

NUISANCES AND ANIMAL CONTROL

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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50.01 DEFINITION OF NUISANCE. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

(Code of Iowa, Sec. 657.1)

1. **Enclosed Structure.** Means any permanent structure built for the enclosure of personal property, consisting of a roof, at least four exterior walls, and one or more properly functioning doors for ingress and egress, and is constructed in such a manner as to obscure contents from view from any street or adjacent property.
2. **Junk.** Means material items kept in outdoor areas or in partially enclosed sheds, lean-tos, or other structures that do not meet the definition of enclosed structure. These items include, but are not limited to: broken or discarded household furnishings, hardware, and plumbing fixtures, or parts of such; waste or salvaged building construction and demolition material; unstacked firewood; broken, toys, bicycles and tricycles; old, scrap or reclaimed ferrous and non-ferrous metals; old or discarded metal and plastic cans, pails and barrels; old or discarded rope, rags, paper, glass, tinware, plastic, and packing, crating or shipping materials; and inoperable, unused, neglected, dismantled or otherwise unassembled vehicles, machinery and appliances, or parts of such.
3. **Keeping.** Means parked or stored.
4. **Machinery.** Means a self-powered or towable or attachable device or implement consisting of inter-related parts with separate functions, used to perform some kind of task.
5. **Noisome.** Means offensive or disgusting.
6. **Offal.** Means rubbish, trash, or butchering waste.
7. **Trash.** Means worthless, unwanted material that is rejected or thrown out.
8. **Vehicle.** Means any private, public, and commercial implement of conveyance designed for or used for the transportation of people or materials, or performing tasks, excepting devices moved by human power or used exclusively upon stationary rails or tracks, including, but not limited to, automobiles, trucks, tractors, trailers, wagons, restoration, and recreational vehicles of any kind, and commercial and farm machinery, or any combination thereof.

50.02 NUISANCES ENUMERATED. The following subsections include, but to not limit, the conditions that are deemed to be nuisances in the City:

(Code of Iowa, Sec. 657.2)

Any activity or condition which, left unabated, may possibly and unreasonably endanger the health, safety, life, or property to residents of the City; or detract from the beneficial use and enjoyment of neighboring properties is deemed a nuisance under the City's Code of Ordinances:

1. **Offensive Smells.** Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. **Billboards.** Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.
9. **Weeds, Brush.** Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard.
10. **Dutch Elm Disease.** Trees infected with Dutch elm disease. **(See also Chapter 151)**
11. **Airport Air Space.** Any object or structure hereafter erected within one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.
12. **Houses of Ill Fame.** Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the *Code of Iowa* or places resorted to by persons using controlled substances, as defined in Section 124.101 of the *Code of Iowa*, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.
13. **Keeping an accumulation of any loose or uncontained recyclable materials; junk; or other forms of solid waste that is visible from the public right-of-way or adjoining property.** **(See also Chapters 51 and 105)**

14. Keeping an accumulation of trash piles or yard waste which may harbor or attract vermin, rodents, or other disease-carrying pests, animals, or insects, or spread or harbor disease; or emit unpleasant odors or harmful gas; or create a fire hazard. (See also Chapter 41.) Such materials kept in containers customarily used for composting, shall be excluded from this portion of the ordinance.

15. Keeping any enclosed structure with broken, missing, or nonfunctional doors and/or windows, or other damage that fails to reasonably secure against unauthorized access where such access may threaten the health or safety of individuals, children, and domestic pets; or that fails to obscure contents from view from any street or adjacent property.

16. Keeping any neglected structure that invites infestation by animals, birds, rodents, reptiles, and other vermin such as rats, mice, skunks, snakes, bats, starlings, pigeons, wasps, cockroaches, or flies.

17. Lack of sufficient maintenance for any building or structure, or fence, which is in a sagging leaning, fallen, decayed or other dilapidated or unsafe condition, including the use of tarpaulins, plastic sheeting or other materials to mask the condition of said building, structure, or fence. (See also Chapters 41 and 145)

18. Keeping, with exceptions, any vehicles that are found to detract from the beneficial use of the public right-of-way or neighboring properties. (See also Chapter 51)

19. Keeping any vehicle used as a repository for junk or other forms of solid waste. (See also Chapter 51.) Coverage with a tarpaulin does not abate the nuisance.

