

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance	50.08 Request for Hearing
50.02 Nuisances Enumerated	50.09 Abatement in Emergency
50.03 Other Conditions	50.10 Abatement by City
50.04 Nuisances Prohibited	50.11 Collection of Costs
50.05 Nuisance Abatement	50.12 Installment Payment of Cost of Abatement
50.06 Notice to Abate: Contents	50.13 Failure to Abate
50.07 Method of Service	

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 which 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, which, 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, which 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 62.09)

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, Grass and Other Dense Growth.

A. Dense growth of all weeds, vines brush or other vegetation in the City so as to constitute a health, safety or fire hazard;

B. Noxious weeds as defined by the Code of Iowa; and

C. Grass and other similar growth which exceeds eight (8) inches in height.

(Ordinance No. 08-214)

Subsection A and C above do not apply to purposely planted vegetable gardens or purposely planted flower gardens, so long as they are maintained free of weeds.

(Ordinance No. 03-223)

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. Sump Pump Discharge. Discharging sump pumps into the street right-of-way, where storm sewer is available.

(Ordinance No. 10-209)

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

1. Junk and Junk Vehicles (See Chapter 51)
2. Storage and Disposal of Solid Waste (See Chapter 105)
3. Trees (See Chapter 151)

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 the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice. †

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

50.06 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

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

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
4. Reasonable Time. A reasonable time within which to complete the abatement.
5. 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 such person.

50.07 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by regular first class mail to the property owner, unless the nuisance is Weeds; Noxious weeds as defined by the Code of Iowa, or Grass and Other Dense Growth, Grass and other similar growth which exceeds eight (8) inches in height. In the event the nuisance is one of the grass-related offenses, a door hanger will be placed on the door of the property's main structure indicating the violation and the timeline in which the issue(s) must be corrected. If the nuisance is weed-related, the issue may be referred to the Polk County Weed Commissioner.

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

(Ordinance No. 12-215)
(Ordinance No. 190520-209)

50.08 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 City Administrator 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.

50.09 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 which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

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

50.10 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 City Administrator who shall pay such expenses on behalf of the City.

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

50.11 COLLECTION OF COSTS. The City Administrator shall send 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 (1) month, the City Administrator 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])

50.12 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the City may permit the assessment to be paid in up to ten (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)

50.13 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.

CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions	51.04 Exceptions
51.02 Junk and Junk Vehicles Prohibited	51.05 Notice to Abate
51.03 Junk and Junk Vehicles a Nuisance	51.06 Outdoor Storage of Motor Vehicles

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

1. “Enclosed structure” means any structure or portion thereof built for the enclosure of property, containing a roof and having exterior walls of the structure or portion thereof constructed in such a manner as to obscure from any street or adjacent property any contents thereof and being of a permanent nature.
2. “Inoperable” means not capable of being used or operated.
3. “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.
4. “Junk vehicle” means any vehicle, trailer or semi-trailer, whether currently licensed or not, which because of any one of the following characteristics constitutes a threat to the public health, welfare and/or safety: (a) any vehicle, trailer or semi-trailer which is inoperable; (b) any vehicle, trailer or semi-trailer which has become the habitat of rats, mice, snakes or any other vermin or insects; (c) any vehicle, trailer or semi-trailer which contains stored gasoline or other fuel, paper, cardboard, wood or other combustible materials, garbage, refuse, solid waste, debris, etc.; (d) any vehicle, trailer or semi-trailer used for storage purposes or harborage, cage or dwelling for animals of any kind; (e) any vehicle, trailer or semi-trailer which because of its defective or obsolete condition in any other way constitutes a threat to the public health or safety of the citizens of the City; (f) any vehicle, trailer or semi-trailer which contains gasoline or any flammable fuel and is inoperable.
5. “Semi-trailer” means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

6. “Trailer” means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

7. “Vehicle” means an automobile, truck, motorcycle or other trackless self-propelled vehicle designed primarily to transport persons or property.

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 for more than forty-eight (48) hours.

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property for more than forty-eight (48) hours, 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 vehicles, trailers or semi-trailers stored within:

1. A garage.
2. A duly authorized salvage yard or junk yard meeting the requirements of the Code of Ordinances and applicable provisions of State law.

