

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, Grass.** Large portions of developed commercial tracts not immediately adjacent to the building site, undeveloped commercial tracts, non-plotted residential, agricultural property (all in excess of 1 acre), and road ditches may be planted to brome, prairie, or other conservation reserve program style grasses and be

allowed to exceed the 10-inch height requirement. If the owners of these properties choose to plant blue/fescue/turf grass, in no case shall this provision be construed to allow unkempt turf grass in excess of 10 inches. If a property owner chooses to go with prairie grass (tall grass, non-weed), a plan, which shall include the location and the maintenance of the grass, must be submitted to the City for approval. In all cases, regardless of height, any and all property within the City limits shall be kept free of noxious weeds and brush. **(See also Chapter 53)**

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. Property Maintenance **(See Chapter 52)**
3. Mowing of Properties **(See Chapter 53)**
4. Dangerous Buildings **(See Chapter 145)**
5. Storage and Disposal of Solid Waste **(See Chapter 105)**
6. 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 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.
 - 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 subsection 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])

† **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.

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.

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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 the following:

1. Structure. Any junk or a junk vehicle stored within a garage or other enclosed structure.
2. Salvage Yard. Any junk or junk vehicle stored within an auto salvage yard or junk yard lawfully operated within the City.
3. Other. Vehicles that are inoperable solely by reason of repair work being done thereon, provided that the following conditions are met:
 - A. The vehicle is owned by the occupier of the premises and registered to said person at that address, or is owned by and registered to a member of the person's immediate family;
 - B. The period of said repair work does not exceed 30 days in duration;
 - C. Said repair work is at all times conducted on a hard-surfaced driveway; and
 - D. No more than two automobiles in need of repair are situated on the premises at the same time.

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 52

PROPERTY MAINTENANCE

52.01 Purpose

52.02 Definitions

52.03 Authority for Enforcement

52.04 Interference with Property Maintenance Official

52.05 Nuisances

52.06 Notice to Abate

52.07 Penalty

52.08 Emergency Abatement Measures

52.01 PURPOSE. The purpose of this chapter is to designate the responsibilities of persons for maintenance of structures, equipment, and exterior property within the City, to define nuisances as a result of the failure to perform such maintenance and to provide for the abatement of such nuisances in order to provide for the safety and preserve the health and welfare of the citizens of the City.

52.02 DEFINITIONS. For the purpose of this chapter, the following terms are defined:

1. “Blighted area” is defined as set forth in Section 403.17 of the *Code of Iowa*.
2. “Vermin” means any of various insects, bugs or small animals regarded as objectionable because they are destructive, disease carrying, etc.

52.03 AUTHORITY FOR ENFORCEMENT. The City Administrator shall be responsible for the enforcement of this chapter and shall have all the necessary authority to carry out such enforcement. Any person designated by the City Administrator to enforce this chapter shall be known as the Property Maintenance Official.

52.04 INTERFERENCE WITH THE PROPERTY MAINTENANCE OFFICIAL. No person shall interfere with the Property Maintenance Official while engaged in the enforcement of this chapter.

52.05 NUISANCES. A failure to satisfy any of the following provisions shall constitute a nuisance:

1. General. All structures, equipment and exterior property, whether occupied or vacant, shall be maintained in good repair, structurally sound and sanitary condition as provided herein so as not to cause or contribute to the creation of a blighted area or adversely affect the public health or safety.
2. Rodent and Vermin Harborage. All structures, equipment and exterior property shall be kept free from rodent and vermin harborage and infestation. Where rodents and vermin are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent and vermin harborage and prevent re-infestation.
3. Accessory Structures. All accessory structures, including detached garages, fences, and walls shall be maintained structurally sound and in good repair.
4. Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches and trim, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.

Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight.

5. Foundation Walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and vermin.

6. Exterior Walls. All exterior walls shall be maintained plumb; free from cracks, holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

7. Roofs and Drainage. All roofs and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair, with proper anchorage and free from obstructions.

8. Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

9. Chimneys and Towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

10. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

11. Basement Hatchways. Every basement hatchway shall be maintained to prevent entrance of rodents, vermin, and rain and surface drainage water.

