration in the amount set by Animal Control.

- C. Notice. Every dog or cat found without a license, collar, microchip, rabies tag, or similar identification shall be kept for not less than three days after being impounded unless sooner redeemed by the owner in accordance with this article. Dogs with identification shall be kept not less than seven days after being impounded unless sooner redeemed by the owner in accordance with this article.

- D. **Claim Fees.** A person redeeming an impounded dog or cat shall pay the required redemption fee as stated in Section 6.04.060 for a first, second or third offense and the required boarding fees as provided for by this section. In addition, before an unlawfully unlicensed animal may be redeemed the person redeeming the animal must obtain a license as stated in this chapter. In addition, a person redeeming an animal shall pay any additional fees required under the provisions of this chapter, including any monies expended for the provision of medical treatment provided to the animal.

The boarding fees for other animals shall be set by resolution of the City Council:

1. For each dog, cat, ferret or similar animal a per day fee for the animal's care, food, water and shelter.
 2. For each domestic fowl, chicken, goose, duck or waterfowl a per day fee for the animal's care, food, water and shelter.
 3. For each horse, mule, jack, cow, bull, steer, ox, swine, sheep, goat or similar animals a per day fee plus actual expenses incurred for the animal's care, food, water and shelter.
 4. For any animal not specified herein, a per day fee plus actual expenses incurred for the animal's care, food, water and shelter.
- E. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an animal control officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be subjected to humane euthanasia.
- F. **Unclaimed Animals.** Animals not reclaimed or redeemed within the time limitations provided by this chapter shall become the property of the City or animal shelter and shall be placed for adoption in a suitable home or subjected to humane euthanasia. No unclaimed dog or cat shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, secured by a cash deposit, guaranteeing that such animal will be sterilized.
- G. The refusal to redeem or reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, or any other costs incurred in the care of the animal. An owner or custodian who refuses to pay such expenses shall be in violation of this chapter and subject to citation for the same.
- H. Neither the City nor the animal shelter, nor their agents and officers enforcing the provisions of this chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this chapter.

6.04.150. Enforcing provisions. [Ord. 2000-285 § 9; Ord. 93-283 § 1 (part)]

- A. ~~Humane society employees, animal~~Animal control officers and Davenport police officers are authorized to issue municipal infraction citations or notices of violations for violations of the provisions of this chapter. If provided for by a section of this chapter, a Davenport police officer may enforce a violation of a section as a simple misdemeanor.
- B. It is unlawful for any person to interfere with, hinder, willfully prevent or attempt to prevent any police officer, animal control officer, or person authorized to enforce this chapter by the City Administrator in the enforcement of this chapter.

- C. **Inspection Procedures.** Whenever it becomes necessary to make an inspection to enforce any of the provisions of or to perform any duty imposed by this chapter or other applicable law, or whenever the animal control officer or other authorized person has reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or other applicable law, the officer is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the officer by this chapter or other applicable law. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons entry is sought. If the property is unoccupied, the officer shall first make a reasonable effort to locate the owner or other person in control of the property and request entry explaining the reason therefor. If entry is refused, or the owner or person in control of the property cannot be located after due diligence, the officer shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.
- D. **Immediate Inspection.** Notwithstanding Section 6.04.170 subsection B., if the animal control officer or police officer has reasonable cause to believe that the keeping or the maintenance of any animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such investigation, whether the property is occupied or unoccupied. If occupied, the officer shall first present proper identification and demand entry explaining the reasons therefor and the purpose of the inspection.

6.04.155. Notice of violation, confiscation, revocation. [Ord. 2015-118 § 6; Ord. 2006-211 § 2; Ord. 2003-210 (part); Ord. 02-573 § 5; Ord. 2000-285 § 10]

An animal control officer or police officer may send notice of violation to an animal's owner or keeper. A notice of violation initiates administrative sanction procedures for violations of this chapter, revocation of a person's privilege to license or keep animals within the City, extension of periods of revocation, confiscation of an animal by the City, or a declaration that ~~a dog is dangerous or vicious~~ an animal is dangerous. A notice of violation shall be sent by certified mail or personally served upon an animal's owner or keeper at the request of a victim of a dog attack as defined in Section 6.04.010(K). The notice of violation may be appealed as provided in Section 2.86.020 of the City code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the City code. If a timely appeal is not filed the notice of violation shall be conclusively presumed to be true. If no timely appeal is filed the notified person shall be deemed to have waived all rights to challenge the action taken by the City.

6.04.160. Nuisances. [Ord. 2015-118 § 7; Ord. 2006-211 § 3; Ord. 2003-210 (part); Ord. 2000-285 § 11; Ord. 97-247 § 1; Ord. 93-283 § 1 (part)]

- A. Any animal which is not confined or kept under restraint as required by this chapter, and any wild, exotic, dangerous ~~or vicious~~ animal kept or maintained within the City in violation of this chapter, any animal which barks so frequently, regularly, or habitually that it causes serious annoyance to the surrounding neighborhood, is hereby declared a public nuisance.
- B. Whenever an animal control officer or police officer determines that a nuisance exists, the officer may cause a written notice ordering the abatement of the nuisance to be served upon the owner or custodian. The notice to abate shall contain a description of what constitutes the nuisance, the location of the nuisance, a statement of the act or acts necessary to abate the nuisance, a definite time within which the nuisance shall be abated which time shall be reasonable under the circumstances, and a statement that the City will abate the nuisance if the nuisance is not abated in the manner and within the time stated and no request for a hearing is made within the time stated. Notice to abate shall be

served personally upon the owner or custodian by serving the owner or custodian or any person residing at the residence who is at least 18 years old, or by serving the owner or custodian by certified mail return receipt requested. If service is by certified mail, service shall be deemed given when mailed.

- C. Any person ordered to abate a nuisance may request a hearing on the order to abate as provided in Section 2.86.020 of the City code. If appealed the hearing shall be scheduled and held as provided by the procedures in Chapter 2.86 of the City code. If no timely appeal is filed the nuisance shall be conclusively presumed to exist and the person who was notified to abate it shall be conclusively presumed to be responsible for the existence of the nuisance.
- D. If a person ordered to abate a nuisance neglects or fails to abate the nuisance as directed, the City may abate the nuisance. If an animal is impounded, the owner or custodian of the animal shall be notified of the impoundment as provided in Section 6.04.140. Notwithstanding any other provision of this chapter, the impoundment authority shall keep an impounded animal until such time as the animal control officer who ordered the abatement notifies the impoundment authority that the owner or custodian has complied with the order to abate or has abated the nuisance in some other acceptable manner, in which case, the animal may be released to the owner or custodian upon payment of all the costs, fees and other expenses incurred in the care of the animal have been paid. If the impoundment authority is not notified of the owner's or custodian's compliance within three days after the impoundment, in the case of a previously abated nuisance animal, or from the time specified in a formal order of abatement, the impounded animal may be disposed of in the discretion of animal control.~~the humane society.~~

6.04.165. ~~(Reserved)~~² Animal Hearing Commission

A. Purpose. The Animal Hearing Commission has the following powers:

1. To hear and rule on appeals related to dangerous animal determinations within the city;
2. To make decisions on whether an animal should be deemed dangerous under the city's animal ordinances; and
3. Authority to assign animal owners to training or other remediation efforts.

B. Composition. The Commission shall consist of up to eight members, appointed by the City Administrator or designee, with the approval of City Council. Appointments shall be for a period of two years. Each member shall be at least 21 years of age and shall serve without compensation. The Commission shall further consist of at least one of each of the following:

1. A City of Davenport representative or employee not involved in the case, including but not limited to the designated hearing officers under Chapter 2.86;
2. A community member with animal expertise who is not involved in providing animal protection services;
3. A board-certified veterinarian who works with companion animals, a veterinarian technician, a veterinarian's assistant, other veterinary professional, or animal behavior specialist.

Commission members must be available for timely case resolution and may be excused from the commission for lack of attendance. At least three members shall be present at each hearing conducted by the Commission. Any member may be recused if the member perceives a conflict of interest or personal

connection involved in any case.

Chapter 6.20

C. Hearing Procedure. Procedures for initiating an appeal of a dangerous dog declaration are the same as those outlined in Chapter 2.86. The Animal Hearing Commission as a body will serve as the administrative hearing officer for appeals related to dangerous animal determinations. The commissioners shall have all the rights, duties, and responsibilities of an administrative hearing officer under Chapter 2.86 and shall follow and adhere to all of the procedures outline in Chapter 2.86. There will be no fee for a hearing of this type. Requests for external adjudication will not be accepted for hearings related to dangerous animal determinations.

6.04.170. Penalties. [Ord. 02-573 § 6; Ord. 2002-501 § 2; Ord. 2000-285 § 12; Ord. 93-283 § 1 (part)]

A.B. A violation of any provision of this chapter shall constitute a municipal infraction and may be cited and punished accordingly.

B.C. If provided for, a section of this chapter may be charged as a simple misdemeanor offense and may be cited and punished accordingly, in lieu of the issuance of a municipal infraction citation, at the officer's discretion.

C.D. In addition to a municipal infraction citation or simple misdemeanor citation for violations under this chapter, a notice of violation for the same incident may be issued to invoke the procedures pursuant to Section 6.04.155 of this chapter.

D.E. The following scheduled fines are established for municipal infractions:

1. Section 6.04.020 (Licenses) \$20;
2. Section 6.04.030 (Display of tags); Section 6.04.040 (Rabies vaccination); Section 6.04.060 (At large); and Section 6.04.080 (Animal waste): (i) first offense \$30; second offense \$40; third offense \$50; fourth or subsequent offense up to \$200;
3. Section 6.04.110 ~~A or B~~ (~~Vicious~~ Dangerous dog): first offense \$250; second offense \$500; third or subsequent offense \$750.

E.F. If no scheduled fine is provided for a violation, then the fine imposed shall not exceed \$500 for a first offense and \$750 for a second or subsequent offense.

-
2. Editor's Note: Former Section 6.04.165, Animal hearing commission, previously codified herein and containing portions of Ordinance No. 2003-210 and 2003-523, was repealed in its entirety by Ordinance No. 2006-211.



Management Update

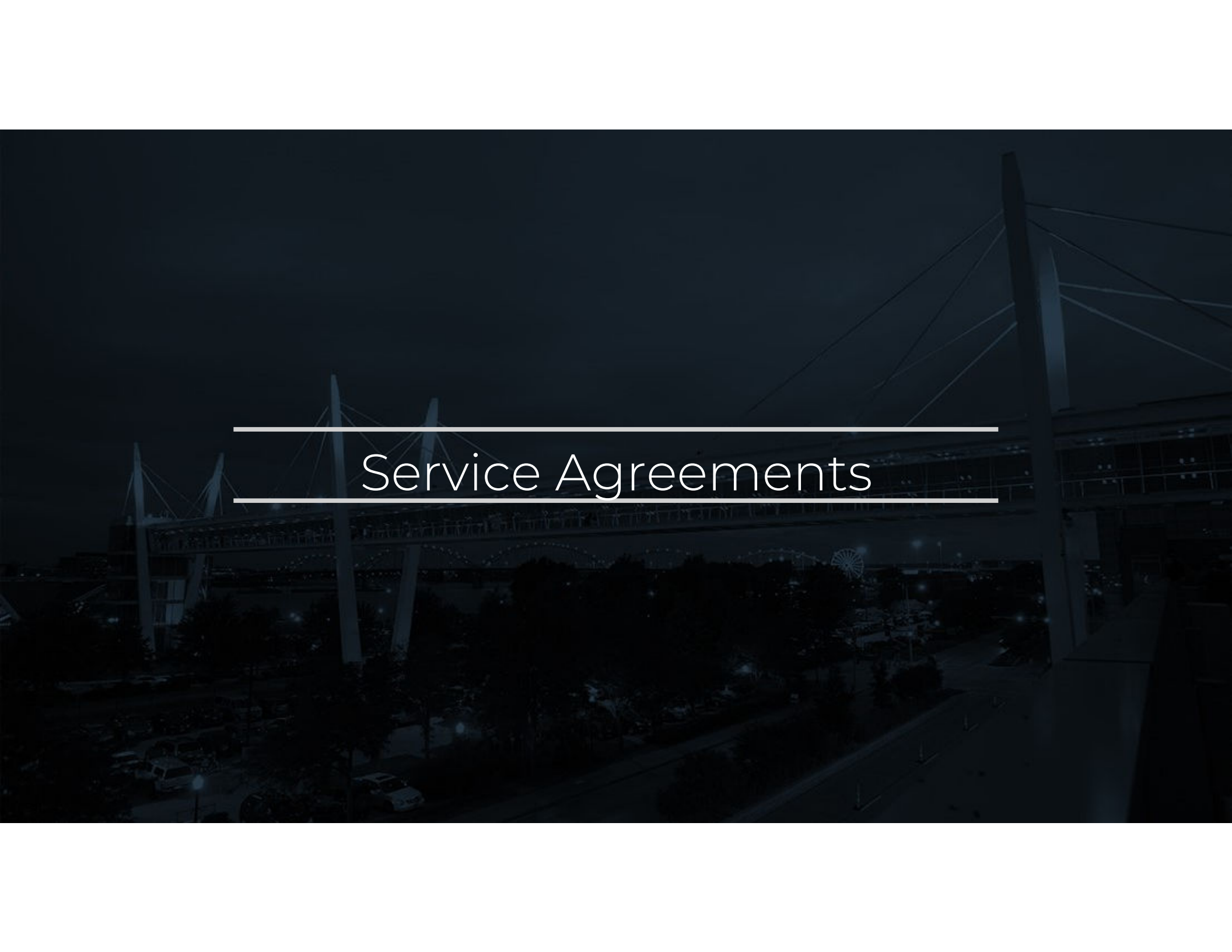
- City of Davenport and Humane Society of Scott County

