

COMMITTEE OF THE WHOLE MEETING

CITY OF DAVENPORT, IOWA

Wednesday, November 5, 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. City Administrator Update

VI. Public Hearings

A. Community Development

1. Public Hearing for Case ORD25-02 being the request of the City of Davenport to amend Title 17 entitled "Zoning" of the Municipal Code of Davenport, Iowa regarding solar farms as a principal use and freestanding solar panels as an accessory use. [All Wards]

B. Public Works

1. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Levee Repairs project, CIP #23087. [Ward 3]
2. Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Annie Wittenmyer Complex Utilities Relocation — Junior Theatre project, CIP #64130. [Ward 5]

VII. Presentations

1. Fire Chief Swearing-In
-Jeff VanderWiere

VIII. Petitions and Communications from Council Members and the Mayor

IX. Action items for Discussion

COMMUNITY DEVELOPMENT

Kyle Gripp, Chair; Paul Reinartz, Vice Chair

X. COMMUNITY DEVELOPMENT

1. First Consideration: Ordinance for Case ORD25-02 being the request of the City of Davenport to amend Title 17 entitled "Zoning" of the Municipal Code of Davenport, Iowa regarding solar farms as a principal use and freestanding solar panels as an accessory use. [All Wards]
2. Resolution extending a moratorium upon new solar farms as a principal use and freestanding solar panels as an accessory use until February 12, 2026. [All Wards]
3. Motion approving the local objectives for the Community Development Block Grant Program for the Year 52 Annual Action Plan covering July 1, 2026 – June 30, 2027. [All Wards]

XI. Motion recommending discussion or consent for Community Development items

PUBLIC SAFETY

Ben Jobgen, Chair; Tim Dunn, Vice Chair

XII. PUBLIC SAFETY

1. Third Consideration: Ordinance amending Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Fillmore Street along both sides from West Lombard Street to 190 feet south. [Ward 4]
2. Second Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Mississippi Avenue along the east side from Kimberly Road to 39th Street. [Ward 7]
3. Second Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding West High Street along the south side from Gaines Street to Brown Street. [Ward 4]
4. Motion approving a noise variance request on the listed dates and times for an outdoor event.

German American Heritage Center and Museum; Christkindlmarkt; 712 West 2nd Street; 10:00 a.m. - 6:00 p.m. Saturday, December 13, 2025, or Sunday, December 14, 2025 (alternate date); Outdoor music, over 50 dBA. [Ward 3]

5. Motion approving beer and liquor license applications.

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

Ward 2

SNS Mart (Sleesha Mini Mart, LLC) - 1715 West Kimberly Road - License Upgrade -

License Type: Class E Liquor (Carry-Out) **Notice of Class E Retail Alcohol License Application within 200' - Letters Mailed 10/30/2025*

Ward 3

German American Heritage Center and Museum (German American Heritage Center and Museum) - 712 West 2nd Street (Parking Lot) – Temporary Outdoor Area
December 12 - License Type: Special Class C Beer/Wine (On-Premises)

Ward 5

The Eddy (Mound Street Development, LLC) - 1019 Mound Street - New
License/Owners - License Type: Class C Liquor (On-Premises)

Wide River Winery (Wide River Winery, LLC) - 1128 Mound Street - Temporary
License with Outdoor Area December 5/6 - License Type: Special Class C Beer/Wine
(On-Premises)

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

Ward 1

Davenport Elks Lodge #298 (Benevolent and Protective Order of Elks #298) - 4400
West Central Park Avenue - License Type: Class C Liquor (On-Premises)

Ward 2

Aldi, Inc #81 (Aldi, Inc) - 3643 West Kimberly Road - License Type: Class B
Beer/Wine (Carry-Out)

Ward 3

Cathedral Ale (Sacred Heart Cathedral of Davenport, Iowa) - 422 East 10th Street -
License Type: Special Class C Beer/Wine (On-Premises)

Chill Vibe Lounge, LLC (Chill Vibe Lounge, LLC) - 114 Myrtle Street Unit A/B -
Outdoor Area - License Type: Class C Liquor (On-Premises)

German American Heritage Center (German American Heritage Center) - 712 West
2nd Street (Parking Lot) - License Type: Special Class C Beer/Wine (On-Premises)

The Last Picture House (Cinema Paradiso, LLC) - 325 East 2nd Street - Outdoor Area -
License Type: Class C Liquor (On-Premises)

Westside Grocery (Venu G, LLC) - 1802 West 7th Street - License Type: Class E
Liquor (Carry-Out)

Ward 4

Firehouse Bar & Grill (Firehouse Bar & Grill, Inc) - 2006 Hickory Grove Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Hilltop Grocery & Spirits (Hilltop Grocery, LLC) - 1312 Harrison St - License Type: Class E Liquor (Carry-Out)

Hy-Vee Fast and Fresh #5 (Hy-Vee, Inc) - 2353 West Locust Street - License Type: Class E Liquor (Carry-Out)

MC's Happy Hallow (DMC Corporation) - 1502 West 14th Street - License Type: Class C Liquor (On-Premises)

Ward 5

Bleys Tap (JBCW, LLC) - 215 East 29th Street - License Type: Class C Liquor (On-Premises)

Tobacco 4 Less (Chapai and Sons, LLC) - 3545 Eastern Avenue - License Type: Class E Liquor (Carry-Out)

WMart (KHM, LLC) - 1205/1207 East Locust Street, Davenport, Iowa 52803 - License Type: Class E Liquor (Carry-Out)

Ward 6

Buffalo Wild Wings (Blazin' Wings, Inc) - 4860 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

The Clubhouse (Clubhouse Beverage, LLC) - 4800 Elmore Avenue #100 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Fairfield Inn and Suites (Hoa Hotels, LLC) - 4401 Elmore Avenue - License Type: Special Class C Beer/Wine (On-Premises)

HuHot Mongolian Grill (CCW, LLC) - 3006 East 53rd Street - License Type: Special Class C Beer/Wine (On-Premises)

Kimberly Mart (Pak Foods, Inc) - 1714 East Kimberly Road - License Type: Class E Liquor (Carry-Out)

Ward 7

Casi (Center for Active Seniors, Inc) - 1035 West Kimberly Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Division Mart (Preet Liquor, LLC) - 3721 North Division Street - License Type: Class E Liquor (Carry-Out)

Public House Davenport (Public House Davenport) - 5260 Northwest Boulevard - Outdoor Area - License Type: Class C Liquor (On-Premises)

R & C Brazilian Steakhouse, LLC (R & C Brazilian Steakhouse, LLC) - 320 West Kimberly Road #53 - License Type: Class C Liquor (On-Premises)

Smoke Vibe (Smoke Vibe, LLC) - 3819 North Brady Street - License Type: Class E Liquor (Carry-Out)

Ward 8

Speedway 4221 (Speedway, LLC) - 8320 Hillandale Road - License Type: Class B Beer/Wine (Carry-Out)

XIII. Motion recommending discussion or consent for Public Safety items

PUBLIC WORKS

Rick Dunn, Chair; Tim Kelly, Vice Chair

XIV. PUBLIC WORKS

1. Resolution accepting work completed under the 2025 Sidewalk and ADA Ramp Program by Feldman Concrete of Dyersville, Iowa in the amount of \$306,974.34, CIP #28028. [Wards 1, 3, 4, & 7]
2. Resolution accepting work completed under the FY 2026 Iowa DOT Full Depth Patch Program by Americore, LLC of Muscatine, Iowa in the amount of \$148,238.10, CIP #35045. [Wards 1, 2, 6, & 7]
3. Resolution accepting work completed under the CY 2025 Contract Milling Program by Manatts, Inc of Camanche, Iowa in the amount of \$85,714.93, CIP #35041. [All Wards]
4. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Levee Repairs project, CIP #23087. [Ward 3]
5. Resolution approving the plans, specifications, form of contract, and estimate of cost for the Annie Wittenmyer Complex Utilities Relocation — Junior Theatre project, CIP #64130. [Ward 5]
6. Resolution approving the purchase of one solid waste truck from Elliott Equipment of Davenport, Iowa in the amount of \$357,475 using Sourcewell contract #091219-NWY, CIP #10503. [All Wards]
7. Motion approving the purchase of one Bobcat UW56 Toolcat utility work machine and

angle broom attachment from Rexco Equipment of Davenport, Iowa in the amount of \$69,780.44 using NASPO ValuePoint contract #OK-SW-192-300, CIP #24033. [All Wards]

XV. Motion recommending discussion or consent for Public Works items

FINANCE

Jazmin Newton, Chair; Mhisho Lynch, Vice Chair

XVI. FINANCE

1. First Consideration: Ordinance amending Chapter 6.04 entitled "Animals" of the Municipal Code of Davenport, Iowa to incorporate community cat recommendations from the joint task force between the Humane Society of Scott County and the City of Davenport. [All Wards]
2. First Consideration: Ordinance amending Chapter 12.72 entitled "Conduct in Public Parks" of the Municipal Code of Davenport, Iowa to update language and requirements outlined in Iowa State Code Chapter 724.28. [All Wards]
3. Resolution approving the purchase of 2018 North Ohio Avenue for \$137,290 and 2024 North Ohio Avenue for \$152,980 as part of the North Ohio Avenue Flash Flood Mitigation project. [Ward 1]
4. Resolution approving a payment of \$191,947.41 to Tyler Technologies, Inc of Plano, Texas for the annual licensing and support of the Munis software system. [All Wards]
5. Resolution approving the Small Community-Oriented Renewal and Enhancement (SCORE) Program and authorizing the City Administrator to administer and execute program purchases. [All Wards]
6. Motion approving the purchase of burn room insulation materials for the Live-Fire Training Facility Refurbishment project from Fire Facilities Inc of Sun Prairie, Wisconsin in the amount of \$74,757, CIP #23105. [Ward 7]

XVII. Motion recommending discussion or consent for Finance items

XVIII. PURCHASE ORDERS OF \$10,000 TO \$50,000 ENTERED OCTOBER 1-15, 2025 (For Information Only)

1. WHKS & Co | 2025 bridge inspection | Amount: \$10,147.78
2. Vermeer Sales & Service Inc | clutch coupler repair E611 | Amount: \$10,483.78
3. Iowa Department of Economic Development | Volunteer Iowa 2025-2026 AmeriCorps program admin billing | Amount: \$11,648
4. Minuteman Security Technologies, Inc | Genetec AMS renewal and support | Amount: \$11,840.64
5. MGT Impact Solutions LLC | Fire Chief recruitment and search | Amount: \$12,422
6. MSA Professional Services Inc | Red Hawk drainage assessment | Amount: \$12,500

7. Scott County Fence Co | Emeis driving range fence replacement | Amount: \$12,500
8. A & A Refrigeration Inc | ice machine | Amount: \$12,556.78
9. Agilent Technologies Inc | ICP 5800 service plan renewal | Amount: \$15,072
10. City of Monroe, Iowa | used 2017 K9 Tahoe for PD | Amount: \$16,000
11. HDR Engineering Inc | Fairmount Street rehabilitation engineering services | Amount: \$16,740
12. Cole-Palmer Instrument Co | SimpleDist Complete Distillation System | Amount: \$18,544.99
13. Hooks Hydraulics & Equipment | upfit new plow trucks with spot chain systems | Amount: \$19,875
14. Traffic & Parking Control Inc | electronic driver speed feedback signs | Amount: \$22,674
15. Green Buick GMC Inc | used 2023 SUV for PD | Amount: \$30,481

XIX. Other Ordinances, Resolutions and Motions

XX. 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.

Please state your name and ward for the record. There is a five (5) minute time limit. Please end your comments promptly.

XXI. Final Comments from Council Members and the Mayor

XXII. Adjourn

City of Davenport

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

Action / Date
11/5/2025

Subject:

Public Hearing for Case ORD25-02 being the request of the City of Davenport to amend Title 17 entitled "Zoning" of the Municipal Code of Davenport, Iowa regarding solar farms as a principal use and freestanding solar panels as an accessory use. [All Wards]

Recommendation:

Hold the Hearing.

Background:

Solar Moratorium

On May 7, 2025, Resolution No. 2025-197 placed a moratorium on solar farms and accessory freestanding solar to provide time for staff to evaluate current regulations and propose revisions where necessary. The moratorium was spurred by a non-conforming accessory freestanding solar system installed in a resident's front yard. Additionally, staff asked for the moratorium after fielding questions about large-scale solar farms and recent Iowa State legislative hearings about solar farms. The proposed amendment brings code to meet solar industry terms and prepare a more compressive approach to regulating solar systems.

Plan and Zoning Commission

At its October 14, 2025, meeting, the Plan and Zoning Commission unanimously recommended Case ORD25-02 be forwarded to the City Council with a recommendation for approval subject to the proposed amendments and findings.

Findings

1. The proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed amendment promotes the public health, safety, and welfare of the City.
3. The proposed amendment is consistent with the intent and general regulations of the Zoning Ordinance.
4. The amendment reflects a change in policy and development trends.
5. The amendment may create minor nonconformities.

Project History

- September 2, 2025: Background materials and industry trends were presented with a draft ordinance amendment at the Plan & Zoning Commission Public Hearing.
- September 16, 2025: The Plan & Zoning Commission held additional discussion on the draft ordinance amendment.
- September 30, 2025: Staff presented the draft ordinance amendment to City Council at

the Management Update meeting. Several concerns were raised about solar as a principal use in residential and commercial districts. Immediately following the meeting, the Plan & Zoning Commission reviewed the draft ordinance amendments, and tabled the item to allow Staff additional time to make revisions based on the feedback received by Council.

- October 14, 2025: Based on Commission and City Council feedback, the following amendments were presented during the Plan and Zoning Commission meeting:
 - Removed the principal use of community-scale solar.
 - Updated use matrix to remove community-scale solar as a principal use category.
 - Refined accessory solar language in Building Mounted Systems to address the height allowed for solar on flat-roofed buildings.

Approval Standards for Text Amendments

1. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
2. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.
3. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
4. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy or change in development trends or technology.
5. The extent to which the proposed amendment creates nonconformities.

Public Input

A notice of Public Hearing was published in the *Quad-City Times* informing the community of the Hearing on November 5, 2025. No comment has been submitted to staff at this time. Previously, a Notice of Public Hearing was published in the *Quad-City Times* informing the community of the September 2, 2025 Plan and Zoning Commission Public Hearing. Staff have received one public comment in favor of the request which also offered adjustments to the language.

Attachments:

1. Ordinance
2. Proposed Ordinance Amendment
3. Current Zoning Ordinance
4. Memo to Council - Solar Moratorium
5. Action 2025-197 - Resolution approving moratorium on solar farms and freestanding solar panels
6. Public Comment-Iowa Solar

ORDINANCE NO. _____

AN ORDINANCE FOR CASE ORD25-02 BEING THE REQUEST OF THE CITY OF DAVENPORT TO AMEND TITLE 17 ENTITLED "ZONING" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA REGARDING SOLAR FARMS AS A PRINCIPAL USE AND FREESTANDING SOLAR PANELS AS AN ACCESSORY USE.

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

Section 1. That Section 17.02.030 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to add the following:

17.02.030 Definition of general terms.

Battery Energy Storage System. Electrochemical devices of 1 MW capacity or greater that charge or collect energy from the grid or a generation facility and discharge that energy at a later time to provide electricity or other grid services.

Solar Energy System. An aggregation of devices and structures whose boundaries can cross parcel lines designed to collect, store, and distribute solar energy for electricity generation, heating, cooling, or other uses. This definition applies to Solar - Utility-Scale and Accessory Solar Energy System and does not apply to solar panels on self-powered devices like decorative lights, pond pumps, or those in the right of way.

Section 2. That Section 17.08.020 Table 17.08-1 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to remove the Principal Use 'Solar Farm'.

Section 3. That Section 17.08.020 Table 17.08-1 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to add the Principal Use 'Solar – Utility Scale'. Table 17.08-1 shall be amended to include 'Solar - Utility-Scale' as a Special Use in the I-1 Light Industrial Zoning District, I-2 Heavy Industrial Zoning District, and AG-Agricultural Zoning District. Add Section 17.08.030(BB) as a Use Standard for 'Solar – Utility-Scale'.

Section 4. That Subsection 17.08.030 of the Municipal Code of Davenport, Iowa be and the same is hereby amended as follows:

17.08.030 Principal use standards.

BB. Solar - Utility-Scale.

1. General regulations for Solar Energy Systems:

- a. Solar energy systems must follow district standards unless mentioned here.
- b. Solar energy systems are prohibited within the Special Flood Hazard Area.
- c. No grid-tied solar energy systems may be installed until evidence has been provided that the owner has been approved by the utility company to install the system.

