

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 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, Brush. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard. Unless a variance is allowed by resolution of the Council, grass, weeds, brush or other uncultivated plants, except trees, shall be cut, mowed and maintained so as to not exceed the following height specifications:
 - A. Developed Residential Areas – Not to exceed six inches (6").
 - B. Undeveloped Residential Areas – Not to exceed eight inches (8").
 - C. Business and Industrial Areas – Not to exceed six inches (6").
 - D. Agricultural Areas – Not to exceed twelve inches (12").

(Code of Iowa, Sec. 657.2[12])

(Ord. 300 – Aug. 03 Supp.)

10. Dutch Elm Disease. Trees infected with Dutch Elm Disease. **(See also Chapter 150)**

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.

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. Dangerous Buildings **(See Chapter 145)**
3. Storage and Disposal of Solid Waste **(See Chapter 105)**
4. Trees **(See Chapter 150)**

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. †

1. Except for a nuisance found under Section 50.02(9), 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. Said notice shall be sent by certified mail to the property owner.
2. For a nuisance found under Section 50.02(9), the property owner shall be notified of such nuisance pursuant to the provisions of subsection (3) of this section.
3. NOTICE to the owner or person in control of land within the City subject to this provision of this article and Section 50.02(9) shall be as follows: The Mayor or his/her designee shall cause to be published at least once per mowing season (preferably on or before April 15 of each year) in a newspaper of general circulation within the City a notice stating that work of cutting or destroying grasses, weeds, vines, brush or other growth is required to be done during the months of May through October, inclusive, and a statement that property owners must keep the grasses, weeds, vines, brush or other growth on property within the City below the height of six inches (6"). Further, the notice shall state that failure to comply with the requirement that grasses, weeds, vines, brush or other growth be kept below the height of six inches (6") after publication of the notice will result in the work being done by the City, and the costs incurred by the City shall be assessed against the property in the manner provided by law. No further notice shall be required. In addition, this notice shall inform the property owner that he/she has the right to appeal that matter to the City Council under Section 50.08 City Code of Ordinances. The City may also issue courtesy reminders to property owner as additional notice
(Ord. 394 – Oct. 17 Supp.)

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.

† **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.

50.07 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])

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 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.

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 Clerk who shall pay such expenses on behalf of the City.

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

50.11 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 (1) 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])

50.12 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds five hundred dollars (\$500.00), 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.

(Ord. 366 – Aug. 13 Supp.)

(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 Purpose

51.02 Definitions

51.03 Junk and Junk Vehicles Prohibited

51.04 Junk and Junk Vehicles a Nuisance

51.05 Authority To Enforce

51.06 Notice To Abate

51.07 Duty of Owner to Remove or Repair

51.08 Hearing Procedures

51.09 Abatement By City

51.10 Collection of Cost of Abatement

51.11 Exceptions

51.01 PURPOSE. The purpose of this chapter is to protect the health, safety and welfare of the citizens and safety of property of the City by providing for the elimination of the open storage of junk and junk motor vehicles and machinery except in authorized places.

51.02 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 unlicensed vehicle stored within the corporate limits of the City and which has any one of the following characteristics:
 - A. Broken Glass. Any vehicle with a broken or cracked windshield, window or headlight 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, or door handle or window handle or steering wheel, trunk top or trunk handle or tailpipe.
 - C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

- D. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.
- E. Inoperable. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable.
- 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.
3. “Police authority” means the law enforcement entity of the City or the Iowa highway safety patrol.
4. “Private property” means any real property within the City which is not public property as defined in this section.
5. “Public property” means any public right-of-way open for the purposes of vehicular travel.
6. “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.

51.03 JUNK AND JUNK VEHICLES PROHIBITED. It is unlawful for any person to store, accumulate, or allow to remain on any property in the person’s control any junk or junk vehicle.

51.04 JUNK AND JUNK VEHICLES A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving or storage of junk or junk vehicles upon either public or private property within the corporate limits of the City constitutes a threat 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 stored upon private property or public property in violation thereof, the owner of the property shall be *prima facie* liable for said violation.

