

Resolution # 285-93

A resolution to issue dog license through Veterinary Clinics.

Be it resolved by the Board of Supervisors of Mitchell County, Iowa, to adopt the following:

Section 1. Purpose: The purpose of this resolution is to make the license process more accessible and convenient to the public.

Section 2. Procedure: Veterinarians may issue and charge the current fee for a county dog license by:

1. Verifying that the dog's rabies vaccination is current.
2. Completing a county license certificate (provided by the Auditor's Office).
3. Issuing a county license tag (provided by the Auditor's Office).

Section 3. On a monthly basis all license certificates and license fees (less .50 per license retained by the clinic for processing costs) collected shall be submitted to the Auditor's Office where a permanent record will be kept.

Section 4. At the end of each year unused certificates and tags from the current year must be returned to the Auditor's Office and the next year certificates and tags issued.

Section 5. The initial certificates and tags will be available to the clinics February 1, 1993. County dog license are issued in accordance with chapter 351 of the Code of Iowa.

Approved this 11th day of January 1993.


Bob Lincoln - Chairman
Board of Supervisors

ATTEST Sandra Heckstein
Sandra Heckstein, Auditor

OFFICE OF
MITCHELL COUNTY ATTORNEY

515 STATE STREET
OSAGE, IOWA 50461

JERRY H. FOLKERS, COUNTY ATTORNEY
MARK L. WALK, ASSISTANT COUNTY ATTORNEY

TELEPHONE: 515-732-5727
BUSINESS HOURS FAX: 515-732-5345
NON-BUSINESS HOURS FAX: 515-732-3796

January 25, 1993

Mitchell County Board of Supervisors
Mitchell County Courthouse
508 State Street
Osage, IA 50461

Dear Mrs. McCarthy and Gentlemen:

I have the question from Supervisor Lincoln concerning Resolution No. 285-93 relating to the sale of dog licenses through veterinary clinics. I find that the resolution provides for a procedure which is within the law and complies with Chapter 351, Code of Iowa and does not violate any other provision of the law.

Chapter 351 of the Code of Iowa plainly places the responsibility for licensing dogs with the county auditor. However, since the enactment of "home rule", there is nothing to prevent the auditor from delegating that responsibility to others as long as the ultimate responsibility is retained by the auditor. It will be the auditor's responsibility to supervise and control the sale and issuance of dog licenses by her designees but so long as the provisions of Chapter 351 are complied with, the delegation of the authority to others is lawful.

Very truly yours,



Jerry H. Folkers
Mitchell County Attorney

JHF:sg

County Attorneys opinions on Vets selling dog licenses.

OFFICE OF
MITCHELL COUNTY ATTORNEY

515 STATE STREET
OSAGE, IOWA 50461

JERRY H. FOLKERS, COUNTY ATTORNEY
MARK L. WALK, ASSISTANT COUNTY ATTORNEY

TELEPHONE: 515-732-5727
BUSINESS HOURS FAX: 515-732-5345
NON-BUSINESS HOURS FAX: 515-732-3796

January 25, 1993

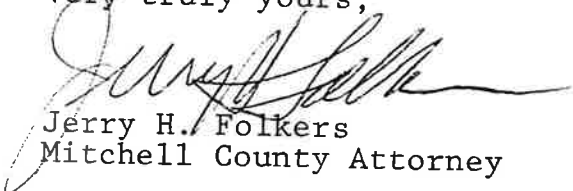
Mitchell County Board of Supervisors
Mitchell County Courthouse
508 State Street
Osage, IA 50461

Dear Mrs. McCarthy and Gentlemen:

I have your question concerning whether or not a dog licensed by a municipality must also be licensed by the county. The answer is no.

Chapter 351 of the Code of Iowa provides for an alternative and parallel system of licensing of animals within the respective jurisdictions. If a city provides for a license of animals within its jurisdiction, the owner need not apply to the county for an additional license. Section 351.24 provides that cities may license dogs. Sections 351.3, 351.5, 351.6, 351.7, 351.11, 351.14, and 351.22 provide procedural guidelines to be complied with by either the city clerk or county auditor as the appropriate case may be. The entire system of licensing animals makes it plain that the legislative intent was that cities could issue a license for animals in their jurisdiction and that by following such procedure, the owner of the animal would have complied with the requirements of Chapter 351.

Very truly yours,


Jerry H. Folkers
Mitchell County Attorney

JHF:sg

County Attorney's opinion on City & County dog licenses.