- d. Solar energy systems shall be built with "anti-reflective coating" or similar language and shown on the specification sheets submitted.
- e. A third-party glare study and confirmation that glare will be minimized or eliminated from adjacent properties, buildings, and residences shall be submitted for approval to the Zoning Administrator.
- f. A view sheds analysis from residential districts to solar energy systems shall be submitted for approval to the Zoning Administrator. Solar energy systems must be screened from view of residential districts using trees, shrubs, and other perennial plants, the locations of the screening shall be derived from the analysis.
- g. All components of the solar energy systems shall be maintained in good state of repair and safe condition. Damaged, deteriorated or inoperable solar energy systems components shall be repaired or replaced in 12 months. In the event of those circumstances not considered in this ordinance prevent repair of the solar energy system components by 12 months, communications and presentation of rectifying steps shall be made to The Zoning Administrator.
- h. A Site maintenance plan shall be submitted and approved by the Zoning Administrator. The plan shall include the repair and replacement of solar energy system equipment, landscaping maintenance, and other agreements not limited to this ordinance shall be submitted.
- i. A decommissioning plan shall be submitted and approved by the Zoning Administrator. The decommissioning plan shall include steps for the removal of all solar arrays, structures, foundations, private roads or driveways, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the solar energy systems. The plan shall follow demolition requirements per city code to include site finish, drainage, and ground cover. Additional information may be required by the Zoning Administrator.
- j. Shall include provisions for future growth opportunities including future rights-of-way, public infrastructure, utilities, subdivisions, and other easements as established within the City Code.
- k. All accessory uses and structures shall follow accessory use standards.
- l. Battery energy storage systems accessory to Solar - Utility-Scale systems shall be subject to these additional standards:
 - i. Battery energy storage systems shall be setback a minimum of 200 feet from a property line.
 - ii. Battery energy storage system shall be setback a minimum of 200 feet from the edge of any natural waterbody to include any water conveyance system, detention or retention facility that openly feed natural waterbodies.
 - iii. Battery energy storage systems shall be setback a minimum of 500 feet from any building.
 - iv. Battery energy storage systems shall be secured from the public.
 - v. Maintenance and decommissioning plan associated solely with the battery energy storage systems to include but not limited to the anticipated life of the battery energy storage systems and the safety steps required for continued use shall be submitted for approval to the Zoning Administrator.
 - vi. Dilapidated or inoperable battery energy storage systems shall be repaired or replaced within 12 months. In the event of those circumstances not considered in this ordinance

prevent repair of the battery energy storage systems within 12 months, communications and presentation of rectifying steps shall be made to Zoning Administrator.

Section 5. That Section 17.08.050 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to delete **Solar Farm**.

Section 6. That Section 17.08.050 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to add the following:

17.08.050 Use definitions.

Solar - Utility-Scale. A solar energy system designed primarily for wholesale electricity generation for sale into the electric grid. Utility-scale systems are not intended to serve on-site or localized users.

Section 7. That Section 17.09.030 of the Municipal Code of Davenport, Iowa be and the same is hereby amended as follows:

17.090.030 Accessory structures and uses.

S. Accessory Solar Energy System.

1. General Requirements.

- a. Shall be built with "anti-reflective coating" or similar language and shown on the submitted specifications sheet for the solar energy system.
- b. The solar energy system must be placed so that concentrated solar radiation or glare is not directed onto adjacent properties or roadways.

2. Building Mounted Systems

- a. A building mounted solar energy system may be mounted or applied to the roof, wall, or other architectural feature not included here of a principal building or accessory structure.
- b. On pitched roof buildings, the maximum height of a roof-mounted solar panel may rise is 18 inches.
- c. On flat roofed buildings the solar energy system shall be setback from the edge of the roof 1 foot for every 2 feet in height.
 - i. Solar energy system shall not exceed 6 feet in height on a structure 40 feet or less in height. For structures 40 feet in height or less and for any building where the solar energy system cannot meet the setback requirement, there must be either a parapet wall or other solid building material that is architecturally integrated with the structure to screen the solar energy system.
 - ii. Solar energy system shall not exceed 15 feet in height on a structure over 40 feet in height.
- d. Wall-mounted solar panels may project up to 2.5 feet from a building facade and must be integrated into the structure as an architectural feature.

3. Freestanding Solar Energy Systems.

- a. Freestanding solar energy systems are prohibited within the Special Flood Hazard Area.
- b. Freestanding solar energy systems shall follow accessory structure regulations in Section 17.09.030.
- c. Freestanding solar energy systems shall be subject to the underlying zoning districts maximum impervious surface and maximum building coverage standards.
- d. In residential districts except for R-MF:

- i. Freestanding solar energy systems are only allowed in the rear yard.
- ii. On a double frontage or through lot, the rear yard shall be considered the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided. Freestanding solar energy systems are permitted in the designated rear yard and are subject to the principal use setbacks.
- iii. The maximum height of a freestanding solar energy systems is 10 feet.
- iv. Shall not be larger than 50% of the building footprint or 720 square feet, whichever is greater.
- e. In all other districts including R-MF:
 - i. Freestanding solar energy systems are allowed in the rear and interior side yard.
 - ii. Freestanding solar energy systems shall not be larger than 50% of the impervious surface.
 - iii. Freestanding solar energy systems are permitted in all yards when over an approved parking lot and subject to these additional standards:
 - 1) Shall provide minimum vertical clearance of 8 feet.
 - 2) Shall not remove or cover parking islands or landscaped areas.
 - 3) Shall follow all parking standards.
- f. Battery Energy Storage Systems are prohibited as an accessory use unless granted permission by the Fire Marshal.

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

1

Proposed Solar Ordinance Amendment
November 05, 2025

17.02.030 Definition of General Terms

Battery Energy Storage System

Electrochemical devices of 1 MW capacity or greater that charge or collect energy from the grid or a generation facility and discharge that energy at a later time to provide electricity or other grid services.

Solar Energy System

An aggregation of devices and structures whose boundaries can cross parcel lines designed to collect, store, and distribute solar energy for electricity generation, heating, cooling, or other uses. This definition applies to Solar - Utility-Scale and Accessory Solar Energy System and does not apply to solar panels on self-powered devices like decorative lights, pond pumps, or those in the right of way.

17.08.050 Use Definitions

Solar - Utility-Scale: A solar energy system designed primarily for wholesale electricity generation for sale into the electric grid. Utility-scale systems are not intended to serve on-site or localized users.

PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	AG	OS	IC	USE STAND-
Solar - Utility-Scale																S	S		S			Sec. 17.08. 030.BB

17.08.030 Principal Use Standard

1. General regulations for Solar Energy Systems:
- a. Solar energy systems must follow district standards unless mentioned here.

b. Solar energy systems are prohibited within the Special Flood Hazard Area.

c. No grid-tied solar energy systems may be installed until evidence has been provided that the owner has been approved by the utility company to install the system.

d. Solar energy systems shall be built with “anti-reflective coating” or similar language and shown on the specification sheets submitted.

e. A third-party glare study and confirmation that glare will be minimized or eliminated from adjacent properties, buildings, and residences shall be submitted for approval to the Zoning Administrator.

f. A view sheds analysis from residential districts to solar energy systems shall be submitted for approval to the Zoning Administrator. Solar energy systems must be screened from view of residential districts using trees, shrubs, and other perennial plants, the locations of the screening shall be derived from the analysis.

g. All components of the solar energy systems shall be maintained in good state of repair and safe condition. Damaged, deteriorated or inoperable solar energy systems components shall be repaired or replaced in 12 months. In the event of those circumstances not considered in this ordinance prevent repair of the solar energy system components by 12 months, communications and presentation of rectifying steps shall be made to The Zoning Administrator.

h. A Site maintenance plan shall be submitted and approved by the Zoning Administrator. The plan shall include the repair and replacement of solar energy system equipment, landscaping maintenance, and other agreements not limited to this ordinance shall be submitted.

i. A decommissioning plan shall be submitted and approved by the Zoning Administrator. The decommissioning plan shall include steps for the removal of all solar arrays, structures, foundations, private roads or driveways, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the solar energy systems. The plan shall follow demolition requirements per city code to include site finish, drainage, and ground cover. Additional information may be required by the Zoning Administrator.

j. Shall include provisions for future growth opportunities including future rights-of-way, public infrastructure, utilities, subdivisions, and other easements as established within the City Code.

k. All accessory uses and structures shall follow accessory use standards.

l. Battery energy storage systems accessory to Solar - Utility-Scale systems shall be subject to these additional standards:

i. Battery energy storage systems shall be setback a minimum of 200 feet from a property line.

ii. Battery energy storage system shall be setback a minimum of 200 feet from the edge of any natural waterbody to include any water conveyance system, detention or retention facility that openly feed natural waterbodies.

iii. Battery energy storage systems shall be setback a minimum of 500 feet from any building.

iv. Battery energy storage systems shall be secured from the public.

v. Maintenance and decommissioning plan associated solely with the battery energy storage systems to include but not limited to the anticipated life of the battery energy storage systems and the safety steps required for continued use shall be submitted for approval to the Zoning Administrator.

vi. Dilapidated or inoperable battery energy storage systems shall be repaired or replaced within 12 months. In the event of those circumstances not considered in this ordinance prevent repair of the battery energy storage systems within 12 months, communications and presentation of rectifying steps shall be made to Zoning Administrator.
- 1

17.09.030 Accessory Structures and Uses

S. Accessory Solar Energy System

1. General Requirements.
 - a. Shall be built with “anti-reflective coating” or similar language and shown on the submitted specifications sheet for the solar energy system.
 - b. The solar energy system must be placed so that concentrated solar radiation or glare is not directed onto adjacent properties or roadways.
2. Building Mounted Systems
 - a. A building mounted solar energy system may be mounted or applied to the roof, wall, or other architectural feature not included here of a principal building or accessory structure.
 - b. On pitched roof buildings, the maximum height of a roof-mounted solar panel may rise is 18 inches.
 - c. On flat roofed buildings the solar energy system shall be setback from the edge of the roof 1 foot for every 2 feet in height
 - i. Solar energy system shall not exceed 6 feet in height on a structure 40 feet or less in height. For structures 40 feet in height or less and for any building where the solar energy system cannot meet the setback requirement, there must be either a parapet wall or other solid building material that is architecturally integrated with the structure to screen the solar energy system.
 - ii. Solar energy system shall not exceed 15 feet in height on a structure over 40 feet in height.
 - d. Wall-mounted solar panels may project up to 2.5 feet from a building facade and must be integrated into the structure as an architectural feature.
3. Freestanding Solar Energy Systems.
 - a. Freestanding solar energy systems are prohibited within the Special Flood Hazard Area.
 - b. Freestanding solar energy systems shall follow accessory structure regulations in Section 17.09.030.
 - c. Freestanding solar energy systems shall be subject to the underlying zoning districts maximum impervious surface and maximum building coverage standards.
 - d. In residential districts except for R-MF:
 - i. Freestanding solar energy systems are only allowed in the rear yard.
 - ii. On a double frontage or through lot, the rear yard shall be considered the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided. Freestanding solar energy systems are permitted in the designated rear yard and are subject to the principal use setbacks.
 - iii. The maximum height of a freestanding solar energy systems is 10 feet.
 - iv. Shall not be larger than 50% of the building footprint or 720 square feet, whichever is greater.
 - e. In all other districts including R-MF:
 - i. Freestanding solar energy systems are allowed in the rear and interior side yard.
 - ii. Freestanding solar energy systems shall not be larger than 50% of the impervious surface.
 - iii. Freestanding solar energy systems are permitted in all yards when over an approved parking lot and subject to these additional standards:
 1. Shall provide minimum vertical clearance of 8 feet.
 2. Shall not remove or cover parking islands or landscaped areas.
 3. Shall follow all parking standards.
 - f. Battery Energy Storage Systems are prohibited as an accessory use unless granted permission by the Fire Marshal.

Section 17.08.030 Principal Use Standards

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Ordinance.

BB. Solar Farm

1. Systems, equipment, and structures are limited to the maximum height of the district.
2. All solar farm structures must meet the district setbacks.
3. No grid tied photovoltaic system may be installed until evidence has provided that the owner has been approved by the utility company to install the system.
4. The facility owner and operator must, at their sole expense, complete decommissioning of the solar farm within one year after the end of the useful life of the solar farm. The solar farm is deemed to be at the end of its useful life if it is abandoned for a period for 180 days or more. Decommissioning includes removal of all solar equipment. Decommissioning includes removal of solar arrays, structures, private roads or driveways, and foundations, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the solar farm.

Section 17.08.050 Use Definitions

All uses within Table 17.08-1 are defined in this section. Certain uses are defined to be inclusive of many uses. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.

Solar Farm. An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

Section 17.09.030 Accessory Structures and Uses

All accessory structures and uses are subject to the requirements of this section and the permitted encroachment requirements of Section 17.09.040. Additional accessory structures not regulated in this section may be regulated in Section 17.09.040.

S. Solar Panels

1. General Requirements

- a. A solar panel may be building-mounted or freestanding.
- b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

2. Building-Mounted Systems

- a. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure.
- b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.
- c. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-

mounted solar energy systems are excluded from the calculation of building height.

d. Wall-mounted solar panels may project up to 2.5 feet from a building façade and must be integrated into the structure as an architectural feature.

3. Freestanding Systems

a. A freestanding system is allowed in all yards. In the front or corner side yard, the system but must be six feet from any lot line.

b. The maximum height of a freestanding system is ten feet, except in the front or corner side yard where it is limited to four feet.

4. Co-Location

Solar panels may be co-located on structures such as wireless communication towers and light poles.

Section 17.08-1: Use Matrix

PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	AG	OS	IC	USE STANDARD
Solar Farm												P				P	P		S		P	Sec. 17.08.030.BB



Date: May 8, 2025

To: City Council

From: Laura Berkley, Development & Planning Administrator

Subject: Moratorium on Solar Farms and Freestanding Solar Panels

Several questions were raised at the Committee of the Whole on May 7, 2025 regarding the proposed moratorium on Solar Farms and freestanding solar panels. I would like to provide further clarification on this matter.

What is the purpose of the moratorium?

Moratoriums are a tool local government can use to pause any new actions or approvals. The City typically places moratoriums for six months to provide staff the necessary time to conduct research and present findings to both the Council and Plan & Zoning Commission for ordinance change consideration. Moratoriums provide the benefit of a clean transition of any potential code changes. It is important to clearly state the date of the end to the moratorium for both staff enforcing the moratorium and the public on when items can be submitted for review and under what codes they will be reviewed.

A similar example of the use of a moratorium within the City of Davenport occurred in late 2023 to allow staff the time to review and propose new regulations associated with billboards. Within the six-month moratorium, the City was able to successfully research and draft new code language, which was adopted in June of 2024.

What caused the request for the moratorium?

The zoning code currently allows for freestanding solar panels as an accessory to a Principal Use. This includes the ability to install the freestanding solar panels in front and corner yards. While freestanding solar panels as an accessory use are rare in the City of Davenport, a recent installation sparked citizen complaints and further discussion between staff, Administration, the Community Development Chair and Co-Chair and a request from the Plan & Zoning Chair to reassess the current code. A photo of the installation has been included in this memo. Please note: The installation was not installed as proposed in the plans and does not meet the required code for both

setbacks and maximum height. This specific violation is currently being addressed. The contractor will be installing the panels on the roof. However, several questions and concerns remain on how freestanding solar panels should be regulated moving forward.



In addition, Planning staff have received multiple requests for information on Solar Farm regulations. This is due to several recent and proposed high energy users developing within the City. Additionally, during this legislative session at the State, there was a bill to make community solar farms more feasible. The increase in interest in solar farms has sparked internal conversations on whether the current code provides the framework necessary to handle multiple large scale solar farm requests. For example, Solar Farms are currently allowed on land zoned Agriculture with a Special Use. There are no specific parameters or directions for the Zoning Board of Adjustment to determine under what circumstances Solar Farms are appropriate in this district or when to grant or deny a special use. Peer communities have regulations on what type of agricultural land can be used for solar farms.

What specifically is subject to the moratorium?

There are two components to the moratorium: Solar Farms as a principal use and freestanding solar panels as an accessory use.

Solar Farm as a principal use is: An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

Solar panels can also be an accessory to another use such as a home or business. The most common form of solar panels as an accessory use are building-mounted panels. This is typically a system installed on a roof. Building-mounted systems are not a part of the moratorium. The moratorium is specific to freestanding systems. This does not include solar panels located within the right-of-way. This also does not impact any existing freestanding solar.