51.05 AUTHORITY TO ENFORCE. The police authority, obtaining a search warrant, may enter upon private property for the purposes specified in this chapter to examine vehicles or parts thereof, obtain information as to the identity of the vehicles, and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

51.06 NOTICE TO ABATE.

1. Whenever the police authority finds a junk vehicle placed or stored on public or private property within the City in violation of Section 51.04, the police authority shall notify, by certified mail, the following persons:
 - A. The last known registered owner of the vehicle;
 - B. All lienholders of record;
 - C. The owner of the property;
 - D. The occupant of the property.
2. The Notice to Abate shall:
 - A. Describe, to the extent possible, the year, make, model and color of the vehicle;
 - B. Describe the location of the vehicle;
 - C. State that the vehicle constitutes a nuisance under the provisions of this chapter;
 - D. State that the owner of the property shall remove or repair the said junk vehicle within twenty-one (21) days;
 - E. State that any person ordered to abate a nuisance or condition may request, in writing, within the 21-day limit, a hearing to determine whether a nuisance or prohibited condition exists;
 - F. State that if the nuisance or condition is not abated as directed or if no request for hearing is made within 21 days, the City will abate the nuisance and assess the cost against the property owner.
3. Notice shall be deemed given when mailed. If the notice is returned undelivered by the U.S. Post Office, action to abate the nuisance shall be continued to date not less than twenty-one (21) days from the date of such return.

51.07 DUTY OF OWNER TO REMOVE OR REPAIR.

1. The owner of the property upon which a junk vehicle is stored in violation of the provisions of Section 51.04 shall, within twenty-one (21) days after receipt of the notice to abate from the police authority, remove the motor vehicle or machinery to a lawful place of storage without the City limits or repair the defects that caused such motor vehicle or

machinery to violate the provisions of this chapter, including licensing in the case of a motor vehicle not currently licensed.

2. If a hearing is requested under Section 51.08, the duty of the owner to remove or repair the junk vehicle shall be suspended pending the decision.

51.08 HEARING PROCEDURES.

1. Any person ordered to abate a nuisance or condition may request a hearing before the Council, or an official of the City designated by the Council, to determine whether a nuisance or prohibited condition exists.

2. A request for hearing shall be made in writing and filed with the Clerk within the 21-day limit or:

A. The right to a hearing shall be considered waived; and

B. It will be conclusively presumed that the nuisance or prohibited condition exists and it must be abated as ordered.

3. The Council shall, within fifteen (15) days after the filing of the request for a hearing, fix the time and place of the hearing which shall be within thirty (30) days of the filing of the request.

4. At the conclusion of the hearing, the Council shall render a written decision as to whether a nuisance exists. If a nuisance is found to exist, it shall be ordered abated within a reasonable time period.

5. The decision shall be final.

51.09 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.

51.10 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred 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 Clerk shall certify the costs to the County Treasurer and the cost shall then be collected with, and in the manner of, general property taxes.

51.11 EXCEPTIONS. This chapter does not apply to the following:

1. A vehicle in an enclosed building.

2. A vehicle on the premises of a business enterprise operated in the district properly zoned therefor as authorized under the Zoning Ordinance of the City, when necessary to the operation of said business enterprise.
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by the City.

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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55.06 At Large Prohibited	55.16 Vicious and Dangerous Animals
55.07 Damage or Interference	55.17 Regulation of Number of Animals
55.08 Annoyance or Disturbance	55.18 Unhealthful and Unsanitary Conditions
55.09 Barking Dogs	55.19 Regulation of Dogs in Parks
55.10 Rabies Vaccination	

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 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.
3. "Dangerous animal" means, for the purpose of this chapter, the following animals, whether vicious or not:
 - A. Lions, tigers, jaguars, leopards, cougars, lynx, ocelots and bobcats;
 - B. Black bears, brown bears, polar bears and grizzly bears;
 - C. Alligators and crocodiles;
 - D. All venomous or constricting snakes;
 - E. Pit bull terriers, including the following:
 - (1) The Bull Terrier breed of dog;
 - (2) The Staffordshire Bull Terrier breed;
 - (3) The American Pit Bull Terrier breed;
 - (4) The American Staffordshire Terrier breed;
 - (5) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or

(6) Any dog which has the appearance and characteristics of being predominately of the breeds listed above.