20. Keeping any junk; yard waste; trash; operable vehicles or machinery; building materials; or any other debris or materials on the area between the sidewalk and the curb of any street, except for bagged or containerized solid waste for a period of not to exceed twenty-four (24) hours while awaiting City collection; or forty-eight (48) hours for items to be disposed of in conjunction with City clean up activity. (See also Chapters 105 & 106)

21. Keeping unfenced private swimming pools, ponds, or excavations, each of which may pose an attractive nuisance danger for children. (See also Chapters 41, 135 and 155)

22. Any trees on public or private real property infected with Emerald Ash Borer disease, or other disease or decay. (See also Chapter 151)

23. Cotton-bearing cotton wood trees and all other cotton-bearing poplar trees.

24. All junk or salvage operations except those permitted by ordinance and operating in full compliance with the City's Code of Ordinances.

50.03 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter or State law.

(Code of Iowa, Sec. 657.3)

50.04 NUISANCE ABATEMENT. Whenever any authorized municipal officer finds that a nuisance exists, such officer has the authority to determine on a case-by-case basis whether to utilize the nuisance abatement procedure described in Section 50.06 of this chapter or the municipal infraction procedure referred to in Section 50.07.

(Code of Iowa, Sec. 364.12[3h])

50.05 ABATEMENT OF NUISANCE BY WRITTEN NOTICE. Any nuisance, public or private, may be abated in the manner provided for in this section:

(Code of Iowa, Sec. 364.12[3h])

1. Contents of Notice to Property Owner. The notice to abate shall contain: †
 - A. Description of Nuisance. A description of what constitutes the nuisance.
 - B. Location of Nuisance. The location of the nuisance.
 - C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
 - D. Reasonable Time. A reasonable time within which to complete the abatement.
 - E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.
2. Method of Service. The notice may be in the form of an ordinance, sent by certified mail, or delivered as personal service by civil process server or Code Enforcement Officer. *(Ord. 215 – Nov. 18 Supp.)*
3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in Subsection 6 of this section after notice to the property owner under the applicable provisions of Subsection 1 and 2, and the hearing as provided in Subsection 3.

(Code of Iowa, Sec. 364.12[3h])

† **EDITOR'S NOTE:** A suggested form of notice for the abatement of nuisances is included in the Appendix of this Code of Ordinances. Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the *Code of Iowa* rather than this procedure.

5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.

(Code of Iowa, Sec. 364.12[3h])

6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.

(Code of Iowa, Sec. 364.12[3h])

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds \$500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

9. Repeat Violations. Any person who commits the same offense within the same calendar year after the initial notification and abatement may be charged with a municipal infraction, without notice, and the violation may be abated without further notice.

50.06 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 4 of this Code of Ordinances.

(Ch. 50 – Ord. 236 – Apr. 23 Supp.)

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CHAPTER 51

NUISANCE VEHICLES

51.01 Definitions
51.02 Nuisance Vehicles Prohibited
51.03 Outdoor Storage of Vehicles
51.04 Exceptions
51.05 Notice to Abate