Staff time for research and code review:

Staff will need time to research the solar industry, review state law, and conduct a peer review of solar regulations. The decision to do so is not taken lightly, and the discussion to move forward with this project was not initiated by any one member of the Council. The decision to research this topic area was made jointly by the Development & Neighborhood Services Director, the Development & Planning Administrator, and the Chair and Co-Chair of the Community Development Committee after a request from the Plan & Zoning Commission Chair. The decision was made after consultation with the City Attorney. The City Administrator had been informed of the decision before moving forward with a proposed moratorium.

City of Davenport

2025-197

Department: City Council

Action / Date

Contact Info: Alderman Reinartz and Alderman Gripp

5/14/2025

Subject:

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]

Recommendation:

Adopt the Resolution.

Background:

Recent inquiries into solar farms, as a principal use, and freestanding solar panels, as accessory structures, have spurred additional conversations and questions on how best to regulate solar moving forward. A six-month moratorium on new solar farms as a principal use and freestanding solar panels as an accessory use is requested in order to provide staff time to evaluate current regulations and propose any revisions if necessary.

It should be noted that building-mounted solar panels, commonly installed on roofs, are not subject to the proposed moratorium.

Attachments:

1. Resolution

Resolution No. 2025-197

Resolution offered by Alderman Gripp and Alderman Reinartz.

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

RESOLUTION placing a moratorium upon new solar farms as a principal use and freestanding solar panels as an accessory use until November 14, 2025.

WHEREAS, the City of Davenport regulates the uses, special uses, and accessory uses of its zoning districts; and

WHEREAS, recent freestanding solar panel installation and inquiries into solar farms has spurred additional conversations and questions on how to best regulate solar; and

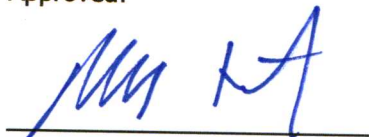
WHEREAS, the City of Davenport wishes to study best practices around the country; and

WHEREAS, this six-month period would allow time for code amendments to be vetted and proposed for adoption.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a moratorium is hereby imposed upon new solar farms as a principal use and freestanding solar panels as an accessory use until November 14, 2025.

Passed and approved this 14th day of May, 2025.

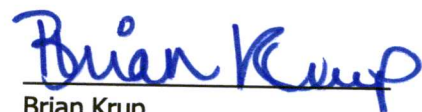
Approved:



Mike Matson
Mayor



Attest:



Brian Krup
Deputy City Clerk

Industry Comments on Proposed Solar Ordinances

My name is Ryan Kopf and I am a Davenport resident, I live on Brady Street. I am writing to you to provide comments on upcoming proposed solar power ordinances.

As both a local resident and the owner of Iowa Solar, I strongly encourage the council to adopt rules that expand, rather than restrict, the opportunities for Davenport families and businesses to access clean energy.

Free-standing solar arrays, when done responsibly, can be an important tool for homeowners who may not have ideal roof conditions, yet still desire clean energy. Limiting them to backyards only, or tying them strictly to building footprints, could make solar impossible for many residents whose homes face the wrong direction, are shaded by trees, or simply lack the roof space to support a sufficient system.

Benefits of Solar

Before we get into ordinance specifics, I would like to highlight some of the key benefits of solar power:

- Solar improves grid stability, especially during summer peaks when air conditioning drives demand. It helps reduce strain and lowers the risk of outages.
- Solar provides real savings for families, lowering monthly electric bills and protecting against utility rate hikes.
- Solar is silent and clean—it produces no noise, no smell, and no pollution. Panels generate power passively for decades with minimal maintenance, without disturbing neighbors.

Addressing Common Misconceptions

There are also some misconceptions about solar that deserve clarification:

- “Solar owners get the grid for free.” In reality, all solar customers pay a monthly service fee (around \$30 with MidAmerican) to remain connected, contributing directly to maintaining electric lines and infrastructure.
- “Solar only benefits wealthy homeowners.” In truth, distributed solar reduces strain on the grid for everyone and improves reliability during peak hours, creating community-wide benefits.
- “Solar hurts property values.” Panels are silent, emission-free, and unobtrusive. In many communities, visible solar has actually improved neighborhood appeal by signaling sustainability and forward progress.

Community-Scale Solar

Davenport also has a chance to lead in community-scale solar. Projects over parking lots, neighborhood gardens, or unused parcels of land make renewable energy accessible to renters, lower-income households, and those who cannot install solar themselves. These projects build resilience, reduce costs, and keep energy dollars circulating locally rather than leaving the community.

Recommendations for the Ordinance

- A 10-foot height limit is reasonable; there is no practical need for taller systems in residential settings. Even 9.5 ft would be reasonable.
- Comments have been made suggesting that solar should go over parking lots. Including an exception to this height limit for parking lot solar may be wise.
- Instead of restricting arrays to “backyards,” which can be difficult to define, consider a 10–20 foot setback from the street as a fairer and more flexible guideline.
- Low-to-the-ground solar systems (under 3.5 feet) are highly efficient and unobtrusive. These pair well with landscaping or gardens and can actually improve curb appeal. We recommend an exemption for these small-scale, low-profile systems. Example: Low-profile solar array - https://www.youtube.com/watch?v=MoENU_3W2Ks
- It's unreasonable to set solar array size based on the home size without also factoring in lot size. If a small home sits on a quarter-acre, there's no sense in not factoring in lot size to the requirement. Especially if people are trying to build tiny-but-fully-efficient homes. People should be allowed the right to power small homes fully with solar, and a home-size-ratio-restriction does not make that possible.

Suggested ordinance language might read:

“Residential free-standing solar arrays shall not exceed 10 feet in height, unless part of an engineered parking-covering structure. Arrays under 3.5 feet in height shall be permitted with no restrictions other than standard setback requirements. Free-standing arrays over 3.5 feet shall be permitted provided they are set back at least 10 feet from the primary street frontage.”

Economic Development

Solar is not just about sustainability—it is about jobs and investment. Every new array means local work in installation, maintenance, and supply. Restrictive rules risk pushing investment to neighboring communities, while supportive rules will allow Davenport to attract clean-energy businesses, innovation, and skilled workers.

Thank you for your consideration.

Sincerely,

Ryan
Iowa Solar
info@iowasolar.com

City of Davenport

Department: Public Works

Contact Info: Brian Schadt | 563-326-7923

Action / Date

11/5/2025

Subject:

Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Levee Repairs project, CIP #23087. [Ward 3]

Recommendation:

Hold the Hearing.

Background:

This project will address areas of the Modern Woodmen Park berm in need of repair. Work includes repairs to portions of the levee at center field and right field, as well as to the left field berm and supporting retaining wall.

Attachments:

None

City of Davenport

Department: Public Works

Contact Info: Brian Schadt | 563-326-7923

Action / Date

11/5/2025

Subject:

Public Hearing on the plans, specifications, form of contract, and estimate of cost for the Annie Wittenmyer Complex Utilities Relocation — Junior Theatre project, CIP #64130. [Ward 5]

Recommendation:

Hold the Hearing.

Background:

The Annie Wittenmyer Complex is served by a variety of utilities. This project will relocate utilities and allow for separate services to the Junior Theatre building.

Attachments:

None

City of Davenport

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

Action / Date
11/5/2025

Subject:

First Consideration: Ordinance for Case ORD25-02 being the request of the City of Davenport to amend Title 17 entitled "Zoning" of the Municipal Code of Davenport, Iowa regarding solar farms as a principal use and freestanding solar panels as an accessory use. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

Solar Moratorium

On May 7, 2025, Resolution No. 2025-197 placed a moratorium on solar farms and accessory freestanding solar to provide time for staff to evaluate current regulations and propose revisions where necessary. The moratorium was spurred by a non-conforming accessory freestanding solar system installed in a resident's front yard. Additionally, staff asked for the moratorium after fielding questions about large-scale solar farms and recent Iowa State legislative hearings about solar farms. The proposed amendment brings code to meet solar industry terms and prepare a more comprehensive approach to regulating solar systems.

Plan and Zoning Commission

At its October 14, 2025, meeting, the Plan and Zoning Commission unanimously recommended Case ORD25-02 be forwarded to the City Council with a recommendation for approval subject to the proposed amendments and findings.

Findings

1. The proposed amendment is consistent with the Comprehensive Plan and adopted land use policies.
2. The proposed amendment promotes the public health, safety, and welfare of the City.
3. The proposed amendment is consistent with the intent and general regulations of the Zoning Ordinance.
4. The amendment reflects a change in policy and development trends.
5. The amendment may create minor nonconformities.

Project History

- September 2, 2025: Background materials and industry trends were presented with a draft ordinance amendment at the Plan & Zoning Commission Public Hearing.
- September 16, 2025: The Plan & Zoning Commission held additional discussion on the draft ordinance amendment.
- September 30, 2025: Staff presented the draft ordinance amendment to City Council at

the Management Update meeting. Several concerns were raised about solar as a principal use in residential and commercial districts. Immediately following the meeting, the Plan & Zoning Commission reviewed the draft ordinance amendments, and tabled the item to allow Staff additional time to make revisions based on the feedback received by Council.

- October 14, 2025: Based on Commission and City Council feedback, the following amendments were presented during the Plan and Zoning Commission meeting:
 - Removed the principal use of community-scale solar.
 - Updated use matrix to remove community-scale solar as a principal use category.
 - Refined accessory solar language in Building Mounted Systems to address the height allowed for solar on flat-roofed buildings.

Approval Standards for Text Amendments

1. The consistency of the proposed amendment with the Comprehensive Plan and any adopted land use policies.
2. The extent to which the proposed amendment promotes the public health, safety, and welfare of the City.
3. The consistency of the proposed amendment with the intent and general regulations of this Ordinance.
4. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, or reflects a change in policy or change in development trends or technology.
5. The extent to which the proposed amendment creates nonconformities.

Public Input

A notice of Public Hearing was published in the *Quad-City Times* informing the community of the Hearing on November 5, 2025. No comment has been submitted to staff at this time. Previously, a Notice of Public Hearing was published in the *Quad-City Times* informing the community of the September 2, 2025 Plan and Zoning Commission Public Hearing. Staff have received one public comment in favor of the request which also offered adjustments to the language.

Attachments:

1. Ordinance
2. Proposed Ordinance Amendment
3. Current Zoning Ordinance
4. Memo to Council - Solar Moratorium
5. Action 2025-197 - Resolution approving moratorium on solar farms and freestanding solar panels
6. Public Comment-Iowa Solar

ORDINANCE NO. _____

AN ORDINANCE FOR CASE ORD25-02 BEING THE REQUEST OF THE CITY OF DAVENPORT TO AMEND TITLE 17 ENTITLED "ZONING" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA REGARDING SOLAR FARMS AS A PRINCIPAL USE AND FREESTANDING SOLAR PANELS AS AN ACCESSORY USE.

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

Section 1. That Section 17.02.030 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to add the following:

17.02.030 Definition of general terms.

Battery Energy Storage System. Electrochemical devices of 1 MW capacity or greater that charge or collect energy from the grid or a generation facility and discharge that energy at a later time to provide electricity or other grid services.

Solar Energy System. An aggregation of devices and structures whose boundaries can cross parcel lines designed to collect, store, and distribute solar energy for electricity generation, heating, cooling, or other uses. This definition applies to Solar - Utility-Scale and Accessory Solar Energy System and does not apply to solar panels on self-powered devices like decorative lights, pond pumps, or those in the right of way.

Section 2. That Section 17.08.020 Table 17.08-1 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to remove the Principal Use 'Solar Farm'.

Section 3. That Section 17.08.020 Table 17.08-1 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to add the Principal Use 'Solar – Utility Scale'. Table 17.08-1 shall be amended to include 'Solar - Utility-Scale' as a Special Use in the I-1 Light Industrial Zoning District, I-2 Heavy Industrial Zoning District, and AG-Agricultural Zoning District. Add Section 17.08.030(BB) as a Use Standard for 'Solar – Utility-Scale'.

Section 4. That Subsection 17.08.030 of the Municipal Code of Davenport, Iowa be and the same is hereby amended as follows:

17.08.030 Principal use standards.

BB. Solar - Utility-Scale.

1. General regulations for Solar Energy Systems:

- a. Solar energy systems must follow district standards unless mentioned here.
- b. Solar energy systems are prohibited within the Special Flood Hazard Area.
- c. No grid-tied solar energy systems may be installed until evidence has been provided that the owner has been approved by the utility company to install the system.

- d. Solar energy systems shall be built with "anti-reflective coating" or similar language and shown on the specification sheets submitted.
- e. A third-party glare study and confirmation that glare will be minimized or eliminated from adjacent properties, buildings, and residences shall be submitted for approval to the Zoning Administrator.
- f. A view sheds analysis from residential districts to solar energy systems shall be submitted for approval to the Zoning Administrator. Solar energy systems must be screened from view of residential districts using trees, shrubs, and other perennial plants, the locations of the screening shall be derived from the analysis.
- g. All components of the solar energy systems shall be maintained in good state of repair and safe condition. Damaged, deteriorated or inoperable solar energy systems components shall be repaired or replaced in 12 months. In the event of those circumstances not considered in this ordinance prevent repair of the solar energy system components by 12 months, communications and presentation of rectifying steps shall be made to The Zoning Administrator.
- h. A Site maintenance plan shall be submitted and approved by the Zoning Administrator. The plan shall include the repair and replacement of solar energy system equipment, landscaping maintenance, and other agreements not limited to this ordinance shall be submitted.
- i. A decommissioning plan shall be submitted and approved by the Zoning Administrator. The decommissioning plan shall include steps for the removal of all solar arrays, structures, foundations, private roads or driveways, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the solar energy systems. The plan shall follow demolition requirements per city code to include site finish, drainage, and ground cover. Additional information may be required by the Zoning Administrator.
- j. Shall include provisions for future growth opportunities including future rights-of-way, public infrastructure, utilities, subdivisions, and other easements as established within the City Code.
- k. All accessory uses and structures shall follow accessory use standards.
- l. Battery energy storage systems accessory to Solar - Utility-Scale systems shall be subject to these additional standards:
 - i. Battery energy storage systems shall be setback a minimum of 200 feet from a property line.
 - ii. Battery energy storage system shall be setback a minimum of 200 feet from the edge of any natural waterbody to include any water conveyance system, detention or retention facility that openly feed natural waterbodies.
 - iii. Battery energy storage systems shall be setback a minimum of 500 feet from any building.
 - iv. Battery energy storage systems shall be secured from the public.
 - v. Maintenance and decommissioning plan associated solely with the battery energy storage systems to include but not limited to the anticipated life of the battery energy storage systems and the safety steps required for continued use shall be submitted for approval to the Zoning Administrator.
 - vi. Dilapidated or inoperable battery energy storage systems shall be repaired or replaced within 12 months. In the event of those circumstances not considered in this ordinance

prevent repair of the battery energy storage systems within 12 months, communications and presentation of rectifying steps shall be made to Zoning Administrator.

Section 5. That Section 17.08.050 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to delete **Solar Farm**.

Section 6. That Section 17.08.050 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to add the following:

17.08.050 Use definitions.

Solar - Utility-Scale. A solar energy system designed primarily for wholesale electricity generation for sale into the electric grid. Utility-scale systems are not intended to serve on-site or localized users.

Section 7. That Section 17.09.030 of the Municipal Code of Davenport, Iowa be and the same is hereby amended as follows:

17.090.030 Accessory structures and uses.

S. Accessory Solar Energy System.

1. General Requirements.

- a. Shall be built with "anti-reflective coating" or similar language and shown on the submitted specifications sheet for the solar energy system.
- b. The solar energy system must be placed so that concentrated solar radiation or glare is not directed onto adjacent properties or roadways.

2. Building Mounted Systems

- a. A building mounted solar energy system may be mounted or applied to the roof, wall, or other architectural feature not included here of a principal building or accessory structure.
- b. On pitched roof buildings, the maximum height of a roof-mounted solar panel may rise is 18 inches.
- c. On flat roofed buildings the solar energy system shall be setback from the edge of the roof 1 foot for every 2 feet in height.
 - i. Solar energy system shall not exceed 6 feet in height on a structure 40 feet or less in height. For structures 40 feet in height or less and for any building where the solar energy system cannot meet the setback requirement, there must be either a parapet wall or other solid building material that is architecturally integrated with the structure to screen the solar energy system.
 - ii. Solar energy system shall not exceed 15 feet in height on a structure over 40 feet in height.
- d. Wall-mounted solar panels may project up to 2.5 feet from a building facade and must be integrated into the structure as an architectural feature.