4. “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)

5. “Owner” means any person owning, keeping, sheltering or harboring an animal.

6. “Vicious animal” means any animal which has bitten a human being or has attacked a human being or domesticated animal without cause or justification.

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 City Clerk's office. The complainant shall fill out a written complaint and file it with the City Clerk's office. The City Clerk shall notify the owner of the dog of the registration of the complaint. Any dog having three complaints lodged against it within seven (7) days may be ordered permanently removed from the City by the City Council following hearing after appropriate notice and opportunity to be heard are given to the dog's owner. Any action taken by the City Council removing a dog from the City shall be enforced by the law enforcement officer for the City. *(Ord. 373 – Aug. 13 Supp.)*

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 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 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)

55.12 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 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)

55.13 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 pursuant to Section 55.13, 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. The notice shall provide that if the owner does not redeem the animal within seven days from the date that the notice is delivered, the animal may be humanely destroyed or otherwise disposed of in accordance with law. For purposes of this section, notice is delivered when the notice is mailed by regular mail. Upon the first impoundment of a specific animal, the owner may redeem the animal by paying the cost of impoundment. Upon the second impoundment of the same animal, the owner may redeem the animal by paying the cost of the impoundment plus an additional \$50.00. Upon the third and any subsequent impoundment of the same animal, the owner may redeem the animal by paying the cost of the impoundment plus an additional \$100.00. If the owner of the impounded animal fails to redeem the animal within seven days from the date of the delivery of the notice to the animal's owner as provided in this section, the animal shall be disposed of in accordance with law.

(Code of Iowa, Sec. 351.37, 351.41)

(Ord. 356 – Sep. 11 Supp.)

55.15 CONFINEMENT OF FEMALE DOGS IN HEAT. The owner of any female dog in heat shall confine said animal indoors or in a secure kennel if outdoors during the heat period. The owner may remove the dog in heat from indoors or its kennel for purposes of breeding and/or exercise, provided that the animal is on a leash, cord, chain or similar restraint not more than six (6) feet in length and is under the control of the walker. No female dog in heat shall be allowed outdoors at heel.

55.16 VICIOUS AND DANGEROUS ANIMALS. No person shall own, keep or harbor a vicious animal or dangerous animal within the City. It is the duty of all animal control officers, the City veterinarian and all law enforcement officers to impound any vicious animal or dangerous animal. In the event the animal cannot be impounded without exposing the persons attempting to impound the animal to danger or personal injury, the animal may be destroyed. The following are exempted from the prohibition of owning or keeping a dangerous animal within the City:

1. Public zoos, accredited educational or medical institutions where the animals are kept for the purpose of instruction and/or research and public museums where the animals are kept as live specimens for public viewing.
2. Animals held for public exhibition by a traveling circus, carnival, exhibit or show, duly authorized in accord with this Code of Ordinances.
3. Animals being kept by a licensed veterinarian or veterinary hospital for treatment.
4. Animals under the jurisdiction of and in the possession of the Department of Natural Resources.
5. Animals possessed under authority of a State-issued breeder's license or scientific collector's license.

55.17 REGULATION OF NUMBER OF ANIMALS. No person shall harbor, keep or maintain such number of dogs or cats, or a combination thereof, so as to create unhealthful or unsanitary conditions for the humans or animals occupying the premises, or create any other conditions constituting a nuisance. If such conditions exist, the City veterinarian shall make an investigation and after notice and hearing to the person occupying or maintaining the premises, or the person harboring or maintaining the animals, may direct that a number of the animals be removed from the premises to remedy or correct the unhealthful, unsanitary or other conditions constituting a nuisance. The City veterinarian may also order necessary cleanup work to be done.

55.18 UNHEALTHFUL OR UNSANITARY CONDITIONS.

1. An owner shall keep all structures, pens, coops or yards wherein animals are confined clean, devoid of vermin and free of odors arising from urine and/or feces.
2. No owner or walker of any animal shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or walker shall be deemed to permit the animal's discharge of feces if the owner does not immediately thereafter take steps to remove and clean up the feces from the property.
3. All feces removed as aforesaid shall be placed in an airtight container until it is removed pursuant to refuse collection procedures or otherwise disposed of in a sanitary manner.

