

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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50.01 DEFINITION OF NUISANCE. Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

1. **Offensive Smells.** Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. **Billboards.** Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.
9. **Weeds, Brush.** Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard. **(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.
13. Keeping Disorderly House.
 - A. Prohibited. No person shall permit or suffer to continue, without taking legal steps to prevent the same, any quarreling, fighting, disorderly conduct, or any other conduct or condition that threatens injury to persons or damage to property, or loud, raucous, disagreeable noises to the disturbance of the neighborhood, or to the disturbance of the general public, upon any premises owned by the person or in person's possession. For the purpose of this subsection, "to the disturbance of the general public" includes the disturbance of person upon public places, including peace officer.
 - B. Authority to Restore Order and Disperse; Failure to Disperse. Upon issuance of a citation for a violation of this subsection, any peace officer of the City shall have authority to restore order upon the subject premises, up to and including ordering the dispersal of persons from the subject premises. Any person who fails or refuses to obey and abide by such an order shall be guilty of a violation of this subsection.

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. Noise and Noise Limits **(See Chapter 48)**
2. Junk and Junk Vehicles **(See Chapter 51)**
3. Drug Paraphernalia **(See Chapter 52)**
4. Weeds **(See Chapter 53)**
5. Storage and Disposal of Solid Waste **(See Chapter 105)**
6. Dangerous Buildings **(See Chapter 145)**
7. Trees **(See Chapter 151)**
8. Property Maintenance Regulations **(See Chapter 154)**

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 Subsections 1 and 2, and the hearing as provided in Subsection 3.

(Code of Iowa, Sec. 364.12[3h])
5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate,

† **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.

keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.

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

6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.

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

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds \$500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 3 of this Code of Ordinances.

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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

51.06 Repeat Offenders

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

1. 1. “Hobby vehicle” means an unlicensed motor vehicle, including but not limited to antique car restoration, dragsters, stock cars, Indy-type racers, midget racers, all-terrain vehicles, dune buggies, go-carts, competition pulling garden tractors or competition pulling farm type tractors. For the purpose of this chapter, boat trailers, common utility trailers, golf carts, camping trailers or snowmobile trailers are not considered hobby vehicles.

2. 2. “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 scrap ferrous materials; old discarded glass, tinware, plastic or old discarded household goods or hardware; discarded or salvaged building materials or fixtures; and solid waste as defined in Chapter 105 of these ordinances. Neatly stacked firewood located on a side yard or a rear yard is not considered junk. Firewood may be stacked in the front yard only on a temporary basis in preparation for immediate use.

3. 3. “Junk vehicle” means any vehicle, as defined by Section 321.1 of the *Code of Iowa*, as amended, which is located within the corporate limits of the City, which does not properly display plates or stickers indicating current registration as required under Chapter 321 of the *Code of Iowa*, and/or which has any one or more of the following characteristics:

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

B. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, steering wheel, trunk lid, or exhaust system.

C. Any vehicle which has become, or has the potential to become, the habitat for rats, mice, snakes, or any other vermin or insects or is otherwise used for the storage, harbor, caging, or dwelling for an animal of any kind.

D. Any vehicle which lacks an engine or one or more wheels or other structural parts, rendering said motor vehicle totally inoperable.

E. Any vehicle that is incapable of moving by its own intended power source in both forward and reverse gears.

F. Any vehicle which has not moved by its own intended power source for a period of 30 days or more.

G. Any vehicle which, because of its defective or obsolete condition, constitutes a threat to the public health and safety.

- H. Has heavy growth of weeds or other noxious vegetation over eight inches in height under or immediately next to it.
- I. Has junk, garbage, refuse, gasoline, or fuel other than in its fuel tank, paper, cardboard, wood, or other combustible materials, solid waste or other hazardous material present in it, or which is primarily used for storage of any materials.
- J. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle.
- K. Has become illegal to operate on the public streets because it is missing one or more parts required by law.
- L. Is an abandoned vehicle, as defined in Chapter 80 of this Code of Ordinances.

