

NUISANCES AND ANIMAL CONTROL

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

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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 which has 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 which has become a habitat for rats, mice, snakes or any other animals or insects.

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

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

F. Defective or Obsolete Condition. Any other vehicle which, 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, excepting 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:

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within the City.

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 (5) 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 52

MOWING OF PROPERTIES

52.01 Mowing of Properties Required
52.02 Exceptions
52.03 Violation

52.04 Notice
52.05 Penalty
52.06 Additional Violations

52.01 MOWING OF PROPERTIES REQUIRED. Any property within the City, whether vacated or non-vacated, including residential, commercial or industrial zoned districts, is required to be mowed any time the vegetation (grass and/or weeds) reaches a height of more than six (6) 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.

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 (6) inches in height shall constitute a violation of this chapter. When a violation has occurred, the City will send written notice by certified mail to the property owner and/or occupant informing said owner and/or occupant of the violation and the action that is to be taken.

52.04 NOTICE. The notice shall set forth that the property owner has seven (7) days from the date of the notice to have the vegetation cut so that the height conforms with this chapter. The notice shall set forth the address of the property in question and shall instruct the property owner that the notice constitutes notice for the balance of 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 without additional written notice being given.

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 thirty (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 notice per summer and the City will be authorized to respond to additional violations without additional written notice being given.

(Ch. 52 – Ord. 183 – Apr. 09 Supp.)

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions
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55.20 Pet Awards Prohibited

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. "Pit bull dog" means:
- A. The Bull Terrier breed of dog;
 - B. The Staffordshire Bull Terrier breed of dog;
 - C. The American Pit Bull Terrier breed of dog;
 - D. The American Staffordshire Terrier breed of dog;
 - E. Dogs of mixed breed or of other breeds than above listed, which breed or mixed breed is known as Pit Bull, Pit Bull Dogs or Pit Bull Terrier;
 - F. Any dog which has the appearance and characteristics of being predominantly of the breed of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as Pit Bull, Pit Bull Dog or Pit Bull Terrier, or a combination of any of these breeds.

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)

55.03 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 except by written consent of the Council.

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 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 (6) 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. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

55.11 PIT BULL DOGS. It is unlawful to keep, board or kennel or in any way possess within the corporate limits of the City any pit bull dogs.

55.12 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 kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

55.13 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)

55.14 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 (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)

55.15 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.

55.16 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 (7) days of impoundment, they shall be disposed of in accordance with law or destroyed by euthanasia.

55.17 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 (7) days after impoundment, they shall be disposed of in accordance with law or destroyed by euthanasia.

55.18 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.

55.19 DISPOSITION OF DANGEROUS ANIMALS. After seventy-two (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.

(Ord. 173 – Apr. 09 Supp.)

55.20 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.

(Section 55.19 renumbered as 55.20 – Ord. 173 – Apr. 09 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

56.01 ANNUAL LICENSE. Every owner of a cat or dog over the age of six (6) months shall procure an animal license from the City Clerk. Exceptions to this requirement include a thirty-day residency grace period and animals under the age of six (6) 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 five dollars (\$5.00) for each spayed/neutered dog or cat and ten dollars (\$10.00) for each unneutered dog or cat. A delinquent penalty of one dollar (\$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.

(Ch. 56 – Ord. 184 – Apr. 09 Supp.)

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