4. An owner may, as an alternative to subsection 3 above, collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

55.19 REGULATION OF DOGS IN PARKS. No dog shall be allowed in or within 50 feet of any pavilion, playground, or ball field in a City park, except properly trained dogs for the blind or deaf. No dog shall be allowed in any other area of a City park unless it is attached to a leash not more than six (6) feet in length and having sufficient strength to restrain the dog and the leash is held by a person capable of restraining and controlling the dog.

CHAPTER 55A

URBAN CHICKENS

55A.01 Purpose

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55A.03 Permit Required

55A.04 Number and Type of Chickens Allowed

55A.05 Zoning Districts Allowed

55A.06 Non-Commercial Use Only

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55A.10 Feed and Water

55A.11 Waste Storage and Removal

55A.12 Chickens at Large

55A.13 Unlawful Acts

55A.14 Nuisances

55A.01 PURPOSE. The purpose of this chapter is relating to the keeping of chickens within the City of Wyoming.

55A.02 DEFINITIONS.

1. “Chicken” shall mean a member of the subspecies *Gallus gallus domesticus*, a domesticated fowl.
2. “Permitted tract of land” shall mean the tract of land as identified by the application upon which a permit is granted for keeping chickens pursuant to this chapter.
3. “Permittee” shall mean an applicant who has been granted a permit to raise, harbor or keep chickens pursuant to this chapter.
4. “Permitting officer” shall mean the Mayor or designee.
5. “Single family dwelling” shall mean any building that contains only one dwelling unit used, intended, rented, leased, let or hired to be occupied for living purposes.
6. “Tract of land” shall mean a property or a zoned lot that has one single family dwelling located on that property or zoned lot.
7. “Urban chicken” shall mean a chicken kept on a permitted tract of land pursuant to a permit issued under this chapter.

55A.03 PERMIT REQUIRED.

1. Permit Required. No person shall raise, harbor or keep chickens within the City of Wyoming without a valid permit obtained from the City Council under the provisions of this chapter.
2. Application. In order to obtain a permit, an applicant must submit a completed application on forms provided by the City Clerk and paying all fees required by this chapter.

3. Requirements. The requirements to the receipt of a permit include:
 - A. All requirements of this chapter are met;
 - B. All fees, as may be provided for from time to time by City Council resolution, for the permit are paid in full;
 - C. All judgments in the City's favor and against the applicant have been paid in full;
 - D. The tract of land to be permitted shall contain only one single family dwelling occupied and used as such by the permittee;
 - E. The applicant has provided notice to the residents of all immediately adjacent dwellings of the applicant's intent to obtain a permit.
4. Issuance of Permit. If the permitting officer concludes as a result of the information contained in the application that the requirements for a permit have been met, he shall issue the permit, subject to final approval by the City Council.
5. Renewal of Permit. A permittee shall apply to renew his permit every 12 (twelve) months.
6. Denial, Suspension, Revocation, Nonrenewal. The permitting officer may deny, suspend, revoke, or decline to renew any permit issued for any of the following grounds:
 - A. False statements on any application or other information or report required by this section to be given by the applicant;
 - B. Failure to pay any application, penalty, re-inspection or reinstatement fee required by this section or City Council resolution;
 - C. Failure to correct deficiencies noted in notices of violation in the time specified in the notice;
 - D. Failure to comply with the provisions of an approved mitigation/remediation plan by the permitting officer, or designee;
 - E. Failure to comply with any provision of this chapter.
7. Notification. A decision to revoke, suspend, deny or not renew a permit shall be in writing, delivered by ordinary mail or in person to the address indicated on the application. The notification shall specify reasons for the action.

8. Effect of Revocation, etc. When an application for a permit is denied, or when a permit is revoked, the applicant may not re-apply for a new permit for a period of one year from the date of the denial or revocation.