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

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

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

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

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

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk, junk vehicle or hobby vehicle in the following cases:

- 1. Structure. Any junk, junk vehicle or hobby vehicle stored within a garage or other enclosed permanent structure, provided the junk or junk vehicle stored therein is not noticeable or detectable from the exterior thereof.
- 2. Other. Vehicles that are non-operable 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. No more than two vehicles in need of repair are situated on the premises at the same time; and

D. The work is conducted on a hard surface area.

The 30 day limit referred to in Subsection B may, at the discretion of the Council, be extended if the owner can demonstrate that it is impossible to complete the ordinary and routine repairs within 30 days because of the unavailability of parts or other emergency beyond the control of the owner.

51.05 NOTICE TO ABATE. Upon discovery of any junk, junk vehicle or hobby vehicle located upon private property in violation of Section 51.03, the City may initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

51.06 REPEAT OFFENDERS. Persons who have received a notice to abate as a nuisance within the last 24 months under the provisions of this chapter and who, notwithstanding said previous notice, cause or allow a violation of this chapter to reoccur on their property shall not be entitled to another notice to abate, and may be issued a civil citation in accordance with Chapter 3 of this Code of Ordinances. This section does not preclude the City from seeking other or additional remedies in accordance with Chapter 3 of this Code of Ordinances or the *Code of Iowa*.

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CHAPTER 52

DRUG PARAPHERNALIA

52.01 Purpose

52.02 Controlled Substance Defined

52.03 Drug Paraphernalia Defined

52.04 Determining Factors

52.05 Possession of Drug Paraphernalia

52.06 Manufacture, Delivery, or Offering For Sale

52.07 Nuisance

52.01 PURPOSE. The purpose of this chapter is to prohibit the use, possession with intent to use, manufacture, and delivery of drug paraphernalia as defined herein.

52.02 CONTROLLED SUBSTANCE DEFINED. The term “controlled substance” as used in this chapter is defined as the term “controlled substance” is defined in the *Uniform Controlled Substance Act*, Chapter 124 of the *Code of Iowa*, as it now exists or is hereafter amended.

52.03 DRUG PARAPHERNALIA DEFINED. The term “drug paraphernalia” as used in this chapter means all equipment, products, and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, concealing, containing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the *Uniform Controlled Substances Act*, Chapter 124 of the *Code of Iowa*. It includes, but is not limited to:

1. Growing Kits. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
2. Processing Kits. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. Isomerization Devices. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing Equipment. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances.
5. Scales. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances.
6. Diluents. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, used, intended for use, or designed for use in cutting controlled substances.
7. Separators; Sifters. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana.
8. Mixing Devices. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.

9. Containers. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Injecting Devices. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - B. Water pipes.
 - C. Carburetion tubes and devices.
 - D. Smoking and carburetion masks.
 - E. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand.
 - F. Miniature cocaine spoons and cocaine vials.
 - G. Chamber pipes.
 - H. Carburetor pipes.
 - I. Electric pipes.
 - J. Air driven pipes.
 - K. Chillums.
 - L. Bongs.
 - M. Ice pipes or chillers.

52.04 DETERMINING FACTORS. In determining whether an object is drug paraphernalia for the purpose of enforcing this chapter, the following factors should be considered in addition to all other logically relevant factors:

1. Statements. Statements by an owner or by anyone in control of the object concerning its use.
2. Prior Convictions. Prior convictions, if any, of an owner or of anyone in control of the object under any State or federal law relating to any controlled substance.
3. Proximity to Violation. The proximity of the object, in time and space, to a direct violation of the *Uniform Controlled Substance Act*, Chapter 124 of the *Code of Iowa*.
4. Proximity to Substances. The proximity of the object to controlled substances.
5. Residue. The existence of any residue of controlled substances on the object.