51.06 Abatement
51.07 Duty to Remove or Repair
51.08 Imminent Danger
51.09 Interference with Enforcement

51.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Enclosed structure" means any permanent structure built for the enclosure of personal property, consisting of a roof, at least four exterior walls, and one or more properly functioning doors for ingress and egress, and is constructed in such a manner as to obscure contents from view from any street or adjacent property.
2. "Residential garage" means an enclosed building, used for the shelter of vehicles or other items, in which no occupation or business for profit is conducted.
3. "Commercial garage" means an enclosed building used for the shelter and licensed repair of vehicles.
4. "Park, parked" means the placement of any vehicle on public or private real property, for any period of time not exceeding 48 hours.
5. "Store, stored" means the placement of any vehicle on public or private property for consecutive period of time exceeding 48 hours.
6. "Surfaced area" means any area covered by concrete, asphalt or three (3) inches of gravel, rock, or related material to eliminate the growth of vegetation.
7. "Keep, kept" means parked or stored.
8. "Vehicle" means any implement of conveyance designated for, or used for, the transportation of people or materials, or performing tasks, excepting devices moved by human power or used exclusively upon stationary rails or tracks, including, but not limited to, automobiles; trucks; trailers or wagons; commercial, restoration and recreational vehicles of any kind; and commercial and farm machinery, or any combination thereof.
9. "Commercial vehicle" means a vehicle or combination of vehicles designed principally to transport passengers or property of any kind if any of the following apply:
 - A. The vehicle or any combination of vehicles has a gross weight or combined gross weight of ten thousand one (10,001) or more pounds.
 - B. The vehicle or any combination of vehicles has a gross vehicle weight or combined gross combination weight rating of ten thousand one (10,001) or more pounds.
 - C. The vehicle is designed to transport sixteen or more persons, including the driver.
 - D. The vehicle is used in the transportation of hazardous material of a type or quantity requiring vehicle placarding.

10. "Nuisance vehicle" means any licensed, unlicensed, unregistered or uninsured vehicle kept within the corporate limits of the City, exhibiting any one of the following characteristics.

A. Incomplete, dismantled, defective or otherwise obsolete condition to include, broken or cracked or missing components that render any vehicle inoperative or unfit for lawful operation on a public roadway, or where applicable, off-road use.

B. Any motor vehicle which cannot be immediately started and moved under its own power around one City block, thus unfit for operation on public roadways, or where applicable, off-road use as demonstrated by the owner to the Code Enforcement Officer, Law Enforcement Officer, or other designated official.

C. Left unattended on blocks, jacks or elevated in any other way, thereby constituting a threat to public health and safety.

D. Used as a repository for chemicals, junk, recyclables, trash, or yard waste, or for flammable fluids or fuels, other than in the vehicle fuel system.

E. Has the potential to, or has become the habitat for rats, mice, or snakes, or any other animals, vermin, or insects.

F. Has the potential to or has become an attractive danger for children through entrapment, or injury from sharp or broken metal, glass, or other rigid materials.

G. Has become a source of soil contamination from petroleum products or other toxic liquids discharged or otherwise leaking from the vehicle.

H. Has become a point of collection for stagnant water.

I. Has heavy growth of weeds or other noxious vegetation under, or immediate to it.

J. Has not been used as an operating motor vehicle, driven in a legal manner on public street or highway, for a period of fifteen (15) days or more.

Change in ownership; or relocation of a nuisance vehicle to other properties within the corporate limits; or use of tarpaulin or similar material to mask an accumulation of chemicals, junk, recyclables, trash or yard waste, or other nuisance condition, shall not constitute a defense to the finding of a nuisance vehicle.

11. "Recreational vehicle" means any vehicle including but not limited to racing vehicles of any kind, all-terrain vehicles, boats, dune buggies, golf carts, snowmobiles, go-carts, competition pulling farm or garden tractors, motor homes, and fifth wheel or mounted or conventional-tow campers.

12. "Restoration vehicle" means an unlicensed, antique, or classic vehicle actively undergoing restoration.

13. "Unlicensed or unregistered" means any vehicle not displaying a valid current license plate as required by the laws of the State; or not displaying a current permit for lawful operation, if required from the City, County or State; or not having current insurance required from the City, County or State.

14. "Gross weight" means the empty weight of a vehicle plus the maximum load to be carried by the vehicle. The maximum load to be carried by a passenger-carrying

vehicle shall be determined by multiplying one hundred fifty pounds by the number of passenger seats carried by such vehicle.

15. "Junk" refers to definitions in Chapter 50 in the Rolfe Code of Ordinances.

(Section 51.01 – Ord. 236 – Apr. 23 Supp.)

51.02 NUISANCE VEHICLES PROHIBITED. The existence of a nuisance vehicle as defined in Section 51.01(10), kept upon public or private real property, unless excepted by Section 51.04, is hereby deemed unreasonably offensive to the senses, and constitutes a threat to the health and safety of the citizens, and is a nuisance within the meaning of Section 657.1 of the *Code of Iowa*. If any nuisance vehicle is kept upon private or public real property in violation hereof, the owner of said vehicle shall be prima facie liable for said violation.