9. Appeals. No permit may be denied, suspended, revoked, or not renewed without notice and an opportunity to be heard is given the applicant or holder of the permit. In any instance where the permitting officer has denied, revoked, suspended, or not renewed a permit, the applicant or holder of urban chicken may appeal the permitting officer's decision to the City Council within ten (10) business days of receipt by the applicant or holder of the permit of the notice of the decision. The applicant or holder of the permit will be given an opportunity for a hearing. The decision of the City Council or any decision by the permitting officer which is not appealed in accordance with this chapter shall be deemed final action.

55A.04 NUMBER AND TYPE OF CHICKENS ALLOWED.

1. The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract. A permittee may request that this provision be waived by the City Council. The City Council may waive this provision if the proposed tract of land provides adequate space and distance from other buildings, and if the character of the neighborhood will not be affected by such a permit.
2. In no case shall a permit be granted for greater than twelve (12) chickens.
3. Only female chickens (hens) are allowed.

55A.05 ZONING DISTRICTS ALLOWED. Permits will be granted only for tracts of land located in residential districts as identified on the current Official Zoning Map on file with the City of Wyoming.

55A.06 NON-COMMERCIAL USE ONLY. A permit shall not allow the permittee to engage in chicken breeding or fertilizer production for commercial purposes.

55A.07 ENCLOSURES.

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

2. Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
3. Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
4. Henhouses and chicken tractors.
 - A. Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens with a minimum of four (4) square feet per bird while minimizing adverse impacts to other residents in the neighborhood.
 - (1) A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one (1) inch openings.
 - (2) The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouses and chicken tractors shall be well maintained.
 - B. Henhouses, chicken tractors and chicken pens shall only be located in the rear yard required by Wyoming Municipal Code Chapter 165, unless the setback requirements cannot be met in which case they may be kept in other yard but within the required setbacks.
 - C. Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business.
5. Any enclosed chicken pen shall consist of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing.

55A.08 ODORS AND NOISE IMPACTS.

1. Odors from chickens, chicken manure or other chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land.
2. Noise from chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity.

55A.09 PREDATORS, RODENTS, INSECTS AND PARASITES. The permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by a person or entity charged with controlling animals in Wyoming.

55A.10 FEED AND WATER. Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

55A.11 WASTE STORAGE AND REMOVAL. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored on the permitted tract of land. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

55A.12 CHICKENS AT LARGE. The permittee shall not allow the permittee's chickens to roam off the permitted tract of land. No dog or cat or other domesticated animal which kills a chicken off the permitted tract of land will, for that reason alone, not be considered a dangerous or aggressive animal or the City's responsibility to enforce its animal control provisions.

55A.13 UNLAWFUL ACTS.

1. It shall be unlawful for any person to keep chickens in violation of any provision of this chapter or any other provision of the Wyoming Municipal Code.
2. It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this chapter.
3. No person shall keep chickens inside a single family dwelling unit, multi family dwelling unit(s) or rental unit.

4. No person shall slaughter any chickens within the City of Wyoming.
5. No person shall keep a rooster.
6. No person shall keep chickens on a vacant or uninhabited tract of land.

55A.14 NUISANCES. Any violation of the terms of this chapter that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provision of Wyoming Municipal Code Chapter 50.

(Ch. 55A - Ord. 371 – Aug. 13 Supp.)

CHAPTER 55B

DANGEROUS AND VICIOUS DOGS

55B.01 Purpose

55B.02 Vicious Dogs

55B.03 Definitions

55B.04 Vicious Animal Exceptions

55B.05 Confinement of Vicious Dogs

55B.06 Seizure, Impoundment and Disposition of Vicious Dogs

55B.07 Violations and Penalties

55B.01 PURPOSE. The purpose of this chapter is for the classification of and consequences for vicious dogs.

55B.02 VICIOUS DOGS. Notwithstanding any other provision of this chapter, no person owning, possessing, harboring or having the care of a vicious dog shall permit such animal within the City except as provided in this chapter of the Code.