(Ordinance No. 08-216)

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])

51.06 OUTDOOR STORAGE OF MOTOR VEHICLES. Inasmuch as it is found that the outdoor storage of motor vehicles which are not deemed to be junk can detract from the beneficial use and enjoyment of neighboring properties, certain special regulations are established as follows:

1. No person shall keep, store or display one or more motor vehicles outdoors on property zoned for residential use, or permit the parking outdoors of a motor vehicle on residentially zoned property under such person’s ownership, possession or control for more than fifteen (15) days without movement and use of said vehicle as an operating motor vehicle. In no instance

shall any vehicle be parked or located on real property in a residential district except when parked on a hard concrete or asphalt surface on said property and otherwise complying with this Code of Ordinances. Gravel is not permitted.

2. No person shall store, park or display one or more motor vehicles outdoors on property zoned for commercial or industrial use, or permit the parking outdoors of a motor vehicle on commercial or industrial zoned property under such person's ownership, possession or control for more than fifteen (15) days without movement and use of said vehicle as an operating motor vehicle.

3. The following are exempt from the regulations of this section:

A. Vehicles kept in a garage.

B. Vehicles kept in commercial automobile salvage yards.

(Ordinance No. 08-216)

CHAPTER 52
GARAGE SALES

52.01 Definitions	52.02 Garage Sale Limitations
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52.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Garage Sale” includes yard sales, carport sales, estate sales or similar types of indoor or outdoor activities on the seller’s own premises, involving the sale of used or second hand tangible personal property customarily found in, and about, the residence.

52.02 GARAGE SALES LIMITATIONS. No responsible party shall permit the conducting of garage sales from any property for no more than three (3) consecutive days per month. Said limitation on number of garage sales in a given year, shall not be applicable to the annually designated garage sale weekend.

(Ordinance No. 12-210)

CHAPTER 53

NOISE CONTROL

53.01 Definitions	53.05 Information Required for Permit
53.02 Specific Activities Prohibited	53.06 Exceptions to Provisions
53.03 Sound Equipment and Sound Amplifying Equipment	53.07 Administration and Enforcement
53.04 Fees	53.08 Violation

53.01 DEFINITIONS. As used in this chapter, the following definitions shall apply. Definitions of technical terms used in this chapter which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI) or its successor body.

1. “A-WEIGHTED SOUND LEVEL”: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level is designated dB(A) or dBA.
2. “AMPLIFIED SOUND”: Sound that is increased in intensity and duration by electrical, electronic, mechanical or other nonhuman means.
3. “DECIBEL(dB)”: A logarithmic and dimensionless unit of measure used in describing the amplitude of sound, equal to twenty (20) times the logarithm to the base-10 of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter).
4. “PLAINLY AUDIBLE NOISE”: Any noise for which the information content of the noise is transferred to the listener such as, but not limited to, understanding of spoken speech, comprehension of whether a voice is raised or lowered or comprehension of musical rhythms.
5. “POWERED MODEL VEHICLE”: Any self-propelled airborne, waterborne or landborne model plane, vessel or vehicle not designed to carry persons, including, but not limited to, any model airplane, boat, car or rocket.
6. “PUBLIC PLACE”: Any street, avenue, boulevard, highway, sidewalk or alley or similar place owned or controlled by the City, including any structure or park.
7. “REAL PROPERTY BOUNDARY”: An imaginary line along the ground surface and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.
8. “SOUND LEVEL”: The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B or C as specified in American National Standards Institute specifications for sound level meters (ANSI 51.4-1971, or the latest approved

revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

9. "SOUND LEVEL METER": An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output or display meter and weighting networks used to measure and read sound pressure levels which, when properly calibrated, complies with American National Standards Institute standard 1.4-1971 or the latest approved revision thereof.

10. "SOUND TRUCK": A moving vehicle equipped with loudspeakers.

53.02 SPECIFIC ACTIVITIES PROHIBITED. The following acts are deemed to be loud, disturbing, unusual, unreasonable and unnecessary noises in violation of this chapter, but said list shall not be deemed to be all inclusive:

1. Night Time and Morning Noise:

A. No person shall operate construction equipment before seven o'clock (7:00) a.m., and after ten o'clock (10:00) p.m., unless a permit therefore has been obtained from the City Administrator.

2. Sound Trucks and Other Devices: No person shall operate or permit the operation upon the public streets of a sound truck or other device for producing, reproducing or amplifying sounds without a permit.

