

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)

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

(Code of Iowa, Sec. 657.2)

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 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.

50.03 OTHER CONDITIONS. The following chapters of this Code of Ordinances contain regulations prohibiting or restricting other conditions that are deemed to be nuisances:

1. Junk and Junk Vehicles (See Chapter 51)
2. Dangerous Buildings (See Chapter 145)
3. Storage and Disposal of Solid Waste (See Chapter 105)
4. Trees (See Chapter 151)
5. Construction and Repair of Buildings (See Chapter 155)

50.04 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)

50.05 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])

50.06 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.

[†] **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.

- 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 or sent by certified mail to the property owner.
(Code of Iowa, Sec. 364.12[3h])
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 Subsections 1 and 2, and the hearing as provided in Subsection 3.
(Code of Iowa, Sec. 364.12[3h])
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.

50.07 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 3 of this Code of Ordinances.

CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

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

1. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery, and appliances or parts of such vehicles, machinery, or appliances; iron, steel, or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

2. "Junk vehicle" means any vehicle legally placed in storage with the County Treasurer or unlicensed and having any of the following characteristics:

A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

B. Broken, Loose, or Missing Part. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, steering wheel, or trunk lid.

C. Habitat for Nuisance Animals or Insects. Any vehicle that has become the habitat for rats, mice, snakes, or any other vermin or insects.

D. Flammable Fuel. Any vehicle that contains gasoline or any other flammable fuel.

E. Inoperable. Any motor vehicle that lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or that cannot be moved under its own power or has not been used as an operating vehicle for a period of 30 days or more.

F. Defective or Obsolete Condition. Any other vehicle that, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

3. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway or street, except devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

51.02 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any private property within the corporate limits of the City any junk or junk vehicle.

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, 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 junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within a garage or other enclosed structure.

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.

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

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.12 Owner's Duty
55.02 Animal Neglect	55.13 Confinement
55.03 Livestock Neglect	55.14 At Large: Impoundment
55.04 Abandonment of Cats and Dogs	55.15 Disposition of Animals
55.05 Livestock	55.16 Impounding Costs
55.06 At Large Prohibited	55.17 Pet Awards Prohibited
55.07 Damage or Interference	55.18 Sanitation
55.08 Annoyance or Disturbance	55.19 Tampering With A Rabies Vaccination Tag
55.09 Number of Dogs Allowed at a Residence	55.20 Tampering With An Electronic Handling Device
55.10 Vicious Dogs	55.21 Penalty
55.11 Rabies Vaccination	

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.

(Code of Iowa, Sec. 717E.1)

2. "Animal" means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)

3. "Animal shelter" means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

(Code of Iowa, Sec. 162.2)

4. "At large" means any dog or cat found off the premises of the owner or keeper. A dog or cat shall not be deemed at large if the dog or cat is:

A. Attached to a leash of sufficient strength and appropriate length to control the animal where such leash is held by its owner or keeper; or

B. Restrained within an enclosed motor vehicle or by crate or leash of sufficient strength and appropriate length to keep the dog or cat within the motor vehicle; or

C. Housed in a licensed veterinarian hospital or kennel; or

D. Accompanied by the owner or keeper on the premises of another with such person's consent and restrained by an adequate protective fence or by leash, cord, chain or other similar restraint that does not allow the dog or cat to go beyond such person's property line or come into contact with anyone outside such person's property line.

5. "Business" means any enterprise relating to any of the following:

(Code of Iowa, Sec. 717E.1)

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.
6. "Commercial establishment" means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.
(*Code of Iowa, Sec. 717.B1*)
7. "Fair" means any of the following:
(*Code of Iowa, Sec. 717E.1*)
- 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.
8. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
(*Code of Iowa, Sec. 717E.1*)
9. "Injury" means an animal's disfigurement; the impairment of an animal's health; or an impairment to the functioning of an animal's limb or organ, or the loss of an animal's limb or organ.
(*Code of Iowa, Sec. 717.B1*)
10. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, and emus; farm deer (as defined in Section 170.1 of the *Code of Iowa*); or poultry.
(*Code of Iowa, Sec. 717.1*)
11. "Owner" means any person owning, keeping, sheltering, or harboring an animal.
12. "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.
(*Code of Iowa, Sec. 717E.1*)
13. "Pound" means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.
(*Code of Iowa, Sec. 162.2*)
14. "Research facility" means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.
(*Code of Iowa, Sec. 162.2*)

