

NUISANCES AND ANIMAL CONTROL

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

1. **Offensive Smells.** Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. **Billboards.** Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.
9. **Lawn and Weeds.** Lawns and gardens within non-agricultural areas in the City shall be maintained in accordance with this chapter. All yards, gardens, and properties shall be kept free of noxious weeds, vines, brush, or other vegetation so as not to

constitute a health, safety or fire hazard. All lawn grasses shall be kept mowed and trimmed so that it does not exceed six inches in height from ground level to blade tip.

10. Dutch Elm Disease. Trees infected with Dutch elm disease. (See also Chapter 151)

11. Airport Air Space. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

12. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the *Code of Iowa* or places resorted to by persons using controlled substances, as defined in Section 124.101 of the *Code of Iowa*, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

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

1. Junk and Junk Vehicles (See Chapter 51)
2. Dangerous Buildings (See Chapter 145)
3. Storage and Disposal of Solid Waste (See Chapter 105)
4. Trees (See Chapter 151)

50.04 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter or State law.

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT. Whenever any authorized municipal officer finds that a nuisance exists, such officer has the authority to determine on a case-by-case basis whether to utilize the nuisance abatement procedure described in Section 50.06 of this chapter or the municipal infraction procedure referred to in Section 50.07.

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

50.06 ABATEMENT OF NUISANCE BY WRITTEN NOTICE. Any nuisance, public or private, may be abated in the manner provided for in this section:

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

1. Contents of Notice to Property Owner. The notice to abate shall contain: †

† **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.

- 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, 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 14 days of the notice to abate is in violation

of this Code of Ordinances unless a waiver is provided by the Chief of Police with approval of the Mayor.

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 4 of this Code of Ordinances.

CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

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

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

2. “Junk vehicle” means any vehicle legally placed in storage with the County Treasurer or unlicensed and having any of the following characteristics:

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

B. Broken, Loose, or Missing Part. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, steering wheel or trunk lid.

C. Habitat for Nuisance Animals or Insects. Any vehicle that has become the habitat for rats, mice, snakes, or any other vermin or insects.

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

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

F. Defective or Obsolete Condition. Any other vehicle that, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

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

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

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

51.03 JUNK AND JUNK VEHICLES A NUISANCE. It is hereby declared that any junk or junk vehicle located upon private property, unless excepted by Section 51.04, constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1 of the *Code of Iowa*. If any junk or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within:

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

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances. The person causing and/or maintaining the junk or junk vehicle upon private property shall be subject to the same civil penalties as set forth in Section 50.06(8) of this Code of Ordinances.

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

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.14 Transporting Animals in Vehicles
55.02 Animal Neglect and Cruelty to Animals Prohibited	55.15 Animals Injured by Motorists
55.03 Livestock Neglect	55.16 Tethering and Shelter for Dogs
55.04 Abandonment of Cats and Dogs	55.17 Tethering and Shelter for Dogs: Violations
55.05 Bothersome Animals/Insects (Bees)	55.18 Feral Cat Colony
55.06 Animal at Large Prohibited	55.19 Managed Feral Cats
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55.13 Microchip Requirements	

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

1. "Abandonment" means an owner's intentional act of abdicating reasonable care or control of an animal in a location where any reasonable person would know the animal has little chance of finding food, potable water, or shelter.
2. "Adequate shelter" means a structurally sound, adequately ventilated, weatherproof structure that is comprised of non-toxic materials and interior floors that minimize injury and discomfort to the animal. The structure must be clean and of a suitable size as to limit overcrowding by properly accommodating the specific animal. The structure must protect the animal from extreme conditions. The animal must be able to lie down fully and rise to its feet, in a natural manner, consistent with the animal's species.
3. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
4. "Allow," for the purposes of this chapter, shall include human conduct that is intentional, deliberate, careless, inadvertent, or negligent in relation to the actions of an animal.
5. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
6. "Animal at large" means off the premises of the owner and not on a sturdy leash under control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
7. "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.
8. "Basic medical care" means medical care required by the species, including (but not limited to) periodic examinations by a veterinarian, prompt veterinary care when required, age and species appropriate vaccinations, basic grooming, and internal and external parasite control.

9. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
10. "Commercial establishment" means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.
11. "Custody" means the possession, control over, and responsibility for an animal by a person who may or may not be the owner.
12. "Euthanasia" means the humane destruction of an animal accomplished by a method approved by the most recent Report of the American Veterinary Medication Association Panel on Euthanasia.
13. "Fair" means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
14. "Feral cat" means any wild or untamed cat. A feral cat is not a stray cat.
15. "Feral cat colony" means a group of homeless, wild or untamed cats living or growing together.
16. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
17. "Harness" means a properly fitting apparatus that is not abrasive and that restrains the animal by the body and shoulders without the involvement of the neck.
18. "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.
19. "Intact" means a dog over six months old or a cat over five months old that has not been altered (spayed/neutered).
20. "Leash law" means animals, other than wild animals not owned by any human, must be restricted at all times by either a secure fence, a secure facility, a secure enclosure, secured in the back of a pickup truck, inside a vehicle with proper ventilation, or be on a leash no longer than eight feet long accompanied by a person able to control the animal.
21. "Live trap" means any device designed to catch and restrict an animal without causing any harm to the animal.
22. "Owner" means any person having title to, or an ownership interest in, or custody of, or keeping, maintaining, or possessing one or more animals. "Owner" does

not include a feral cat caretaker participating in the Trap-Neuter-Return Program, as described in Section 55.19.

23. "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.

24. "Possession" means custody of an animal.

25. "Potable water" means water that is safe for drinking.

26. "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.

27. "Reasonable period" means a period of time not to exceed eight hours in a 24-hour period, or a time that is otherwise approved by the City.

28. "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.

29. "Stray cat" means any cat that is homeless and is not considered to be feral.

30. "Tethering device" means a chain, rope, or other restraining device which attaches to a dog.

31. "Veterinarian" means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* and who practices veterinary medicine in the State.

32. "Wild, exotic or dangerous animal" means any animal which is not commonly domesticated, or which is not native to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any other animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner, including hybrids, and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. Those animals, however domesticated, shall include, but are not limited to:

- A. Alligators and crocodiles;
- B. Bears (Ursidae), including grizzly bears, brown bears, and black bears;
- C. Cat family (Felidae), all except the commonly accepted domesticated cats, and including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;
- D. Dog family (Canidae), all except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, dingo and part dingo;
- E. Porcupines (Erethizontidae);
- F. All nonhuman primates (Hominidae);

- G. Raccoons (Procyonidae), including eastern raccoons, desert raccoons and ring-tailed cats;
- H. Skunks;
- I. Venomous fish and piranha;
- J. Venomous snakes or lizard;
- K. Weasels (Mustelidae), all, except domesticated ferrets, including weasels, martins, wolverines, black footed ferrets, badgers, otters, ermine, mink, and mongoose.

55.02 ANIMAL NEGLECT AND CRUELTY TO ANIMALS PROHIBITED.

1. **Physical Abuse.** It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald, drive over, or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation. A State Center Police Officer may require an examination of the animal by a licensed veterinarian upon suspicion of abuse.
2. **Hobbling Animals.** It is unlawful for any person to hobble animals by any means which may cause injury or damage to any animal.
3. **Care and Maintenance.** It is unlawful for any person having charge, care, custody or control of any animal, as owner or otherwise, to fail to provide adequate food, potable water, basic medical care, and shelter required for the specific species or breed of the animal to maintain proper health and comfort of the animal.
4. **Animal Poisoning.** It is unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.
5. **Killing of Birds.** It is unlawful for any person to take or kill any bird(s), or to rob or destroy any nest, egg, or young of any bird in violation of the laws of the State.
6. **Malicious Impounding.** It is unlawful for any person maliciously to secrete or impound the animal of another.
7. **Abandoned, Diseased, or Painfully Crippled Animals.**
 - A. It is unlawful for any person to abandon or turn out at large any sick, diseased, or disabled animal, but such animal may, by reason of sickness or other disability, be euthanized in a humane manner.
 - B. It is further unlawful for the owner or person having the charge, care, custody and control of such animal infected with dangerous or incurable and/or painfully crippling condition to have, keep, or harbor such animal without placing the same under veterinary care, or to dispose of the same. The failure to take such care is a violation of this chapter, and the City may take custody of such animals and deal with them as deemed appropriate under the circumstances.

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 inure 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 BOTHERSOME ANIMALS/INSECTS (BEES). It is unlawful for a person to keep within the City bothersome animals and insects such as bees, cattle, donkeys, mules, horses, swine, sheep, goats, fowl and geese, which tend to disrupt the peace and good order of the community, except by written consent of the Council.

55.06 ANIMAL AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City and to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

55.07 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.

55.08 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed vicious when it has attacked or bitten any person without provocation and this incident has been reported to and verified by the State Center Police Department.