February 18, 2025 | City Hall

Overview



- Service agreements summary
- Fundraising investment update
- Joint task force
- Ordinance changes
- Next steps



Service Agreements

FY 2025 Agreement



- Approved by City Council March 27, 2024
- Effective July 1, 2024 – June 30, 2025
- \$800,000 for animal control services, plus vehicle, fuel, and radio expenses
- Key changes:
 - Fundraising investment (\$50,000)
 - Joint task force



FY 2026 Agreement



- On current agenda
- Effective July 1, 2025 – June 30, 2026
- \$800,000 for animal control services, plus vehicle and fuel expenses
- Allows more time to evaluate financial impacts of code changes and licensing efforts





Fundraising Investment

Fundraising Update



- April 2024 | RFP for a fundraising consultant
- May 2024 | Three proposals received and evaluated by HSSC and City staff
- June 2024 | Awarded to top scoring vendor
- August 2024 | Signed agreement with Convergent Nonprofit Solutions
- September 2024 | Development Audit
- January 2025 | Fundraising Study

Fundraising Update



- The development audit assessed HSSC's capacity to launch and sustain a large-scale fundraising initiative by identifying strengths, areas for improvement, and growth opportunities.
- Fundraising study interviews concluded on February 7th.
- A final vendor report is expected March 18th.



Joint Taskforce

Representation



- Member of HSSC Board of Directors
- HSSC Staff
- City Council
 - Alderwoman Burkholder
- City of Davenport Staff
- Consulting with:
 - City of Bettendorf
 - Scott County
 - Local veterinarians
 - Humane Society of the United States

Progress To Date



- Purpose | To evaluate necessary ordinance updates or programmatic changes and propose solutions for long-term financial viability
- Changes passed in September 2024:
 - Reduced the impoundment period
 - Required microchips for impounded animals
 - Increased claim fees
 - Expanded license sales options to vet offices and online



Ordinance Changes

Recommendations



- Proposed changes continue to seek financial sustainability and to improve animal welfare for companion animals in the community:
 - Update dangerous animal definition
 - Establish an Animal Hearing Commission
 - Update definitions for mistreatment of animals

Dangerous Animal



- Current:
 - Dangerous animals are allowed in the city but not well defined
- Proposed change:
 - Clarify the criteria for dangerous animals
 - Require rehoming outside of the city or humane euthanasia
- Justification:
 - Clearer definition of dangerous animal
 - Public safety
 - APS resources to enforce and monitor compliance
 - Similar to Des Moines and Iowa City codes

Dangerous Animal

- Proposed definition includes an animal that has:
 - Killed a human being
 - Caused a serious injury as defined by Iowa Code
 - Killed another domestic animal
 - Attacked, injured, or bitten twice in a 48-month period
 - Been determined as dangerous by another jurisdiction

Hearing Commission



- Current:
 - Does not exist
- Proposed changes:
 - Establish a five member panel to rule on appeals to dangerous animal determinations
- Justification:
 - With the proposed changes for dangerous animals, the decision to deem becomes more consequential
 - Similar codes in Eldridge, Burlington, and Fort Dodge

Hearing Commission

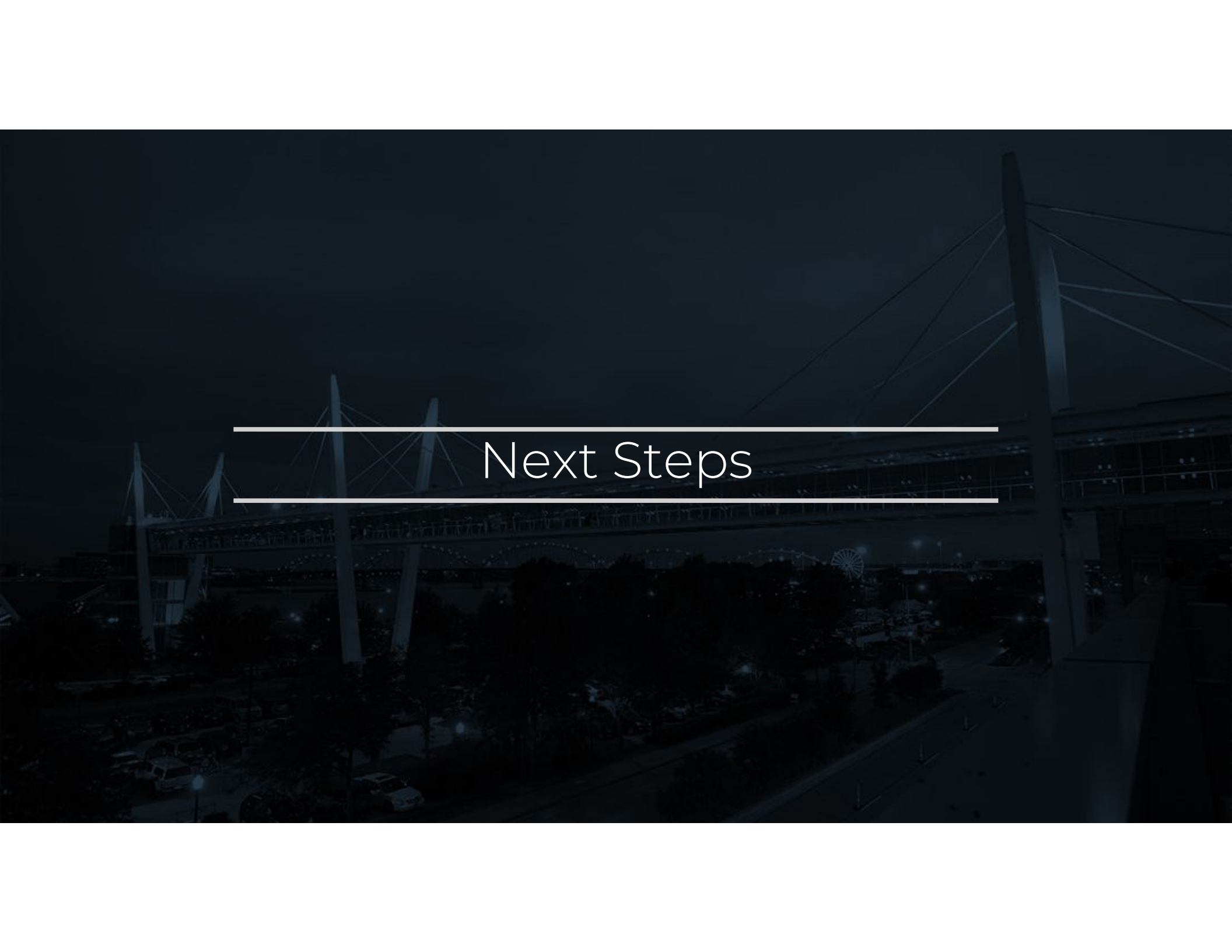


- Composed of City representatives and community members with veterinary or animal behavior expertise
- Hear and rule on appeals related to dangerous animal determinations by APS

Mistreatment



- Current:
 - Is more limited and general than other Iowa communities
- Proposed changes:
 - Expanded definition to include animal fighting, abandoning, and other mistreatments
- Justification:
 - Improved alignment with State code
 - Clearer definitions for enforcement
 - Similar code in Cedar Rapids



Next Steps

Next Steps



- Proposed changes have gone through City legal review.
- These ordinance changes expected on the agenda this spring.
- Consideration of additional code or programmatic changes.
 - TBD | Management Update on TNR and Community Cats
 - TBD | Public informational meeting on TNR and Community Cats

Thank you



City of Davenport

Department: Public Works
Contact Info: Brian Schadt | 563-326-7923

Action / Date
5/28/2025

Subject:

Second Consideration: Ordinance amending Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" by adding 16th Street along the south side from 140 feet east of Division Street, east 25 feet. [Ward 4]

Recommendation:

Adopt the Ordinance.

Background:

The resident at 1645 West 16th Street has no off-street parking. Tenants at nearby rental properties are parking in front of her house forcing her to park much further down the street. She is requesting one space in front of her property. The dwellings on either side of 1645 West 16th Street have off-street parking. A resident only parking space has already been provided for 1603 N Division Street for similar conditions.

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE XI RESIDENT PARKING ONLY OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING 16TH STREET ALONG THE SOUTH SIDE FROM 140 FEET EAST OF DIVISION STREET, EAST 25 FEET.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport Iowa, be and the same is hereby amended by adding the following.

16th Street along the south side from 140 feet east of Division Street, east 25 feet

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

EFFECTIVE DATE. This ordinance shall be in full force and effective after its final passage and publication as by law provided.

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Development & Neighborhood Services
Contact Info: Laura Berkley | 563-888-3553

Action / Date
5/28/2025

Subject:

Resolution approving a petition for voluntary severance of 0.29 acres of real property located between the southern right-of-way of Forest Grove Drive and 2145 Forest Grove Drive, Lisa M. Schluensen Trust, Petitioner. [Ward 6]

Recommendation:

Adopt the Resolution.

Background:

The Lisa M Schluensen Trust has submitted a petition to sever land from the City of Davenport in order to annex it into the City of Bettendorf. This action is called a Corporate Boundary Adjustment between Cities. The request would realign the City Limits to the south right-of-way of Forest Grove Drive.

A portion of the Veteran's Memorial Parkway road construction project was completed in 2017. Part of the project included the reconfiguration of Forest Grove Drive from Utica Ridge Road east to the City Limits with Bettendorf. A portion of the old Forest Grove Road, which was no longer needed, was vacated in 2018 when the road was removed. The City Limit between Davenport and Bettendorf runs along the vacated old Forest Grove Road, splitting property owned by the Lisa M Schleunsen Trust. The sliver of land subject to the severance is not developable within the City of Davenport, and functions as the front yard of 2145 Forest Grove Drive.

A resolution approving the severance of the land is required as part of the application for annexation into the City of Davenport. The official decision of the Corporate Boundary Adjustment is made by the State City Development Board.

Attachments:

1. Resolution
2. Location Map
3. Petition to Sever Land and Annex to Bettendorf

Resolution No. _____

Resolution offered by Alderman Gripp.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving a petition for voluntary severance of 0.29 acres of real property located between the southern right-of-way of Forest Grove Drive and 2145 Forest Grove Drive, Lisa M. Schluensen Trust, Petitioner.

