

# **NUISANCES AND ANIMAL CONTROL**

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## CHAPTER 50

## NUISANCE ABATEMENT PROCEDURE

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

*(Code of Iowa, Sec. 657.1)*

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

*(Code of Iowa, Sec. 657.2)*

1. **Offensive Smells.** Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. **Billboards.** Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.
9. **Weeds, Brush. Weeds, Grass and Other Dense Growth.**
  - A. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard;
  - B. Noxious weeds as defined in the Code of Iowa; and

- C. Unsightly, unmown grass which exceeds eight inches in height.
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: †
  - A. Description of Nuisance. A description of what constitutes the nuisance.

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† **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.

- 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 the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.
9. Subsequent Violation Within 365 Days. If a person allows a subsequent nuisance to exist within 365 days after being served with a nuisance abatement notice

involving the same subject matter and property as the subsequent nuisance and for which the City abated the previous nuisance pursuant to Subsection 50.06(1)(E), the City shall have the right to abate the subsequent nuisance without prior notice to such person or property owner.

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

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## CHAPTER 51

# JUNK AND JUNK VEHICLES

### 51.01 Definitions

### 51.02 Junk and Junk Vehicles Prohibited

### 51.03 Junk and Junk Vehicles a Nuisance

### 51.04 Exceptions

### 51.05 Notice to Abate

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

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
2. “Junk vehicle” means any vehicle legally placed in storage with the County Treasurer or unlicensed and having any of the following characteristics:
  - A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
  - B. Broken, Loose, or Missing Part. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, steering wheel or trunk lid.
  - C. Habitat for Nuisance Animals or Insects. Any vehicle that has become the habitat for rats, mice, snakes, or any other vermin or insects.
  - D. Flammable Fuel. Any vehicle that contains gasoline or any other flammable fuel.
  - E. Inoperable. Any motor vehicle that lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or that cannot be moved under its own power or has not been used as an operating vehicle for a period of 30 days or more.
  - F. Defective or Obsolete Condition. Any other vehicle that, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

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

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

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

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

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

**51.04 EXCEPTIONS.** The provisions of this chapter do not apply to 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.

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

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## CHAPTER 55

## ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.08 Impoundment
55.02 Animals at Large	55.09 Refusal of Admittance
55.03 Owner Duties	55.10 Prohibited Acts
55.04 Livestock Prohibited	55.11 Pet Awards Prohibited
55.05 Barking Dogs	55.12 Enforcement
55.06 Police Dogs	55.13 License Required
55.07 Dangerous and Vicious Animals Prohibited	55.14 Kennel Dogs

**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. “Altered” means an animal that is either spayed or neutered.
3. “Animal” means any member of the animal kingdom except human beings.
4. “Animal Control Officer” means any Animal Control Officer under contract with the City to maintain compliance with this chapter.
5. “Animal shelter” means a facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the County or operated under contract with the County for the purpose of the provisions of this chapter or any other chapter.
6. “At large” means off the premises of the owner, whether by accident, design, or otherwise.
7. “Board of Health” means the Board of Health of Pottawattamie County.
8. “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.
9. “Cat” means a member of the *Feline* species, male or female, altered or unaltered.
10. “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)
11. “Dog” means any member of the *Canine* species, male or female, altered or unaltered.
12. “Euthanasia” means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.
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. “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. “Impound” means the act of placing an animal in an enclosure, to confine an animal within an enclosure or to seize and retain possession of an animal.
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 having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by such person for more than seven consecutive days other than a veterinary hospital, licensed kennel or animal shelter.
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.
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*)

## 55.02 ANIMALS AT LARGE.

1. It is unlawful for the owner of any animal, including livestock, to fail to keep the same from running at large in the City.

2. For the purpose of this chapter, an animal shall not be deemed at large if the animal is on the premises or property of the animal owner or the property of another, so long as the property owner has given his or her permission and the animal cannot enter onto the public streets, sidewalks, alleys, other public areas or property not owned by the animal's owner.
3. Notwithstanding the above, "at large" means off the premises of the owner, whether by accident, design, or otherwise, unless:
  - A. The animal is on a leash, cord, chain, or similar restraint not more than 15 feet in length and is under the control of a person competent to restrain and control the animal; or
  - B. The animal is within a motor vehicle of its owner such that it cannot escape or have contact with a person outside the vehicle and such that said confinement does not endanger the animal's health or well-being; or
  - C. The animal is housed within a veterinary hospital, licensed kennel, pet shop, or animal shelter.
4. Any animal found to be at large within the City shall be deemed a public nuisance. Animals found at large may be apprehended and impounded, costs of which shall be paid by the animal's owner.
5. Notwithstanding any provision to the contrary, animals injured or killed on or along public streets or public rights-of-way shall be deemed at large. The Animal Control Officer may remove all such animals and at his or her discretion take such animal needing medical attention to a veterinarian or animal shelter. The owner of such animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this chapter.