6. Evidence of Intent. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the *Uniform Controlled Substances Act*, Chapter 124 of the *Code of Iowa*.
7. Innocence of an Owner. The innocence of an owner, or of anyone in control of the object, as to a direct violation of the *Uniform Controlled Substances Act*, Chapter 124 of the *Code of Iowa*, should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia.
8. Instructions. Instructions, oral or written, provided with the object concerning its use.
9. Descriptive Materials. Descriptive materials accompanying the object explaining or depicting its use.
10. Advertising. National and local advertising concerning its use.
11. Displayed. The manner in which the object is displayed for sale.
12. Licensed Distributor or Dealer. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products.
13. Sales Ratios. Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise.
14. Legitimate Uses. The existence and scope of legitimate uses for the object in the community.
15. Expert Testimony. Expert testimony concerning its use.

52.05 POSSESSION OF DRUG PARAPHERNALIA. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the *Uniform Controlled Substance Act*, Chapter 124 of the *Code of Iowa*.

52.06 MANUFACTURE, DELIVERY, OR OFFERING FOR SALE. It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or offer for sale drug paraphernalia, intending that the drug paraphernalia will be used, or knowing, or under circumstances where one reasonably should know that it will be used, or knowing that it is designed for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the *Uniform Controlled Substances Act*, Chapter 124 of the *Code of Iowa*.

52.07 NUISANCE. Violation of this chapter shall constitute a nuisance which may be abated in the manner provided in Chapter 50 of this Code of Ordinances, or, in the alternative, may be abated by injunction in the Iowa District Court.

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CHAPTER 53

WEEDS

53.01 Purpose

53.02 Definitions

53.03 Authority for Enforcement

53.04 Interference With Weed Official

53.05 Nuisances

53.06 Natural Areas

53.07 Enforcement

53.08 Emergency Control Measures

53.09 Control of Weeds or Other Vegetation

53.10 Habitual Violations

53.01 PURPOSE. The purpose of this chapter is to designate responsibility for the removal of weeds and cutting of grasses within the City, to define the same as nuisances and to provide for their abatement in order to provide for the safety and preserve the health and welfare of the citizens of the City.

53.02 DEFINITIONS. For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein.

1. “Chemical control” means the application of a herbicide (weed killer) in strict accordance with the directions on the product and the regulations of Chapter 206 (the *Pesticide Act*) of the *Code of Iowa*, and all additions thereto that may be adopted.
2. “Conservation area” means an area that is planted with ground cover plants of a size and texture compatible with the environment and maintained accordingly.
3. “Developed lot or area” means an improved or commercial lot.
4. “Ground cover” means plants with the growth and root capacity to cover and stabilize an area of soil and to prevent erosion.
5. “Natural area” means an area allowed to retain native plant material in a natural prairie state.
6. “Noxious weeds” means primary and secondary classes of weeds as defined by the *Code of Iowa*, and all additions to this list as so declared by the State Secretary of Agriculture.
7. “Parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and curb line; on unpaved streets, the parking is that part of the street, avenue, or highway lying between the lot lines and that portion of the street usually traveled by vehicular traffic.
8. “Right-of-way” means the entire width of a platted street or alley in use or undeveloped.
9. “Soil erosion control” means a method of planting and cultivation, or lack of same, designed to retain soil and to prevent soil movement caused by natural or manmade causes.
10. “Undeveloped lot or area” means an unimproved lot or area.
11. “Un-mowed or untended area” means an area allowed to grow without care and supervision, where weeds and grasses are more than the allowed height.
12. “Weed official” means the person designated by the City Council to enforce this chapter.

13. “Weeds” means any plants growing uncultivated and out of context with the surrounding plant life when such plant has a seed head formed or forming and with a height of eight inches or more, except as otherwise provided in this chapter.