WHEREAS, the City of Davenport, County of Scott, State of Iowa is a duly organized municipal organization; and

WHEREAS, the City of Davenport, Iowa has received a request for voluntary severance from the property owner of certain real estate located in Scott County described as:

Part of the northeast quarter of Section 4, Township 78 North, Range 4 East of the 5th Principal Meridian in the City of Davenport, County of Scott, State of Iowa more particularly described as follows:

Beginning at the southwest corner of northeast quarter of said Section 4;

Thence North 01 degree 51 minutes 20 seconds West along the west line of the northeast quarter of said Section 4, a distance of 30.01 feet to the northerly line of vacated Forest Grove Drive Right of Way;

Thence continuing North 01 degree 51 minutes 20 seconds West along said west line a distance of 95.41 feet to the southwesterly right of way line of Forest Grove Drive;

Thence Easterly 97.59 feet along said southwesterly right of way line and the arc of a curve to the left with a radius of 2,060.00 feet, a chord bearing of South 71 degrees 19 minutes 17 seconds East and a chord distance of 97.58 feet;

Thence South 74 degrees 29 minutes 36 seconds East, a distance of 56.65 feet;

Thence South 76 degrees 00 minutes 04 seconds East, a distance of 51.46 feet;

Thence South 77 degrees 26 minutes 14 seconds East a distance of 51.45 feet;

Thence South 78 degrees 52 minutes 26 seconds East, a distance of 51.43 feet;

Thence South 80 degrees 17 minutes 33 seconds East, a distance of 0.48 feet to said northerly line of Vacated Forest Grove Drive Right of Way;

Thence South 87 degrees 01 minutes 37 seconds West along said northerly line, a distance of 295.41 feet to the Point of the Beginning;

The above-described parcel contains 12,734 square feet or 0.29 acres, more or less, as shown by the attached Annexation Plat;

For the purpose of this description Bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment); and

WHEREAS, pursuant to Chapter 368.25A of the Code of Iowa, a real property owner within the boundaries of a city may file a petition for severance with the city council if the petitioner's real property, if severed, would be eligible for annexation by a different city; and

WHEREAS, the owner of the subject property has filed a Petition of Severance from the City of Davenport, Iowa; and

WHEREAS, the owner of the subject property has also filed an application for Voluntary Annexation of Property to the City of Bettendorf, Iowa; and

WHEREAS, it is the desire of the Davenport City Council to approve the voluntary severance of property from the City of Davenport, Iowa.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the voluntary severance of 0.29 acres of real property located between the southern right-of-way of Forest Grove Drive and 2145 Forest Grove Drive is hereby approved and shall be severed from the City of Davenport, Iowa in accordance with Chapter 368 of the Iowa Code.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

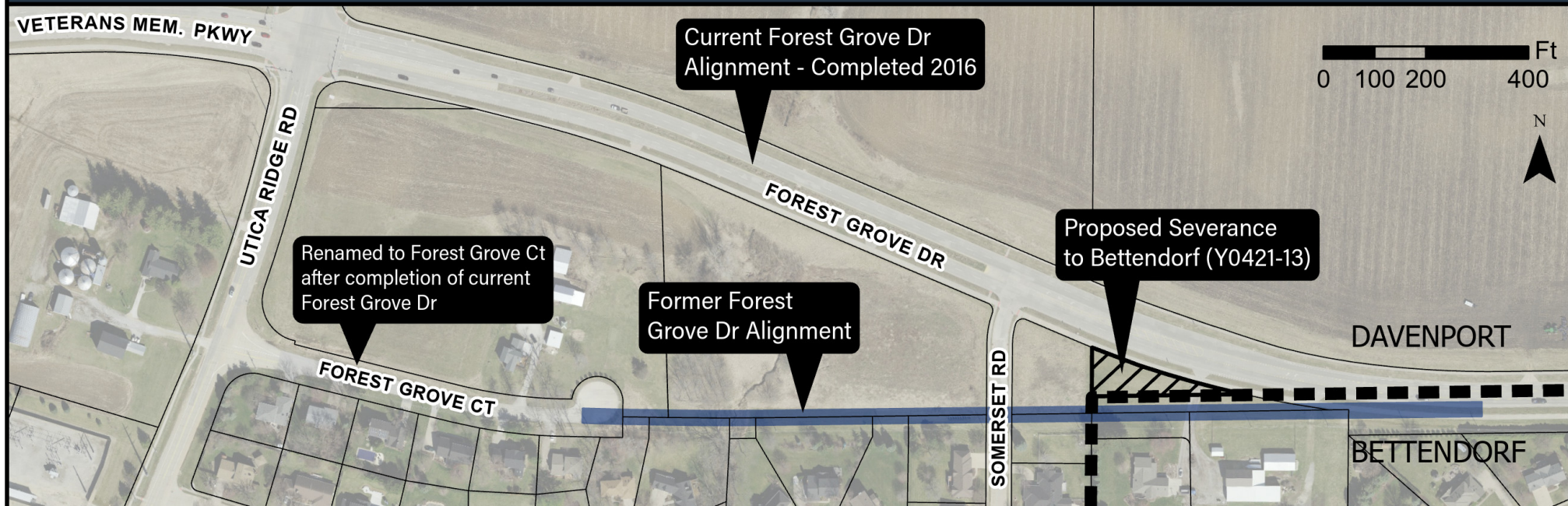
Brian Krup
Deputy City Clerk



THE CITY OF
DAVENPORT
IOWA | USA

Petition for Voluntary Severance Location Map

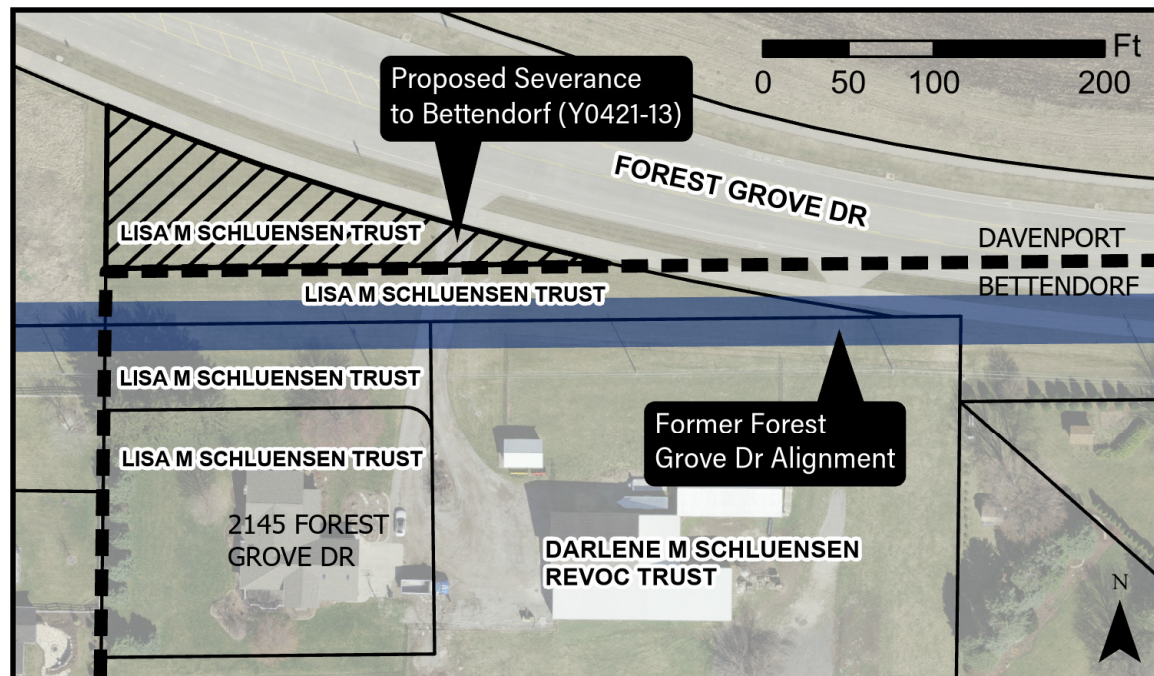
Parcel Y0421-13



Legend

- Existing City Limit (Dav./Bett.)
- Proposed Severance to Bettendorf
- Parcel Lines
- Former Forest Grove Dr Alignment

Map Date: 5/15/2025



PETITION FOR SEVERANCE

TO THE CITY OF DAVENPORT, IOWA AND TO ITS CITY COUNCIL:

The undersigned, as owner of the property herein described, does hereby apply in writing to the City Council of the City of Davenport, Iowa, that the following described real property be severed from the City of Davenport, pursuant to Iowa Code Sections 368.8 and 368.25A, holds the legal title to the real estate described as follows:

See Attached Map and Legal Description

It is the intent of the undersigned owner to voluntarily annex the above-described territory into the City of Bettendorf, Iowa, in accordance with Iowa Code Sections 368.7 and 368.25A. Pending annexation into the City of Bettendorf, Iowa the severance would not create an island. The above-described territory does not include any railroad right-of-way. The above-described territory does not contain any state-owned and county-owned right-of-way.

The undersigned requests that the City Council of the City of Davenport, Iowa approve this Petition, that the City send a certified copy of the City Council Resolution approving the severance to the City of Bettendorf for filing with the City Development Board of the State of Iowa concurrently with filing for voluntary annexation into the City of Bettendorf, Iowa; and that Davenport take all other steps necessary to complete the severance.

Dated this 9 day of May, 2025.

By *Lisa M. Schluensen*
Name: Lisa M. Schluensen, Trustee of the
Lisa M. Schluensen Trust

STATE OF IOWA,) SS
COUNTY OF SCOTT)

On this 9 day of May, 2025, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Lisa M. Schluensen, Trustee of the Lisa M. Schluensen Trust, known to be the identical persons named in and who executed the forgoing instrument, and who acknowledged that she executed the same as her voluntary act and deed.



[Signature]
Notary Public in and for said State of Iowa

ANNEXATION DESCRIPTION

Part of the northeast quarter of Section 4, Township 78 North, Range 4 East of the 5th Principal Meridian, in the City of Davenport, County of Scott State of Iowa, more particularly described as follows:

Beginning at the southwest corner of the northeast quarter of said Section 4;

Thence North 01 degree 51 minutes 20 seconds West along the west line of the northeast quarter of said Section 4, a distance of 30.01 feet to the northerly line of Vacated Forest Grove Drive Right of Way;

Thence continuing North 01 degree 51 minutes 20 seconds West along said west line, a distance of 95.41 feet to the southwesterly right of way line of Forest Grove Drive;

Thence Easterly 97.59 feet along said southwesterly right of way line and the arc of a curve to the left with a radius of 2,060.00 feet, a chord bearing of South 71 degrees 19 minutes 17 seconds East and a chord distance of 97.58 feet;

Thence South 74 degrees 29 minutes 36 seconds East, a distance of 56.65 feet ;

Thence South 76 degrees 00 minutes 04 seconds East, a distance of 51.46 feet;

Thence South 77 degrees 26 minutes 14 seconds East, a distance of 51.45 feet;

Thence South 78 degrees 52 minutes 26 seconds East, a distance of 51.43 feet;

Thence South 80 degrees 17 minutes 33 seconds East, a distance of 0.48 feet to said northerly line of Vacated Forest Grove Drive Right of Way;

Thence South 87 degrees 01 minutes 37 seconds West along said northerly line, a distance of 295.41 feet to the Point of Beginning.

The above-described parcel contains 12,734 square feet or 0.29 acres, more or less as shown by the attached Annexation Plat.

For the purpose of this description Bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

APPLICATION FOR VOLUNTARY ANNEXATION
City of Bettendorf, Iowa

Part 1

The undersigned, Lisa M. Schluensen, Trustee of the
Lisa M. Schlensen Trust, being the owner(s) or authorized representative(s) of the owner(s) of all property legally described in "Exhibit A" and as shown on the map "Exhibit B" request the property be annexed and become a part of the City of Bettendorf, Iowa.

Property Owner(s):

Signature: Lisa M. Schluensen, Trustee

Phone: [REDACTED]

Date: May 9, 2025

Signature: _____

Phone: _____

Date: _____

Part 2 (optional)

Iowa Code Section 368.7 gives the landowner(s) consenting to voluntary annexation of land the right to withdraw consent to annexation within three business days after the public hearing on the application to annex land unless this right is waived.

I hereby waive my right to withdraw consent to annexation within three business days after the public hearing on the application as evidenced by my signature below.