15. "Veterinarian" means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.
(*Code of Iowa, Sec. 717.B1*)

55.02 ANIMAL NEGLECT.

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal's welfare:

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

- A. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.
- B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.
- C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.
- D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.
- E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.
- F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:
 - (1) A condition caused by failing to provide for the animal's welfare as described in this section.
 - (2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

2. This section does not apply to any of the following:

- A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:
 - (1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.
 - (2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or

registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

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 that 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. It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

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

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.
2. The delivery of a cat or dog to an animal shelter or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.
3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or in accordance with Chapter 57 of the Code of Ordinances.

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.

55.09 NUMBER OF DOGS ALLOWED AT A RESIDENCE. It is unlawful for any person to own, keep, shelter, or harbor more than four dogs over the age of six months.

55.10 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person or another animal without provocation, or when propensity to attack or bite persons or animal exists and is

known or ought reasonably to be known to the owner. Any dog over the apparent age of four months old of any breed but specifically to which is a pit bull terrier, American pit bull terrier, Staffordshire bull terrier, American Staffordshire terrier, or any dog of mixed breeding which includes any of the aforementioned breed falls under the category of vicious dogs. Any pit bull terrier, American pit bull terrier, Staffordshire bull terrier, American Staffordshire terrier or any dog of mixed breeding which includes any of the aforementioned breeds that has been registered with the City prior to January 1, 2003, and has not attacked or bitten any persons or animals without provocation, or does not have propensity to attack or bite persons is exempt from this definition.

55.11 RABIES VACCINATION. Every owner of a dog or cat shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog or cat in said person's possession, six months of age or over, which has not been vaccinated against rabies.
(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 that 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 10 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 ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of:

1. Impounding costs;
2. Any applicable municipal infraction fine; and
3. Any registration fees due.

For both dogs and cats, proof of current vaccination against rabies must be presented or the pet must be vaccinated prior to release. If the owner fails to redeem the animal within seven days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.16 IMPOUNDING COSTS. Impounding costs are those charges incurred by the City.

55.17 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

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 that 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.

55.18 SANITATION. It is unlawful for any owner, keeper, walker, or anyone having custody or control of an animal to permit said animal to discharge said animal's feces upon any public or private property within the City, other than the property of the owner of the animal, if such owner, keeper, walker, or other person having custody or control of the animal does not immediately thereafter remove or cleanup said animal's feces from the public or private property and dispose of said feces in a sanitary manner. In addition, it is unlawful for the owner or person in charge of any dog, cat, or other animal to fail to keep the premises where the animal is kept within the City in a clean and sanitary condition at all times.

55.19 TAMPERING WITH A RABIES VACCINATION TAG. It is unlawful to tamper with a rabies vaccination tag.

(Code of Iowa, Sec. 351.45)

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:
 - A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.
 - B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.
2. This section shall not apply to an act taken by any of the following:
 - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
 - B. A peace officer.
 - C. A veterinarian.

- D. An animal shelter or pound.

55.20 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE. It is unlawful to tamper with an electronic handling device.

(Code of Iowa, Sec. 351.46)

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
 - A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog's behavior.
 - B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
2. This section shall not apply to an act taken by any of the following:
 - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
 - B. A peace officer.
 - C. A veterinarian.
 - D. An animal shelter or pound.

55.21 PENALTY.

1. The first violation of this chapter may result in a warning letter mailed by the Clerk or a letter advising that a violation of any part of this chapter shall be considered an offense for which a penalty, consisting of either a fine or community service as set by resolution by the Council, shall be imposed. If the violation is a violation of Sections 55.02 (Animal Neglect), 55.03 (Livestock Neglect), or 55.10 (Vicious Dogs), such offender shall be issued a municipal citation, which shall result in an appearance before the Iowa District Court for Dallas County.
2. The second offense or repeated offenses of this chapter shall result in a municipal citation, and the penalty shall be the minimum amount as determined by the *Code of Iowa* for a simple misdemeanor plus court costs. The citation either will be personally delivered or sent by certified mail with proof of mailing.
3. Repeated offenses of this chapter shall result in a municipal citation, and the penalty shall be any amount in excess of the minimum fine as determined by the *Code of Iowa* for a simple misdemeanor plus court costs. The citation either will be personally delivered or sent by certified mail with proof of mailing.
4. The parties who are authorized to issue a citation in this chapter include the Mayor, Clerk, Deputy Clerk (billing clerk), and the Public Works Director.