### **55.03 OWNER DUTIES.**

1. **Humane Treatment.** An owner or custodian shall provide sufficient food, water, shelter and humane treatment for any animal in such person's care. It is unlawful under this chapter for an owner or any other person to beat, starve, or otherwise abuse any animal.
2. **Sanitary Conditions.** An owner or custodian shall keep all structures, pens, or yards wherein dogs or cats are confined clean, devoid of vermin and free of odors arising from urine or feces.
3. **Public Sanitation.** No owner or custodian of a dog or other animal shall permit such animal to discharge feces upon any public or private property, other than the property of the owner or custodian of the animal. The owner or custodian shall not, however, be considered in violation of this subsection provided such person takes steps to immediately remove and clean up the feces discharged by the animal from the property. 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. An owner or custodian may, as an alternative, collect the feces and turn it under the surface of said owner's or custodian's soil in any manner that prevents odor or collection of vermin.
4. **Tethering.** An owner or custodian may not stake or otherwise tie or fasten an animal in a way that permits the animal to pass onto, over, or across any public sidewalk, street, or alley or private property of anyone other than the owner or custodian.
5. **Abandonment.** No owner or custodian may abandon any animal where it may become a public charge, nuisance or may suffer injury, hunger or exposure.

6. Rabies Vaccination. An owner or custodian of a dog required to be licensed under this Code of Ordinances shall vaccinate said dog for rabies and maintain a current vaccination tag on the dog's collar at all times. The rabies vaccination shall be administered in accordance with Chapter 351 of the *Code of Iowa*. A current certificate of vaccination for rabies signed by a licensed veterinarian administering the vaccine shall be required for all animals for which the vaccination is required.

7. Minimum Age. No dog may be licensed under this Code of Ordinances unless at least one of the registered owners or custodians of said dog is at least 18 years of age. All registered owners or custodians (or owners or custodians of an unlicensed dog) 18 years of age or older shall be personally, jointly, and severally liable for compliance with the provisions of this chapter.

8. Transfer of Ownership. A new owner or custodian shall within 30 days from the date of a change in ownership of dog make an application and pay the fee for a new license as provided in Section 55.13 of this chapter.

9. Number of Animals Limited. No more than three domestic animals, such as dogs and/or cats, shall be kept on one property. However, this provision shall not make unlawful the keeping of litters. Puppies and kittens are, therefore, exempt from this restriction until reaching age six months, at which time only three animals shall be allowed.

10. Responsibility to Report Bite or Attack. This chapter incorporates all regulations and duties imposed by Chapter 351 of the *Code of Iowa*. Included in the *Code of Iowa* is the duty of the owner or custodian of any animal that has bitten or attacked a person or any person having any knowledge of such bite or attack to report this act to a local health or law enforcement official. The owner or custodian must confine such animal in a manner directed by the Board of Health or the Animal Control Officer.

**55.04 LIVESTOCK PROHIBITED.** It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

**55.05 BARKING DOGS.**

1. It is unlawful to keep or harbor any dog which, by frequent, regular, habitual, or continued barking, whining, yelping, howling or other loud noises, causes serious annoyance or which tends to distract from the peace and good order of the City. Such annoyance shall be considered a public nuisance.

2. The Animal Control Officer or the County Sheriff shall have the authority to use all reasonable means to abate such nuisance, including (but not limited to) requiring that the owner make bona fide efforts to quiet the dog, or impoundment of the animal, costs of which shall be paid by the animal's owner or custodian.

3. Any person who shall fail or refuse to abate such nuisance shall be deemed to have committed a separate violation of this chapter for each 24-hour period thereafter during which said nuisance continues and be subject to like penalties provided under this chapter.

**55.06 POLICE DOGS.**

1. It is unlawful under this chapter for any person to taunt, tease, strike, injure or kill any dog used by a law enforcement officer, law enforcement department or law enforcement agency at any time.

2. No person shall meddle with any such dog or any handler thereof in the performance of the functions of the law enforcement officer, law enforcement department or agency.

3. It is not a violation of this chapter for a law enforcement officer or veterinarian to euthanize a police dog in an emergency situation when done to end undue suffering and pain for the police dog.

#### **55.07 DANGEROUS AND VICIOUS ANIMALS PROHIBITED.**

1. It is unlawful for any person to keep, harbor, purchase or sell a dangerous or vicious animal. An animal may be deemed dangerous or vicious by the Animal Control Officer based on the criteria specified below. For the purpose of this section, the term “dangerous or vicious animal” includes but is not limited to any animal that either:

- A. Attacks and/or bites any person or other animal without provocation; and/or
- B. Kills or seriously injures any person; and/or
- C. Kills or seriously injures livestock or a domestic animal; and/or
- D. Approaches any person or other animal in an apparent attack posture or in a vicious or terrorizing manner, whether or not the attack is consummated; and/or
- E. Is cited for running at large three or more times in one year.

2. The Animal Control Officer shall immediately seize such dangerous or vicious animal, which shall be held for seven days. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two days after impoundment, if the owner’s name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If, by the end of the impoundment period, the person keeping, harboring, or sheltering said dangerous or vicious animal has not petitioned the court seeking return of the animal, the Animal Control Officer shall have cause for the euthanasia of the animal.