Property Owner(s):

Signature: Lisa M. Schluensen, Trustee

Phone: [REDACTED]

Date: May 9, 2025

Signature: _____

Phone: _____

Date: _____

Attachments: Exhibit A: Legal description of the property
Exhibit B: Map showing location of the property within the proposed annexation area

ANNEXATION DESCRIPTION

Part of the northeast quarter of Section 4, Township 78 North, Range 4 East of the 5th Principal Meridian, in the City of Davenport, County of Scott State of Iowa, more particularly described as follows:

Beginning at the southwest corner of the northeast quarter of said Section 4;

Thence North 01 degree 51 minutes 20 seconds West along the west line of the northeast quarter of said Section 4, a distance of 30.01 feet to the northerly line of Vacated Forest Grove Drive Right of Way;

Thence continuing North 01 degree 51 minutes 20 seconds West along said west line, a distance of 95.41 feet to the southwesterly right of way line of Forest Grove Drive;

Thence Easterly 97.59 feet along said southwesterly right of way line and the arc of a curve to the left with a radius of 2,060.00 feet, a chord bearing of South 71 degrees 19 minutes 17 seconds East and a chord distance of 97.58 feet;

Thence South 74 degrees 29 minutes 36 seconds East, a distance of 56.65 feet ;

Thence South 76 degrees 00 minutes 04 seconds East, a distance of 51.46 feet;

Thence South 77 degrees 26 minutes 14 seconds East, a distance of 51.45 feet;

Thence South 78 degrees 52 minutes 26 seconds East, a distance of 51.43 feet;

Thence South 80 degrees 17 minutes 33 seconds East, a distance of 0.48 feet to said northerly line of Vacated Forest Grove Drive Right of Way;

Thence South 87 degrees 01 minutes 37 seconds West along said northerly line, a distance of 295.41 feet to the Point of Beginning.

The above-described parcel contains 12,734 square feet or 0.29 acres, more or less as shown by the attached Annexation Plat.

For the purpose of this description Bearings are based on the Iowa State Plane Coordinate System, South Zone, North American Datum of 1983 (2011 Adjustment).

City of Davenport

Department: Administration
Contact Info: Brian Krup | 563-326-6163

Action / Date
5/28/2025

Subject:

Resolution approving street, lane, and public ground closure requests on the listed dates and times for outdoor events.

Christian Center Church; End of Summer Neighborhood Gathering; 2103 West 3rd Street; 11:00 a.m. - 6:00 p.m. Saturday, August 9, 2025; **Closure:** Oak Street from West 3rd Street south to the alley. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

Per the City's Special Events Policy, City Council will approve street, lane, and public ground closure requests based on the recommendation of the Special Events Committee.

Attachments:

1. Resolution
2. End of Summer Neighborhood Gathering Closure Map
3. End of Summer Neighborhood Gathering Street Closure Petition

Resolution No. _____

Resolution offered by Alderman Jobgen.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving street, lane, or public ground closure requests on the listed dates and times for outdoor events.

*Christian Center Church; End of Summer Neighborhood Gathering; 2103 West 3rd Street; 11:00 a.m. - 6:00 p.m. Saturday, August 9, 2025; **Closure:** Oak Street from West 3rd Street south to the alley. [Ward 3]*

WHEREAS, the City, through its Special Events Policy, has accepted the above applications for events on the listed date and time that are requesting street, lane, or public ground closures; and

WHEREAS, upon review of the applications, it has been determined that streets, lanes, or public grounds will need to be closed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the above street, lane, or public ground closure requests are hereby approved, and staff is directed to proceed with the closures.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk





CITY OF DAVENPORT

STREET CLOSING AND NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the 9th day of August, 2025 during the hours of 12:00pm - 5:00pm there is proposed a street closing of Oak St. between W 3rd Street and the alley between W 3rd and 2nd with outdoor music/band/performance from 12 a.m. (p.m.) to 5:00 a.m. (p.m.), requested by Christian Center Church

**The date and time on this form must match the date and time entered on the special event application.*

Please sign your name and print address below and indicate whether you are in favor of the street closure, opposed to the street closure, or not concerned (mark one).

NAME AND ADDRESS	IN FAVOR	OPPOSED	NOT CONCERNED
<u>B. Krup 2047 W. 3rd St.</u>	<u>X</u>	<u> </u>	<u> </u>
<u>Tom Cronin 223 OAK ST.</u>	<u>X</u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>
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**If more space is needed, please use additional sheets.*

**If you are unable to make contact with a resident/business, please indicate the date(s) and time(s) you attempted.*

B. Krup 7/6/2025
Signature of Applicant Date

Office of the City Clerk
563-326-6163

226 West Fourth Street
Davenport, Iowa 52801

Email: Brian.Krup@davenportiowa.com

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
5/28/2025

Subject:

Resolution accepting work completed under the West Locust Street (North Clark Street to North Lincoln Avenue) Rehabilitation project by CDMI Concrete Contractors, Inc of Port Byron, Illinois in the amount of \$883,833.59, CIP #35061. [Ward 4]

Recommendation:

Adopt the Resolution.

Background:

This project involved milling and overlaying the asphalt surface on West Locust Street from North Clark Street to North Lincoln Avenue as well as replacing five sanitary manholes and two storm water structures and updating ADA-accessible sidewalks and pedestrian signals at the North Clark Street intersection.

The total project cost was \$883,833.59 and was funded in CIP #35061 | High-Volume Streets.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting work completed under the West Locust Street (North Clark Street to North Lincoln Avenue) Rehabilitation project by CDMI Concrete Contractors, Inc of Port Byron, Illinois in the amount of \$883,833.59, CIP #35061.

WHEREAS, the City entered into contract with CDMI Concrete Contractors, Inc of Port Byron, Illinois for the West Locust Street (North Clark Street to North Lincoln Avenue) Rehabilitation project; and

WHEREAS, work performed under the above-named project has been duly and fully completed by the contractor in accordance with the terms of the contract; and

WHEREAS, the final cost of the contract was \$883,833.59.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the West Locust Street (North Clark Street to North Lincoln Avenue) Rehabilitation project by CDMI Concrete Contractors, Inc of Port Byron, Illinois in the amount of \$883,833.59 is hereby accepted.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Ron Hocker | 563-327-5169

Action / Date
5/28/2025

Subject:

Resolution accepting work completed under the 2024 Pedestrian Curb Ramp Retrofit Program by Americore LLC of Muscatine, Iowa in the amount of \$348,375.90, CIP #35063. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

Sidewalks at intersections altered by the City's in-house asphalt resurfacing crew must be retrofitted to bring them into compliance with the Americans with Disabilities Act and Public Right-of-Way Accessibility Guidelines. This program retrofits pedestrian curb ramps by contract. All retrofit work performed under this contract has been satisfactorily completed by Americore LLC of Muscatine, Iowa in the amount of \$348,375.90.

This project was funded through CIP #35063 | Neighborhood Streets.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting work completed under the 2024 Pedestrian Curb Ramp Retrofit Program by Americore LLC of Muscatine, Iowa in the amount of \$348,375.90, CIP #35063.

WHEREAS, the City of Davenport entered into a contract with Americore LLC of Muscatine, Iowa for the 2024 Pedestrian Curb Ramp Retrofit Program; and

WHEREAS, work performed under the above-named project has been duly and fully completed by the contractor in accordance with the terms of the contract; and

WHEREAS, the final cost of the contract was \$348,375.90.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the 2024 Pedestrian Curb Ramp Retrofit Program by Americore LLC of Muscatine, Iowa in the amount of \$348,375.90 is hereby accepted.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Amy Kay | 563-327-5160

Action / Date
5/28/2025

Subject:

Resolution accepting work completed under the State Revolving Fund (SRF) Parks Projects by Miller Trucking & Excavating of Silvis, Illinois in the amount of \$306,737.89, CIP #33041. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This was a series of SRF-funded projects to improve water quality in several parks. Work included:

1. Bioretention swale along Pine Street near Red Hawk Golf Course.
2. Reconstructed grass swale at Marquette Park.
3. Reconstructed grass swale at Eastern Avenue Park.

All work performed under this contract has been satisfactorily completed by Miller Trucking & Excavating, of Silvis, Illinois with a final cost of \$306,737.89 budgeted in CIP #33041.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION accepting work completed under the Davenport State Revolving Fund (SRF) Parks Projects by Miller Trucking & Excavating of Silvis, Illinois in the amount of \$306,737.89, CIP #33041.

WHEREAS, the City of Davenport entered into a contract with Miller Trucking & Excavating of Silvis, Illinois for the Davenport State Revolving Fund (SRF) Parks Projects project; and

WHEREAS, work performed under the above-named project has been duly and fully completed by the contractor in accordance with the terms of the contract; and

WHEREAS, the final cost of the contract was \$306,737.89.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the Davenport State Revolving Fund (SRF) Parks Projects by Miller Trucking & Excavating of Silvis, Illinois in the amount of \$306,737.89 is hereby accepted.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
5/28/2025

Subject:

Resolution awarding a contract for the West 61st Street (Appomattox Road to Scott Street) Overlay project to Emery Construction Group Inc of Moline, Illinois in the amount of \$880,780.10, CIP #35062. [Ward 8]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on April 23, 2025, and sent to contractors. On May 15, 2025, the Purchasing Division opened and read six (6) responsive and responsible bids. Emery Construction Group Inc of Moline, Illinois was the lowest responsive and responsible bidder and is recommended for award.

This is an HMA overlay project consisting of cracking and seating the existing PCC pavement prior to resurfacing. The proposed improvements include, but are not limited to, the furnishing of all labor, materials and equipment for the overlay of the existing concrete roadway; installation of subdrains; placement of ADA-compliant sidewalk ramps; resetting all existing utility surface features to finish grade; replacement of the adjacent driveway approaches; topsoil; sodding; erosion control; and other related work.

This project is funded through CIP #35062 | Neighborhood Street Repair Program.

Attachments:

1. Resolution
2. Bid Tab

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for the West 61st Street (Appomattox Road to Scott Street) Overlay project to Emery Construction Group Inc of Moline, Illinois in the amount of \$880,780.10, CIP #35062.

WHEREAS, the City needs to contract for the West 61st Street (Appomattox Road to Scott Street) Overlay project; and

WHEREAS, Emery Construction Group Inc of Moline, Illinois was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the West 61st Street (Appomattox Road to Scott Street) Overlay project is hereby awarded to Emery Construction Group Inc of Moline, Illinois in the amount of \$880,780.10.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: 61st Street Overlay Project

BID NUMBER: 25-88

OPENING DATE: May 15, 2025

FUNDING: 35062 | Neighborhood Street Repair Program

RECOMMENDATION: Award the contract to Emery Construction Group Inc. of Moline, Illinois in the amount of \$880,780.10.

<u>VENDOR NAME</u>	<u>Bid Total</u>
Emery Construction Group of Moline, IL	\$880,780.10
Hawkeye Paving Corporation of Davenport, IA	\$922,787
Eastern Iowa Excavating & Concrete, LLC of Cascade, IA	\$934,504.50
Langman Construction, Inc. of Rock Island, IL	\$972,737.99
CDMI Concrete Contractors Inc. of Port Byron, IL	\$983,303.70
Phoenix Corporation of the Quad Cities of Port Byron, IL	\$1,010,440.50

Approved By

Purchasing

Date

Approved By

Dept. Director

Date

Approved By

Budget/CIP

Date

Approved By

Chief Financial Officer

Date

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
5/28/2025

Subject:

Resolution awarding a contract for the Newberry Street (Lincoln Court to North Pine Street) Reconstruction project to N.J. Miller, Inc of Bettendorf, Iowa in the amount of \$440,025.50, CIP #35062. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on April 17, 2025, and sent to contractors. On May 9, 2025, the Purchasing Division opened and read nine (9) responsive and responsible bids. N.J. Miller, Inc of Bettendorf, Iowa was the lowest responsive and responsible bidder and is recommended for award.

This project will reconstruct Newberry Street from Lincoln Court to North Pine Street. The proposed improvements include, but are not limited to, pavement removal and replacement, driveway approach replacements, subdrain installation, ADA curb ramp construction, utility structure adjustments, and final stabilization.

This project is funded through CIP #35062 | Neighborhood Street Repair Program.

Attachments:

1. Resolution
2. Bid Tab

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for the Newberry Street (Lincoln Court to North Pine Street) Reconstruction project to N.J. Miller, Inc of Bettendorf, Iowa in the amount of \$440,025.50, CIP #35062.

WHEREAS, the City needs to contract for the Newberry Street (Lincoln Court to North Pine Street) Reconstruction project; and

WHEREAS, N.J. Miller, Inc of Bettendorf, Iowa was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Newberry Street (Lincoln Court to North Pine Street) Reconstruction project is hereby awarded to N.J. Miller, Inc of Bettendorf, Iowa in the amount of \$440,025.50.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Newberry Street Reconstruction

BID NUMBER: 25-84

OPENING DATE: May 9, 2025

FUNDING: **35062** | Neighborhood Street Repair Program

RECOMMENDATION: Award the contract to N.J. Miller, Inc. of Bettendorf, Iowa in the amount of \$440,025.50.