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CHAPTER 56

REGISTRATION OF DOGS AND CATS

56.01 Purpose

56.02 Annual Registration

56.03 Requirements

56.04 Registration Fees

56.05 Registration Tag

56.01 PURPOSE. The purpose of registering and tagging pets is for identification if the pet is lost, to prevent pets from being destroyed as stray.

56.02 ANNUAL REGISTRATION. The owner of a dog or cat over six months of age shall register said dog or cat with the Clerk prior to the first of January of each year.

56.03 REQUIREMENTS. The owner of a dog or cat for which registration is required shall provide proof of current vaccination against rabies, a photograph sufficient to identify the dog or cat, and such other information as the Clerk requires.

56.04 REGISTRATION FEES. The initial registration fee for each dog or cat is \$5.00. Each subsequent annual registration fee is \$1.00.

56.05 REGISTRATION TAG. Upon registration of a dog or cat and receipt of the fee, the Clerk shall deliver or mail to the owner of said dog or cat a registration tag which will be worn by the dog or cat at all times.

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CHAPTER 57

URBAN CHICKENS

57.01 Definitions	57.08 Feed and Water
57.02 Permit Required	57.09 Waste and Storage and Removal
57.03 General Requirements	57.10 Chickens at Large and Injury Caused by Other Animals
57.04 Non-Commercial Use Only	57.11 Unlawful Acts
57.05 Enclosures	57.12 Nuisances
57.06 Odor and Noise Impacts	
57.07 Predators, Rodents, Insects, and Parasites	

57.01 DEFINITIONS.

1. "Chicken" means a member of the subspecies *gallus domesticus*, a domesticated fowl.
2. "Coop" means a cage, enclosure, or structure used for housing and protecting chickens from weather and predators.
3. "Permitted tract of land" means the tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this Chapter.
4. "Permittee" means an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this chapter.
5. "Permitting Officer" means the Clerk or designee.
6. "Single family dwelling" means any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for residential purposes.
7. "Tract of land" means a property that has one single family dwelling located on that property.
8. "Tractor" means a cage, structure, or similar enclosure capable of movement used for housing and protecting chickens from weather and predators.
9. "Urban chicken" means a chicken kept on a tract of land pursuant to a permit issued under the terms of this chapter.

57.02 PERMIT REQUIRED.

1. Permit Required. No person shall raise, harbor or keep chickens within the City without a valid permit obtained from the Permitting Officer under the provisions of this chapter.
2. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the Permitting Officer and paying all fees required by this chapter.
3. Permit Fees. The fee for such permit is \$15.00 dollars for the first year. Renewal permits will be \$10.00 provided that nothing has changed. Permits will be granted for one year, valid from January 1 through December 31. Permits may be purchased at any time during the year, but will be valid only through December 31.

4. Requirements. The requirements to the receipt of a permit include:
 - A. All requirements of this chapter are met;
 - B. There are no nuisance conditions, or unresolved violations of nuisance ordinance, on the property;
 - C. The tract of land to be permitted shall contain only one single family dwelling occupied and used as such by the permittee;
 - D. Private Restrictions Take Precedence. Private restrictions on the use of the property shall remain enforceable and shall supersede the terms of this chapter and any permit issued. The private restrictions include, but are not limited to: deed restrictions, condominium restrictions, neighborhood association bylaws, covenants and restrictions, and rental agreements;
 - E. Rental Property. The owner of the parcel must concur with any application for urban chickens. Tenants must obtain the written permission from the landlord or property owner to keep chickens or to install a coop;
 - F. The applicant has provided written verification of consent from all immediately adjacent dwellings of the applicant's intent to obtain a permit.
5. Issuance of Permit. If the Permitting Officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the officer shall issue the permit.
6. Denial, Suspension, Revocation, Non-renewal. The Permitting Officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:
 - A. False statements on any application or other information or report required by this section to be given by the applicant;
 - B. Failure to correct deficiencies noted in notices of violation in the time; specified in the notice;
 - C. Failure to comply with the provisions of an approved mitigation/remediation plan by the Permitting Officer, or designee;
 - D. Failure to comply with any provision of this chapter.
7. Notification. A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.
8. Effect of Revocation, etc. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of one year from the date of the denial or revocation.
9. Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given to applicant or holder of the permit. In any instance where the Permitting Officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of permit may appeal the decision to the Clerk, or designee other than the Permitting Officer within 10 business days of the receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the officer hearing the appeal (Mayor or designee), or any decision by the