3. Freestanding Solar Energy Systems.

- a. Freestanding solar energy systems are prohibited within the Special Flood Hazard Area.
- b. Freestanding solar energy systems shall follow accessory structure regulations in Section 17.09.030.
- c. Freestanding solar energy systems shall be subject to the underlying zoning districts maximum impervious surface and maximum building coverage standards.
- d. In residential districts except for R-MF:

- i. Freestanding solar energy systems are only allowed in the rear yard.
- ii. On a double frontage or through lot, the rear yard shall be considered the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided. Freestanding solar energy systems are permitted in the designated rear yard and are subject to the principal use setbacks.
- iii. The maximum height of a freestanding solar energy systems is 10 feet.
- iv. Shall not be larger than 50% of the building footprint or 720 square feet, whichever is greater.
- e. In all other districts including R-MF:
 - i. Freestanding solar energy systems are allowed in the rear and interior side yard.
 - ii. Freestanding solar energy systems shall not be larger than 50% of the impervious surface.
 - iii. Freestanding solar energy systems are permitted in all yards when over an approved parking lot and subject to these additional standards:
 - 1) Shall provide minimum vertical clearance of 8 feet.
 - 2) Shall not remove or cover parking islands or landscaped areas.
 - 3) Shall follow all parking standards.
- f. Battery Energy Storage Systems are prohibited as an accessory use unless granted permission by the Fire Marshal.

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

1

Proposed Solar Ordinance Amendment

November 05, 2025

17.02.030 Definition of General Terms

Battery Energy Storage System

Electrochemical devices of 1 MW capacity or greater that charge or collect energy from the grid or a generation facility and discharge that energy at a later time to provide electricity or other grid services.

Solar Energy System

An aggregation of devices and structures whose boundaries can cross parcel lines designed to collect, store, and distribute solar energy for electricity generation, heating, cooling, or other uses. This definition applies to Solar - Utility-Scale and Accessory Solar Energy System and does not apply to solar panels on self-powered devices like decorative lights, pond pumps, or those in the right of way.

17.08.050 Use Definitions

Solar - Utility-Scale: A solar energy system designed primarily for wholesale electricity generation for sale into the electric grid. Utility-scale systems are not intended to serve on-site or localized users.

PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	AG	OS	IC	USE STAND-
Solar - Utility-Scale																S	S		S			Sec. 17.08. 030.BB

17.08.030 Principal Use Standard

1. General regulations for Solar Energy Systems:
- a. Solar energy systems must follow district standards unless mentioned here.

b. Solar energy systems are prohibited within the Special Flood Hazard Area.

c. No grid-tied solar energy systems may be installed until evidence has been provided that the owner has been approved by the utility company to install the system.

d. Solar energy systems shall be built with “anti-reflective coating” or similar language and shown on the specification sheets submitted.

e. A third-party glare study and confirmation that glare will be minimized or eliminated from adjacent properties, buildings, and residences shall be submitted for approval to the Zoning Administrator.

f. A view sheds analysis from residential districts to solar energy systems shall be submitted for approval to the Zoning Administrator. Solar energy systems must be screened from view of residential districts using trees, shrubs, and other perennial plants, the locations of the screening shall be derived from the analysis.

g. All components of the solar energy systems shall be maintained in good state of repair and safe condition. Damaged, deteriorated or inoperable solar energy systems components shall be repaired or replaced in 12 months. In the event of those circumstances not considered in this ordinance prevent repair of the solar energy system components by 12 months, communications and presentation of rectifying steps shall be made to The Zoning Administrator.

h. A Site maintenance plan shall be submitted and approved by the Zoning Administrator. The plan shall include the repair and replacement of solar energy system equipment, landscaping maintenance, and other agreements not limited to this ordinance shall be submitted.

i. A decommissioning plan shall be submitted and approved by the Zoning Administrator. The decommissioning plan shall include steps for the removal of all solar arrays, structures, foundations, private roads or driveways, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the solar energy systems. The plan shall follow demolition requirements per city code to include site finish, drainage, and ground cover. Additional information may be required by the Zoning Administrator.

j. Shall include provisions for future growth opportunities including future rights-of-way, public infrastructure, utilities, subdivisions, and other easements as established within the City Code.

k. All accessory uses and structures shall follow accessory use standards.

l. Battery energy storage systems accessory to Solar - Utility-Scale systems shall be subject to these additional standards:

i. Battery energy storage systems shall be setback a minimum of 200 feet from a property line.

ii. Battery energy storage system shall be setback a minimum of 200 feet from the edge of any natural waterbody to include any water conveyance system, detention or retention facility that openly feed natural waterbodies.

iii. Battery energy storage systems shall be setback a minimum of 500 feet from any building.

iv. Battery energy storage systems shall be secured from the public.

v. Maintenance and decommissioning plan associated solely with the battery energy storage systems to include but not limited to the anticipated life of the battery energy storage systems and the safety steps required for continued use shall be submitted for approval to the Zoning Administrator.

vi. Dilapidated or inoperable battery energy storage systems shall be repaired or replaced within 12 months. In the event of those circumstances not considered in this ordinance prevent repair of the battery energy storage systems within 12 months, communications and presentation of rectifying steps shall be made to Zoning Administrator.
- 1

17.09.030 Accessory Structures and Uses

S. Accessory Solar Energy System

1. General Requirements.
 - a. Shall be built with “anti-reflective coating” or similar language and shown on the submitted specifications sheet for the solar energy system.
 - b. The solar energy system must be placed so that concentrated solar radiation or glare is not directed onto adjacent properties or roadways.
2. Building Mounted Systems
 - a. A building mounted solar energy system may be mounted or applied to the roof, wall, or other architectural feature not included here of a principal building or accessory structure.
 - b. On pitched roof buildings, the maximum height of a roof-mounted solar panel may rise is 18 inches.
 - c. On flat roofed buildings the solar energy system shall be setback from the edge of the roof 1 foot for every 2 feet in height
 - i. Solar energy system shall not exceed 6 feet in height on a structure 40 feet or less in height. For structures 40 feet in height or less and for any building where the solar energy system cannot meet the setback requirement, there must be either a parapet wall or other solid building material that is architecturally integrated with the structure to screen the solar energy system.
 - ii. Solar energy system shall not exceed 15 feet in height on a structure over 40 feet in height.
 - d. Wall-mounted solar panels may project up to 2.5 feet from a building facade and must be integrated into the structure as an architectural feature.
3. Freestanding Solar Energy Systems.
 - a. Freestanding solar energy systems are prohibited within the Special Flood Hazard Area.
 - b. Freestanding solar energy systems shall follow accessory structure regulations in Section 17.09.030.
 - c. Freestanding solar energy systems shall be subject to the underlying zoning districts maximum impervious surface and maximum building coverage standards.
 - d. In residential districts except for R-MF:
 - i. Freestanding solar energy systems are only allowed in the rear yard.
 - ii. On a double frontage or through lot, the rear yard shall be considered the street frontage adjacent to the street with the higher street hierarchy classification and for which no driveway access is provided. Freestanding solar energy systems are permitted in the designated rear yard and are subject to the principal use setbacks.
 - iii. The maximum height of a freestanding solar energy systems is 10 feet.
 - iv. Shall not be larger than 50% of the building footprint or 720 square feet, whichever is greater.
 - e. In all other districts including R-MF:
 - i. Freestanding solar energy systems are allowed in the rear and interior side yard.
 - ii. Freestanding solar energy systems shall not be larger than 50% of the impervious surface.
 - iii. Freestanding solar energy systems are permitted in all yards when over an approved parking lot and subject to these additional standards:
 1. Shall provide minimum vertical clearance of 8 feet.
 2. Shall not remove or cover parking islands or landscaped areas.
 3. Shall follow all parking standards.
 - f. Battery Energy Storage Systems are prohibited as an accessory use unless granted permission by the Fire Marshal.

Section 17.08.030 Principal Use Standards

Where applicable, principal uses are required to comply with all use standards of this section, whether a permitted or special use, in addition to all other regulations of this Ordinance.

BB. Solar Farm

1. Systems, equipment, and structures are limited to the maximum height of the district.
2. All solar farm structures must meet the district setbacks.
3. No grid tied photovoltaic system may be installed until evidence has provided that the owner has been approved by the utility company to install the system.
4. The facility owner and operator must, at their sole expense, complete decommissioning of the solar farm within one year after the end of the useful life of the solar farm. The solar farm is deemed to be at the end of its useful life if it is abandoned for a period for 180 days or more. Decommissioning includes removal of all solar equipment. Decommissioning includes removal of solar arrays, structures, private roads or driveways, and foundations, and any other element constructed by facility owner or operator for the purpose of maintaining or operating the solar farm.

Section 17.08.050 Use Definitions

All uses within Table 17.08-1 are defined in this section. Certain uses are defined to be inclusive of many uses. When a use meets a specific definition, it is regulated as such and is not regulated as part of a more inclusive use category.

Solar Farm. An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

Section 17.09.030 Accessory Structures and Uses

All accessory structures and uses are subject to the requirements of this section and the permitted encroachment requirements of Section 17.09.040. Additional accessory structures not regulated in this section may be regulated in Section 17.09.040.

S. Solar Panels

1. General Requirements

- a. A solar panel may be building-mounted or freestanding.
- b. Solar panels must be placed so that concentrated solar radiation or glare is not directed onto nearby properties or roadways.

2. Building-Mounted Systems

- a. A building-mounted system may be mounted on the roof or wall of a principal building or accessory structure.
- b. On pitched roof buildings, the maximum height a roof-mounted solar panel may rise is 18 inches.
- c. On flat roofed buildings up to 40 feet in height, the roof-mounted solar panel system is limited to a maximum height of six feet above the surface of the roof. On flat roofed buildings over 40 feet in height, the roof-mounted solar panel system is limited to 15 feet above the height of such structure. Roof-

mounted solar energy systems are excluded from the calculation of building height.

d. Wall-mounted solar panels may project up to 2.5 feet from a building façade and must be integrated into the structure as an architectural feature.

3. Freestanding Systems

a. A freestanding system is allowed in all yards. In the front or corner side yard, the system but must be six feet from any lot line.

b. The maximum height of a freestanding system is ten feet, except in the front or corner side yard where it is limited to four feet.

4. Co-Location

Solar panels may be co-located on structures such as wireless communication towers and light poles.

Section 17.08-1: Use Matrix

PRINCIPAL USE	R-1	R-2	R-3	R-4	R-MF	R-MHP	C-T	C-1	C-2	C-3	C-C	C-OP	C-D	C-V	C-E	I-1	I-2	I-MU	AG	OS	IC	USE STANDARD
Solar Farm												P				P	P		S		P	Sec. 17.08.030.BB



Date: May 8, 2025

To: City Council

From: Laura Berkley, Development & Planning Administrator

Subject: Moratorium on Solar Farms and Freestanding Solar Panels

Several questions were raised at the Committee of the Whole on May 7, 2025 regarding the proposed moratorium on Solar Farms and freestanding solar panels. I would like to provide further clarification on this matter.

What is the purpose of the moratorium?

Moratoriums are a tool local government can use to pause any new actions or approvals. The City typically places moratoriums for six months to provide staff the necessary time to conduct research and present findings to both the Council and Plan & Zoning Commission for ordinance change consideration. Moratoriums provide the benefit of a clean transition of any potential code changes. It is important to clearly state the date of the end to the moratorium for both staff enforcing the moratorium and the public on when items can be submitted for review and under what codes they will be reviewed.

A similar example of the use of a moratorium within the City of Davenport occurred in late 2023 to allow staff the time to review and propose new regulations associated with billboards. Within the six-month moratorium, the City was able to successfully research and draft new code language, which was adopted in June of 2024.

What caused the request for the moratorium?

The zoning code currently allows for freestanding solar panels as an accessory to a Principal Use. This includes the ability to install the freestanding solar panels in front and corner yards. While freestanding solar panels as an accessory use are rare in the City of Davenport, a recent installation sparked citizen complaints and further discussion between staff, Administration, the Community Development Chair and Co-Chair and a request from the Plan & Zoning Chair to reassess the current code. A photo of the installation has been included in this memo. Please note: The installation was not installed as proposed in the plans and does not meet the required code for both

setbacks and maximum height. This specific violation is currently being addressed. The contractor will be installing the panels on the roof. However, several questions and concerns remain on how freestanding solar panels should be regulated moving forward.



In addition, Planning staff have received multiple requests for information on Solar Farm regulations. This is due to several recent and proposed high energy users developing within the City. Additionally, during this legislative session at the State, there was a bill to make community solar farms more feasible. The increase in interest in solar farms has sparked internal conversations on whether the current code provides the framework necessary to handle multiple large scale solar farm requests. For example, Solar Farms are currently allowed on land zoned Agriculture with a Special Use. There are no specific parameters or directions for the Zoning Board of Adjustment to determine under what circumstances Solar Farms are appropriate in this district or when to grant or deny a special use. Peer communities have regulations on what type of agricultural land can be used for solar farms.

What specifically is subject to the moratorium?

There are two components to the moratorium: Solar Farms as a principal use and freestanding solar panels as an accessory use.

Solar Farm as a principal use is: An energy system operated by a public, private, or cooperative company for the generation, transmission, distribution, storage, or processing of solar energy for the purposes of heating and cooling, electricity generation, and/or water heating.

Solar panels can also be an accessory to another use such as a home or business. The most common form of solar panels as an accessory use are building-mounted panels. This is typically a system installed on a roof. Building-mounted systems are not a part of the moratorium. The moratorium is specific to freestanding systems. This does not include solar panels located within the right-of-way. This also does not impact any existing freestanding solar.

Staff time for research and code review:

Staff will need time to research the solar industry, review state law, and conduct a peer review of solar regulations. The decision to do so is not taken lightly, and the discussion to move forward with this project was not initiated by any one member of the Council. The decision to research this topic area was made jointly by the Development & Neighborhood Services Director, the Development & Planning Administrator, and the Chair and Co-Chair of the Community Development Committee after a request from the Plan & Zoning Commission Chair. The decision was made after consultation with the City Attorney. The City Administrator had been informed of the decision before moving forward with a proposed moratorium.

City of Davenport

2025-197

Department: City Council

Action / Date

Contact Info: Alderman Reinartz and Alderman Gripp

5/14/2025

Subject:

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]

Recommendation:

Adopt the Resolution.

Background:

Recent inquiries into solar farms, as a principal use, and freestanding solar panels, as accessory structures, have spurred additional conversations and questions on how best to regulate solar moving forward. A six-month moratorium on new solar farms as a principal use and freestanding solar panels as an accessory use is requested in order to provide staff time to evaluate current regulations and propose any revisions if necessary.

It should be noted that building-mounted solar panels, commonly installed on roofs, are not subject to the proposed moratorium.

Attachments:

1. Resolution

Resolution No. 2025-197

Resolution offered by Alderman Gripp and Alderman Reinartz.

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

RESOLUTION placing a moratorium upon new solar farms as a principal use and freestanding solar panels as an accessory use until November 14, 2025.

WHEREAS, the City of Davenport regulates the uses, special uses, and accessory uses of its zoning districts; and

WHEREAS, recent freestanding solar panel installation and inquiries into solar farms has spurred additional conversations and questions on how to best regulate solar; and

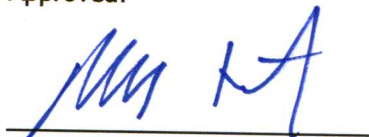
WHEREAS, the City of Davenport wishes to study best practices around the country; and

WHEREAS, this six-month period would allow time for code amendments to be vetted and proposed for adoption.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a moratorium is hereby imposed upon new solar farms as a principal use and freestanding solar panels as an accessory use until November 14, 2025.

Passed and approved this 14th day of May, 2025.

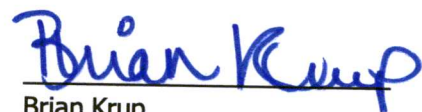
Approved:



Mike Matson
Mayor



Attest:



Brian Krup
Deputy City Clerk

Industry Comments on Proposed Solar Ordinances

My name is Ryan Kopf and I am a Davenport resident, I live on Brady Street. I am writing to you to provide comments on upcoming proposed solar power ordinances.

As both a local resident and the owner of Iowa Solar, I strongly encourage the council to adopt rules that expand, rather than restrict, the opportunities for Davenport families and businesses to access clean energy.

Free-standing solar arrays, when done responsibly, can be an important tool for homeowners who may not have ideal roof conditions, yet still desire clean energy. Limiting them to backyards only, or tying them strictly to building footprints, could make solar impossible for many residents whose homes face the wrong direction, are shaded by trees, or simply lack the roof space to support a sufficient system.

Benefits of Solar

Before we get into ordinance specifics, I would like to highlight some of the key benefits of solar power:

- Solar improves grid stability, especially during summer peaks when air conditioning drives demand. It helps reduce strain and lowers the risk of outages.
- Solar provides real savings for families, lowering monthly electric bills and protecting against utility rate hikes.
- Solar is silent and clean—it produces no noise, no smell, and no pollution. Panels generate power passively for decades with minimal maintenance, without disturbing neighbors.