<u>VENDOR NAME</u>	<u>Bid Total</u>
N.J. Miller, Inc of Bettendorf, IA	\$440,025.50
Eastern Iowa Excavating & Concrete, LLC of Cascade, IA	\$468,571.75
Five Cities Construction Company of Coal Valley, IL	\$484,911.73
Apollo Excavating of Milan, IL	\$504,380
Hawkeye Paving Corporation of Davenport, IA	\$525,251.40
Midwest Concrete, Inc. of Peosta, IA	\$565,119.50
Centennial Contractors of the Quad Cities of Moline, IL	\$568,696.50
Langman Construction, Inc. of Rock Island, IL	\$599,815.08
Emery Construction Group Inc. of Moline, IL	\$603,288

Approved By

Purchasing

Date

Approved By

Depl. Director

Date

Approved By

Budget/CIP

Date

Approved By

Chief Financial Officer

Date

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
5/28/2025

Subject:

Resolution awarding a contract for the Torrey Pines Court Reconstruction project to Emery Construction Group Inc of Moline, Illinois in the amount of \$435,263.50, CIP #35062. [Ward 6]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on April 23, 2025, and sent to contractors. On May 13, 2025, the Purchasing Division opened and read ten (10) responsive and responsible bids. Emery Construction Group Inc of Moline, Illinois was the lowest responsive and responsible bidder and is recommended for award.

This project will reconstruct Torrey Pines Court from Utica Ridge to the end of the cul-de-sac. The proposed improvements include, but are not limited to, pavement removal and replacement, driveway approach replacements, subdrain installation, ADA curb ramp construction, utility structure adjustments, and final stabilization.

This project is funded through CIP #35062 | Neighborhood Street Repair Program.

Attachments:

1. Resolution
2. Bid Tab

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for the Torrey Pines Court Reconstruction project to Emery Construction Group Inc of Moline, Illinois in the amount of \$435,263.50, CIP #35062.

WHEREAS, the City needs to contract for the Torrey Pines Court Reconstruction project; and

WHEREAS, Emery Construction Group Inc of Moline, Illinois was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Torrey Pines Court Reconstruction project is hereby awarded to Emery Construction Group Inc of Moline, Illinois in the amount of \$435,263.50.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Torrey Pines Court Reconstruction Project

BID NUMBER: 25-87

OPENING DATE: May 13, 2025

FUNDING: 35062 | Neighborhood Street Repair Program

RECOMMENDATION: Award the contract to Emery Construction Group Inc. of Moline, Illinois in the amount of \$435,263.50.

<u>VENDOR NAME</u>	<u>Bid Total</u>
Emery Construction Group of Moline, IL	\$435,263.50
Eastern Iowa Excavating & Concrete, LLC of Cascade, IA	\$437,751.25
Five Cities Construction Company of Coal Valley, IL	\$444,931
N.J. Miller, Inc of Bettendorf, IA	\$490,545
Midwest Concrete, Inc of Peosta, IA	\$492,912.75
Centennial Contractors of the Quad Cities of Moline, IL	\$503,439.50
Hawkeye Paving Corporation of Davenport, IA	\$511,521
Americore LLC of Muscatine, IA	\$516,718
Apollo Excavating of Milan, IL	\$543,101.50
Langman Construction, Inc. of Rock Island, IL	\$547,786.54

Approved By

Purchasing

Date

Approved By

Dept. Director

Date

Approved By

Budget/CIP

Date

Approved By

Chief Financial Officer

Date

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
5/28/2025

Subject:

Resolution awarding a contract for the Dubuque Street (East 29th Street to East 32nd Street) Mill and Overlay project to Taylor Ridge Paving & Construction of Andalusia, Illinois in the amount of \$254,793.89, CIP #35062. [Ward 7]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on April 17, 2025, and sent to contractors. On May 8, 2025, the Purchasing Division opened and read seven (7) responsive and responsible bids. Taylor Ridge Paving & Construction of Andalusia, Illinois was the lowest responsive and responsible bidder and is recommended for award.

This project will rehabilitate Dubuque Street from East 29th Street to East 32nd Street. The proposed improvements include, but are not limited to, pavement removal and replacement, driveway approach replacements, subdrain installation, ADA curb ramp construction, utility structure adjustments, and final stabilization.

This project is funded through CIP #35062 | Neighborhood Street Repair Program.

Attachments:

1. Resolution
2. Bid Tab

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for the Dubuque Street (East 29th Street to East 32nd Street) Mill and Overlay project to Taylor Ridge Paving & Construction of Andalusia, Illinois in the amount of \$254,793.89, CIP #35062.

WHEREAS, the City needs to contract for the Dubuque Street (East 29th Street to East 32nd Street) Mill and Overlay project; and

WHEREAS, Taylor Ridge Paving & Construction of Andalusia, Illinois was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the Dubuque Street (East 29th Street to East 32nd Street) Mill and Overlay project is hereby awarded to Taylor Ridge Paving & Construction of Andalusia, Illinois in the amount of \$254,793.89.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Dubuque Street Mill and Overlay Project | E 29th Street to E 32nd Street

BID NUMBER: 25-83

OPENING DATE: May 8, 2025

FUNDING: 35062 | Neighborhood Street Repair Program

RECOMMENDATION: Award the contract to Taylor Ridge Paving & Construction of Andalusia, Illinois in the amount of \$254,793.89.

<u>VENDOR NAME</u>	<u>Bid Total</u>
Taylor Ridge Paving & Construction of Andalusia, IL	\$254,793.89
Hawkeye Paving Corporation of Davenport, IA	\$258,642
Phoenix Corporation of the Quad Cities of Port Byron, IL	\$261,635.75
Manatts, Inc. -Eastern Iowa Division of Camanche, IA	\$297,082.35
Eastern Iowa Excavating & Concrete, LLC of Cascade, IA	\$297,258.40
Langman Construction, Inc. of Rock Island, IL	\$299,831.21
Brandt Construction Co of Milan, IL	\$302,602.70

Approved By

Purchasing

Date

Approved By

Dept. Director

Date

Approved By

Budget CIP

Date

Approved By

Chief Financial Officer

Date

City of Davenport

Department: Public Works
Contact Info: Nicole Gleason | 563-326-7734

Action / Date
5/28/2025

Subject:

Resolution awarding a contract for the purchase of road salt for the 2025-2026 winter season, including base purchase and supplemental order, to Compass Minerals America, Inc of Overland Park, Kansas in the amount of \$83.69 per ton for the base purchase and \$99.11 per ton for the supplemental order. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

An Invitation to Bid was issued on April 16, 2025, and sent to vendors. On May 7, 2025, the Purchasing Division opened and read two (2) responsive and responsible bids. Compass Minerals America, Inc, of Overland Park, Kansas was the lowest responsive and responsible bidder.

This contract provides for the purchase of road salt for the 2025-2026 winter season.

This contract is funded through 54702031 520201 | SALT.

Attachments:

1. Resolution
2. Bid Tab

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION awarding a contract for the purchase of road salt for the 2025-2026 winter season, including base purchase and supplemental order, to Compass Minerals America, Inc of Overland Park, Kansas in the amount of \$83.69 per ton for the base purchase and \$99.11 per ton for the supplemental order.

WHEREAS, the City needs a contract for the purchase of road salt for the 2025-2026 winter season; and

WHEREAS, Compass Minerals America, Inc of Overland Park, Kansas was the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a contract for the purchase of road salt for the 2025-2026 winter season, including base purchase and supplemental order, is hereby awarded to Compass Minerals America, Inc of Overland Park, Kansas in the amount of \$83.69 per ton for the base purchase and \$99.11 per ton for the supplemental order.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

CITY OF DAVENPORT, IOWA
BID TABULATION

DESCRIPTION: Ice Control Road Salt | 2025-2026 Winter Season

BID NUMBER: 25-85

OPENING DATE: May 7, 2025

FUNDING: 54702031 520201 SALT | Salt Purchase

RECOMMENDATION: Award the contract to Compass Minerals America, Inc. of Overland Park, Kansas

<u>VENDOR NAME</u>	<u>Base</u>	<u>Supplemental</u>
Compass Minerals America, Inc., Overland Park, KS	\$83.69/Ton	\$99.11/Ton
Morton Salt, Inc., Chicago, IL	\$86.48/Ton	\$113.57/Ton

Approved By

Purchasing

Date

Approved By

Department Director

Date

Approved By

Budget/CIP

Date

Approved By

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
5/28/2025

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Ridgeview Drive (Cedar Street to Pacific Street) Reconstruction project, CIP #35061. [Ward 8]

Recommendation:

Adopt the Resolution.

Background:

This project will reconstruct Ridgeview Drive from Cedar Street to Pacific Street. Proposed improvements include, but are not limited to, the furnishing of all labor, materials, and equipment for the reconstruction of the existing concrete roadway and ADA-accessible sidewalk ramps; installation of subdrains; resetting all existing utility surface features to finish grade; replacement of adjacent driveway approaches; topsoil; sodding; erosion control; and other related work.

This project will be funded through CIP #35061 | High-Volume Street Projects.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Ridgeview Drive (Cedar Street to Pacific Street) Reconstruction project, CIP #35061.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa, for the Ridgeview Drive (Cedar Street to Pacific Street) Reconstruction project; and

WHEREAS, notice of Hearing on the plans, specifications, forms of contract was published as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Ridgeview Drive (Cedar Street to Pacific Street) Reconstruction project.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
5/28/2025

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Kimberly Downs Road (East 33rd Street to Bridge Avenue) and Bridge Avenue (Kimberly Downs Road to Frontage Road) Reconstruction project, CIP #35061. [Ward 7]

Recommendation:

Adopt the Resolution.

Background:

This project will reconstruct Kimberly Downs Road from East 33rd Street to Bridge Avenue and Bridge Avenue from Kimberly Downs Road to the Frontage Road. The proposed improvements include, but are not limited to, the furnishing of all labor, materials, and equipment for the reconstruction of the existing concrete roadway and ADA-accessible sidewalk ramps; installation of subdrains; resetting all existing utility surface features to finish grade; replacement of the adjacent driveway approaches; topsoil; sodding; erosion control; and other related work.

This project will be funded through CIP #35061 | High-Volume Street Projects.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Kimberly Downs Road (East 33rd Street to Bridge Avenue) and Bridge Avenue (Kimberly Downs Road to Frontage Road) Reconstruction project, CIP #35061.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Kimberly Downs Road (East 33rd Street to Bridge Avenue) and Bridge Avenue (Kimberly Downs Road to Frontage Road) Reconstruction project; and

WHEREAS, notice of Hearing on the plans, specifications, and form of contract was published as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Kimberly Downs Road (East 33rd Street to Bridge Avenue) and Bridge Avenue (Kimberly Downs Road to Frontage Road) Reconstruction project.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
5/28/2025

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Freight House Window and Door Replacement project, CIP #23097. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

This project includes the replacement of windows and doors at the Davenport Freight House as well as other associated work, including replacement of lintels and sills and brickwork necessary to facilitate replacements. Priming and painting where required will also be done. The Design Review Board approved Case DR25-06 at its February 24, 2025 regarding this project.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving the plans, specifications, form of contract, and estimate of cost for the Freight House Window and Door Replacement project, CIP #23097.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Freight House Window and Door Replacement Project; and

WHEREAS, notice of Hearing on the plans, specifications, and form of contract was published as required by law.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that said plans, specifications, form of contract, and estimate of cost are hereby approved as the plans, specifications, form of contract, and estimate of cost for the Freight House Window and Door Replacement project.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Nicole Gleason | 563-326-7734

Action / Date
5/28/2025

Subject:

Resolution approving a fare increase for ADA paratransit services from \$1.75 to \$2.00 effective July 1, 2025. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

Paratransit provides residents access to public transportation when access to fixed route transit is limited due to disability. The current fare for an ADA rider is \$1.75. Effective July 1, 2025, this rate will increase to \$2.00 per ride. The proposed rate is aligned with Metrolink's and Bettendorf's comparable services.

The City of Davenport's Transit Division sought input from current customers about the proposed increases through direct mail and postings on route vehicles. Riders were given the opportunity to provide feedback on the rate increases in April and May via phone, email, or through feedback sessions held at Main Library, CASI, Fire Station 3, and virtually.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving a fare increase for ADA paratransit services from \$1.75 to \$2.00 effective July 1, 2025.