(Code of Iowa, Sec. 364.12[3a])

(Section 51.02 – Ord. 236 – Apr. 23 Supp.)

51.03 OUTDOOR STORAGE OF VEHICLES. Being that the outdoor storage of a vehicle which is not deemed to be a nuisance as defined in Section 51.01(9), but may still detract from the beneficial use and enjoyment of neighboring properties, certain special regulations are established as follows:

1. No person shall keep any vehicle on other than a surfaced area within the corporate limits.
2. No person shall keep any vehicle on any vacant real property within the corporate limits.
3. No person shall keep any unlicensed or unregistered, or uninsured vehicles on real property within the corporate limits.
4. No person shall keep one or more recreational or restoration vehicles on real property within the corporate limits.
5. No person shall keep one or more motor vehicles on real property within the corporate limits for no more than fifteen (15) days without movement and use as an operating vehicle.

(Section 51.03 – Ord. 236 – Apr. 23 Supp.)

51.04 EXCEPTIONS. The provisions of this chapter do not apply to the following:

1. Vehicles kept within an enclosed structure or garage.
2. Vehicles kept within a licensed salvage or junk yard.
3. Vehicles kept and displayed for licensed, commercial sales.
4. Vehicles in-use, performing authorized construction or demolition projects or other property maintenance.
5. A motor home, pickup truck with camper top, converted bus or van, or similar recreational vehicle, boat on a boat trailer, or utility trailer, which is operable and currently licensed for use on public roadways, located on a driveway, or other surfaced area within a side or rear yard on residential real property.
6. One unenclosed and unloaded single axle utility trailer, weighting 1,000 pounds or less, which is operable and currently licensed for lawful use on public roadways, may be kept on an unsurfaced area of a side or rear yard on residential real property.

7. A currently licensed, operable motor vehicle owned by a City resident, lawfully parked while the owner is out of the City for more than fifteen (15) days, but not more than one hundred eighty (180) days.
8. Vehicles which are immobilized pursuant to an order of the District Court.
9. Vehicles that are non-operable solely by reason of repair work being done there on, provided that the following conditions are met:
 - A. The vehicle is owned by and registered to the occupier of the premises, or to an immediate family member.
 - B. The period of said repair work does not exceed fifteen (15) days in duration.
 - C. The work is conducted in a surfaced area.

At City Council discretion, the fifteen (15) day limit in Subsection 2, may be extended for unexpected conditions that are beyond the control of the owner.

(Section 51.04 – Ord. 236 – Apr. 23 Supp.)

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances. The abatement officer or other designated official shall notify by certified mail to said person's last known address: (i) the owner of the property upon which said junk or junk vehicle is located; (ii) the last known registered owner of the vehicle (if different than the owner of the property); and (iii) any lien holders against the vehicle that:

1. The junk or junk vehicle constitutes a nuisance under the provisions of this chapter.
2. Within 30 days from the date of the notice, the junk or junk vehicle must be removed or otherwise brought into compliance with the terms of this chapter.

If the person responsible for junk or a junk vehicle fails to bring said junk or junk vehicle into compliance with this section, the City may elect to: (i) abate such nuisance by causing the junk or junk vehicle to be removed and impounded and sold or disposed of as specified in Section 321.89-90 of the *Code of Iowa* (with the costs thereof charged to the owner of the junk or junk vehicle); or (ii) pursue legal action against the responsible parties as a municipal infraction.

51.06 ABATEMENT. If the person responsible for said vehicle fails to bring the vehicle into compliance with this section, the City may elect to: (a) abate such nuisance by causing the vehicle to be removed and impounded, and sold or disposed of as specified in the *Code of Iowa* Sec. 321, 89.-90, with costs thereof charged against the owner of the vehicle; or (b), pursue legal action against the responsible parties as a municipal infraction. A municipal infraction is punishable by the following civil standard penalties:

1. First Offense – Not to exceed \$750.00
2. Each Repeat Offense – Not to exceed \$1,000.00
(Code of Iowa, Sec. 364.22[1])

Each day that a violation occurs or is permitted to exist, constitutes a repeat offense.

(Section 51.06 – Ord. 236 – Apr. 23 Supp.)