53.03 AUTHORITY FOR ENFORCEMENT. The City Council or person designated by the City Council is responsible for the enforcement of this chapter and shall have all the necessary authority to carry out the enforcement of this chapter. Said designee shall be known as the Weed Official.

53.04 INTERFERENCE WITH WEED OFFICIAL. No persons shall interfere with the Weed Official or an appointed assistant while engaged in the enforcement of this chapter.

53.05 NUISANCES. Except as provided elsewhere in this chapter, the following provisions shall apply:

1. Each owner and each person in the possession or control of any land shall cut or otherwise destroy, in whatever manner prescribed by the Weed Official, all noxious weeds thereon and shall keep said lands free of such growth.
2. Each owner and each person in possession or control of any property shall be responsible to keep said lot, along with parking adjacent thereto, alleys, public ways or areas up to the centerline of said ways free of any noxious weeds and to keep grasses and weeds on said lot mowed so that grass and weeds are less than eight inches in height. However, grass and weeds located on undeveloped and unplatted property located more than 100 feet from developed or platted property shall be mowed so that grass and weeds are less than 18 inches in height.
3. Each owner and each person in the possession or control of any lands shall not allow any plant growth of any sort to remain in such a manner as to render the streets, alleys or public ways adjoining said land unsafe for public travel or in any manner so as to impede pedestrian or vehicular traffic upon any public way.
4. Where waterways or watercourses are found upon any developed or undeveloped lot, the owner or person in possession or control shall keep the flat or level part of the bank of said waterway free of any weeds and grasses more than 18 inches in height. Should such waterways or watercourses be found within the right-of-way of a street or alley, the adjacent property owner or person in possession or control shall be responsible to keep the flat or accessible portion of creek bank free of any weeds or grasses more than 18 inches in height.
5. No owner or person in possession or control of any developed or undeveloped lot shall allow plant growth or the accumulation of plant materials on such lot to remain in such a state so as to constitute a fire hazard. In no instance shall cut plant material accumulations be located within 150 feet of a building, structure, recreation area (not including the width of any intervening street) or within 125 feet of a street right-of-way.

53.06 NATURAL AREAS.

1. Designation. The Weed Official, upon application of the owner or person in possession or control of any lot, may designate such lot or portion thereof or any adjacent undeveloped public way as a natural or conservation area. Prior to designating such area, the Weed Official shall consider the following factors: grade or incline of said tract, the difficulty to control or maintain said tract, whether said tract is being maintained as either a soil erosion control area or a conservation area. Any person

affected by the designation or lack thereof may appeal said determination to the City Council.

2. Natural or Conservation Areas. Natural or conservation areas need not be mowed and shall be left in their natural state, except that noxious weeds shall be removed or controlled.

3. Public Ways. Sidewalks or other public ways that lie adjacent to or extend through a natural or conservation area must be open and free from any obstruction to pedestrians or vehicular traffic.

53.07 ENFORCEMENT. It shall be the duty of the Weed Official to inspect all areas of complaint and in the case of a legitimate complaint to notify the last known owner or person in possession (or control) of the area of violation of this chapter. Said notice shall be sent by certified mail and allow five days after mailing said notice as a period of time to eliminate said violations. Return receipt with signature is not required for said notice. Upon failure of the owner or person in possession or control to act within the prescribed five-day time period, the City may perform the required action and assess costs against the property for collection in the same manner as a property tax. In the event such action is taken, the Weed Official may obtain competitive quotes to have the required action performed. If no quotes are obtained, the City may have the City personnel perform the required action at rates which shall be established by resolution of the Council from time to time, which rates shall constitute costs to be assessed against the property as provided herein. In addition to the foregoing remedy and other remedies by law, the Weed Official may file misdemeanor charges against such individuals.

53.08 EMERGENCY CONTROL MEASURES. Notwithstanding any other provision of this chapter, whenever in the judgment of the Weed Official or the Fire Chief an emergency exists creating a health, safety or fire hazard which may require weed or grass control without prior notice, control measures shall be taken and costs assessed against the property for collection in the same manner as property tax. However, prior to such assessment, the City shall give the property owner notice by certified mail and an opportunity for a hearing before the Council.