WHEREAS, the City of Davenport provides paratransit services to persons determined as eligible riders per the Americans with Disabilities Act within City Limits; and

WHEREAS, the City of Davenport provides accessible transportation for Davenport residents for work and work-related trips; and

WHEREAS, the costs of providing these services have increased beyond what is financially sustainable; and

WHEREAS, the City of Davenport has a fiduciary responsibility to operate services with sustainable practices to protect public funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a fare increases for ADA paratransit services from \$1.75 to \$2.00 effective July 1, 2025 is hereby approved.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Nicole Gleason | 563-326-7734

Action / Date
5/28/2025

Subject:

Resolution approving fare increases for JARC services from \$1.00 to \$4.00 effective July 1, 2025, and from \$4.00 to \$6.00 effective July 1, 2026. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

The City of Davenport provides a transportation service known as Job Access Reverse Commute (JARC), designed to assist those needing transportation to and from work. The current fare for JARC is \$1.00 per ride. Effective July 1, 2025, this rate will increase to \$4.00 per ride. Effective July 1, 2026, this rate will increase to \$6.00.

The City of Davenport's Transit Division sought input from current customers about the proposed increases through direct mail and postings on route vehicles. Riders were given the opportunity to provide feedback on the rate increases in April and May via phone, email, or through feedback sessions held at Main Library, CASI, Fire Station 3, and virtually.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman R. Dunn.

RESOLVED by the City Council of the City of Davenport, Iowa.

RESOLUTION approving fare increases for JARC services from \$1.00 to \$4.00 effective July 1, 2025, and from \$4.00 to \$6.00 effective July 1, 2026.

WHEREAS, the City of Davenport provides paratransit services to persons determined as eligible riders per the Americans with Disabilities Act within City Limits; and

WHEREAS, the City of Davenport provides accessible transportation for Davenport residents for work and work-related trips; and

WHEREAS, the costs of providing these services have increased beyond what is financially sustainable; and

WHEREAS, the City of Davenport has a fiduciary responsibility to operate services with sustainable practices to protect public funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that fare increases for JARC services from \$1.00 to \$4.00 effective July 1, 2025, and from \$4.00 to \$6.00 effective July 1, 2026, are hereby approved.

Passed and approved this 28th day of May, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Finance

Contact Info: Basia Gerlach | 563-326-7727

Action / Date

5/28/2025

Subject:

Resolution to fix meeting date for hearing on the issuance of not to exceed \$30,000,000 General Obligation Corporate Bonds, Series 2026. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This Resolution sets the Public Hearing for the June 4, 2025 Committee of the Whole Meeting beginning at 5:30 p.m. in the Council Chambers at Davenport City Hall, 226 West 4th Street. The purpose of this Public Hearing is to begin proceedings for the issuance of not to exceed \$30,000,000 General Obligation Corporate Bonds, Series 2026. The proceeds from this bond sale, occurring later in the fiscal year, will be used to pay the costs in connection with making improvements to sanitary sewers, streets, street lighting, signage, sidewalks, airport, municipal buildings and facilities, vehicles, and public safety, along with a number of other projects adopted by the City Council and incorporated into the FY 2026 Budget.

Attachments:

1. Resolution

SET DATE FOR HEARING ON
ISSUANCE OF GENERAL OBLIGATION
CORPORATE BONDS, SERIES 2026

629872-97

Davenport, Iowa

May 28, 2025

The City Council of the City of Davenport, Iowa, met on May 28, 2025, at 5:30 p.m. at the Council Chambers, City Hall, Davenport, Iowa. The Mayor presided and the roll was called showing the following Aldermen present and absent:

Present: _____

Absent: _____.

The City Council took up for consideration a resolution setting a date for public hearing on the proposed issuance of not to exceed \$30,000,000 General Obligation Corporate Bonds, Series 2026.

Alderman _____ introduced the resolution hereinafter next set out and moved its adoption, seconded by Alderman _____; and after due consideration thereof by the City Council, the Mayor put the question upon the adoption of said resolution, and the roll being called, the following named Aldermen voted:

Ayes: _____

Nays: _____.

The resolution, as hereinafter set out, was signed by the Mayor as evidence of approval, was attested by the Deputy Clerk and was declared to be effective.

• • • •

At the conclusion of the meeting, and upon motion and vote, the City Council adjourned.

Mayor

Attest:

Deputy Clerk

RESOLUTION NO. _____

Resolution to fix meeting date for hearing on the issuance of not to exceed \$30,000,000 General Obligation Corporate Bonds, Series 2026

WHEREAS, in accordance with its Charter and Chapter 384 of the Code of Iowa, the City of Davenport, in Scott County, Iowa (the “City”) hereby proposes to issue General Obligation Corporate Bonds, Series 2026 (the “Bonds”) in a principal amount not to exceed \$30,000,000, for the purpose of paying the costs in connection with making improvements to sanitary sewers, storm water drainage systems, waterway and flood control assets, streets, street lighting, signage and signalization, streetscapes, sidewalks and paths, the municipal airport, municipal buildings and facilities, and municipal parks; acquiring and maintaining vehicles and/or equipment for municipal parks, streets, public safety department, solid waste collection, and the municipal library; repair and maintenance of bridges; information technology improvements; public transportation system improvements; and municipal economic development and housing projects (collectively, the “Projects”); and

WHEREAS, it is necessary to fix a date for a hearing on the issuance of the Bonds, and to give proper notice thereof;

NOW, THEREFORE, It Is Resolved by the City Council of the City of Davenport, Iowa, as follows:

Section 1. The City Council shall meet as the Committee of the Whole on June 4, 2025, at the Council Chambers, City Hall, Davenport, Iowa, at 5:30 p.m., at which time and place any resident or property owner of the City may present oral or written comments with respect to the issuance of the Bonds, and all comments will be considered by the City Council at its regular meeting to be held at 5:30 p.m., on June 11, 2025, at the Council Chambers, City Hall, at which time the City Council will take additional action for the issuance of the Bonds.

Section 2. The Deputy Clerk is hereby directed to give notice of the proposed action for the issuance of the Bonds, setting forth the amount and purpose thereof, the time when and place where the said meeting will be held, by publication at least once, and not less than 4 nor more than 20 days prior to the meeting, in the *Quad City Times*. The notice shall be in substantially the following form:

NOTICE OF PROPOSED ACTION TO INSTITUTE
PROCEEDINGS FOR THE ISSUANCE OF NOT TO EXCEED \$30,000,000
GENERAL OBLIGATION CORPORATE BONDS, SERIES 2026

The City Council of the City of Davenport, Iowa, will meet as the Committee of the Whole on June 4, 2025 at the Council Chambers, City Hall, Davenport, Iowa, at 5:30 p.m., for the purpose of holding a public hearing and instituting proceedings for the issuance of not to exceed \$30,000,000 General Obligation Corporate Bonds, Series 2026 (the “Bonds”), for the purpose of paying the costs in connection with making improvements to sanitary sewers, storm water drainage systems, waterway and flood control assets, streets, street lighting, signage and signalization, streetscapes, sidewalks and paths, the municipal airport, municipal buildings and facilities, and municipal parks; acquiring and maintaining vehicles and/or equipment for municipal parks, streets, public safety department, solid waste collection, and the municipal library; repair and maintenance of bridges; information technology improvements; public transportation system improvements; and municipal economic development and housing projects.

At that time and place, oral or written comments from any resident or property owner of the City may be presented, and all comments will be considered by the City Council at its regular meeting to be held at 5:30 p.m., on June 11, 2025, at the Council Chambers, City Hall, at which time the City Council will take additional action for the issuance of the Bonds.

It is estimated the annual increase in property taxes on a residential property with an actual valuation of one hundred thousand dollars resulting from the City issuing the Bonds will be \$18.74, however the City Council may determine for any fiscal year while the Bonds are outstanding to budget other available revenues to the payment of some or all of the debt service coming due thereunder.

The Bonds, when issued, will constitute general obligations of the City, payable from taxes levied upon all taxable property in the City.

By order of the City Council of Davenport, Iowa.

Brian Krup
Deputy Clerk

Section 3. Pursuant to Section 1.150-2 of the Income Tax Regulations (the “Regulations”) of the Internal Revenue Service, the City declares (a) that it intends to undertake the Projects which are reasonably estimated to cost approximately \$30,000,000, (b) that other than (i) expenditures to be paid or reimbursed from sources other than the issuance of the Bonds, or (ii) expenditures made no earlier than 60 days prior to the date of this Resolution or a previous intent resolution of the City, or (iii) expenditures amounting to the lesser of \$100,000 or 5% of the proceeds of the Bonds, or (iv) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, no expenditures for the Projects have heretofore been made by the City and no expenditures will be made by the City until after the date of this Resolution or a prior intent resolution of the City, and (c) that the City reasonably expects to reimburse the expenditures made for costs of the City out of the proceeds of the Bonds. This declaration is a declaration of official intent adopted pursuant to Section 1.150-2 of the Regulations.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Passed and approved May 28, 2025.

Mayor

Attest:

Deputy Clerk

STATE OF IOWA
COUNTY OF SCOTT SS:
CITY OF DAVENPORT

I, the undersigned, Deputy Clerk of the City of Davenport, Iowa, do hereby certify that attached hereto is a true and correct copy of the proceedings of the City Council of the City relating to the fixing of a date for the hearing on the issuance of not to exceed \$30,000,000 General Obligation Corporate Bonds, Series 2026.

WITNESS MY HAND this _____ day of _____, 2025.

Deputy Clerk

STATE OF IOWA
COUNTY OF SCOTT SS:
CITY OF DAVENPORT

I, the undersigned, Deputy Clerk of the City of Davenport, Iowa, do hereby certify that pursuant to the resolution of its Council fixing a meeting date for the hearing on and taking of additional action for the issuance of not to exceed \$30,000,000 General Obligation Corporate Bonds, Series 2026, the notice, of which the printed slip attached to the publisher's affidavit hereto attached is a true and complete copy, was published in the *Quad City Times* on the date specified in such affidavit, which newspaper has a general circulation in the City.

WITNESS MY HAND this _____ day of _____, 2025.

Deputy Clerk

(Attach here publisher's original affidavit with a clipping of the notice as published.)

City of Davenport

Department: Administration
Contact Info: Brian Krup | 563-326-6163

Action / Date
5/28/2025

Subject:

Motion approving noise variance requests on the listed dates and times for outdoor events.

Common Chord and the City of Davenport; The Big 9 Concert Series; various locations (see attached schedule); 6:00 p.m. - 8:00 p.m. Saturday, May 31, 2025; 6:00 p.m. - 9:00 p.m. Saturday, June 14, 2025; 6:00 p.m. - 8:00 p.m. Saturday, June 28, 2025; 6:00 p.m. - 9:30 p.m. Thursday, July 3, 2025; 7:00 p.m. - 10:00 p.m. Saturday, July 12, 2025; 7:00 p.m. - 8:30 p.m. Thursday, July 17, 2025; and 7:00 p.m. - 10:00 p.m. Saturday, August 9, 2025; Outdoor music/band, over 50 dBA. [Ward 3]

J&M Displays; Rhythm City Casino Anniversary; 7077 Elmore Avenue; approximately 15-20 minutes between 9:00 p.m. and 9:45 p.m. Friday, June 13, 2025; Fireworks, over 50 dBA. [Ward 6]

Christian Center Church; End of Summer Neighborhood Gathering; 2103 West 3rd Street; 11:00 a.m. - 5:00 p.m. Saturday, August 9, 2025; Outdoor music, over 50 dBA. [Ward 3]

Recommendation:

Pass the Motion.

Background:

These requests for noise variances have been received pursuant to the Municipal Code of Davenport, Iowa, Chapter 8.19 Noise Abatement, Section 8.19.090 Special Variances.

The Big 9 Concert Series | The June 6 event is not included as a noise variance request was approved by City Council for Common Chord's block party on April 23 (action item #2025-191). The Credit Island event on August 30 is not included as it does not require a variance.