55B.03 DEFINITIONS. For purposes of this chapter a “vicious” dog means:

1. Any dog that bites or attacks a person causing bodily injury as defined by Iowa Code §702.18 or severely injures or kills another domestic animal, without provocation; or
2. Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
3. Any dog that snaps, bites, or manifests a disposition to snap or bite at persons or domestic animals so as to potentially cause injury or to otherwise endanger their safety; or
4. Any dog that, while off the real property of the owner, when unprovoked, has attacked or bitten any domestic animal; or
5. Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes; or
6. Any dog trained to attack human beings upon command or spontaneously in response to human activities except dogs owned by and under the control of the police department, a law enforcement agency of the State of Iowa or the United States or a branch of the armed forces of the United States; or
7. The Bull Terrier breed of dog; or
8. The American Pit Bull Terrier breed of dog; or

9. The Staffordshire Terrier breed of dog; or
10. The American Staffordshire Terrier breed of dog; or
11. The Rottweiler breed of dog; or
12. Any dog which has the appearance and characteristics of being predominantly of the breeds of Bull Terrier, American Pit Bull Terrier, Staffordshire Terrier, American Staffordshire Terrier, Rottweiler, or any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

55B.04 VICIOUS ANIMAL EXCEPTIONS. The owner of any dog defined as a vicious dog shall comply with the following:

1. The owner of any vicious dog must provide proof to the City Clerk of public liability insurance with a minimum of one million dollars for the injury or death of any person, for damage to property of others, and for acts of negligence by the owner or the owner's agents, in the keeping or owning of such vicious dog. The certificate shall require notice to the City, in conformity with general City standards for certificates of insurance, if the underlying policy of insurance is cancelled for any reason. Failure to provide a certificate of insurance after thirty days shall be a violation of this section, and the vicious dog shall be subject to removal or shall be humanely destroyed at the expense of the person keeping the vicious dog.

55B.05 CONFINEMENT OF VICIOUS DOGS.

1. All vicious dogs shall be securely confined within an occupied house or residence or in a secured, enclosed and locked pen or structure except when leashed and muzzled as provided hereinafter. Such pen or structure 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 or at least six feet taller than an internal structure, such as a doghouse.
2. All pens or structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor, attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet so as to prevent digging under the walls by the confined vicious dog.
3. All structures erected to house vicious dogs must comply with the City zoning and building regulations. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary

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

4. No person shall permit a vicious dog to go outside its pen or structure unless such dog is securely leashed with a leash no longer than six (6) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its pen or structure unless both the dog and leash are under the actual physical control of a person eighteen (18) years of age or older. All vicious dogs on a leash outside the animal's kennel, pen or indoor confinement must be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals.

5. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

6. Owners and custodians of vicious dogs shall post their property with conspicuous signs warning of the presence of a vicious dog.

55B.06 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS. Unconfined vicious dogs may be seized and impounded in accordance with the following:

1. The Sheriff, a Sheriff's Deputy, or any animal control officer designated by the Council, upon receipt of a complaint alleging that a dog is a vicious dog as defined in this chapter and is unconfined, may immediately take said dog into custody or impoundment using such means that will protect the general public, the police officer and the dog.

2. Upon receipt of said complaint and following an investigation, a criminal complaint may be filed by the Sheriff's Department against the person owning, keeping, sheltering, harboring or otherwise maintaining the dog in question. Said notice shall set forth a description of the dog and the basis for the allegation of being unconfined and vicious. The complaint shall be served upon any adult residing at the premises where in the animal was located or may be posted on those premises if no adult is present to accept service.

3. Any dog found at large which displays vicious tendencies may be handled as a vicious dog pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the Sheriff, Sheriff's Deputy, or animal control officer may immediately destroy the dog, or unless its ownership is not ascertainable, in which case it may be destroyed after seven (7) days' impoundment.

4. Any dog which is alleged to be vicious and which is under impoundment or quarantine shall not be released to the owner, but shall continue to be held at the expense of the owner, pending the outcome of any court proceeding. All costs of such impoundment or quarantine shall be paid by the owner of the animal if determined to be vicious. If the dog is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

55B.07 VIOLATIONS AND PENALTIES. Any persons violating or permitting the violation of any provision of this chapter shall, upon conviction, be guilty of a municipal infraction. The Magistrate may order the dog to be removed from the City. Should the defendant refuse to remove the dog from the City, the Magistrate may find the defendant in contempt and order the immediate confiscation (impoundment) of the dog. In addition to the foregoing, any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter.

(Ch. 55B - Ord. 377 – Aug. 14 Supp.)

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