53.09 CONTROL OF WEEDS OR OTHER VEGETATION. The Clerk shall annually on or before May 1 of each year publish a notice to property owners generally setting forth the duty of control of weeds and other vegetation which might be a nuisance in violation of this Code of Ordinances. The Weed Official or the City Council may cause a notice to abate nuisance to be served upon any property owner who fails to comply with the published notice or any person who at any other time has weeds or other vegetation in violation of the Code of Ordinances. Costs of contracting work to be done or fees for City staff to perform the work shall be submitted to the Council for assessment as provided in Section 364.12 of the *Code of Iowa*. In the event of an emergency as set forth in Section 364.12, the notice requirement may be dispensed with. In abating a nuisance under this Code of Ordinances, the City Council or Weed Official is hereby authorized and directed to employ such persons and rent any and all equipment necessary for the abatement of the nuisance and the costs thereof shall be assessed. For each violation requiring the City to mow or contract mowing, the Weed Official shall charge an administrative fee in the amount of \$25.00.

53.10 HABITUAL VIOLATIONS. If the owner or person in control of any land has previously received a notice to abate nuisance relating to weeds within the preceding 24 months, then the notice to abate nuisance may include notice that such owner or person in control of said property will be considered to be an habitual violator of this chapter and that if the nuisance is

not abated within the allowed time, the City will consider the property to be subject to having a contract let by the City for mowing property as needed up to a weekly basis for the following 24-month period of time with charges billed to the property owner according to provisions in Sections 53.07 and 53.09.

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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

1. “Advertise” means to present a commercial message in any medium, including (but not limited to) print, radio, television, sign, display, label, tag, or articulation.
(Code of Iowa, Sec. 717E.1)
2. “Animal” means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. “Animal shelter” means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.
(Code of Iowa, Sec. 162.2)
4. “At large” means off the premises of the owner unless:
 - A. The animal is on a leash, cord, chain or similar restraint not more than six feet in length and under the control of the person holding said leash, cord, chain or similar restraint, or
 - B. The animal is within a motor vehicle, or
 - C. The animal is housed within a veterinary hospital, licensed kennel, pet shop or animal shelter.
5. “Authorized person” means the County Sheriff, the Mayor, Council, employees of the City, or any other person authorized to carry out the provisions of this chapter.
6. “Bothersome animal” means bees or other stinging insects, cattle, goats, horses, poultry, fowl, sheep, or swine.

7. “Business” means any enterprise relating to any of the following:
(*Code of Iowa, Sec. 717E.1*)
- A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
8. “Cat” means any member of the feline species, male or female, neutered or unneutered.
9. “Commercial establishment” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.
(*Code of Iowa, Sec. 717.B1*)
10. “Dangerous animal” means:
- A. Badgers, wolverines, weasels, skunk and mink;
 - B. Raccoons;
 - C. Any dog which has the appearances and characteristics of being of the breed of Staffordshire Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.
11. “Dangerous wild animal” means, for the purpose of this chapter, all of the following animals:
- A. A member of the family Canidae of the order carnivore, including but not limited to wolves, coyotes, and jackals. However, a dangerous wild animal does not include a domestic dog.
 - B. A member of the family Hyaenidae of the order carnivore, including but not limited to hyenas.
 - C. A member of the family Felidae of the order carnivore, including but not limited to lions, tigers, cougars, leopards, cheetahs, ocelots, and servals. However, a dangerous wild animal does not include a domestic cat.
 - D. A member of the family Ursidae of the order carnivore, including bears and pandas.
 - E. A member of the family Rhinocerotidae of the order Perissodactyla, which is a rhinoceros.
 - F. A member of the order Proboscidea, which is any species of elephant.
 - G. A member of the order of primates other than humans, and including the following families: Callitrichiadae, Cebidae, Cercopithecidae, Cheirogaleidae, Daubentoniidae, Galagonidae, Hominidae, Hylobatidae, Indridae, Lemuridae, Loridae, Megaladapidae, or Tariidae. A member includes but is not limited to marmosets, tamarins, monkeys, lemurs, galagoes, bushbabies, great apes, gibbons, lesser apes, indris, sifakas, and tarsiers.
 - H. A member of the order Crocodylia, including but not limited to alligators, caimans, crocodiles, and gharials.