J&M Displays | The fireworks show will begin at dusk, which is approximately 9:11 p.m. The City assisted J&M Displays by sending out emails to various properties/individuals around the casino to inform them of the fireworks and ask them to share with as many people as they can via text, email, and Facebook groups; the NextDoor app; community bulletin boards; newsletters; etc. The City sent emails to the following:

- Kahl Home on May 7, 2025
- Cross Creek Apartments on May 7, 2025
- Seven (7) GNP Leaders on May 7, 2025
- Brian Duffy on May 7, 2025 (reply received May 8, 2025)
- Tom Jacobson/Jersey Farms neighborhood on May 7, 2025 (reply received May 7, 2025)

As of the publication of this agenda, one objection has been received by the Deputy City Clerk

which was forwarded to the City Council on May 16 and is also attached. Individuals have been requested to submit any objections in writing by 4:00 p.m. Wednesday, May 28. If any additional objections are received, they will be forwarded to City Council.

Attachments:

1. Rhythm City Fireworks Emails Sent
2. Rhythm City Fireworks Email - T. Jacobson/Jersey Farms Response
3. Rhythm City Fireworks Email - B. Duffy Response
4. Rhythm City Fireworks Opposition Email
5. End of Summer Neighborhood Gathering Noise Variance Petition

Krup, Brian

From: GNP
Sent: Wednesday, May 07, 2025 10:33 AM
Subject: Fireworks at Rhythm City Casino

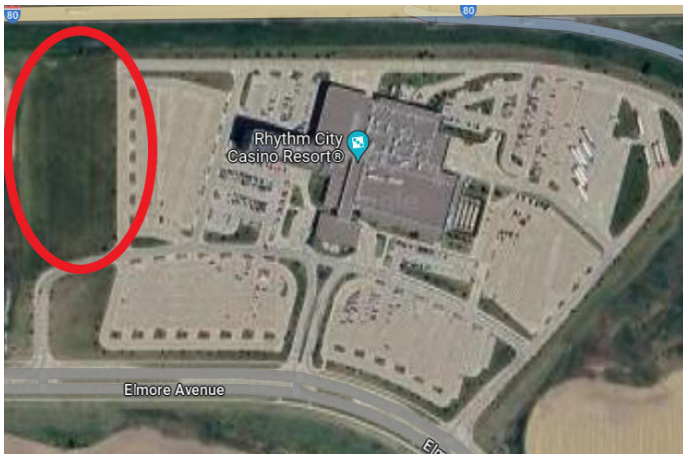
Good morning, GNP Leader!

The City of Davenport is assisting Rhythm City Casino in being a good neighbor by helping communicate to the surrounding area about an upcoming fireworks show on their property in conjunction with their anniversary. They have gone through the proper process to host said fireworks, and in an effort to alert as many people as possible to ensure enough time for those who need to make proper accommodations, this is where we could use your help! Please share the following information with your friends and neighbors by any means possible (email, text, or Facebook groups; NextDoor app; etc):

Date: Friday, June 13, 2025

Time: Beginning around dusk (9:11 p.m.) and lasting approximately 15-20 minutes.

Location: Fireworks shoot site will be in the northwest corner of the property (7077 Elmore Avenue)



Anyone opposed to this fireworks request can submit in writing to Brian Krup, Deputy City Clerk for the City of Davenport, at brian.krup@davenportiowa.com no later than 4:00 p.m. on Wednesday, May 28.

As always, we appreciate your collaboration with the City and being good neighbors.

Have a great day!

Allie McWilliams

Community Engagement Coordinator | Administration
City of Davenport

T 563-888-3202
226 W 4th St, Davenport, IA 52801

davenportiowa.com

Krup, Brian

From: Krup, Brian
Sent: Wednesday, May 07, 2025 8:45 AM
To: [REDACTED]@kahlhome.org
Subject: Rhythm City Fireworks Notice

Good morning, Marcia!

Rhythm City is celebrating their anniversary in June which includes a fireworks show. I reached out last year to help spread the word and am doing so again this year. Below is the information we are sending out to various properties/neighborhoods surrounding the casino.

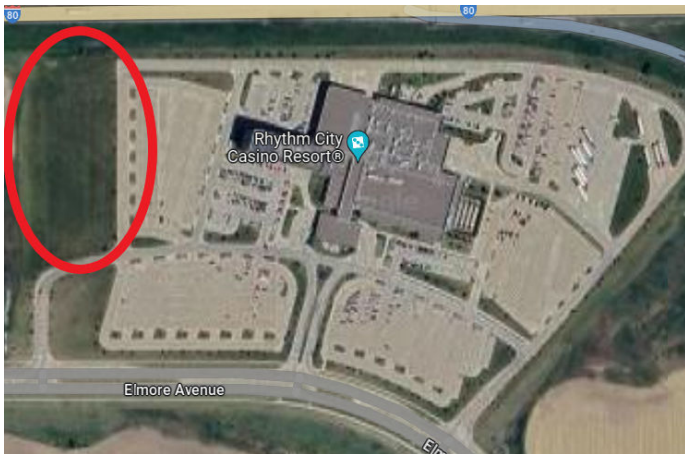
Thanks, and have a great day!

The City of Davenport is assisting Rhythm City Casino in being a good neighbor by helping communicate to the surrounding area about an upcoming fireworks show on their property in conjunction with their anniversary. They have gone through the proper process to host said fireworks, and in an effort to alert as many people as possible to ensure enough time for those who need to make proper accommodations, this is where we could use your help! Please share the following information with your friends and neighbors by any means possible (email, text, or Facebook groups; NextDoor app; etc):

Date: Friday, June 13, 2025

Time: Beginning around dusk (9:11 p.m.) and lasting approximately 15-20 minutes.

Location: Fireworks shoot site will be in the northwest corner of the property (7077 Elmore Avenue)



Anyone opposed to this fireworks request can submit in writing to Brian Krup, Deputy City Clerk for the City of Davenport, at brian.krup@davenportiowa.com no later than 4:00 p.m. on Wednesday, May 28.

Brian Krup, IMFOA-CMC

Deputy City Clerk | Administration
City of Davenport

T 563-326-6163 | F 563-326-7736
226 West 4th Street, Davenport, IA 52801
davenportiowa.com

Krup, Brian

From: Krup, Brian
Sent: Wednesday, May 07, 2025 12:24 PM
To: crosscreek@pedcor.net
Subject: City of Davenport | Fireworks at Rhythm City Casino

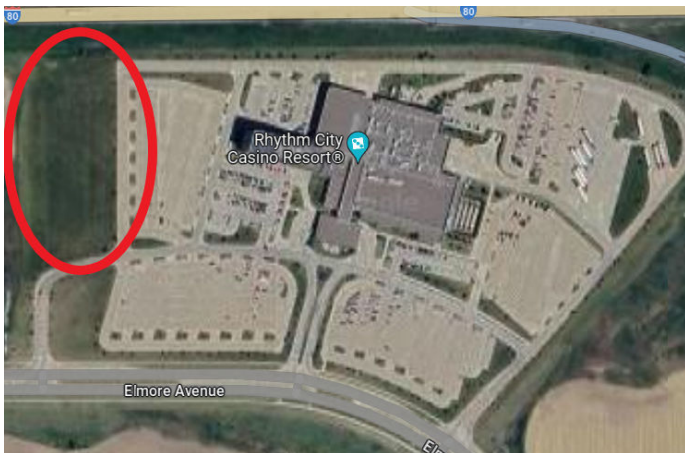
Good afternoon!

The City of Davenport is assisting Rhythm City Casino in being a good neighbor by helping communicate to the surrounding area about an upcoming fireworks show on their property in conjunction with their anniversary. They have gone through the proper process to host said fireworks, and in an effort to alert as many people as possible to ensure enough time for those who need to make proper accommodations, this is where we could use your help! We are asking that you please share the following information with your tenants by any means possible (community bulletin boards on the property, email distribution lists, newsletters, etc.):

Date: Friday, June 13, 2025

Time: Beginning around dusk (9:11 p.m.) and lasting approximately 15-20 minutes.

Location: Fireworks shoot site will be in the northwest corner of the property (7077 Elmore Avenue)



Anyone opposed to this fireworks request can submit in writing to Brian Krup, Deputy City Clerk for the City of Davenport, at brian.krup@davenportiowa.com no later than 4:00 p.m. on Wednesday, May 28.

As always, we appreciate your collaboration with the City and being good neighbors.

Thank you, and have a great day!

Brian Krup, IMFOA-CMC

Deputy City Clerk | Administration
City of Davenport

T 563-326-6163 | F 563-326-7736
226 West 4th Street, Davenport, IA 52801
davenportiowa.com

Krup, Brian

From: Krup, Brian
Sent: Wednesday, May 07, 2025 8:42 AM
To: brian [REDACTED]
Subject: Rhythm City Fireworks Info

Good morning, Brian,

I just wanted to pass along info for Rhythm City's anniversary which will include a fireworks show (see below). I know we reached out to you last year and you offered to share around. I am hoping you will be willing to do that again this year.

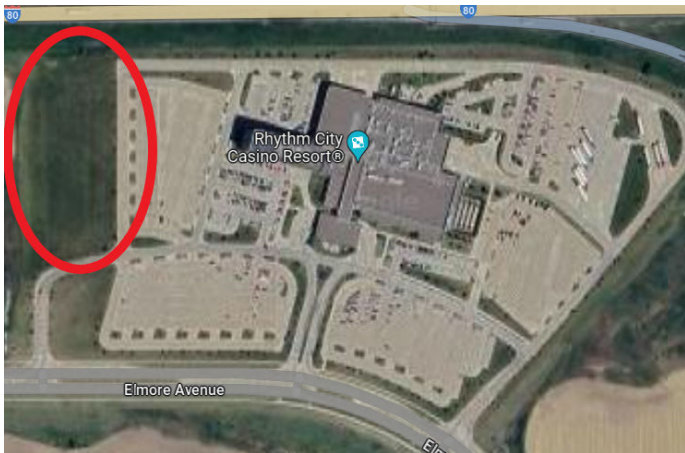
Thanks, and have a great day!

The City of Davenport is assisting Rhythm City Casino in being a good neighbor by helping communicate to the surrounding area about an upcoming fireworks show on their property in conjunction with their anniversary. They have gone through the proper process to host said fireworks, and in an effort to alert as many people as possible to ensure enough time for those who need to make proper accommodations, this is where we could use your help! Please share the following information with your friends and neighbors by any means possible (email, text, or Facebook groups; NextDoor app; etc):

Date: Friday, June 13, 2025

Time: Beginning around dusk (9:11 p.m.) and lasting approximately 15-20 minutes.

Location: Fireworks shoot site will be in the northwest corner of the property (7077 Elmore Avenue)



Anyone opposed to this fireworks request can submit in writing to Brian Krup, Deputy City Clerk for the City of Davenport, at brian.krup@davenportiowa.com no later than 4:00 p.m. on Wednesday, May 28.

Brian Krup, IMFOA-CMC

Deputy City Clerk | Administration
City of Davenport

T 563-326-6163 | F 563-326-7736
226 West 4th Street, Davenport, IA 52801
davenportiowa.com

Krup, Brian

From: Krup, Brian
Sent: Wednesday, May 07, 2025 12:14 PM
To: tljacobson [REDACTED]
Subject: Rhythm City Fireworks

Good afternoon, Tom,

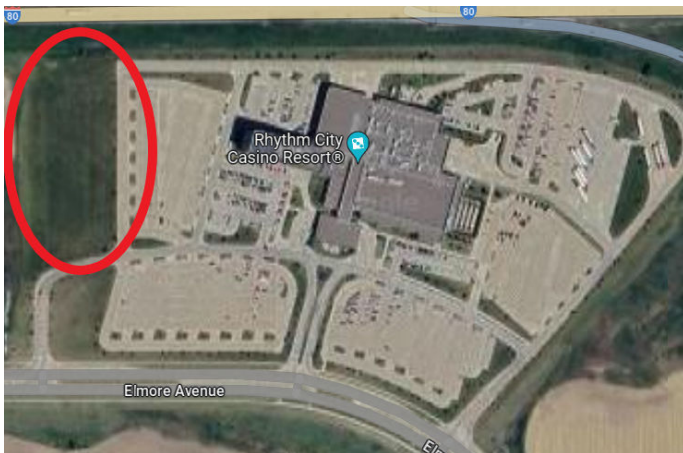
Rhythm City is having a fireworks show again this year in conjunction with their anniversary. Jim Odean had reached out to you last year asking for your assistance in spreading the word. Would you mind forwarding the below information to the Jersey Farms neighborhood regarding an upcoming event at Rhythm City Casino again? We greatly appreciate your help!