55.09 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)

55.10 IMPOUNDMENT AUTHORIZED WHEN. A State Center Police Officer shall place all animals which he or she takes into custody in a designated animal impound facility. The following animals may be taken into custody by the officer and impounded without the filing of a complaint:

1. Any animal being kept or maintained contrary to the provisions of this chapter.

2. Any animal running at large contrary to the provisions of this chapter.
3. Sick or injured animals whose owner cannot be located, or whose owner requests impoundment and agrees to pay a reasonable fee for the services rendered.
4. Any abandoned animal.
5. Animals which are not vaccinated for rabies in accordance with the requirements of this chapter.
6. Any animal to be held for quarantine.
7. Any vicious animal not properly confined as required by Section 55.16 of this chapter.

55.11 IMPOUNDMENT. Animals shall be impounded for a minimum of three working days before further disposition, except as otherwise provided herein. Any animal which is impounded and is microchipped, or wearing a current rabies tag and other identification designating the owner of the animal, and where such owner may be contacted, shall be impounded for a minimum of five calendar days before further disposition. Reasonable effort shall be made to notify the owner of any animal microchipped or wearing other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner.

55.12 IMPOUNDMENT: REDEMPTION CONDITIONS. The owner of any impounded animal, or such owner's authorized representative, may redeem such animal before disposition, provided he or she pays the fees and charges as listed below, according to the amounts in Appendix A of this chapter:

1. The impound fee.
2. The daily board charge.
3. Veterinary costs incurred during the impound period, including rabies vaccination.
4. Microchip, if required.
5. A transportation fee, if transportation of an impounded animal by specialized equipment was required.
6. Any other expenses incurred to impound an animal in accordance with State or local laws.
7. Any unpaid or past due Animal Services fees and fines incurred by the owner.
8. If an animal is impounded without wearing identification, the owner shall be required to purchase and have implanted in the animal microchip identification.
9. Upon the second impoundment and prior to the release of a fertile animal, said animal shall be sterilized. Payment of all fees shall be required and sterilization completed prior to release.

55.13 MICROCHIP REQUIREMENTS.

1. Dogs. Owners are encouraged to have an identifying microchip implanted in their dogs. If owners take such action, they shall be exempt from the requirement that such dogs wear identifying tags at all times while off the premises.

2. Cats. Owners are encouraged to have an identifying microchip implanted in their cats. By taking such action, owners shall be exempt from the requirement that such cats wear identifying tags at all times while off the premises.

3. If an animal is impounded without wearing identification, the owner shall be required to purchase and have implanted in the animal microchip identification before the animal may be released to the owner.

55.14 TRANSPORTING ANIMALS IN VEHICLES. When transporting animals they must be kept safe.

1. Transporting Animals in Pickup Trucks.

A. Animals that are transported in the bed of a pickup truck must be humanely restrained or crated to prevent the possibility of the animal falling out, protected from extreme temperatures, and provided with a non-metal surface to sit or stand on.

B. No animal shall be left in the bed of a truck, whether in a crate or not, when the weather is such that the animal will be exposed to extreme heat, cold, or rain.

2. Transporting Animals in Cars, Vans, and RVs.

A. Animals left unattended in cars, vans, or RVs must have adequate ventilation to prevent the temperature in the vehicle from rising high enough such that any reasonable person would know that the animal would suffer from heat exposure.

B. During the warmer months, no amount of ventilation will keep the car from getting too hot. If a State Center Police Officer determines that an animal in a vehicle is in immediate danger, the officer may enter the vehicle by whatever means necessary, without being liable to the owner of the vehicle, and seize the animal.

55.15 ANIMALS INJURED BY MOTORISTS.

1. Every operator of a motor or other self-propelled vehicle upon the streets of the City shall, immediately upon injuring, striking, maiming, or running down any domestic animal, give such aid as can reasonably be rendered. He or she shall immediately notify the City or the State Center Police Department, furnishing requested facts relative to such injury.

2. It shall be the duty of such operator to comply with the instructions given by the agency contacted, and shall, if instructed, remain at or near the scene until such time as the appropriate authorities arrive.

55.16 TETHERING AND SHELTER FOR DOGS. A person commits an infraction or misdemeanor if the person wantonly or cruelly tethers a dog outside for a period exceeding 10 consecutive hours in a 24-hour period or between the hours of 10:00 p.m. and 7:00 a.m., or violates any of the following provisions:

1. While tethered, a dog shall be able to move about freely. The tether shall be a minimum of ten linear feet and have swivels on at least one end. Tow chains shall not be used.