Permitting Officer which is not appealed in accordance to this chapter shall be deemed final action.

10. Right of Inspection. By the granting of the permit to raise chickens and the application thereof, the permittee authorizes the City of its agents to go onto the permittee's property any time for the limited purpose of inspection of the premises to ensure that all applicable conditions have been met.

11. Permits Non-Transferrable. Permits issued under this chapter may not be sold, transferred, or assigned.

57.03 GENERAL REQUIREMENTS.

1. The maximum number of chickens allowed is based on size the size of the area being kept with a maximum of 15 on any parcel.

2. Only female chickens (hens) are allowed.

3. Slaughter of Chickens. Any slaughter of chickens not regulated by federal or State law, or regulated otherwise, shall be performed in a humane manner and shall not be done in open view to any public area or adjacent to property owned by another.

4. Dead Chickens. Other than slaughtered chickens, the owner shall dispose of dead chickens in a sanitary manner. Composting does not qualify as proper disposal.

57.04 NON-COMMERCIAL USE ONLY. A permit shall not allow the premises to engage in chicken breeding or fertilizer production for commercial purposes.

57.05 ENCLOSURES.

1. Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a coop or chicken tractor during non-daylight hours.

2. Enclosures must be kept in a clean, dry, odor-free, neat, and sanitary condition at all times.

3. Coops, chicken tractors, and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats.

4. Coops and Chicken Tractors.

A. Coops and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens with a minimum of four square feet per bird while minimizing adverse impacts to other residents in the neighborhood.

(1) Coops or chicken tractors shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Openings windows and vents must be covered with predator and bird proof wire of less than one inch openings.

(2) The materials used in making a coop or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar

materials is prohibited. Coops and chicken tractors shall be well maintained.

B. Coops, chicken tractors, and chicken pens shall be located in the rear yard only.

C. Coops, chicken tractors, and chicken pens must be located at least eight feet from the property line and at least 25 feet from any adjacent residential dwelling, church, school or place of business.

5. Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

57.06 ODOR AND NOISE IMPACTS.

1. Odors from chickens, chicken manure, or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.

2. Noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.

57.07 PREDATORS, RODENTS, INSECTS, AND PARASITES. The permittee shall take necessary action to reduce the attraction of predators and rodents, and the potential for infestation by insects and parasites. Chickens found to be infested with insects or parasites that may result in unhealthy conditions to human habitation shall be removed by the owner and may be removed by the Mayor at the owner's expense.

57.08 FEED AND WATER. Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds, and predators.

57.09 WASTE STORAGE AND REMOVAL. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

57.10 CHICKENS AT LARGE AND INJURY CAUSED BY OTHER ANIMALS.

1. The permittee shall not allow their chickens to roam off outside of their enclosure. Any chicken found out of the enclosure or coop shall be considered to be "at-large" and subject to the penalties and provisions of this Code for at-large animals.

2. Injury or death to a chicken that is caused by a dog, cat or other domesticated animal shall not be considered sufficient grounds, in and of itself, to designate the animal as dangerous or vicious pursuant to Chapter 55.

3. The City shall not be liable for injury or death of chickens caused by dogs, cats, or other animals domestic or wild, regardless of whether or not registered with the City.

57.11 UNLAWFUL ACTS.

1. It shall be unlawful for any person to keep chickens in violation of any provision of this chapter or any other provisions of this Code of Ordinances.

2. It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this chapter.
3. No person shall keep chickens inside a single family dwelling unit, multifamily dwelling unit(s) or rental unit.
4. No person shall keep a rooster.
5. No person shall keep chickens on a vacant or uninhabited tract or land.

57.12 NUISANCES. Any violation of the terms of this chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions of Chapter 50.

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