- I. A member of the order Varanidae of the order Squamata, which is limited to water monitors and crocodile monitors.
- J. A member of the order Squamata which is any of the following:
- (1) A member of the family Varanidae, which is limited to mole vipers and crocodile monitors.
 - (2) A member of the family Atractaspididae, including but not limited to water monitors and burrowing asps.
 - (3) A member of the family Helodermatidae, including but not limited to bearded lizards and Gila monsters.
 - (4) A member of the family Elapidae, Viperidae, Crotalidae, Atractaspididae, or Hydrophiidae, which are venomous including but not limited to cobras, mambas, coral snakes, kraits, adders, vipers, rattlesnakes, copperheads, pit vipers, keelbacks, cottonmouths, and sea snakes.
 - (5) A member of the super family Henophidia, which is limited to reticulated pythons, anacondas, and African rock pythons.
- K. An animal which is the offspring of an animal listed above and another animal listed above or any other animal. It also includes animals which are the offspring of each subsequent generation. However, the offspring of a domestic dog and a wolf or the offspring from each subsequent generation in which at least one parent is a domestic dog are not dangerous wild animals.
12. “Dog” means any member of the canine species, male or female, neutered or unneutered.
13. “Fair” means any of the following:
(*Code of Iowa, Sec. 717E.1*)
- A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
14. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.
(*Code of Iowa, Sec. 717E.1*)
15. “Injury” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.
(*Code of Iowa, Sec. 717.B1*)
16. “Kennel dog or cat” means a dog or cat kept or raised solely for the purpose of sale and kept under constant restraint.

17. “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)

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

19. “Pet” means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

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

20. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.

(Code of Iowa, Sec. 162.2)

21. “Research facility” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

(Code of Iowa, Sec. 162.2)

22. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.

(Code of Iowa, Sec. 717.B1)

23. “Veterinary hospital” meaning a public or private establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseased and injured animals.

24. “Vicious animal” means either of the following:

A. An animal which inflicts a bite or bites upon and/or attacks a human being or domesticated animal without cause or justification.

B. Notwithstanding Subparagraph A above, an animal running at large which inflicts a bite or bites upon and/or attacks a human being or a domesticated animal, with or without cause or justification, shall be presumed to be vicious. This presumption may be rebutted with the burden of proof being on the owner or possessor of said animal to establish by a preponderance of the evidence that said animal is not a present danger to people or domesticated animals.

25. “Walker” means any person having control over or attempting to have control over an animal when it is off the premises of its owner.

55.02 ANIMAL NEGLECT.

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

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

A. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.

B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.

C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.

D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.

F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:

(1) A condition caused by failing to provide for the animal's welfare as described in this section.

(2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

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

A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:

(1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.

(2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

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

55.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means 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. It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

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

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

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the corporate limits of the City unless done so in an area that is zoned as Class A Agricultural District.

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 VICIOUS, DANGEROUS, OR BOTHERSOME ANIMALS. No person shall own, keep or harbor a vicious, dangerous or bothersome animal within the City. Animals kept in the following circumstances allowed under Chapter 717F of the *Code of Iowa* are excluded from this requirement:

1. Public zoos, fully accredited educational or medical institutions; public museums where such animals are kept as live specimens for public viewing; or animals kept for the purpose of instruction or research.
2. Exhibitions to the public by a traveling circus, carnival, exhibit, or show.