2. While tethered, a dog shall wear a collar, harness, or similar device which fits properly to prevent injury or obstruction of respiration and to which the tether shall be attached. Choke, pinch, prong, or other chain collars shall not be used.
3. An enclosure to confine a dog or dogs shall be a minimum of 100 square feet per dog and shall be of sufficient height and construction to provide a safe barrier for the dog or dogs. An enclosure shall contain a shelter as provided for in Subsection 4 of this section.
4. A dog shall have access to a shelter which shall be large enough for the dog to stand, turn around, and lie down inside without touching the sides or top. A shelter shall be windproof and waterproof and the opening shall be large enough for the dog to enter and exit while standing upright.
5. Drums or barrels of any material shall not be used as shelter for dogs.
6. A dog shall have access to clean and sanitary shelter when the temperature, with or without a wind chill factor, is 50 degrees Fahrenheit or less, or when there is precipitation.
7. When the heat and humidity index exceeds 75 degrees Fahrenheit, a dog shall have access to shade from direct sunlight. A shelter shall not be considered shade.

55.17 TETHERING AND SHELTER FOR DOGS: VIOLATIONS.

1. Any person who knowingly violates the provisions of this section shall be guilty of a violation, punishable by a fine of not less than \$50.00 or more than \$100.00 for a first offense, and a fine of not less than \$100.00 or more than \$200.00 for each second or subsequent offenses. Beginning 48 hours after a charge of violating this section, each day that a defendant fails to correct the deficiencies in the method used to restrain a dog that he or she owns or that is in his or her custody or control, so as to bring it into compliance with the provisions of this section, shall constitute a separate offense.
2. Nothing in this section shall prevent the seizure of a dog for a violation of this section pursuant to the authority granted in this chapter.
3. Nothing in this section shall be construed to affect any protections afforded to dogs or other animals under any other provision of this chapter.

55.18 FERAL CAT COLONY. It is unlawful for any person to maintain a feral cat colony unless the colony is a managed colony in which food, water, and shelter are provided in conjunction with the implementation of the Trap-Neuter-Return (TNR) Program as set forth in Section 55.19 of this chapter.

55.19 MANAGED FERAL CATS. The animal care and control division or its designee in the City, in order to encourage the stabilization of the feral cat population in the City, may implement the Trap-Neuter-Return (TNR) Program as follows:

1. Live-trap any free-roaming cat in a humane manner.
2. Have the cat surgically altered, ear-notched (if feral), and vaccinated against rabies.
3. If stray, release the cat to a humane organization for adoption or other disposition in accordance with law, or, if feral, return to a colony caretaker who will maintain the cat as part of the managed feral cat colony.

55.20 MAINTAINING A FERAL CAT COLONY. Feral cat colony caregivers shall:

1. Take responsibility for feeding and watering the cat colony regularly throughout the year, while ensuring that the food storage areas are secure from insect, rodent, and other vermin attraction and harborage.
2. Work to sterilize, vaccinate and ear-notch all adult cats that can be captured. Implanting a microchip is recommended.
3. Remove droppings, spoiled food, and other waste from the premises as often as necessary, and at least every seven days, to prevent odor, insect or rodent attraction or breeding, or any other nuisance.
4. Provide contact information in the event that complaints are received by the City concerning management of the colony.

55.21 RABIES VACCINATION. Every dog or cat over the age of three months shall be vaccinated for rabies and distemper and the owner thereof shall possess an unexpired certificate in the form required by State law indicating use of a vaccine approved by the State.

55.22 DOG AND CAT CURBING REQUIREMENTS. No person shall knowingly allow a dog or cat which is kept by that person to defecate or urinate on a public street, byway, municipally owned or public land or building, or upon private property, in the City without the prior permission of the owner of such property; however, if an animal defecates on property described in this section, the animal's owner or keeper promptly shall remove any feces to a waste container, or otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities. The owner of any animal in violation of this section shall be fined the amount in accordance with the Animal Nuisance fees listed in Appendix A of this chapter.

55.23 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.

55.24 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.

55.25 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.

**APPENDIX A
FEES**

Fees for second, third, and subsequent violations are for those occurring within a 12-month period.

	First Offense	Second Offense	Third Offense	Subsequent Offenses
Impound Fees	\$25.00	\$50.00	\$100.00	\$200.00
Animal Nuisance	\$50.00	\$100.00	\$200.00	Criminal
Boarding Fees Per day for Pets	\$10.00			
Microchip Implantation	\$25.00			

All funds collections under this chapter shall only be used by the City for animal control purposes.

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