51.07 DUTY TO REMOVE OR REPAIR. The person responsible for the presence of a nuisance, hobby or recreational vehicle or does not meet the exceptions in Section 51.04 shall, within 30 days after said notice is given, remove the vehicle, or repair the defects that cause said vehicle to be in violation of the provisions of this chapter, including licensing of any vehicle. Any person failing to comply with the provision shall be guilty of a municipal infraction.

(Ord. 236 – Apr. 23 Supp.)

51.08 IMMINENT DANGER. If, in the opinion of the Code Enforcement Officer or other designated official, a condition exists which constitutes imminent danger to the public, immediate action may be taken to correct the condition, including entry upon premises, modification of any vehicle or machinery, immediate removal of the same, or any other steps necessary to alleviate the existing danger.

(Ord. 236 – Apr. 23 Supp.)

51.09 INTERFERENCE WITH ENFORCEMENT. Any person who interferes in any way with the enforcement of the provisions of this chapter shall be guilty of a simple misdemeanor. A simple misdemeanor is punishable by a fine of at least sixty-five (\$65.00) dollars but not to exceed six hundred twenty-five (\$625.00) dollars. The court may order imprisonment not to exceed thirty (30) days in lieu of a fine, or in addition to a fine.

(Code of Iowa, Sec. 903.1[a])

(Section 51.09 – Ord. 236 – Apr. 23 Supp.)

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CHAPTER 52

MOWING OF PROPERTIES

52.01 Mowing of Properties Required
52.02 Exceptions
52.03 Violation

52.04 Publication of Notice
52.05 Penalty
52.06 Additional Violations

52.01 MOWING OF PROPERTIES REQUIRED. Any property within the City, whether vacated or no-vacated, including residential and non-residential districts, is required to be mowed any time the vegetation (grass and/or weeds) reaches a height of more than six inches during the months of May, June, July, August, September and October of each year. The property owner and/or occupant are also jointly and severally responsible for cutting vegetation in the abutting space between the property line and/or lot line and the curb line or edge of the traveled portion of the street right-of-way and one-half of any alleyways abutting the property. *(Ord. 234 – Apr. 23 Supp.)*

52.02 EXCEPTIONS. Properties used for agricultural purposes continuously since 1967 are exempt from the requirements of Section 52.01.

52.03 VIOLATION. Violation of this chapter will be determined by visual observation and measurement. Vegetation exceeding six inches in height shall constitute a violation of this chapter. *(Ord. 234 – Apr. 23 Supp.)*

52.04 PUBLICATION OF NOTICE. Annual spring publication of this ordinance in an official newspaper, quarterly newsletter and posted businesses shall serve as the first (1st) notice to property owners to have the vegetation cut so that the height conforms to this chapter. Notice shall instruct the property owner that the notice constitutes notice for the mowing season and that further action will be taken by the City to remedy the problem if it occurs again on the same property. *(Ord. 234 – Apr. 23 Supp.)*

52.05 PENALTY. Any property which is not mowed by the above dates may be mowed by the City or its agent, and a charge of \$75.00 for such mowing plus a surcharge of \$50.00 will be charged to the property owner. Any billings for mowing done by the City or its agents are to be sent by regular mail and are payable within 30 days of the billing date. If the fees due are not paid within 30 days, the fees will be certified to the property as if for general property tax.

52.06 ADDITIONAL VIOLATIONS. Any property owner who violates this chapter will be given one additional notice per summer and the City will be authorized to respond to additional violation without additional written notice being given. *(Ord. 234 – Apr. 23 Supp.)*

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.11 Rabies Vaccination
55.02 Animal Neglect	55.12 Owner's Duty
55.02A Unlawful Restrain of Animals	55.13 Confinement
55.03 Livestock Neglect	55.14 At Large: Impoundment
55.04 Abandonment of Cats and Dogs	55.15 Disposition of Licensed Dogs
55.05 Livestock	55.16 Disposition of Unlicensed Animals
55.06 At Large Prohibited	55.17 Impounding Costs
55.07 Damage or Interference	55.18 Disposition of Dangerous or Vicious Animals
55.08 Annoyance or Disturbance	55.19 Pet Awards Prohibited
55.09 Leashing	55.20 Penalties
55.10 Vicious Dogs	55.21 Unhealthful or Unsanitary Conditions