3. Dangerous animals in a licensed veterinary hospital for treatment.
4. Dangerous animals under the jurisdiction of and in the possession of the State Department of Natural Resources.
5. Animals possessed under authority of a State-issued game breeder's license or scientific collector's license.
6. Dangerous animals maintained by the federal, State, or County government or its designee, pursuant to the enforcement of this chapter.

55.10 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF DANGEROUS OR VICIOUS ANIMALS AND ANIMALS RUNNING AT LARGE.

1. In the event that a dangerous animal or vicious animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, at the discretion of the Mayor or Sheriff's Department, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt confinement or capture of a dangerous or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
2. Upon the complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal or vicious animal on the premises in the City and in a manner contrary to the provisions of this chapter, the Mayor or Sheriff's Department shall cause the matter to be investigated, and if after investigation, the facts indicate that the person named is harboring a dangerous or vicious animal in the City in a manner contrary to the provisions of this chapter, the officer shall remove such animal from the City, permanently place the animal with an organization or group allowed to possess dangerous or vicious animals or destroy the animal, within three days of the receipt of such an order. Such order shall be contained in a notice to remove the dangerous or vicious animal. The notice shall be given in writing to the person keeping, sheltering, or harboring the dangerous or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the animal shall not be required where such animal has previously caused serious physical harm or death to any person in which case the officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
3. The order to remove a dangerous or vicious animal issued by the officer may be appealed to the City Council. In order to appeal such an order, written notice of appeal must be filed with the City Clerk within two days after the receipt of the order contained in the notice to remove the dangerous or vicious animal. Failure to file such a written notice of appeal shall constitute a waiver of right to appeal the order of the Sheriff's Department.

55.11 NUMBER OF ANIMALS. No person shall harbor or maintain such number of animals 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, law enforcement officers are authorized to make an investigation and after notice and hearing to the person harboring or maintaining the animals, the officers may order such number of animals to be removed from the residence or premises to remedy or correct the unhealthful, unsanitary or other conditions constituting a nuisance. Upon failure of the person to follow the orders issued

by law enforcement, appropriate action may be pursued in the courts either to enforce the order or to correct the conditions and/or to abate the nuisance.

55.12 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 feces. Said enclosures shall be cleaned at least every other day or oftener if deemed advisable or necessary by a health officer or the Benton County Sheriff's Department. Enclosures shall be located at a minimum of seven feet from the adjoining property line. No animal may be kenneled in the front yard, side yard of a corner lot of a residential dwelling, or in the public right-of-way.

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 and shall be stored in a sanitary manner in an appropriate refuse 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, collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

55.13 ANIMALS IN PARKS. No animal shall be allowed in any City park unless it is attached to a leash not more than six feet in length with sufficient strength to restrain the animal when the leash is held by a person capable of restraining and controlling the animal. Anyone bringing an animal into a City park shall ensure that the animal's feces is immediately cleaned up and steps taken to remove the feces from the property.

55.14 CONFINEMENT OF FEMALE ANIMALS IN HEAT. The owner of any female animal in heat shall confine said animal inside the house or building on the owner's premises during the heat period. The owner may remove the animal in heat from such premises for the purpose of defecating, urinating, breeding, and/or appointment with the veterinarian provided the animal is on a leash, cord, chain, or similar restraint not more than six feet in length and is under control of the owner.

55.15 DOG AND CAT QUARANTINE. Whenever it becomes necessary to safeguard the public from the dangers of rabies or other communicable diseases, the Board of Health may issue a proclamation ordering every owner of a dog or cat to confine his or her dog or cat securely on the owner's premises for such period of time as the Board of Health deems necessary.

55.16 RABIES VACCINATION.

1. It is unlawful for any person to own, keep or harbor a cat or dog over six months of age which has not been currently vaccinated against rabies. Dogs kept in a State or federally licensed kennel and which are kept under constant restraint are not subject to the provisions of this section.