53.03 SOUND EQUIPMENT AND SOUND AMPLIFYING EQUIPMENT.

1. Permit Requirements

A. Permit Required:

i. No person shall use, operate or cause to be used or operated any radio; amplified electronic or digital media; record player; tape deck or player; loudspeaker; amplifier; sound truck; or other device for producing, reproducing or amplifying sound, hereinafter referred to as "sound equipment", upon the public streets or in any building or upon any premises, public or private, if the sound therefrom is plainly audible across a residential real property boundary from any public street or public place with the City, unless said person:

(a) First obtains a permit in accordance with this section

(b) Complies with the conditions imposed by the permit, including the maximum permitted sound level shown therein

(c) Complies with all other applicable provisions of this section

B. Sound equipment shall not include:

- (i) Equipment used for political advertisements
- (ii) Equipment used for public health and safety purposes
- (iii) Church or clock carillons, bells or chimes
- (iv) Parades, processions or other public events, for which a parade or other permits has been issued, provided the conditions of the permit are complied with²
- (v) Automobile radios, tape decks or players or other standard automobile equipment being used by the occupants, provided the sound emitted is not plainly audible for more than fifty feet (50') from the vehicle
- (vi) Recorded music used in a nonresidential zone in conjunction with a civil or religious celebration
- (vii) Mobile radio or telephone signaling device
- (viii) Car or truck horns or similar devices when used to denote danger or a warning or possible danger

2. Application for Permit; Issuance: Application for permits required herein shall be made, in writing, to the City Administrator or designee, accompanied by the required permit fee and such information as the City may require. If the application contains the required information, is accompanied by the required fee and the proposed use complies with the requirements of this subsection, the City Administrator or designee shall issue the appropriate permit.

3. Types of Permits; Standards:

A. Type A Permit – General Standards: A type A permit may be issued for sound equipment emitting music or human speech that will be registering more than sixty (65) dB(A)s when the sound level is measured at the real property boundary of the private residence nearest the sound equipment. Sound equipment permitted under a type A permit may be used only in areas of the City zoned for nonresidential and only between the hours of nine o'clock (9:00) a.m., and twelve o'clock (12:00) a.m., from any day Sunday to Thursday and only between the hours of nine o'clock (9:00) a.m., and two o'clock (2:00) a.m., from any day Friday or Saturday.

B. Type B Permit – Sound Trucks: Sound trucks may be operated only under a type B permit. A type B permit may be issued for sound equipment mounted upon a motor vehicle and intended for use upon City streets, provided the sound equipment emits only music or human speech registering not more than eighty (80) dB(A)s when the sound level is measured at a distance of one hundred feet (100) from the sound equipment. Sound equipment permitted under a type B permit may be used only in nonresidential areas from nine o'clock (9:00) a.m., to nine o'clock (9:00) p.m.

C. Type C Permit: Parks – General Standards: A type C permit may be used for sound equipment emitting music or human speech that will be registering more than sixty (60) dB(A)s when the sound level is measured at the real property boundary of the private residence nearest the sound equipment. Sound equipment permitted under a type C permit may be used only in public parks owned and operated by the City or public grounds owned and operated by another government body from between the hours of nine o'clock (9:00) a.m., and ten o'clock (10:00) p.m., from any day Sunday to Thursday and only between the hours of nine o'clock (9:00) a.m., and twelve o'clock (12:00) a.m., from any day Friday or Saturday, for events authorized and approved by the City or other body having jurisdiction over the park or public grounds.

D. Type D Permit: School Grounds – General Standards type D permit may be issued for sound equipment emitting music or human speech that will be registering more than sixty (60) dB(A)s when the sound level is measured at the real property boundary of the residence nearest the sound equipment.. Sound equipment permitted under a type D permit may be used only on school or church grounds or in conjunction with a school sponsored or church sponsored activity between the hours of nine o'clock (9:00) a.m., and ten o'clock (10:00) p.m., from any day Sunday to Thursday and only between the hours of nine o'clock (9:00) a.m., and twelve o'clock (12:00) a.m., from any day Friday or Saturday, for events authorized and approved by the authorities having jurisdiction of the grounds.

E. Type E Permit – Residential Events: A type E permit may be used for sound equipment emitting music or human speech that will be registering more than sixty (60) dB(A)s when the sound level is measured at the real property boundary of the private residence nearest the sound equipment. Sound equipment permitted under a type E permit may be used only pursuant to a permitted street closing and only between the hours of nine o'clock (9:00) a.m., and ten o'clock(10:00) p.m., from any day Sunday to Thursday and only between the hours of nine o'clock (9:00) a.m., and twelve o'clock (12:00) a.m., from any day Friday or Saturday.

53.04 FEES.

A. A separate permit shall be required for each type of activity described above, and permits shall be nontransferable. The permits shall be conspicuously displayed or immediately adjacent to the sound equipment. A nonrefundable fee for sound equipment permits shall be paid as follows:

- (i) Permits for one day or less\$20.00
- (ii) Permits for one day through one week.....\$40.00

No fee shall be required for any sound equipment permit issued to the City, State, or Federal government or a governmental subdivision agency.