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

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
4. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
5. "Fair" means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
7. "Licensed dog" means any dog bearing a currently valid license under Chapter 56 of this Code of Ordinances.
8. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the *Code of Iowa*; ostriches, rheas, emus or poultry.
(Code of Iowa, Sec. 717.1)

9. "Owner" means any person owning, keeping, sheltering or harboring an animal.
10. "Pet" means a living dog, cat or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.
11. "Vicious dog" means:
 - A. Any dog with a known propensity, tendency, or disposition to attack, unprovoked, as evidenced by its habitual or repeated chasing, snapping, or barking at human beings or domestic animals so as to potentially cause injury or to otherwise endanger their safety; or
 - B. A dog which has attacked or bitten any person or that acts in an aggressive or threatening manner toward any person or when a propensity to act aggressively or threateningly exists and such propensity is known or should be known to the owner thereof.
12. "Vicious animal" means any animal under the control or ownership of a person when it shall have attacked or bitten any person on one or more occasions without provocation or when an attack or bites results in bodily injury.

55.02 ANIMAL NEGLECT. It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

(Code of Iowa, Sec. 717B.3)

55.02A UNLAWFUL RESTRAIN OF ANIMALS. For the purposes of this section, "cruelty chains" means attaching an animal to a stationary object or a pulley by means of chain, rope, tether, leash, cable, or similar restraint under circumstances that may endanger its health, safety, or well-being. Cruelty chains includes, but is not limited to, the use of chain, rope, tether, leash, cable or similar restraint that:

1. Exceeds 1/8 the body weight of the animal;
2. Causes the animal to choke;
3. Is too short for the animal to move around or for the animal to urinate or defecate in a separate area from the area where it must eat, drink or lie down;
4. Is situated where it can become entangled;
5. Does not permit the animal access to food, water, shade, dry ground or adequate shelter; or
6. Does not permit the animal to escape harm;
7. Animal cannot be tethered during any winter advisory or heat advisory;
8. Animals cannot be tethered within 10 feet of utility meters;
9. Female animals in heat can't be tethered outside at all;

Any person violating this section may be charged with a municipal infraction and/or seizure of animal.

(Section 55.02A – Ord. 223 – Nov. 18 Supp.)

55.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.04 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

(Code of Iowa, Sec. 717B.8)

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City unless certain requirements are met.

1. No livestock shall be kept on property less than five acres without written consent of the Council.
2. A written permit shall be required stating number of livestock, type of livestock, markings of livestock, duration of time. A representative of the proposed permit must be at the Council meeting at which the permit is being considered to provide the necessary information in determining compliance with all provisions of this chapter.
3. An annual permit fee is \$10.00 for livestock within the City.
4. Failure to remove livestock according to the provisions of permit will result in a civil penalty of \$100.00 for each single livestock and each day livestock is in violation of permit.
5. A civil penalty of \$200.00 for each single livestock and each day livestock exists within the City where no permit has been issued.

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

55.07 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking or otherwise, or by running after or chasing persons, bicycles, automobiles or other vehicles. It is unlawful for the owner of a cat or livestock to cause serious annoyance or disturbance.

(Ord. 234 – Apr. 23 Supp.)

55.09 LEASHING. All persons owning dogs shall confine the same from running at large. It is the duty of every person owning a dog to:

1. **Confinement Required.** Confine said dog by good and sufficient means.

2. Control. Cause said dog to be under the control of a person competent to restrain and control the dog, either by leash, cord, chain or other similar restraint of sufficient strength, and not more than six feet in length.
3. Restraint. Properly restrain in a motor vehicle, or house said dog in a veterinary hospital or registered kennel.
4. Obedience. Maintain control by obedience beside or "at heel" under the direction of a competent person.

A muzzled dog shall not be deemed to have been restrained, unless the above conditions are also met.

55.10 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City.

55.11 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in State or federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.12 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.13 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.14 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

55.15 DISPOSITION OF LICENSED DOGS. Impounded licensed dogs may be recovered by the owner upon proper identification and payment of the impoundment cost. If impounded licensed dogs are not recovered within seven days of impoundment, they shall be disposed of in accordance with law or destroyed by euthanasia.