2. Every cat or dog which is over six months of age shall wear a collar with a valid rabies vaccination tag attached to the collar when outside the owner's dwelling.
3. The owner of any dog or cat within the City which is subject to vaccination in accordance with the provisions of this chapter shall have such dog or cat vaccinated against rabies by a licensed veterinarian in such way as to maintain said dog or cat's immunity from rabies.

55.17 REPORTING OF BITES. Reporting of bites shall be made as follows:

1. **Physician.** Every physician or other practitioner shall report in writing to the Benton County Sheriff's Department the name and address of any person treated for bites inflicted by an animal with such other information as will assist in the prevention of rabies or other communicable diseases.
2. **Veterinarian.** Every veterinarian shall report to the Benton County Sheriff's Department any diagnosis of rabies or other communicable diseases in any animal examined by such veterinarian or under his or her supervision.
3. **Owner.** The owner of any animal or any person having knowledge of any animal biting or causing a skin abrasion upon any person in the City shall promptly report such fact to the Benton County Sheriff's Department.

55.18 ANIMALS SUSPECTED OF COMMUNICABLE DISEASES. It is the duty of the Mayor or other authorized person to cause any animal suspected of being infected with rabies or other communicable disease or any animal that has bitten or caused a skin abrasion upon any person in the City to be placed in isolation and under quarantine for observation for a minimum of 10 days. The isolation and quarantine shall be either at a humane shelter authorized by the City or in a veterinary hospital, except that if such animal has been vaccinated against rabies not less than 30 days and not more than 12 months from the date of apprehension of the animal. When isolation and quarantine are authorized on the owner's premises, it will be at the discretion of and under the direct supervision of the County Sheriff. The expense of isolation and quarantine at a veterinary hospital shall be borne by the owner. If the animal is placed in isolation and under quarantine in a humane shelter authorized by the City, the charge incurred during such period shall be assessed to the owner. 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.

55.19 RELEASING ANIMALS. No person except the owner shall willfully open any door or gate on any private premises for the purpose of enticing or enabling any animal to leave such private premises and to be at large.

55.20 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. The City may enter into a contract with some other qualified agency for the use of its facilities for the impoundment of animals.

55.21 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 the fees charged by the shelter or clinic, plus the City fees and if an

unvaccinated animal, by having it immediately vaccinated. If the owner fails to redeem the animal within three days from the date that the notice is mailed, or if the owner cannot be located within three days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.22 TAG AND COLLAR. Every owner shall be required to provide each dog and/or cat with a collar to which the rabies tag and identification tag must be securely fixed. Such rabies tag and identification tag and collar shall be constantly worn by every animal and it shall be the responsibility of the owner of such animal to assure the constant wearing of such collar and tag. In the event the animal's tags are lost or destroyed, the owner is required to replace them.

55.23 POLICE SERVICE DOGS. Police service dogs of any law enforcement agency operating within the City are exempt from the provisions of this chapter.

55.24 REMOVAL BY PETITION. Residents of the City may, for just cause, petition the Council for the removal of an animal from the City.

55.25 HOLD HARMLESS. Absent a showing of reckless conduct, no person authorized to enforce the provisions of this chapter shall be liable for damage to or destruction of any animal occurring during the course of enforcement of this chapter.

55.26 SCHEDULE OFFENSES AND FINES. The following scheduled fines are fixed for violations of Section 55.06 of this chapter:

- | | | |
|----|----------------|----------|
| 1. | First Offense | \$50.00 |
| 2. | Second Offense | \$100.00 |
| 3. | Third Offense | \$200.00 |

At any time the Municipal Infraction penalties may be enforced, depending on the severity of the violation.

55.27 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care, or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.

B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting, or fishing, including but not limited to the Iowa Sportsmen's Federation.

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

(Code of Iowa, Sec. 351.45)

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

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

(Code of Iowa, Sec. 351.46)

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

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