Addressing Common Misconceptions

There are also some misconceptions about solar that deserve clarification:

- “Solar owners get the grid for free.” In reality, all solar customers pay a monthly service fee (around \$30 with MidAmerican) to remain connected, contributing directly to maintaining electric lines and infrastructure.
- “Solar only benefits wealthy homeowners.” In truth, distributed solar reduces strain on the grid for everyone and improves reliability during peak hours, creating community-wide benefits.
- “Solar hurts property values.” Panels are silent, emission-free, and unobtrusive. In many communities, visible solar has actually improved neighborhood appeal by signaling sustainability and forward progress.

Community-Scale Solar

Davenport also has a chance to lead in community-scale solar. Projects over parking lots, neighborhood gardens, or unused parcels of land make renewable energy accessible to renters, lower-income households, and those who cannot install solar themselves. These projects build resilience, reduce costs, and keep energy dollars circulating locally rather than leaving the community.

Recommendations for the Ordinance

- A 10-foot height limit is reasonable; there is no practical need for taller systems in residential settings. Even 9.5 ft would be reasonable.
- Comments have been made suggesting that solar should go over parking lots. Including an exception to this height limit for parking lot solar may be wise.
- Instead of restricting arrays to “backyards,” which can be difficult to define, consider a 10–20 foot setback from the street as a fairer and more flexible guideline.
- Low-to-the-ground solar systems (under 3.5 feet) are highly efficient and unobtrusive. These pair well with landscaping or gardens and can actually improve curb appeal. We recommend an exemption for these small-scale, low-profile systems. Example: Low-profile solar array - https://www.youtube.com/watch?v=MoENU_3W2Ks
- It's unreasonable to set solar array size based on the home size without also factoring in lot size. If a small home sits on a quarter-acre, there's no sense in not factoring in lot size to the requirement. Especially if people are trying to build tiny-but-fully-efficient homes. People should be allowed the right to power small homes fully with solar, and a home-size-ratio-restriction does not make that possible.

Suggested ordinance language might read:

“Residential free-standing solar arrays shall not exceed 10 feet in height, unless part of an engineered parking-covering structure. Arrays under 3.5 feet in height shall be permitted with no restrictions other than standard setback requirements. Free-standing arrays over 3.5 feet shall be permitted provided they are set back at least 10 feet from the primary street frontage.”

Economic Development

Solar is not just about sustainability—it is about jobs and investment. Every new array means local work in installation, maintenance, and supply. Restrictive rules risk pushing investment to neighboring communities, while supportive rules will allow Davenport to attract clean-energy businesses, innovation, and skilled workers.

Thank you for your consideration.

Sincerely,

Ryan
Iowa Solar
info@iowasolar.com

City of Davenport

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

Action / Date
11/5/2025

Subject:

Resolution extending a moratorium upon new solar farms as a principal use and freestanding solar panels as an accessory use until February 12, 2026. [All Wards]

Recommendation:

Adopt of the Resolution.

Background:

On May 14, 2025, the City Council placed a moratorium on solar farms as a principal use and freestanding solar panels as an accessory use until November 14, 2025. The moratorium was placed in order to provide staff time to evaluate current regulations and propose any necessary revisions. Staff completed review and has worked with the Plan and Zoning Commission on revisions to the solar sections of the Zoning Code. The Plan & Zoning Commission has reviewed a proposed text amendment regarding solar within the City, and has unanimously recommended approval; however, the current moratorium will expire prior to Council's full review and consideration.

Staff is proposing extending the moratorium until February 12, 2026. While three considerations of the ordinance could be done by the end of 2025, this extension would allow extra time to consider revisions without necessitating an additional moratorium extension. As currently proposed, the moratorium will automatically terminate early if the Council adopts text amendments to the solar regulations in the Zoning Code prior to February 12, 2026.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderman Gripp.

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

RESOLUTION extending the moratorium upon new solar farms as a principal use and freestanding solar panels as an accessory use until February 12, 2026.

WHEREAS, the City of Davenport regulates the uses, special uses, and accessory uses of its zoning districts; and

WHEREAS, recent freestanding solar panel installation and inquiries into solar farms has spurred additional conversations and questions on how to best regulate solar; and

WHEREAS, on May 14, 2025, the City of Davenport placed a moratorium upon new solar farms as a principal use and freestanding solar panels as an accessory use that expires on November 14, 2025; and

WHEREAS, the City of Davenport has conducted research, and staff has proposed an ordinance to amend the sections of the Zoning Code related to solar; and

WHEREAS, at the October 14, 2025, Plan & Zoning Commission meeting, the Commission reviewed and recommended approval of amendments to the Zoning Code related to solar; and

WHEREAS, the moratorium is set to expire prior to the City Council's full review and consideration of the proposed amendments; and

WHEREAS, the City Council wishes to extend the moratorium until amendments of the Zoning Code related to solar have been adopted or until February 28, 2026, whichever comes first.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Davenport, Iowa that the moratorium upon new solar farms as principal use and freestanding solar panels is hereby extended until February 12, 2026.

Passed and approved this 12th day of November, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Community & Economic Development
Contact Info: Bruce Berger | 563-326-7769

Action / Date
11/5/2025

Subject:

Motion approving the local objectives for the Community Development Block Grant Program for the Year 52 Annual Action Plan covering July 1, 2026 – June 30, 2027. [All Wards]

Recommendation:

Pass the Motion.

Background:

Annually, the Citizens' Advisory Committee makes recommendations to the City Council regarding local objectives for the next Community Development Block Grant Annual Action Plan.

The Citizens' Advisory Committee is recommending the approval of three local objectives for the Year 52 Annual Action Plan. The local objectives were based on input received from a survey, census data, the Analysis of Impediments to Fair Housing and the Housing Needs Assessment, four in-person "open house" style public opportunities at the three branches of the Davenport Public Library (August 26, 27, and 30, 2025) and at the Freight House Farmers' Market (August 30, 2025), and a virtual public input meeting September 3, 2025.

The recommended objectives are:

- Improve the livability of Davenport neighborhoods, including availability of decent, affordable housing for owners and renters and neighborhood infrastructure city-wide.
- Support programs to retain existing businesses and to attract new businesses, with an emphasis on increasing employment and business opportunities for younger workers, low to moderate income households, and minorities.
- Provide support for human needs for the citizens of Davenport, emphasizing mental health services and building life skills.

Approval of this Motion will establish the local objectives for the Year 52 Annual Action Plan (July 1, 2026 – to June 30, 2027). Council approved local objectives will tie directly into Year 52 CDBG funding recommendations. Background information that was provided to the CAC is attached.

Attachments:

1. Summary of Data from October CAC Action Item

Summary of Data from Various Sources:

American Community Survey (2014-2018 ACS) & Comprehensive Housing Affordability Strategy Data (2017-2021 CHAS)	Analysis of Impediments to Fair Housing Impediments (2024)	Housing Needs Assessment Recommendation (2025)	Community Input Results (2025)
Households with at least one member 65+ = 24.4% Households with children under 18 = 28.2%	1. Insufficient access to affordable housing	1. Community revitalization & affordable housing development	Most respondents (52%) supported utilizing funds both citywide and in targeted areas based on income. Among those who had a preference, 23% supported focusing funds on a targeted area versus 25% who preferred all funds be used city-wide.
For the population 5 years and over 93% speak English only. Those that speak a language other than English account for 7% and only 3% speak English "less than very well". The most common other spoken language is Spanish with 3.9%.	2. Lack of targeted investment un underserved areas resulting in increasing disparities in access to opportunity.	2. Affordable housing & land development programs.	Highest priorities identified are Affordable Housing (48%) and Infrastructure (20%)
There are a total of 46,830 housing units in Davenport, of those approximately 8.9% are vacant. Housing units built 1979 or earlier account for almost ¾ of all housing units in the City (71.1%).	3. Insufficient and unequally distributed publicly supported housing options.	3. Fully utilize tax abatement.	More than 90% of respondents use City services on a regular basis.
62% of units are owner occupied, 38% of units are renter occupied. Median rent is \$890/month and approximately 36% of rental households pay over \$1,000/month. Median home value is \$155,100	4. Fair Housing education and equitable enforcement.	4. Encourage more high density, low maintenance units in urban cores.	Highest priority in housing services were (in order) energy efficiency improvements, owner occupied rehab, and downpayment assistance.
The median household income is \$59,890. Households with income less than 30% AMI account for 13.7% and households making less than 80% AMI account for 44.0% of total households. 13.9% of all individuals in Davenport are below the poverty line. 15.5% of all children under 18 in Davenport are below the poverty line.			Highest priority economic development services (in order) are job creation/retention, employment services/job centers, and small business loans.

26.5% of all households have at least one housing problem* and 13.7% have at least one severe housing problem. 25% of all households are cost burdened, about equally split between those paying 30-50% of their income towards housing and those paying over 50% of their income towards housing. Among renters, 41% are cost burdened, about equally split between those paying 30-50% of their income towards housing and those paying over 50% of their income towards housing. The most cost burdened income category is moderate income households earning 50-80% AML. 18% of these households are cost burdened.			Highest priority for infrastructure projects (in order) were street/alley improvements, demolition of blighted structures, and sidewalk improvements.
<i>*Note: The four housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%. The four severe housing problems are: incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 50%. Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes.</i>			Highest priority public services (in order) are homeless services, mental health services and youth services.

City of Davenport

Department: Public Works
Contact Info: Gary Statz | 563-326-7754

Action / Date
11/5/2025

Subject:

Third Consideration: Ordinance amending Schedule XI Resident Parking Only of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Fillmore Street along both sides from West Lombard Street to 190 feet south. [Ward 4]

Recommendation:

Adopt the Ordinance.

Background:

Students attending the St. Ambrose University Center for Health Sciences Education at MercyOne Genesis, located at 1320 West Lombard Street, have been parking along Fillmore Street to avoid paying for parking in the adjacent lot. This has led to increased congestion and limited parking availability for nearby residents.

To assess community support for a Resident Parking Only (RPO) designation, letters were sent to residents within the affected area requesting feedback. Responses were received from residents at 1405 West Lombard Street and 2122, 2123, and 2133 Fillmore Street, all of whom expressed support for the proposed RPO. No response was received from residents at 2126 and 2129 Fillmore Street.

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 FILLMORE STREET ALONG BOTH SIDES FROM WEST LOMBARD STREET TO 190 FEET SOUTH.

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.

Fillmore Street along both sides from West Lombard Street to 190 feet south

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: Public Works
Contact Info: Gary Statz | 563-326-7754

Action / Date
11/5/2025

Subject:

Second Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding Mississippi Avenue along the east side from Kimberly Road to 39th Street. [Ward 7]

Recommendation:

Adopt the Ordinance.

Background:

As part of the construction of Phase III of the Goose Creek Trail, the section along Mississippi Avenue between Kimberly Road and 39th Street will require bicycles to share the road with vehicular traffic. Pedestrians can use the adjacent sidewalk. To ensure the safety of trail users, parking should be restricted on the east side of Mississippi Avenue. Businesses along the route have been notified of the proposed parking changes.

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE VII NO PARKING OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING MISSISSIPPI AVENUE ALONG THE EAST SIDE FROM KIMBERLY ROAD TO 39TH STREET.

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

Section 1. That Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport Iowa, be and the same is hereby amended by adding the following.

Mississippi Avenue along the east side from Kimberly Road to 39th Street

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

Action / Date
11/5/2025

Subject:

Second Consideration: Ordinance amending Schedule VII No Parking of Chapter 10.96 entitled "Schedules" of the Municipal Code of Davenport, Iowa by adding West High Street along the south side from Gaines Street to Brown Street. [Ward 4]

Recommendation:

Adopt the Ordinance.

Background:

Parking is already prohibited on the north side of West High Street. Eliminating parking on both sides of the street will allow two-way traffic to proceed safely.

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING SCHEDULE VII NO PARKING OF CHAPTER 10.96 ENTITLED "SCHEDULES" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA BY ADDING WEST HIGH STREET ALONG THE SOUTH SIDE FROM GAINES STREET TO BROWN STREET.

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

Section 1. That Schedule VII No Parking of Chapter 10.96 entitled "Schedules" the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding the following.

West High Street along the south side from Gaines Street to Brown Street.

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

Action / Date
11/5/2025

Subject:

Motion approving a noise variance request on the listed dates and times for an outdoor event.

German American Heritage Center and Museum; Christkindlmarkt; 712 West 2nd Street; 10:00 a.m. - 6:00 p.m. Saturday, December 13, 2025, or Sunday, December 14, 2025 (alternate date); Outdoor music, over 50 dBA. [Ward 3]

Recommendation:

Pass the Motion.

Background:

This request for a noise variance has been received pursuant to the Municipal Code of Davenport, Iowa, Chapter 8.19 Noise Abatement, Section 8.19.090 Special Variances.

Christkindlmarkt | The German American Heritage Center and Museum has designated Sunday, December 13, 2025, as the alternate date should inclement weather occur on Saturday, December 12, 2025.

Attachments:

None

City of Davenport

Department: Finance
Contact Info: Jamie Swanson | 563-326-7795

Action / Date
11/5/2025

Subject:
Motion approving beer and liquor license applications.

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

Ward 2

SNS Mart (Sleesha Mini Mart, LLC) - 1715 West Kimberly Road - License Upgrade - License Type: Class E Liquor (Carry-Out) **Notice of Class E Retail Alcohol License Application within 200' - Letters Mailed 10/30/2025*

Ward 3

German American Heritage Center and Museum (German American Heritage Center and Museum) - 712 West 2nd Street (Parking Lot) – Temporary Outdoor Area December 12 - License Type: Special Class C Beer/Wine (On-Premises)

Ward 5

The Eddy (Mound Street Development, LLC) - 1019 Mound Street - New License/Owners - License Type: Class C Liquor (On-Premises)

Wide River Winery (Wide River Winery, LLC) - 1128 Mound Street - Temporary License with Outdoor Area December 5/6 - License Type: Special Class C Beer/Wine (On-Premises)

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

Ward 1

Davenport Elks Lodge #298 (Benevolent and Protective Order of Elks #298) - 4400 West Central Park Avenue - License Type: Class C Liquor (On-Premises)

Ward 2

Aldi, Inc #81 (Aldi, Inc) - 3643 West Kimberly Road - License Type: Class B Beer/Wine (Carry-Out)

Ward 3

Cathedral Ale (Sacred Heart Cathedral of Davenport, Iowa) - 422 East 10th Street - License Type: Special Class C Beer/Wine (On-Premises)

Chill Vibe Lounge, LLC (Chill Vibe Lounge, LLC) - 114 Myrtle Street Unit A/B - Outdoor Area - License Type: Class C Liquor (On-Premises)

German American Heritage Center (German American Heritage Center) - 712 West 2nd Street (Parking Lot) - License Type: Special Class C Beer/Wine (On-Premises)

The Last Picture House (Cinema Paradiso, LLC) - 325 East 2nd Street - Outdoor Area - License Type: Class C Liquor (On-Premises)

Westside Grocery (Venu G, LLC) - 1802 West 7th Street - License Type: Class E Liquor (Carry-Out)

Ward 4

Firehouse Bar & Grill (Firehouse Bar & Grill, Inc) - 2006 Hickory Grove Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Hilltop Grocery & Spirits (Hilltop Grocery, LLC) - 1312 Harrison St - License Type: Class E Liquor (Carry-Out)

Hy-Vee Fast and Fresh #5 (Hy-Vee, Inc) - 2353 West Locust Street - License Type: Class E Liquor (Carry-Out)

MC's Happy Hallow (DMC Corporation) - 1502 West 14th Street - License Type: Class C Liquor (On-Premises)

Ward 5

Bleys Tap (JBCW, LLC) - 215 East 29th Street - License Type: Class C Liquor (On-Premises)

Tobacco 4 Less (Chapai and Sons, LLC) - 3545 Eastern Avenue - License Type: Class E Liquor (Carry-Out)

WMart (KHM, LLC) - 1205/1207 East Locust Street, Davenport, Iowa 52803 - License Type: Class E Liquor (Carry-Out)

Ward 6

Buffalo Wild Wings (Blazin' Wings, Inc) - 4860 Utica Ridge Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

The Clubhouse (Clubhouse Beverage, LLC) - 4800 Elmore Avenue #100 - Outdoor Area - License Type: Class C Liquor (On-Premises)

Fairfield Inn and Suites (Hoa Hotels, LLC) - 4401 Elmore Avenue - License Type: Special Class C Beer/Wine (On-Premises)

HuHot Mongolian Grill (CCW, LLC) - 3006 East 53rd Street - License Type: Special Class C

Beer/Wine (On-Premises)

Kimberly Mart (Pak Foods, Inc) - 1714 East Kimberly Road - License Type: Class E Liquor (Carry-Out)

Ward 7

Casi (Center for Active Seniors, Inc) - 1035 West Kimberly Road - Outdoor Area - License Type: Class C Liquor (On-Premises)

Division Mart (Preet Liquor, LLC) - 3721 North Division Street - License Type: Class E Liquor (Carry-Out)

Public House Davenport (Public House Davenport) - 5260 Northwest Boulevard - Outdoor Area - License Type: Class C Liquor (On-Premises)

R & C Brazilian Steakhouse, LLC (R & C Brazilian Steakhouse, LLC) - 320 West Kimberly Road #53 - License Type: Class C Liquor (On-Premises)

Smoke VibeZ (Smoke VibeZ, LLC) - 3819 North Brady Street - License Type: Class E Liquor (Carry-Out)

Ward 8

Speedway 4221 (Speedway, LLC) - 8320 Hillandale Road - License Type: Class B Beer/Wine (Carry-Out)

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: Brian Schadt | 563-326-7923

Action / Date
11/5/2025

Subject:

Resolution accepting work completed under the 2025 Sidewalk and ADA Ramp Program by Feldman Concrete of Dyersville, Iowa in the amount of \$306,974.34, CIP #28028. [Wards 1, 3, 4, & 7]

Recommendation:

Adopt the Resolution.