3. Dogs used in security or police work shall not be classified as dangerous or vicious if a bite or bites occur while the dog is actually performing in such a capacity.

4. **Owner or Custodian Liability.** If a dog or other animal, without provocation, attacks or injures any person who is peaceably conducting himself or herself in a place where such person may lawfully be, the owner of such dog or other animal is liable in damages to such person for the full amount of the injury sustained. If a dog or other animal, without provocation, attacks or injures another animal, the owner or custodian of such dog or animal is liable for damages caused to the injured animal by the attack.

#### **55.08 IMPOUNDMENT.**

1. It is the duty of the persons authorized by the Zoning Ordinance to operate or contract with an animal shelter to supervise and control such a facility, to cause the shelter to be kept in a sanitary condition and free from offensive odors, to provide for adequate food, water, and shelter, to provide for the collection of animals, to handle the destruction or disposition of animals not reclaimed, and to assist in the enforcement and operation of this chapter.

2. Animals found at large and abandoned animals may be taken and impounded at the animal shelter and confined in a humane manner.

3. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two days after impoundment, if the owner’s name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an

unvaccinated dog, by having it immediately vaccinated. The owner or custodian shall then have seven days to reclaim the animal, not counting the day of impoundment.

4. A person claiming an impounded animal shall pay impoundment fees and boarding fees as established by the animal shelter.
5. A person claiming an impounded animal shall provide proof of current rabies vaccination and City license if applicable.
6. A person claiming an impounded animal shall also pay veterinary charges, if any, and such other costs actually incurred by the animal shelter in the care of the claimed animal.
7. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an Animal Control Officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be humanely euthanized. The owner or custodian shall pay any fees associated with the euthanasia.
8. Animals not reclaimed within the time limitations provided by the chapter shall become the property of the County or animal shelter and shall be placed for adoption in a suitable home or humanely euthanized. No unclaimed animal shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, guaranteeing that such animal will be sterilized.
9. The refusal to reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, euthanasia fees or any other costs incurred in the care of the animal. Any owner or custodian who refuses to pay such expenses shall be in violation of this chapter and subject to citation of a City infraction for the same.
10. Neither the City nor the County nor the animal shelter, nor their agents and officers enforcing the provisions of this chapter shall be liable for any accident or subsequent disease that may occur in connection with the impoundment of any animal pursuant to this chapter.

**55.09 REFUSAL OF ADMITTANCE.** In the event the Animal Control Officer or the County Sheriff, in proceeding to enter onto a property to carry out the provisions of this chapter, shall be refused entry, a complaint may be made under oath to any magistrate of the County. Said magistrate shall thereupon issue a warrant directed to the County Sheriff commanding said officer, between the hours of sunrise and sunset, accompanied by the Animal Control Officer, to enter onto such property and to make such inspection as may be required to carry out the provisions of this chapter, which order shall be executed by said County Sheriff under the direction of the Animal Control Officer.

**55.10 PROHIBITED ACTS.**

1. Abuse. It is unlawful under this chapter for any person to beat, starve, or otherwise abuse any animal.
2. Poisoning Animals. It is unlawful under this chapter for any person to knowingly poison or cause to be poisoned any domestic animal. Any drug used for euthanasia shall be used by or under the direction of a licensed veterinarian.
3. Killing Animals. It is unlawful under this chapter for any person to knowingly kill any domestic animal except: (i) in an emergency situation to end the immediate suffering of the animal; (ii) when the animal is not under the supervision of its owner or custodian and is in the process of injuring, wounding or killing another animal or a human being; or (iii) under the direction of a licensed veterinarian.

**55.11 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.

**55.12 ENFORCEMENT.**

1. According to the 28E Agreement between Pottawattamie County and the City to provide animal control services, it shall be the duty of the Animal Control Officer and/or County Sheriff to enforce the provisions of this chapter.
2. Those representatives authorized to enforce this chapter may issue a citation of municipal infraction with or without prior notice to any person who is alleged to have committed a municipal infraction.

**55.13 LICENSE REQUIRED.** It is unlawful for any person to keep or harbor any dog over the age of six months, which has not been issued a dog license. The City Clerk shall issue no dog license unless the person has supplied: (i) a valid rabies vaccination certificate; and (ii) a certificate of spaying or neutering for the dog for which the license is being applied. Current rabies and dog license tags must be visible at all times. The filing fee as follows shall accompany said application:

1. \$10.00 annually for altered animal, due before March 1.
2. \$20.00 annually for unaltered animal, due before March 1.

A \$10.00 penalty will be assessed after March 1. A half-year license shall be issued for animals acquired after July 1 at half of the annual fee.

**55.14 KENNEL DOGS.** Dogs kept in State or federally licensed kennels, which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint, are not subject to the provisions of this chapter; however, must conform to the City's Zoning Ordinances as to location and other applicable ordinances.