53.05 INFORMATION REQUIRED FOR PERMIT.

- A. Type of permit requested
- B. Name and address of applicant
- C. The purpose for which the sound equipment will be used
- D. The location where the sound equipment will be used
- E. The number of days of use and proposed hours of the operation of the sound equipment
- F. A general description of the sound equipment, including the license number of any motor vehicle upon which it is to be operated
- G. The proposed sound pressure level output of the sound equipment including:
 - (i) Type B Permits. The approximate decibel output measured in dB(a)s at a distance of 100 feet from the sound equipment.
 - (ii) Type A, C, D and E Permits. The address of the residence nearest the sound equipment, the approximate decibel output measured in dB(a)s at the real property boundary of the private residence nearest the sound equipment. If the application contains the required information and is accompanied by the required fee, and the proposed use of the sound equipment complies with the standards and other requirements of this section and all other applicable laws and ordinances, the City Administrator shall issue the appropriate permit.

53.06 EXCEPTIONS TO PROVISIONS.

The provisions herein shall not apply to:

- A. The emission of sound for the purpose of alerting persons to the time of day, the existence of an emergency or the approved testing thereof
- B. The emission of sound in the performance of emergency work, including snow removal and maintenance of trees
- C. The unamplified human voice, except those activities specifically controlled by the provisions of this chapter
- D. Agricultural activities, exclusive of those involving the ownership or possession of animals
- E. Snowmobiles regulated by the Code of Iowa, as amended
- F. Rail and air transportation and public mass transportation vehicles
- G. Emergency vehicles, such as fire trucks and ambulances

H. Nonprofessional athletic events and outdoor school district activities

I. Essential services, such as electrical substations and safety devices

J. Construction and maintenance activities between seven o'clock (7:00) a.m., and ten o'clock (10:00) p.m. "Maintenance activities" shall be non-routine operations, temporary in nature and infrequently conducted

K. Cement sawing of freshly poured concrete street, alley, sidewalk or road surface

L. The emission of sound by individuals with the written consent of the City for the purpose of implementing a City approved deer management program

M. School and commercial establishments deliveries

N. Events sponsored in whole or by and large by the City.

53.07 ADMINISTRATION AND ENFORCEMENT.

The City Administrator or designee shall have the following powers under this Code Section:

A. To enter and inspect any private property or place and inspect any report or records at any reasonable time when granted permission by the owner or by some other person with apparent authority to act for the owner or a tenant of the premises. If consent to inspect is withheld, the officer may apply for an administrative search warrant as provided by state and federal law.

B. To require certification by a registered engineer or other qualified person that the performance standards for a proposed use can be met.

53.08 VIOLATION.

Violation of this chapter shall be a municipal infraction punishable by a penalty as provided for in subsection 1.14 of this Code.

(Ordinance No. 13-205)

(Ordinance No. 13-213)

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.10 Vicious Animals
55.02 Animal Neglect	55.11 Proper Enclosure
55.03 Livestock Neglect	55.12 Leashing
55.04 Abandonment of Cats and Dogs	55.13 Rabies Vaccination
55.05 Livestock	55.14 Owner's Duty
55.06 At Large Prohibited	55.15 Confinement
55.07 Damage or Interference	55.16 At Large Impoundment
55.08 Annoyance or Disturbance	55.17 Disposition of Animals
55.09 Barking Dogs	55.18 Impounding Costs

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

1. "Animal" means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)
2. "At heel" means, with reference to a dog, within ten (10) feet of a person and subject to that person's strict obedience command.
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. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 170.1 of the Code of Iowa; ostriches, rheas, emus or poultry.
5. "Owner" means any person owning, keeping, sheltering or harboring an animal.
6. "Vicious Animal": Any animal while running at large that has attacked or bitten any person without provocation, or any animal that has exhibited vicious propensities in present or past conduct: a) by biting a person or persons on two (2) separate occasions within any twelve (12) month period; or b) did bite once causing injuries above the shoulders of the person; or c) could not be controlled or restrained by the owner at the time of the bite to prevent the occurrence; or d) has attacked or bitten any domestic animal or fowl on two (2) separate occasions within any twelve (12) month period, or e) which has been found to possess such a propensity by the City Council or its designee, after hearing.

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 or except in compliance with the City's zoning regulations.