Background:

This program is a combination of the annual sidewalk and ADA ramp repair contracts, including the residential cost share program, repair of sidewalks that generated complaints, removal and replacement of sidewalks where boulevard trees had caused non-compliance, and repair or installation of ADA ramps throughout the city. Contracts were awarded to three separate contractors and each bid contained pricing for two years (optional renewable contract if funding allows and both parties agree).

Feldman Concrete was one of the awarded contractors. In 2025, Feldman Concrete completed \$306,974.34 worth of work at 111 distinct address locations.

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 2025 Sidewalk and ADA Ramp Program by Feldman Concrete of Dyersville, Iowa in the amount of \$306,974.34, CIP #28028.

WHEREAS, the City entered into contract with Feldman Concrete of Dyersville, Iowa for the 2025 Sidewalk and ADA Ramp Program; and

WHEREAS, this is a one-year contract renewable for one additional year if both parties agree; and

WHEREAS, sidewalks, curbs, and curb ramps at 111 unique address locations were repaired or replaced; and

WHEREAS, work of constructing 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 Year 1 for the contract was \$306,974.34.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the 2025 Sidewalk and ADA Ramp Program by Feldman Concrete of Dyersville, Iowa in the amount of \$306,974.34 is hereby accepted.

Passed and approved this 12th day of November, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
11/5/2025

Subject:

Resolution accepting work completed under the FY 2026 Iowa DOT Full Depth Patch Program by Americore, LLC of Muscatine, Iowa in the amount of \$148,238.10, CIP #35045. [Wards 1, 2, 6, & 7]

Recommendation:

Adopt the Resolution.

Background:

Per the City's Supplemental Agreement for Maintenance of Primary Roads with the Iowa DOT, this project entailed full depth concrete patching on the following State routes:

- Highway 6 (Kimberly Road near I-74, Pheasant Creek, and just east of Division Street to Fairmount Street),
- West River Drive (Rockingham Road to Fairmount Street), and
- Highway 22 (Utah Avenue to Buckeye Street).

Work has been satisfactorily completed. The total project cost was \$148,238.10, of which \$147,706.43 is eligible for reimbursement by the Iowa DOT (pending their review). Upon formal City acceptance and release of retainage to the contractor, staff will submit a reimbursement request to the Iowa DOT.

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 FY 2026 Iowa DOT Full Depth Patch Program by Americore, LLC of Muscatine, Iowa in the amount of \$148,238.10, CIP #35045.

WHEREAS, the City entered into contract with Americore, LLC of Muscatine, Iowa for the FY 2026 Iowa DOT Full Depth Patch Program; and

WHEREAS, work was completed under an Addendum to the City's Maintenance Agreement with the Iowa Department of Transportation; and

WHEREAS, work of constructing 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 was \$148,238.10 of which \$147,706.43 is eligible for reimbursement by the Iowa Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the FY 2026 Iowa DOT Full Depth Patch Program by Americore, LLC of Muscatine, Iowa in the amount of \$148,238.10 is hereby accepted.

Passed and approved this 12th day of November, 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
11/5/2025

Subject:

Resolution accepting work completed under the CY 2025 Contract Milling Program by Manatts, Inc of Camanche, Iowa in the amount of \$85,714.93, CIP #35041. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This program is a partnership effort with local contractors to provide pavement scarification ahead of the City's in-house asphalt resurfacing crew. All work has been satisfactorily completed by Manatt's, Inc.

The total cost of \$85,714.93 and is funded through CIP #35041.

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 CY 2025 Contract Milling Program by Manatts, Inc of Camanche, Iowa in the amount of \$85,714.93, CIP #35041.

WHEREAS, the City of Davenport entered into a contract with Manatts, Inc of Camanche, Iowa for the CY 2025 Contract Milling Program; and

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

WHEREAS, the final cost for work performed under this contract was \$85,714.93.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that work completed under the CY 2025 Contract Milling Program contract by Manatts, Inc of Camanche, Iowa in the amount of \$85,714.93 is hereby accepted.

Passed and approved this 12th day of November, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
11/5/2025

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Modern Woodmen Park Levee Repairs project, CIP #23087. [Ward 3]

Recommendation:

Adopt the Resolution.

Background:

This project will address areas of the Modern Woodmen Park berm in need of repair. Work includes repairs to portions of the levee at center field and right field, as well as to the left field berm and supporting retaining wall.

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 Modern Woodmen Park Levee Repairs project, CIP #23087.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Modern Woodmen Park Levee Repairs 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 Modern Woodmen Park Levee Repairs project.

Passed and approved this 12th day of November, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works

Contact Info: Brian Schadt | 563-326-7923

Action / Date

11/5/2025

Subject:

Resolution approving the plans, specifications, form of contract, and estimate of cost for the Annie Wittenmyer Complex Utilities Relocation — Junior Theatre project, CIP #64130. [Ward 5]

Recommendation:

Adopt the Resolution.

Background:

The Annie Wittenmyer Complex is served by a variety of utilities. This project will relocate utilities and allow for separate services to the Junior Theatre building.

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 Annie Wittenmyer Complex Utilities Relocation — Junior Theatre project, CIP #64130.

WHEREAS, plans, specifications, form of contract, and estimate of cost were filed with the City Clerk of Davenport, Iowa for the Annie Wittenmyer Complex Utilities Relocation — Junior Theatre 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 Annie Wittenmyer Complex Utilities Relocation — Junior Theatre project.

Passed and approved this 12th day of November, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Jim Erwin | 563-326-7922

Action / Date
11/5/2025

Subject:

Resolution approving the purchase of one solid waste truck from Elliott Equipment of Davenport, Iowa in the amount of \$357,475 using Sourcewell contract #091219-NWY, CIP #10503. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

This truck will replace a 2015 model that is scheduled for replacement. The vehicle was quoted through Elliot Equipment at \$357,475 using Sourcewell contract #091219-NWY.

Funding is from CIP #10503, with bonds abated by the Solid Waste Fund.

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 purchase of one solid waste truck from Elliott Equipment of Davenport, Iowa in the amount of \$357,475 using Sourcewell contract #091219-NWY, CIP #10503.

WHEREAS, the City needs to purchase one solid waste truck to replace a 2015 model that is scheduled for replacement; and

WHEREAS, Elliott Equipment of Davenport, Iowa was awarded Sourcewell contract #091219-NWY as the lowest responsive and responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that the purchase of one solid waste truck from Elliott Equipment of Davenport, Iowa in the amount of \$357,475 using Sourcewell contract #091219-NWY is hereby approved.

Passed and approved this 12th day of November, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

Department: Public Works
Contact Info: Jim Erwin | 563-326-7922

Action / Date
11/5/2025

Subject:

Motion approving the purchase of one Bobcat UW56 Toolcat utility work machine and angle broom attachment from Rexco Equipment of Davenport, Iowa in the amount of \$69,780.44 using NASPO ValuePoint contract #OK-SW-192-300, CIP #24033. [All Wards]

Recommendation:

Pass the Motion.

Background:

The Public Works department has a need to replace a similar machine that is scheduled for replacement. This machine will be used throughout the City for snow removal and flood response efforts. The quote is from Rexco Equipment using NASPO ValuePoint contract #OK-SW-192-300.

This will be funded through CIP #24033.

Attachments:

None

City of Davenport

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

Action / Date
11/5/2025

Subject:

First Consideration: Ordinance amending Chapter 6.04 entitled "Animals" of the Municipal Code of Davenport, Iowa to incorporate community cat recommendations from the joint task force between the Humane Society of Scott County and the City of Davenport. [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 charges a joint task force to evaluate any ordinance updates or programmatic changes that contribute to a sustainable business model. The task force consults with local government agencies, animal welfare experts, and other municipal codes from Iowa communities.

For many years, municipalities have approached cat population control by trapping and impounding the animals. This approach has not decreased the cat population over the past decades of practice. Care for cats in the shelter is a significant cost driver, as overpopulation also creates health issues that need treatment. Bringing healthy community cats into a shelter is unnecessary and costly.

Trap-Neuter-Return (TNR) or Trap-Neuter-Vaccinate-Return (TNVR) programs are humane and effective community-based initiatives designed to manage and reduce free-roaming and feral cat populations. The process involves trapping cats, spaying or neutering them to prevent reproduction, vaccinating to promote health, ear-tipping for identification, and then returning the cats to their original outdoor environment. These programs reduce behaviors associated with mating such as yowling, fighting, and spraying, and over time, reduce the overall population by preventing litters of unowned kittens. TNR programs address the root cause of cat overpopulation and save taxpayer dollars by decreasing shelter intake and reducing the need for animal control interventions. As an added benefit, communities with TNR programs can attract grants and/or private funding.

An overview of the proposed recommendation was presented at the November 4, 2025, Management Update meeting. A community education session is planned for November 18, 2025; event details to follow.

The proposed changes, shown in the attached red-lined document, include:

- 6.04.010 | Updates and additions to definitions: caretaker, community cat, owner, and Trap-Neuter-Release (TNR)
- 6.04.020 | Update to licenses required for *owned* dogs and cats
- 6.04.040 | Add exceptions for community cats

- 6.04.060 | Adds an exception for community cats
- 6.04.065 | Adds a new section to outline community cat requirements
- 6.04.080 | Minor update to direct to nuisance process
- 6.04.090 | Adds an exception for community cats
- 6.04.100 | Adds an exception for community cats
- 6.04.130 | Replaces barking dog regulations with animal noise regulations
- 6.04.140 | Adds an exception for community cats
- 6.04.160 | Minor update for clarity

Attachments:

1. Ordinance
2. Current Chapter 6.04
3. Current Chapter 6.04 Strikethrough Version
4. Animal Services Update 2025.11.04

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 6.04 ENTITLED "ANIMALS" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO INCORPORATE COMMUNITY CAT RECOMMENDATIONS FROM THE JOINT TASK FORCE BETWEEN THE HUMANE SOCIETY OF SCOTT COUNTY AND THE CITY OF DAVENPORT.

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

Section 1. That Section 6.04.010 of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding a new Subsection 6.04.010(H) and relettering all subsequent subsections accordingly:

6.04.010 Definitions.

- H. CARETAKER or CAREGIVER – Means a person participating in TNR who provides care to a community cat without claiming ownership, and who is not an owner, harborer, controller, or keeper of the cat solely for providing such care.

Section 2. That Section 6.04.010 of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding a new Subsection 6.04.010(M) and relettering all subsequent subsections accordingly:

6.04.010 Definitions.

- M. COMMUNITY CAT - Any cat or kitten that is unowned, free-roaming, and meets all of the following conditions:
1. The cat has been spayed or neutered;
 2. The cat has been vaccinated against rabies and distemper;
 3. The cat receives an ear-tip, performed by a licensed veterinarian, under anesthesia, and following accepted pain management practices;
 4. The cat has been micro-chipped for identification and for vaccination tracking; and
 5. The cat is returned to the area where it was captured.

An ear-tipped, free-roaming cat shall be presumed to be a community cat; a person

interacting with such a cat during TNR shall be presumed a caregiver, not an owner, absent clear evidence to the contrary.

Section 3. That Section 6.04.010 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

6.04.010 Definitions.

- T. OWNER. Any person keeping, sheltering, harboring, having custody of, exercising control over, or claiming a property interest in an animal. The term "owner" does not include a community cat caregiver solely by virtue of providing food, water, shelter, or humane trapping/transport for TNR.

Section 4. That Section 6.04.010 of the Municipal Code of Davenport, Iowa be and the same is hereby amended by adding a new Subsection 6.04.010(BB) and relettering all subsequent subsections accordingly:

6.04.010 Definitions.

- BB. TRAP-NEUTER-RETURN (TNR). The process of humanely trapping, sterilizing, vaccinating, ear-tipping, and returning community cats to the location in which they were trapped.

Section 5. That Subsection 6.04.020(A) of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

- A. Every owned dog and 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.

Section 6. That Section 6.04.040 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

6.04.040 Rabies vaccination and reporting.

- 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. Animal shelters administering a TNR program shall retain records of vaccinations of community cats. Rabies vaccination tags are not required for community cats.
- 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;
6. The name and address of the animal's owner or custodian, except community cats.

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

Section 7. That Section 6.04.060 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to add a new Subsection 6.04.060(B) as follows and relettering all subsequent Subsections accordingly:

6.04.060 Animal running at large.

- B. Community cats are not deemed at-large unless designated a nuisance or visibly sick/injured; nuisance determinations follow the animal control officer's assessment and citizen complaints.

Section 8. That Chapter 6.04 entitled "Animals" of the Municipal Code of Davenport, Iowa be and the same is hereby amended to add a new Section 6.04.065 as follows:

6.04.065 Community Cats

- A. The purpose of this section is to protect residents of the city against the hazards brought about by a feral cat population and to provide a safe and humane process by which health and safety hazards can be reduced through the use of Trap-Neuter-Return (TNR) practices to reduce and/or manage the cat population within city limits.
- B. Trap-Neuter-Return (TNR) will permit the City of Davenport or a designee to engage in the trapping of community cats for the purpose of sterilization, vaccination, ear-tipping for easy identification, and to provide other necessary medical care for community cats. The City of Davenport may work with its designee to implement and/or administer Trap-Neuter-Return (TNR) practices.
- C. A caretaker providing care for community cat(s) may offer certain necessities on a regular/on-going basis, including but not limited to, food and water. Feeding stations must be on property owned or occupied by the caretaker, must be kept in sanitary conditions, and must prevent the attraction of wildlife. A caretaker may provide medical care as needed or contact animal control for assistance to prevent the suffering of a community cat. Providing food, water, or weather-appropriate shelter to a free-roaming cat, or participating in TNR (including humane trapping, transport, surgery, recovery, and return), does not, by itself, constitute ownership.
- D. If the requirements identified in this section are met, the caretaker is exempt from licensing, running at large, or other provisions of this chapter that apply to owned cats.
- E. Community cats are prohibited from protected wildlife areas, nature preserves, or other sensitive habitats or areas where cats may present a risk. Community cats shall not be released near these areas and may be impounded if found near one of these areas.

- F. Community cat caregivers may reclaim impounded community cats without proof of ownership for the purpose of carrying out Trap-Neuter-Return (TNR) and/or returning ear-tipped community cats to their original locations.
- G. A cat meeting the requirements of a community cat as defined by this chapter shall be released on the site where it was trapped or within a mile radius of the site where it was trapped. An ear-tipped cat received by animal control will be returned to the location trapped unless veterinary care is required, unless the property owner requests the cat not be returned, or unless animal control is aware of unsafe conditions.
- H. A community cat that causes damage, interferes with a property, creates a nuisance, or creates a health hazard may be abated under the general abatement provisions of the Davenport Municipal Code.
- I. The City of Davenport or its designee shall have no liability for the disposition of any community cat.
- J. No person shall trap or capture any cat and remove or release it to another location within or outside the city limits. Relocation of cats is prohibited unless expressly authorized by animal control.

Section 9. That Section 6.04.080 of the Municipal Code of Davenport, Iowa be and the same is hereby amended as follows:

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 anything 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 subject to the process outlined in 6.04.160.

Section 10. That Section 6.04.090 of the Municipal Code of Davenport, Iowa be and the same is hereby amended as follows:

6.04.090 Number of animals regulated.

- D. Community cats shall not be counted toward the number of animals.