The City of Davenport is assisting Rhythm City Casino in being a good neighbor by helping communicate to the surrounding area about an upcoming fireworks show on their property in conjunction with their anniversary. They have gone through the proper process to host said fireworks, and in an effort to alert as many people as possible to ensure enough time for those who need to make proper accommodations, this is where we could use your help! Please share the following information with your friends and neighbors by any means possible (email, text, or Facebook groups; NextDoor app; etc):

Date: Friday, June 13, 2025

Time: Beginning around dusk (9:11 p.m.) and lasting approximately 15-20 minutes.

Location: Fireworks shoot site will be in the northwest corner of the property (7077 Elmore Avenue)



Anyone opposed to this fireworks request can submit in writing to Brian Krup, Deputy City Clerk for the City of Davenport, at brian.krup@davenportiowa.com no later than 4:00 p.m. on Wednesday, May 28.

Don't hesitate to reach out if you have questions.

Have a great day!

Brian Krup, IMFOA-CMC
Deputy City Clerk | Administration
City of Davenport

T 563-326-6163 | F 563-326-7736
226 West 4th Street, Davenport, IA 52801
davenportiowa.com

Krup, Brian

From: Tom Jacobson <[REDACTED]>
Sent: Wednesday, May 07, 2025 12:42 PM
To: Krup, Brian
Subject: [EXT] Re: Rhythm City Fireworks

ATTENTION: This is an external email.

Brian - Thanks for the heads up. I will notify all Jersey Farm Neighborhood Association members. I don't anticipate any issues as you have provided ample notification. Thanks again.

Tom Jacobson

From: Krup, Brian <Brian.Krup@davenportiowa.com>
Sent: Wednesday, May 7, 2025 12:14 PM
To: [REDACTED] <[REDACTED]>
Subject: Rhythm City Fireworks

Good afternoon, Tom,

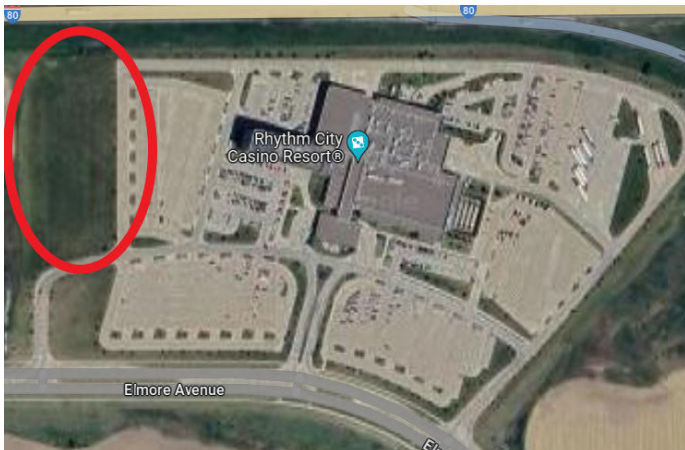
Rhythm City is having a fireworks show again this year in conjunction with their anniversary. Jim Odean had reached out to you last year asking for your assistance in spreading the word. Would you mind forwarding the below information to the Jersey Farms neighborhood regarding an upcoming event at Rhythm City Casino again? We greatly appreciate your help!

The City of Davenport is assisting Rhythm City Casino in being a good neighbor by helping communicate to the surrounding area about an upcoming fireworks show on their property in conjunction with their anniversary. They have gone through the proper process to host said fireworks, and in an effort to alert as many people as possible to ensure enough time for those who need to make proper accommodations, this is where we could use your help! Please share the following information with your friends and neighbors by any means possible (email, text, or Facebook groups; NextDoor app; etc):

Date: Friday, June 13, 2025

Time: Beginning around dusk (9:11 p.m.) and lasting approximately 15-20 minutes.

Location: Fireworks shoot site will be in the northwest corner of the property (7077 Elmore Avenue)



Anyone opposed to this fireworks request can submit in writing to Brian Krup, Deputy City Clerk for the City of Davenport, at brian.krup@davenportiowa.com no later than 4:00 p.m. on Wednesday, May 28.

Don't hesitate to reach out if you have questions.

Have a great day!

Brian Krup, IMFOA-CMC

Deputy City Clerk | Administration

City of Davenport

T 563-326-6163 | **F** 563-326-7736

226 West 4th Street, Davenport, IA 52801

davenportiowa.com

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Krup, Brian

From: Brian Duffy <[REDACTED]>
Sent: Thursday, May 08, 2025 9:13 AM
To: Krup, Brian
Subject: [EXT] Re: Rhythm City Fireworks Info

ATTENTION: This is an external email.

Thank you- I will share around.

From: Krup, Brian <Brian.Krup@davenportiowa.com>
Sent: Wednesday, May 7, 2025 8:41 AM
To: Brian Duffy <[REDACTED]>
Subject: Rhythm City Fireworks Info

Good morning, Brian,

I just wanted to pass along info for Rhythm City's anniversary which will include a fireworks show (see below). I know we reached out to you last year and you offered to share around. I am hoping you will be willing to do that again this year.

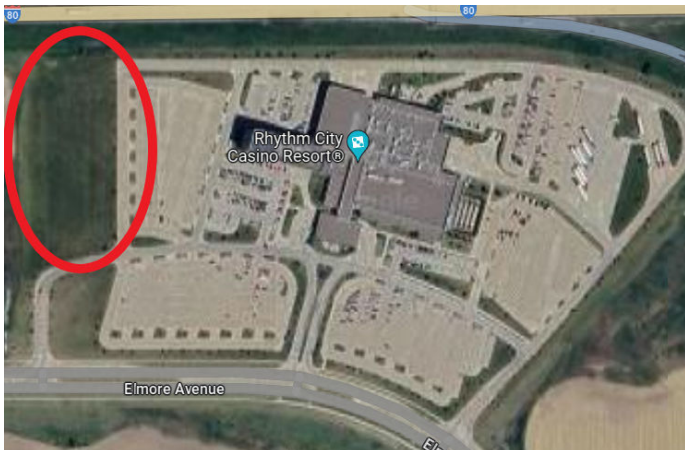
Thanks, and have a great day!

The City of Davenport is assisting Rhythm City Casino in being a good neighbor by helping communicate to the surrounding area about an upcoming fireworks show on their property in conjunction with their anniversary. They have gone through the proper process to host said fireworks, and in an effort to alert as many people as possible to ensure enough time for those who need to make proper accommodations, this is where we could use your help! Please share the following information with your friends and neighbors by any means possible (email, text, or Facebook groups; NextDoor app; etc):

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Krup, Brian

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, May 07, 2025 8:18 PM
To: Krup, Brian
Subject: [EXT] Rythmn City Fireworks

ATTENTION: This is an external email.

Hi Brian, I just learned that Rythmn City is having fireworks on June 13th and I would like to say I strongly oppose this!!! It's bad enough we have fireworks going off for two weeks in July. Our neighborhood is loaded with dogs and I think traumatizing them twice would be too much.

Thank you for taking this into consideration.

[REDACTED]



CITY OF DAVENPORT

STREET CLOSING AND NOISE VARIANCE PETITION FOR SPECIAL EVENTS

On the 9th day of August, 2025 during the hours of 12:00pm - 5:00pm there is proposed a street closing of Oak St. between W 3rd Street and the alley between W 3rd and 2nd with outdoor music/band/performance from 12 a.m. (p.m.) to 5:00 a.m. (p.m.), requested by Christian Center Church

**The date and time on this form must match the date and time entered on the special event application.*

Please sign your name and print address below and indicate whether you are in favor of the street closure, opposed to the street closure, or not concerned (mark one).

NAME AND ADDRESS	IN FAVOR	OPPOSED	NOT CONCERNED
<u>B. Krup 2047 W. 3rd St.</u>	<u>X</u>	<u> </u>	<u> </u>
<u>Tom Larson 223 OAK ST.</u>	<u>X</u>	<u> </u>	<u> </u>
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**If more space is needed, please use additional sheets.*

**If you are unable to make contact with a resident/business, please indicate the date(s) and time(s) you attempted.*

Brian Krup 7 March 2025
Signature of Applicant Date

Office of the City Clerk
563-326-6163

226 West Fourth Street
Davenport, Iowa 52801

Email: Brian.Krup@davenportiowa.com

City of Davenport

Department: Finance
Contact Info: Jamie Swanson | 563-326-7795

Action / Date
5/28/2025

Subject:
Motion approving beer and liquor license applications.

A. New license, new owner, temporary permit, temporary outdoor area, location transfer, etc.
(as noted):

Ward 4

Washington Street Mini Mart (Over the Moon) – 1601 Washington Street – New License/Owners
– License Type: Class E Liquor (Carry-Out)

Ward 5

Wide River Winery (Wide River Winery, LLC) – 1128 Mound Street – Temporary Event with
Outdoor Area August 5-9 – License Type: Special Class C Beer/Wine (On-Premises)

Wide River Winery (Wide River Winery, LLC) – 1128 Mound Street – Temporary Event with
Outdoor Area September 19-23 – License Type: Special Class C Beer/Wine (On-Premises)

B. Annual license renewals (with outdoor area as noted):

Ward 1

Emeis Golf Course (City of Davenport) - 4500 West Central Park Avenue - Outdoor Area -
License Type: Class C Liquor (On-Premises)

Ward 2

Rudy's Tacos (K & J 2024 Inc) - 3502 West Kimberly Road - License Type: Class C Liquor (On-
Premises)

Ward 3

Endless Brews (Endless Brews, LLC) - 310 North Main Street - License Type: Special Class C
Beer/wine (On-Premises)

Figge Art Museum (Figge Art Museum) - 225 West 2nd Street - Outdoor Area - License Type:
Class C Liquor (On-Premises)

Ward 6

Duck Creek Golf Course (City of Davenport) - 3000 East Locust Street - Outdoor Area - License
Type: Class C Liquor (On-Premises)

Kobe Sushi And Hibachi, LLC (Kobe Sushi and Hibachi, LLC) - 5242 Elmore Avenue - License Type: Class C Liquor (On-Premises)

Hy-Vee (Hy-Vee, Inc) - 1823 East Kimberly Road - License Type: Class C Liquor (On-Premises)

Portillo's Hot Dogs (Portillo's Hot Dogs, LLC) - 2741 East 53rd Street - License Type: Class B Retail Alcohol License (On-Premises)

Rhythm City Casino (Rhythm City Casino, LLC) - 7077 Elmore Avenue - Outdoor Area - License Type: Class C Liquor (On-Premises)

Sam's Club #8238 (Sam's West, Inc) - 3887 Elmore Avenue - License Type: Class E Liquor (Carry-Out)

Staybridge Suites (Surya Management, LLC) - 4729 Progress Drive - Outdoor Area - License Type: Class C Liquor (On-Premises)

Ward 7

American Legion Post 26 (Davenport Post #26, The American Legion, Inc) - 702 W 35th Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

CVS Pharmacy #8658 (Iowa CVS Pharmacy, LLC) - 1655 W Kimberly Rd - License Type: Class E Liquor (Carry-Out)

Los Portales Mexican Restaurant 2, Inc (Los Portales Mexican Restaurant 2, Inc) - 1012 East Kimberly Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Olive Garden Italian Restaurant #1144 (GMRI, Inc) - 330 West Kimberly Road - License Type: Class C Liquor (On-Premises)

Ward 8

Red Hawk Golf Course (City of Davenport) - 6364 Northwest Boulevard - Outdoor Area - License Type: Class C Liquor (On-Premises)

Recommendation:
Pass the Motion.

Background:
These applications have been reviewed by the Police, Fire, and Zoning Departments.

Attachments:
None

City of Davenport

Department: Public Works
Contact Info: Clay Merritt | 563-326-7734

Action / Date
5/28/2025

Subject:

Motion accepting work completed under the West 46th Street Culvert Over Cardinal Creek Guardrail Installation project by Lovewell Fence, Inc of Davenport, Iowa in the amount of \$56,050, CIP #35061. [Ward 2]

Recommendation:

Pass the Motion.

Background:

The project included the installation of a guardrail on the West 46th Street culvert over Cardinal Creek. Work has been duly and fully completed by Lovewell Fence, Inc of Davenport, Iowa in accordance with the terms of the contract.

The final cost is \$56,050 and was funded in CIP #35061.

Attachments:

None