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 or persons by frequent and habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

55.09 BARKING DOGS. All complaints concerning barking dogs shall be referred to the Polk County Animal Control (PCAC). The PCAC shall make a written report of each complaint and shall notify the owner of the dog of the registration of the complaint. Any dog having three (3) complaints lodged against it within fourteen (14) days may be ordered permanently removed from the City by the PCAC following hearing after appropriate notice and opportunity to be heard is given to the dog's owner. (*Ordinance No. 11-206*)

55.10 VICIOUS ANIMALS.

1. The Polk County Sheriff, City Administrator, or their respective designee(s), in his or her discretion or upon receipt of a complaint alleging that a particular animal is a "vicious animal" as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the Animal Management Committee (hereinafter "AMC", comprised of the City Administrator, a Council Member appointed by the Mayor, and a member of the community at large (to be selected by the Council to serve a one year term)) and the person owning, keeping, sheltering, or harboring the animal in question, shall be given not less than ninety six (96) hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner may be required to securely confine the animal within a proper enclosure, allow the animal to be destroyed, or comply with additional or alternative terms and conditions imposed by the AMC. Once proceedings have been initiated to declare such animal a vicious animal, the animal shall not be removed from the city and transferred to another city unless and until it is decided that the animal is not vicious. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.
2. If, after hearing, the AMC, by consensus, determines that the animal is vicious, the AMC shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to securely confine the animal within a proper enclosure, cause it to be destroyed in a humane manner, or comply with additional or alternative terms and conditions. Once a determination has been made that the animal is vicious, the animal shall not be removed from the City and transferred to another City. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. The individual or entity so served shall have three (3) days from the date of service to file a written appeal of the AMC's order to the City Council who may confirm or alter the findings of the AMC after holding a public hearing on the matter. If the order is not complied with within a time period the City has deemed to be reasonable, and the order is not appealed to the City Council as provided above, the law enforcement officer or designee is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the order of the management committee was issued has not petitioned the district court for a review of said order, the police chief or designee shall cause the animal to be destroyed.

3. Failure to comply with an order of the AMC officer or Council issued pursuant here to shall constitute a simple misdemeanor, and is also punishable pursuant to section 1.14 of this code.
4. Any animal found at large which displays vicious tendencies may be impounded and processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the Sheriff's designee may immediately destroy it. If an animal is so impounded, the animal control officer shall try to ascertain and contact the owner of the animal, but if unable to ascertain the owner within ninety six (96) hours of the animal's seizure, the police chief's designee may destroy the seized animal in a humane manner.
5. Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. If the animal is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.
6. The following animals shall be considered exceptions to the provisions of section 55.10:
 - A. Animals under the control of a law enforcement or military agency.
 - B. The keeping of guard dogs. However, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of section 55.10(1) of this chapter. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog", "vicious dog", or words of similar import, and the owner of such premises shall inform the City Administrator that a guard dog is on duty at such premises.

55.11 PROPER ENCLOSURE.

1. "Proper enclosure" of potentially dangerous and dangerous animals requires:
 - A. Potentially dangerous and dangerous animals shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when

leased as provided in the section or caged for transportation. Also when a dangerous animal is not securely confined or caged for transportation, a muzzle shall be placed on the animal.

B. A pen or kennel must have secure sides and a secure top attached to the sides or in lieu of a top, walls at least six feet in height and at least six feet taller than any adjacent structure. A pen or kennel must have a secure bottom, floor or foundation attached to the sides of the pen or kennel, or the sides of the pen or kennel must be embedded in the ground no less than two feet so as to prevent digging under the sides of the pen or kennel by the confined potentially dangerous animal or dangerous animal; and

C. All pens, kennels or structures erected to house a potentially dangerous animal or dangerous animal must comply with all zoning and building regulations in their jurisdictions. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

D. All pens or kennels designed, constructed or used to confine potentially dangerous and dangerous animals must be locked with a key or combination lock when such animals are within the structure.

E. No potentially dangerous or dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the potentially dangerous or dangerous animal to exit such building on its own volition.

F. No potentially dangerous animal or dangerous animal may be tied or leashed to an inanimate object, such as trees, posts, buildings or any other object or structure.

55.12 LEASHING. All person 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," unless the above conditions are also met.

55.13 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)

(Ordinance 15-211)

55.14 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)

55.15 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)

55.16 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded at the impoundment facilities utilized by the City, 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.

55.17 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) 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 impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven (7) days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

(Ordinance No. 02-209)

55.18 IMPOUNDING COSTS. Impounding costs shall be in accordance with the fee schedule established by resolution of the Council.

(Code of Iowa, Sec. 351.37)

(Ordinance No. 12-213)