Section 11. That Subsection 6.04.100(A) of the Municipal Code of Davenport, Iowa be and the same is hereby amended as follows:

- 9. Community cats are not wild animals herein.

Section 12. That Section 6.04.130 of the Municipal Code of Davenport, Iowa be repealed and replaced to read as follows:

6.04.130 Animal noise regulations

- A. A person shall not keep, harbor, feed, or knowingly allow any animal to emit vocalizations

plainly audible beyond the property line in a manner that meets one of the following objective thresholds:

a. Nighttime (10:00 p.m.–7:00 a.m.): continuous vocalization for 5 minutes or longer, or intermittent vocalization totaling 10 minutes within any 1-hour period.

b. Daytime (7:00 a.m.–10:00 p.m.): continuous vocalization for 10 minutes or longer, or intermittent vocalization totaling 30 minutes within any 24-hour period.

B. Evidence. A violation may be established by (i) officer observation; (ii) audio/video recordings that reasonably capture duration and audibility from the complainant's property; (iii) a sworn complaint by two independent witnesses, or one witness corroborated by time-stamped recordings or an officer follow-up.

C. Defenses/exceptions. No violation occurs when the vocalization is:

a. In response to provocation, trespass, or an immediate threat;

b. Caused by emergency vehicles or alarms (≤ 2 minutes);

c. From permitted agricultural operations in an agricultural zone;

d. From wildlife not kept/harbored by a person.

Note: For community-cat caretakers, mere TNR feeding does not create liability unless the caretaker's conduct knowingly or negligently causes repeated violations under §1.

D. Responsible party. The owner, keeper, or person in control of the premises who allows the animal to remain and create the violation is responsible.

E. Remedies. The enforcing official may issue: (i) a written warning and compliance plan; (ii) a municipal infraction; and (iii) abatement under the Code (e.g., indoor confinement during quiet hours, colony management conditions for community cats, or removal consistent with humane and public-health laws).

Section 13. That Section 6.04.140 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

6.04.140 Impoundment.

A. 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. Community cats may be excluded.

Section 14. That Section 6.04.160 of the Municipal Code of Davenport, Iowa be and the same is hereby amended to read as follows:

6.04.160 Nuisances.

B. Whenever an animal control officer or police officer determines that a nuisance under

this chapter 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.

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

Chapter 6.04
ANIMALS

[Chapter 6.04 Was Repealed And Replaced 5-28-2025 By Ord. No. 2025-224. Prior History Includes 8-28-2024 By Ord. No. 2024-382; Ord. 2017-451 § 2; Ord. 2017-46 § 2; Ord. 2015-118 §§ 5-7; Ord. 2006-211 §§ 1-3; Ord. 2003-210 (Part); Ord. 02-573 §§ 1-9; Ord. 2002-501 §§ 1-2; Ord. 2000-285 §§ 1-12; Ord. 97-247 § 1; Ord. 93-283 § 1 (Part); 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.]

6.04.010. Definitions. [Added 5-28-2025 by Ord. No. 2025-224]

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 -
 - 1. Means a dog that has:
 - a. Killed a human being;
 - b. Taken aggressive action that caused a serious injury as defined in Iowa Code § 702.18 to a human;
 - c. Killed another domesticated animal, excluding fowl;
 - d. Twice within a forty-eight-month period attacked, bitten, or otherwise caused an injury to a person engaged in lawful activity; or
 - e. 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.
 - 2. The following circumstances shall be excluded from the definition of a dangerous dog:
 - a. An animal engaged in law enforcement work that is engaged in official law enforcement activities at the time of the attack or bite;
 - b. A security service dog registered with animal control on its designated restricted nonresidential property at the time of the attack or bite;
 - 3. The following circumstances may be excluded from the definition of a dangerous dog:
 - a. 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;
 - b. An animal that attacks or bites in order to protect a human being, domestic animal, or livestock;
 - c. An animal that was attacked by an animal at large;
 - d. An animal that was deliberately provoked by the person or animal that was harmed;
 - e. An animal that bites in an animal care facility, veterinary office, animal shelter, or other state-licensed animal facility; or
 - f. 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 481A.
- 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 chapter.

6.04.020. License required. [Added 5-28-2025 by Ord. No. 2025-224]

- 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 Section 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. [Added 5-28-2025 by Ord. No. 2025-224]

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. [Added 5-28-2025 by Ord. No. 2025-224]

- 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 § 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 § 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. [Added 5-28-2025 by Ord. No. 2025-224]

- 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. [Added 5-28-2025 by Ord. No. 2025-224]

- 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. [Added 5-28-2025 by Ord. No. 2025-224]

- 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. [Added 5-28-2025 by Ord. No. 2025-224]

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 717B;
- 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 § 717B.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. [Added 5-28-2025 by Ord. No. 2025-224]

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. [Added 5-28-2025 by Ord. No. 2025-224]

- 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 anything 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. [Added 5-28-2025 by Ord. No. 2025-224]

- 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. [Added 5-28-2025 by Ord. No. 2025-224]

- 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 Section 6.04.110;
 8. Any animal prohibited under Iowa Code Chapter 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 animal's 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. [Added 5-28-2025 by Ord. No. 2025-224]

- 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:
 - 1. The animal has been microchipped and that microchip is registered with animal control;
 - 2. The animal remains licensed under the requirements of this chapter;
 - 3. The animal's owner or custodian posts their property with conspicuous signs warning of the presence of a dog;
 - 4. The animal's owner or custodian maintains continuous residency within the City of Davenport;
 - 5. 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
 - 6. 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 14 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:
1. Description of the animal;
 2. Declaration that the animal has been deemed dangerous;
 3. The basis for the declaration;
 4. An order requiring the owner to humanely euthanize the dog or have the dog microchipped and rehomed outside the City limits within 14 days of the service of the notice;
 5. A warning that the dog will be subject to seizure if it is not rehomed or humanely euthanized within the required timeframe; and
 6. Information on the right to appeal, stating the owner may file a written notice of appeal with the Legal Department within 14 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 14 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. [Added 5-28-2025 by Ord. No. 2025-224]

- 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 C above. A security service dog service licensed under subsection C 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. [Added 5-28-2025 by Ord. No. 2025-224]

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. [Added 5-28-2025 by Ord. No. 2025-224]

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. [Added 5-28-2025 by Ord. No. 2025-224]

- 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 chapter. 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. [Added 5-28-2025 by Ord. No. 2025-224]

- 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. [Added 5-28-2025 by Ord. No. 2025-224]

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 6.04.010K. 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. [Added 5-28-2025 by Ord. No. 2025-224]

- 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. [Added 5-28-2025 by Ord. No. 2025-224]

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. [Added 5-28-2025 by Ord. No. 2025-224]

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.

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. CARETAKER or CAREGIVER. Means a person participating in TNR who provides care to a community cat without claiming ownership, and who is not an owner, harborer, controller, or keeper of the cat solely for providing such care.
- ~~H.I.~~ CAT - Means all members of the feline species regardless of sex.
- ~~I.J.~~ 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.K.~~ COMMERCIAL KENNEL - Means a kennel which performs grooming, boarding, or training services for dogs or cats in return for consideration.

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

~~M.~~ COMMUNITY CAT - Any cat or kitten that is unowned, free-roaming, and meets all of the following conditions:

1. The cat has been spayed or neutered;
2. The cat has been vaccinated against rabies and distemper;
3. The cat receives an ear-tip, performed by a licensed veterinarian, under anesthesia, and following accepted pain management practices;
4. The cat has been micro-chipped for identification and for vaccination tracking;
5. The cat is returned to the area where it was captured.

An ear-tipped free-roaming cat shall be presumed a community cat; a person interacting with such a cat during TNR shall be presumed a caregiver, not an owner, absent clear evidence to the contrary.

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

~~M.O.~~ 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.P.~~ DOG - Means all members of the species *Canis familiaris*.

~~E.Q.~~ 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.R.~~ 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.

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

~~R.T.~~ OWNER - Any person keeping, sheltering, harboring, having custody of, exercising control over, or claiming a property interest in an animal. The term "owner" does **not** include a community cat caregiver solely by virtue of providing food, water, temporary shelter, or humane trapping/transport for TNR.

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

~~T.V.~~ 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.W.~~ 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.X.~~ 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.Y.~~ 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.Z.~~ 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.

~~AA.~~ 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.

~~Y.BB.~~ TRAP-NEUTER-RETURN (TNR). The process of humanely trapping, sterilizing, vaccinating, ear-tipping, and returning community cats to the location in which they were trapped.

6.04.020. License required.

- A. Every owned 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. Animal shelters administering a TNR program shall retain records of vaccinations of community cats. Rabies vaccination tags are not required for community cats.
- 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;
 - 6. The name and address of the animal's owner or custodian, except community cats.

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. Community cats are not deemed at-large unless designated a nuisance or visibly sick/injured; nuisance determinations follow the animal control officer's assessment and citizen complaints.

B.C. 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.D. 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.E. 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.F. 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.

6.04.065. Community Cats.

- A. The purpose of this section is to protect residents of the city against the hazards brought about by a feral cat population and to provide a safe and humane process by which health and safety hazards can be reduced through the use of Trap-Neuter-Return (TNR) practices to reduce and/or manage the cat population within city limits.
- B. Trap-Neuter-Return (TNR) will permit the City of Davenport or a designee to engage in the trapping of community cats for the purpose of sterilization, vaccination, ear-tipping for easy identification, and to provide other necessary medical care for community cats. The City of Davenport may work with its designee to implement and/or administer Trap-Neuter-Return (TNR) practices.
- C. A caretaker providing care for community cat(s) may offer certain necessities on a regular/on-going basis, including but not limited to, food and water. Feeding stations must be on property owned or occupied by the caretaker, must be kept in sanitary conditions, and must prevent the attraction of wildlife. A caretaker may provide medical care as needed or contact animal control for assistance to prevent the suffering of a community cat. Providing food, water, or weather-appropriate shelter to a free-roaming cat, or participating in TNR (including humane trapping, transport, surgery, recovery, and return), does not, by itself, constitute ownership.
- D. If the requirements identified in this section are met, the caretaker is exempt from licensing, running at large, or other provisions of this chapter that apply to owned cats.
- E. Community cats are prohibited from protected wildlife areas, nature preserves, or other sensitive habitats or areas where cats may present a risk. Community cats shall not be released near these areas and may be impounded if found near one of these areas.

- F. Community cat caregivers may reclaim impounded community cats without proof of ownership for the purpose of carrying out Trap-Neuter-Return (TNR) and/or returning ear-tipped community cats to their original locations.
- G. A cat meeting the requirements of a community cat as defined by this chapter shall be released on the site where it was trapped or within a mile radius of the site where it was trapped. An ear-tipped cat received by animal control will be returned to the location trapped unless veterinary care is required, unless the property owner requests the cat not be returned, or unless animal control is aware of unsafe conditions.
- H. A community cat that causes damage, interferes with a property, creates a nuisance, or creates a health hazard may be abated under the general abatement provisions of the Davenport Municipal Code.
- I. The City of Davenport or its designee shall have no liability for the disposition of any community cat.
- J. No person shall trap or capture any cat and remove or release it to another location within or outside the city limits. Relocation of cats is prohibited unless expressly authorized by animal control.

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 subject to the process outlined in 6.04.160.
- 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.

~~C.D.~~ Community cats shall not be counted toward the number of 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.

8.9. Community cats are not wild animals herein.

- 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~~Animal noise regulations.

~~A. 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.~~A person shall not keep, harbor, feed, or knowingly allow any animal to emit vocalizations plainly audible beyond the property line in a manner that meets one of the following objective thresholds:

a. Nighttime (10:00 p.m.–7:00 a.m.): continuous vocalization for 5 minutes or longer, or intermittent vocalization totaling 10 minutes within any 1-hour period.

b. Daytime (7:00 a.m.–10:00 p.m.): continuous vocalization for 10 minutes or longer, or intermittent vocalization totaling 30 minutes within any 24-hour period.

B. Evidence. A violation may be established by (i) officer observation; (ii) audio/video recordings that reasonably capture duration and audibility from the complainant's property; (iii) a sworn complaint by two independent witnesses, or one witness corroborated by time-stamped recordings or an officer follow-up.

C. Defenses/exceptions. No violation occurs when the vocalization is:

a. In response to provocation, trespass, or an immediate threat;

b. Caused by emergency vehicles or alarms (≤ 2 minutes);

c. From permitted agricultural operations in an agricultural zone;

d. From wildlife not kept/harbored by a person.

Note: For community-cat caretakers, mere TNR feeding does not create liability unless the caretaker's conduct knowingly or negligently causes repeated violations under §1.

D. Responsible party. The owner, keeper, or person in control of the premises who allows the animal to remain and create the violation is responsible.

E. Remedies. The enforcing official may issue: (i) a written warning and compliance plan; (ii) a municipal infraction; and (iii) abatement under the Code (e.g., indoor confinement during quiet hours, colony management conditions for community cats, or removal consistent with humane and public-health laws).

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. Community cats may be excluded.

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 under this chapter 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.

- B. A violation of any provision of this chapter shall constitute a municipal infraction and

may be cited and punished accordingly.

- 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.
- 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.
- 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 (Dangerous dog): first offense \$250; second offense \$500; third or subsequent offense \$750.
- 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.



THE CITY OF
DAVENPORT
IOWA | USA

Management Update

- City and Humane Society of Scott County Task Force

November 4, 2025 | City Hall

Overview

- Service agreement summary
- Fundraising investment update
- Joint task force
- Ordinance changes
- Timeline and next steps



Service Agreement

FY 2026 Agreement



- Approved by Council February 26, 2025
- Effective July 1, 2025 – June 30, 2026
- \$800,000 for services, plus vehicle and fuel
- Currently in negotiation for FY 2027
- Anticipated timeline
 - Legal reviews
 - HSSC board acceptance
 - Council agenda in early 2026





Fundraising Investment

Fundraising Investment



- FY 2025 Agreement included \$50,000 fundraising investment
- Consultant selected to perform:
 - Development Audit
 - Capital Campaign Feasibility Study
- Completed in March 2025

Outcomes

- Strategic Staffing Realignment | Restructured two staff roles to expand development capacity and improve donor relationships
- Increased Fundraising Revenue | 34.3% increase in revenue so far
 - January–September 2024: \$234,722
 - January–September 2025: \$315,139
- Community Awareness and Outreach | Increased local event presence, online engagement, with awareness campaign planned for 2026



Joint Taskforce

Purpose

- HSSC and the City commit to work in good faith to achieve a more stable and sustainable contract
- Evaluate necessary ordinance updates or programmatic changes
- Propose solutions for long-term financial viability

Representation

- Director from HSSC Board
- HSSC Staff
- City Council
 - Alderwoman Burkholder
- City of Davenport Staff
- Consulting with:
 - City of Bettendorf
 - Scott County
 - Veterinarians and animal welfare organizations



Ordinance Changes

Progress To Date

- September 2024 | Changes focused on financial sustainability:
 - Reduced the impoundment period
 - Increased claim fees
 - Required microchips for impounded animals
 - Expanded license sales to vet offices and online
 - January – September 2024 | \$11,346
 - January – September 2025 | \$23,463
 - More than 200% increase so far
 - Expect to see full impact ~3 years

Progress To Date

- May 2025 | Continued to seek financial sustainability and to improve animal welfare for companion animals in the community:
 - Updated dangerous animal definition
 - Established an Animal Hearing Commission
 - Updated mistreatment of animals code section

What's Next?

- November 2025 | Proposed changes continue to seek financial sustainability:
 - Community cats via Trap-Neuter-Return (TNR)

Note | This following slides provide an overview of the proposed code changes. Full details of the proposal are can be reviewed in the draft documents provided in the agenda packet.

Why?