12. Mud, Dirt or Gravel. Mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited upon private property in a quantity adjudged by the Property Maintenance Official to be a threat to public safety or to cause pollution, obstruction or siltation of drainage systems.

52.06 NOTICE TO ABATE. Upon discovery of any violation of this chapter, the City shall initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

52.07 PENALTY. Penalty for noncompliance with any request to abate due to violation of this chapter shall result in a municipal infraction as outlined in Chapter 3 of this Code of Ordinances.

52.08 EMERGENCY ABATEMENT MEASURES. Notwithstanding any other provisions of this chapter, whenever in the judgment of the Property Maintenance Official any nuisance is an immediate and imminent threat to life and property, the Property Maintenance Official may, with or without prior notice as required within, order the nuisance abated and costs assessed against the property for collection in the same manner as a property tax. However, prior to such assessment, the City shall give the property owner notice as provided by the *Code of Iowa* and this Code of Ordinances.

CHAPTER 53

MOWING OF PROPERTIES

53.01 Purpose
53.02 Definition
53.03 Provisions

53.04 Penalty
53.05 Method of Service and Billing
53.06 Seeding or Sodding Required

53.01 PURPOSE. The purpose of this chapter is to designate responsibility to the property owner for the removal of weeds and cutting of grasses within the City limits of the City of Lake Park, Iowa, in order to preserve the appearance of the City and also provide for the safety, health and welfare of the citizens located therein:

53.02 DEFINITION. For use in this chapter, the following terms are defined:

1. "Curb," "curb line" or "curbing" means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
2. "Cut" or "mow" means to mechanically maintain the growth of grass, weeds or brush at a uniform height.
3. "Owner" means a person owning private property in the City and any person occupying private property in the City.
4. "Parking" means that part of a street in the City not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

53.03 PROVISIONS. Unless specified elsewhere in this chapter, the following provisions shall apply:

1. Every owner shall cut, mow and maintain all grass, weeds and brush upon the owner's property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner's property to a uniform height.
2. Any property within the City whether vacated or non-vacated is required to be mowed any time the vegetation reaches a height of 10 inches.
3. Said mowing requirements shall be completed by the first and the fifteenth day of the month in May, June, July, August, September and October of each year.

53.04 PENALTY. Any property which is found to be in violation of the chapter may be mowed by the City or their agent. All associated costs for such mowing will be charged to the property owner. The minimum charge will be for one hour of work at the rate of \$100.00 per hour. Additional costs will include a \$20.00 surcharge plus any attorney, court or postal fees that may be incurred. Any property owners who fail to mow their properties, thus allowing the same to be mowed by the City or their agents, and who do not provide payment for the mowing required, will be assessed by the City for such costs, which will be collected in the same manner as general property tax.

53.05 METHOD OF SERVICE AND BILLING.

1. Annual publication of the ordinance codified in this chapter will serve as notice to property owners.
2. If the City finds a property in violation of this chapter, one letter and a copy of this chapter will be sent by regular mail to the property owner. This letter will require immediate and continued compliance.
3. Any property owner who violates the provisions of 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.
4. Any billings for mowing done by the City or their agents are to be sent by regular mail and are payable within 30 days of billing date.

53.06 SEEDING OR SODDING REQUIRED. If grass has not been established or if grass has been killed or removed, the owner shall seed or sod the property with grass within one year.

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.10 Rabies Vaccination
55.02 Animal Neglect	55.11 Owner's Duty
55.03 Livestock Neglect	55.12 Confinement
55.04 Abandonment of Cats and Dogs	55.13 At Large: Impoundment
55.05 Livestock	55.14 Disposition of Animals
55.06 At Large Prohibited	55.15 Number of Animals Restricted
55.07 Damage or Interference	55.16 Animals on Leash
55.08 Annoyance or Disturbance	55.17 Sanitation
55.09 Vicious Dogs	55.18 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. "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)
8. "Owner" means any person owning, keeping, sheltering or harboring an animal.
9. "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.

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

55.09 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.

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

(Code of Iowa, Sec. 351.33)

55.11 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)

55.12 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)

55.13 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.