55.16 DISPOSITION OF UNLICENSED ANIMALS. Impounded unlicensed dogs or other animals may be recovered by the owner, upon proper identification, by payment of the impoundment costs, and in the case of a dog, by having it licensed. If such dogs or other

animals are not claimed within seven days after impoundment, they shall be disposed of in accordance with law or destroyed by euthanasia.

55.17 IMPOUNDING COSTS. Impounding costs shall be established by resolution of the Council and shall be in relation to the costs of impoundment plus a surcharge as established by resolution.

55.18 DISPOSITION OF DANGEROUS OR VICIOUS ANIMALS. After 72 hours' notice to an owner or person in possession or person who appears to be in possession of any animal, an animal that is too dangerous to be impounded shall be disposed of by or at the direction of a police officer by shooting or other method. If the animal is so dangerous that there is imminent danger to persons or property of others, an animal that is too dangerous to be impounded shall be disposed of by or at the direction of a police officer by shooting without notice or other method without notice.

55.19 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

55.20 PENALTIES. Violations of any section of this chapter will result in a civil penalty.

1. First Offense - \$100.00
2. Second Offense - \$200.00
3. Third offense - \$300.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

55.21 UNHEALTHFUL OR UNSANITARY CONDITIONS.

1. An owner shall keep all structures, pens, coops or yards wherein animals are confined clean, devoid of vermin and free of odors arising from feces.

2. No owner or walker of any animal shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or walker shall be deemed to permit the animal's discharge of feces if the owner does not immediately thereafter take steps to remove and clean up the feces from the property.

3. All feces removed as aforesaid shall be placed in an airtight container and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures or otherwise disposed of in a sanitary manner.

Any person violating this section may be charged with a municipal infraction.

(Section 55.21 – Ord. 223 – Nov. 18 Supp.)

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CHAPTER 56

CAT AND DOG LICENSES REQUIRED

56.01 Annual License

56.02 License Requirements

56.03 License Fee

56.04 Records to be Maintained

56.05 Issuance of License

56.06 Issuance of Tags

56.07 Penalties

56.01 ANNUAL LICENSE. Every owner of a cat or dog over the age of six months shall procure an animal license from the City Clerk. Exceptions to this requirement include a 30-day residency grace period and animals under the age of six months on the required licensing date.

56.02 LICENSE REQUIREMENTS. Owners of animals required to be licensed shall acquire such license beginning January 1 of each year. License fees shall become delinquent February 1 of each year and a delinquent license fee shall be imposed except in cases where by reason of residence or age the animal was not subject to licensing as specified in this chapter. Owners of an animal requiring a license shall register the animal within 30 days of the animal meeting the residency and age requirements.

56.03 LICENSE FEE. An annual license fee is \$5.00 for each spayed/neutered dog or cat and \$10.00 for each unneutered dog or cat. A delinquent penalty of \$1.00 per month shall be imposed on owners of animals which are required to have a license but who fail to have the animal properly licensed by the required date.

56.04 RECORDS TO BE MAINTAINED. The Clerk shall maintain a public record of each license issued containing the name of the animal's owner, address and description of the animal.

56.05 ISSUANCE OF LICENSE. No license shall be issued by the Clerk until the owner of the animal has provided proof of rabies immunization and has paid the appropriate licensing fee. All licensed animals shall at all times bear the City license tag and vaccination tag.

56.06 ISSUANCE OF TAGS. A numbered tag with the year for which it is issued shall be delivered to the owner by the Clerk, along with the license upon which the number of the tag has been placed. The license tag shall be securely fastened to a collar or harness which shall be worn by the animal for which the license shall have been issued. Any animal found running at large without the license tag attached to its collar or harness shall be deemed unlicensed. It is a violation of this section for any owner to own or possess a dog or cat within the City without obtaining a license therefor in accordance with this chapter.

56.07 PENALTIES. Violations of any section of this chapter will result in a civil penalty.

1. First Offense - \$100.00
2. Second Offense - \$200.00
3. Third Offense - \$300.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

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