FY 2025 Intake Type	Cats & Kittens
Total	2,358
Davenport	1,678
Surrendered	208 (12.4%)
Stray	1,403 (83.6%)



Community Cats

- TNR or TNVR Program Overview:
 - Trap-Neuter-Return or Trap-Neuter-Vaccinate-Return
 - Humane and effective way to manage stray cat populations
 - Cats are trapped, spayed/neutered, vaccinated, ear-tipped, and returned to where they were trapped
 - Reduces undesired mating behaviors like yowling, fighting, and spraying
 - Prevents new litters, lowering the overall cat population
 - Can attract grants and private funding



Community Cats

- Current:
 - Code requires cats running at large to be impounded
 - TNR or returning a cat outdoors is not currently permitted by ordinance

Community Cats

- Proposed changes:
 - Allow cats to be returned if they meet the conditions of a community cat:
 - Unowned
 - Free-roaming
 - Vaccinated against rabies and distemper
 - Ear-tipped for easy identification
 - Microchipped for individual identification and tracking vaccination
 - Community cats to be exempt from licensing, running at large, and other requirements for owned cats
 - Updates to allow nuisances to be abated by animal control

Community Cats

- Justification:
 - Significant cost savings
 - 1,403 stray cats in FY 2025; ~30% under 2 months
 - Average cost of care: \$23 per cat per day
 - Average length of stay in FY 2025: 49 days or **\$1,127 per cat**
 - Mandatory 3-day stray hold: \$69 per cat
 - Estimated cost of TNR: **\$76 per cat**
 - **More than 14 times more expensive to impound than TNR**
 - Kittens must be 2 pounds or 2 months to be spayed/neutered, requiring up to 8 weeks of care if born in shelter (\$1,288 per cat)
 - Care for a single litter of 5 kittens costs more than \$6,440

Community Cats

- Justification:
 - Fewer cat intakes
 - Lower cost of care and less animal care staff needed
 - Reduce overcrowding, reduce illness, and thereby lower medical costs
 - Addresses overpopulation at the root
 - Similar codes in Cedar Rapids, Des Moines, and Iowa City
 - Proven program success in other communities like Kansas City and Cincinnati

Community Cats

- If passed:
 - HSSC, partner veterinarians, and volunteer community members collaborate to reduce outdoor cat populations
 - HSSC on-site surgery room completion mid-2026 funded by PetSmart Charities
 - HSSC provides resources and training needed to aid citizens
 - Healthy, unowned cats are altered, vaccinated, microchipped, ear tipped, and returned to their original location
 - Expected results:
 - Reduced cat intakes (upwards of 50% less) resulting in financial savings over 3 to 5 years
 - Reduced number of cats outdoors over time resulting in less nuisances



Next Steps

Timeline

- Proposed changes have gone through City legal review.
- Ordinance changes on first November cycle.
- Community Information Session
 - November 18 at the Figge Museum; time TBD
 - Representatives from HSSC and Cats in Action
- Tentative proposed schedule:
 - November 5 COW and November 12 City Council
 - November 19 COW and November 25 City Council
 - December 3 COW and December 10 City Council

Thank you



City of Davenport

Department: Administration
Contact Info: Sam Huff | 563-326-7735 |

Action / Date
11/5/2025

Subject:

First Consideration: Ordinance amending Chapter 12.72 entitled "Conduct in Public Parks" of the Municipal Code of Davenport, Iowa to update language and requirements outlined in Iowa State Code Chapter 724.28. [All Wards]

Recommendation:

Adopt the Ordinance.

Background:

The City's current Ordinance regarding hunting and firearms in public parks does not align with requirements in Iowa Code Chapter 724.28. State law limits how cities and counties can regulate firearms and weapons, and local ordinances cannot be more restrictive than what state law allows.

To maintain consistency with state law, the City is updating the Municipal Code to reflect the provisions of Iowa Code Chapter 724.28. This update removes outdated language, aligns the City's Code with state requirements, and ensures that the City remains legally compliant.

Attachments:

1. Ordinance
2. Current Section 12.72.060
3. Chapter 12.72 Redline

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12.72 ENTITLED "CONDUCT IN PUBLIC PARKS" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO UPDATE LANGUAGE AND REQUIREMENTS OUTLINED IN IOWA STATE CODE 724.28.

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

Section 1. That Section 12.72.060 of the Municipal Code of Davenport, Iowa be and the same is hereby amended as follows:

12.72.060 Recreational activities.

C. Hunting and Firearms

1. Prohibited Actions. Except as permitted in this section, no person in a park shall:
 - a. Hunt, trap, pursue, molest, kill, or capture any wild animal, reptile, or bird; or remove, possess, sell, or offer to sell any young, eggs, nests, or young of any wild animal, reptile, or bird.
 - b. Discharge or use any firearm, unless specifically authorized by state law, and except as permitted under Subsection 2.
 - c. Possess or carry within any park any weapon or device that is not otherwise permitted under Iowa state law, including but not limited to air rifles, spring-guns, bows and arrows, slings, or any instrument that can be loaded with blank cartridges, or any trapping device, unless permitted by the director under Subsection 2.
2. Permitted Use. The following are permitted, notwithstanding the prohibitions in Paragraph 1, subject to compliance with all applicable state and federal laws, and subject to any additional rules adopted by Parks & Recreation:
 - a. Carrying by persons who are legally eligible under Iowa Code, including those who may carry handguns under the state's permitless carry law. Such persons may carry firearms in parks, provided that they are not disqualified under state or federal law.
 - b. Discharge of a firearm in a park only under a special written permit granted by the director, for specific events or uses (e.g., target ranges, permitted ceremonies), and consistent with state law relating to discharge and public safety.
 - c. Use of archery equipment or non-firearm weapons (bows and arrows, etc.) in

designated areas only, where those uses are approved by the director, and in compliance with all applicable safety standards and notices.

3. Shooting Across Boundaries. Shooting into or across park boundaries (from outside the park into the park or vice versa) is prohibited unless specifically permitted by a special written permit issued by the director, consistent with safety and state law.

4. Compliance & Preemption. This section does not require any person to violate state law. Where state law allows carrying, possessing, or transporting a weapon, this ordinance shall not unreasonably burden those rights, though it may impose reasonable time, place, and manner restrictions for park safety. If any part of this section is found to conflict with state law or court decision, it shall be severable, and the remainder shall remain in effect.

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 provided by law.

First Consideration _____

Second Consideration _____

Approved _____

Published in *The Quad-City Times* on _____

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

12.72.060. Recreational activities. [Ord. 76-582 § 1 (part); prior code § 31.01-6]

A. Bathing and Swimming.

1. Designated Areas. No person in a park shall: swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are set forth in this section or may be hereafter adopted; nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the director, upon a finding that such use of the water would be dangerous or otherwise in-advisable.
2. Certain Hours. No person in a park shall: frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the director for such purposes for each individual area.
3. Bathhouses. No person in a park shall: dress or undress in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

B. Boating.

1. Designated Areas. No person in a park shall bring into or operate any boat, raft, or other water craft, whether motor powered or not, upon any waters, except at places designated for boating by the director. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.
2. Operation of Boats. No person in a park shall: navigate, operate, direct or handle any boat in violation of federal, state or local laws pertaining to the operation of boats.
3. Prohibition During Closing Hours. No person in a park shall: launch, dock, or operate any boat of any kind on any waters between the closing hour of the park at night and opening hour the following morning, nor shall any person be on, or remain on or in, any boat during the closed hours of the park.
4. Hunting and Firearms. No person in a park shall: hunt, trap or pursue wild life at any time. No person shall within a park use, carry or possess firearms of any descriptions, or air rifles, spring-guns, bow-and-arrows, slings or any other forms of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden, except on special written permit issued under this chapter.

C. Picnic Areas and Use.

1. Regulated. No person in a park shall: picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
2. Availability. No person in a park shall: violate the regulation that use of the individual

Fireplaces together with tables and benches follows generally the rule of "first come, first served."

3. Nonexclusive. No person in a park shall: use any portion of the park areas or of any of the buildings or structures therein without a permit issued by the director, for the purpose of holding activities to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.
 4. Duty of Picnicker. No person in a park shall: leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.
- D. Camping. No person shall: without a permit from the director, set up tents, shacks, or any other temporary shelter for the purpose of camping, nor shall any person leave in a park after closing hours any equipment, structure or vehicle to be used or that could be used for such purposes, such as house trailer, camp trailer, camp wagon or the like.
- E. Games. No person in a park shall: take part in or abet any recreational activity or the playing of any games except in areas set apart therefor.
- F. Horseback Riding. No person in a park shall: ride, drive, or lead a horse except on park drives. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor be hitched to any rock, tree or shrub.
- G. Firearms, Missiles and Fireworks. No person in a park shall: carry, shoot, fire, explode or impel, any firearms, air rifles, bows and arrows, pellet guns, sling shots, fireworks, firecrackers, rockets, torpedoes or missiles or explosives of any kind in any park, without a permit from the director.

12.72.060. Recreational activities. [Ord. 76-582 § 1 (part); prior code § 31.01-6]

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C. Hunting and Firearms-

1. Prohibited Actions. Except as permitted in this section, no person in a park shall:

- Hunt, trap, pursue, molest, kill, or capture any wild animal, reptile, or bird; or remove, possess, sell, or offer to sell any young, eggs, nests, or young of any wild animal, reptile, or bird.
- Discharge or use any firearm, unless specifically authorized by state law, and except as permitted under Subsection 2.
- Possess or carry within any park any weapon or device that is not otherwise permitted under Iowa state law, including but not limited to air rifles, spring-guns, bows and arrows, slings, or any instrument that can be loaded with blank cartridges, or any trapping device, unless permitted by the director under Subsection 2.

2. Permitted Use. The following are permitted, notwithstanding the prohibitions in Paragraph 1, subject to compliance with all applicable state and federal laws, and

subject to any additional rules adopted by Parks & Recreation:

- Carrying by persons who are legally eligible under Iowa Code, including those who may carry handguns under the state's permitless carry law. Such persons may carry firearms in parks, provided that they are not disqualified under state or federal law.
 - Discharge of a firearm in a park only under a special written permit granted by the director, for specific events or uses (e.g., target ranges, permitted ceremonies), and consistent with state law relating to discharge and public safety.
 - Use of archery equipment or non-firearm weapons (bows and arrows, etc.) in designated areas only, where those uses are approved by the director, and in compliance with all applicable safety standards and notices.
3. Shooting Across Boundaries. Shooting into or across park boundaries (from outside the park into the park or vice versa) is prohibited unless specifically permitted by a special written permit issued by the director, consistent with safety and state law.
4. Compliance & Preemption. This section does not require any person to violate state law. Where state law allows carrying, possessing, or transporting a weapon, this ordinance shall not unreasonably burden those rights, though it may impose reasonable time, place, and manner restrictions for park safety. If any part of this section is found to conflict with state law or court decision, it shall be severable, and the remainder shall remain in effect.
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City of Davenport

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

Action / Date
11/5/2025

Subject:

Resolution approving the purchase of 2018 North Ohio Avenue for \$137,290 and 2024 North Ohio Avenue for \$152,980 as part of the North Ohio Avenue Flash Flood Mitigation project. [Ward 1]

Recommendation:

Adopt the Resolution.

Background:

During the July 11, 2025, rain event where 4.55" fell in a 24-hour period and 5.76" fell in a 48-hour period in Northwest Davenport according to the National Weather Service, basement walls of two homes on North Ohio Avenue were structurally damaged due to flash flooding. Both homes are currently deemed uninhabitable. This area has had repeated flash flooding related home damage.

On September 24, 2025 (Resolution 2025-424), City Council authorized staff to offer two property owners home purchase agreements for an amount not to exceed the assessed value, according to the Scott County Assessor's website, less anticipated demolition costs. Once the homes are acquired and demolished, this area will be converted into a detention area.

Attachments:

None

City of Davenport

Department: Finance

Contact Info: Basia Gerlach | 563-326-7727

Action / Date

11/5/2025

Subject:

Resolution approving a payment of \$191,947.41 to Tyler Technologies, Inc of Plano, Texas for the annual licensing and support of the Munis software system. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

Munis is the ERP System software used by the City of Davenport. The software requires a yearly contract for support and licensing. The contract supplies the City with the appropriate licensing for vital human resources management, payroll, accounts payable, and accounts receivable systems for the period November 1, 2025, to October 31, 2026.

Funding is from the IT software account.

Attachments:

1. Resolution

Resolution No. _____

Resolution offered by Alderwoman Newton.

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

RESOLUTION approving a payment of \$191,947.41 to Tyler Technologies, Inc of Plano, Texas for the annual licensing and support of the Munis software system.

WHEREAS, the Munis ERP software is used for human resources management, payroll, and accounts payable and receivable functions; and

WHEREAS, the City needs to renew its annual licensing agreement with Tyler Technologies, Inc for the period of November 1, 2025, to October 31, 2026.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Davenport, Iowa that a payment of \$191,947.41 to Tyler Technologies, Inc of Plano, Texas for the annual licensing and support of the Munis software system is hereby approved.

Passed and approved this 12th day of November, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

City of Davenport

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

Action / Date
11/5/2025

Subject:

Resolution approving the Small Community-Oriented Renewal and Enhancement (SCORE) Program and authorizing the City Administrator to administer and execute program purchases. [All Wards]

Recommendation:

Adopt the Resolution.

Background:

The program originated in 2004 as the Neighborhood Beautification Program and later evolved into a Community Improvement and Support Program (CISP).

Throughout September 2025, staff met with elected officials to review the program. Council provided policy direction on the scope of services, approvals, and other areas. The attached proposal attempts to combine these opinions into a program that clearly defines applicant and project eligibility and emphasizes public purpose for the program.

If the attached proposal is approved, notable program highlights include:

- The program will fund small capital improvement projects through Local Option Sales Tax.
- The program total per fiscal year increases from \$55,000 to \$110,000, with the amount changing from \$5,000 to \$10,000 per year per elected official.
- The City Administrator or designee will be authorized to administer the program at the direction of elected officials wishing to fund an application.
- Applicants will be required to complete a detailed application and may be required to provide additional reporting information.
- Applicants will receive funds on a reimbursement basis, unless prior authorization is received from the CFO.

Attachments:

1. Resolution
2. RES_Proposal

Resolution No. _____

Resolution offered by Alderwoman Newton.

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

RESOLUTION approving the Small Community-Oriented Renewal and Enhancement (SCORE) Program and authorizing the City Administrator to administer and execute program purchases.

WHEREAS, the City of Davenport values the creation and maintenance of welcoming, vibrant neighborhoods; and

WHEREAS, the City recognizes the need to address small-scale capital improvements that enhance neighborhood quality of life; and

WHEREAS, the City Council has provided input and policy direction to establish and fund this program.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Davenport, Iowa that the Small Community-Oriented Renewal and Enhancement (SCORE) Program is hereby approved; and

BE IT FURTHER RESOLVED that the City Administrator is hereby authorized to administer and execute program purchases.

Passed and approved this 12th day of November, 2025.

Approved:

Attest:

Mike Matson
Mayor

Brian Krup
Deputy City Clerk

SMALL COMMUNITY-ORIENTED RENEWAL AND ENHANCEMENT (SCORE) PROGRAM

Effective January 1, 2026

Purpose To provide funding for small-scale capital improvements, beautification, and other projects for public benefit throughout the city.

Funding \$110,000 per fiscal year as approved annually in the budget for allocation to projects; \$10,000 allocation per each elected official

Source of Funds Local Option Sales Tax

Applicant Eligibility Applicants must meet at least one of the following criteria to be eligible for the program:

- 501 tax-designated organization registered with the Iowa Secretary of State (active and current) and providing services to the Davenport community
- Established or recognized City of Davenport neighborhood group
- Youth sports organization established and open to all Davenport youth
- Established student group recognized by the applicable school as providing services to benefit the Davenport community
- Other organized group providing public services to Davenport residents

Project Eligibility Projects must meet the following criteria to be eligible for funding:

- Projects must be aligned with the purpose of the program
- Improvements must be to public property or projects with a public benefit
- Upon completion, projects must have an expected life of five years or more

Examples: basic landscaping, painting projects, and small infrastructure repairs on public property or property open to and accessible by the public

Approval Process All applicants must complete an application and provide detailed project information, including clearly stating the public purpose of the project. City staff will evaluate the eligibility of the project, and City elected officials are authorized to distribute a portion or all of their annual program allocation to eligible projects of their choice.

Payment Funds will be paid to the organization and/or contractor following completion of the project as proposed, in conformance with applicable provisions, and upon authorization of release by an approving alderman and the city administrator.

Other Provisions All improvements shall meet applicable purchasing, bidding, and construction requirements. Improvements to public property are subject to

review and approval of the department with maintenance responsibility for that property. Improvements to private property are subject to review of the Legal department as to confirmation of public benefit.

City of Davenport

Department: Fire
Contact Info: Tyler Schmidt |

Action / Date
11/5/2025

Subject:

Motion approving the purchase of burn room insulation materials for the Live-Fire Training Facility Refurbishment project from Fire Facilities Inc of Sun Prairie, Wisconsin in the amount of \$74,757, CIP #23105. [Ward 7]

Recommendation:

Pass the Motion.

Background:

A sole source procurement justification is on file with the Purchasing Division.

This purchase will supply the materials for the Live-Fire Training Facility Refurbishment project. Installation will be performed by a contractor experienced with the materials under a separate contract. Live-fire training is a requirement for all new and existing firefighters to attain and maintain certifications. This facility offers a controlled environment for live-fire training. The protective lining within the current facility is at the end of its useful life. This is required maintenance for a building of this usage and type.

Funding for this project comes from CIP #23105 | Live-Fire Training Facility Refurbishment.

Attachments:

None