55.14 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 impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. 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)

55.15 NUMBER OF ANIMALS RESTRICTED. No person or persons combined shall own, possess or keep more than three mature animals, including dogs, in any one household within the City. This section shall not apply to a person who operates a commercial kennel as a bona fide business with the intent to make a profit. Persons who own, possess, or keep more than three mature animals per household on the effective date of this Code of Ordinances shall be permitted to continue to own, possess or keep those animals only, but shall not be permitted to replace an animal which dies, is sold, transferred or otherwise disposed of until the total number of animals per household is decreased to three.

55.16 ANIMALS ON LEASH. No privately owned animal shall be allowed to run at large in any City park, and every such animal shall be deemed as running at large unless the owner carries such animal or leads it by a leash or chain not exceeding six feet in length or keeps it confined in or attached to a vehicle, except for the training of dogs, and only then by permission from the City.

55.17 SANITATION.

1. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any property, except the premises of the owner, unless such owner immediately removes and disposes of all deposits by such animals.

2. No person owning, harboring, keeping or in charge of an animal within the City shall permit any waste matter from the animal to collect and remain on the property of the owner so as to cause or create an unhealthy, unsanitary, dangerous or offensive condition, or so as to create an odor.

3. No person, owning, harboring, keeping or in charge of any animal shall cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

55.18 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.

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CHAPTER 56

URBAN CHICKENS

56.01 Purpose

56.02 Definition

56.03 Site Requirements

56.04 Chicken Requirements

56.05 Coop Requirements

56.06 Pen Requirements

56.01 PURPOSE. The purpose of this chapter is to allow and regulate the keeping of urban chickens.

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

1. "Chicken" means a member of the subspecies *Gallus gallus Domesticus*, a domesticated fowl.
2. "Coop" means a cage, enclosure or building used for housing and protecting chickens from weather and predators.
3. "Pen" means an enclosure for chickens which allows freedom of movement but also prevents escape.
4. "Rooster" means a male chicken.

56.03 SITE REQUIREMENTS. Unless specified elsewhere in this chapter, the following requirements shall apply:

1. The property must be a single-family residence.
2. A tenant must obtain the landlord's written permission to install a coop.
3. Coops and pens shall be located only in the rear yard.
4. Coops cannot be within 25 feet from any neighboring habitable structure.
5. Coops cannot be located within five feet of the habitable structure on the owner's property.
6. Coops cannot be located within eight feet of the property line.

56.04 CHICKEN REQUIREMENTS. Unless specified elsewhere in this chapter, the following requirements shall apply:

1. Maximum number of chickens allowed is six hens.
2. Roosters are prohibited.
3. Chickens must be housed in the coop from dusk to dawn.
4. Slaughtering of a chicken is prohibited.
5. Selling of eggs and chickens is prohibited.
6. Chicken breeding or fertilizer production is not allowed.
7. All feed and other items associated with the keeping of chickens shall be protected in a manner to prevent rodents from gaining access to or coming into contact with them.

8. Adequate food, water and shelter shall be provided at all times.
9. A chicken that is outside the pen is “at large” in violation of this Code of Ordinances.

56.05 COOP REQUIREMENTS.

1. Coops shall be constructed, repaired, and maintained in a manner to prevent rodents from being harbored underneath or within the wall of the enclosures.
2. Coops shall be built of solid materials such as wood, metal or plastic. The materials used 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 windows or openings are constructed using the same material.
3. Coops shall have at least one solid door and window that can provide adequate ventilation.
4. A minimum of four square feet of space shall be provided per bird inside a coop.
5. Coops shall be maintained to ensure proper sanitation for maintaining the health of the chickens and the keepers. Chickens found to be infested with insects and parasites may be removed by a person designated by the Council with the assistance of the City Police, if necessary.
6. Feces shall be removed and disposed of in a sealed, enclosed container at a minimum of once weekly to avoid odor. Fecal matter may be used as fertilizer if turned completely into the soil at least once weekly and there is no noxious odor.
7. Coop shall be built in a well-drained area to prevent standing water.

56.06 PEN REQUIREMENTS.

1. There shall be a minimum of four square feet of space per chicken.
2. Shall be fenced at least four feet high and constructed of wood, chicken wire, or heavy gauge mesh wire.
3. Feces shall be removed and disposed of in a sealed, enclosed container at a minimum of once weekly to avoid odor. Fecal matter may be used as fertilizer if turned completely into the soil at least once weekly and there is no noxious odor.

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