

**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 which are deemed to be nuisances in the City:

*(Code of Iowa, Sec. 657.2)*

1. **Offensive Smells.** Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
6. **Billboards.** Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct

and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.09)**

7. Storing of Flammable Junk. Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**

8. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.

9. Weeds, Brush. Dense growth of all weeds, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard.

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 one thousand (1,000) feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located.

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

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

1. Junk and Junk Vehicles **(See Chapter 51)**
2. Dangerous Buildings **(See Chapter 145)**
3. Storage and Disposal of Solid Waste **(See Chapter 105)**
4. Trees **(See Chapter 151)**
5. Restricted Residence District **(See Chapter 155)**

**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 the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.<sup>†</sup>

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

**50.06 NOTICE TO ABATE: CONTENTS.** The notice to abate shall contain:

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

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
4. Reasonable Time. A reasonable time within which to complete the abatement.
5. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

**50.07 METHOD OF SERVICE.** When service of a notice to abate is required, the following methods of service shall be deemed adequate:

1. By certified mail, return receipt requested, to the last known address.
2. By personal service upon the owner and/or responsible party of the property upon which the nuisance exists.

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<sup>†</sup> **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.

3. If, after reasonable effort, certified mail is returned to the City, and/or personal service cannot be made, the following methods of service shall be considered adequate: publishing the notice once a week for two consecutive weeks in a newspaper of general circulation in the City and by posting the notice in a conspicuous place on the property or building.

4. If an intended recipient of notice cannot be found and if his/her address cannot be determined after reasonable effort, by posting a copy of the notice in a conspicuous place on the property and by publishing the notice for two consecutive weeks in a newspaper of general circulation in the City.

**50.08 REQUEST FOR HEARING.** Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

**50.09 ABATEMENT IN EMERGENCY.** If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

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

**50.10 ABATEMENT BY CITY.** If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk who shall pay such expenses on behalf of the City.

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

**50.11 COLLECTION OF COSTS.** The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not

been paid within one (1) month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

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

**50.12 INSTALLMENT PAYMENT OF COST OF ABATEMENT.** If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

*(Code of Iowa, Sec. 364.13)*

**50.13 FAILURE TO ABATE.** Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

**50.14 MUNICIPAL INFRACTION ABATEMENT PROCEDURE.** A failure to abate a nuisance as defined in this chapter or a failure to perform an action required herein, following notice as provided in this chapter, shall constitute a municipal infraction and the requirements of this chapter may be enforced under the procedures applicable to municipal infractions in lieu of the abatement procedures set forth in this chapter.

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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 which has 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 which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

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

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

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

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, 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 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 a garage or other enclosed structure.

**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 (5) 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	55.09 Keeping of Dangerous Animals Prohibited
55.02 Animal Neglect	55.10 Rabies Vaccination
55.03 Livestock Neglect	55.11 Owner's Duty
55.04 Abandonment of Cats and Dogs	55.12 Confinement
55.05 Livestock	55.13 At Large: Impoundment
55.06 At Large Prohibited	55.14 Disposition of Animals
55.07 Damage or Interference	55.15 Impounding Costs
55.08 Annoyance or Disturbance	

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

1. "Animal" means a nonhuman vertebrate.  
(*Code of Iowa, Sec. 717B.1*)
2. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Dangerous animal" means
  - A. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so;
  - B. Any animal declared to be dangerous by the Board of Health or Council or its designee; and
  - C. The following animals, which are deemed to be dangerous animals per se:
    - (1) Wolves, coyotes and foxes;
    - (2) Badgers, wolverines and weasels;
    - (3) Bears;
    - (4) Snakes which are naturally venomous or poisonous and also constricting snakes;
    - (5) All cats, except domestic cats (*Carnivora* of the family *Felidae* including but not limited to lions, cougars, tigers, jaguars, leopards, lynx, bobcats, etc.)
    - (6) Alligators and crocodiles;

4. "Dangerous dog" means:
  - A. Any dog with a propensity, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of humans or domestic animals;
  - B. The bull terrier breed of dog;
  - C. The Staffordshire Bull Terrier breed of dog;
  - D. The American Pit Bull Terrier breed of dog;
  - E. The American Staffordshire Terrier breed of dog;
  - F. Any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier by a qualified veterinarian duly licensed as such by the State.
5. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.  
*(Code of Iowa, Sec. 717.1)*
6. "Owner" means any person owning, keeping, sheltering or harboring an animal.

**55.02 ANIMAL NEGLECT.** It is unlawful for a person who impounds or confines, in any place, an animal, excluding livestock, to fail to supply the animal during confinement with a sufficient quantity of food or water, or to fail to provide a confined dog or cat with adequate shelter, or to torture, deprive of necessary sustenance, mutilate, beat, or kill such animal by any means which causes unjustified pain, distress or suffering.

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

**55.03 LIVESTOCK NEGLECT.** It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

*(Code of Iowa, Sec. 717.2)*

**55.04 ABANDONMENT OF CATS AND DOGS.** A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept

ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

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

**55.05 LIVESTOCK.** It is unlawful for a person to keep livestock within the City except by written consent of the Council.

**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 KEEPING OF DANGEROUS ANIMALS PROHIBITED.** No person shall keep or shelter any dangerous animal as a pet, or act as a custodian, temporary or otherwise, for such animal, or keep such animal for any other purpose or in any other capacity within the City, except in the following circumstances:

1. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society or museum where they are kept as live specimens for the public to view or for the purpose of instruction, research or study.
2. The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit or show where such circus, carnival, exhibit or show is of a travelling nature, is displayed before large assemblages of people, and maintains any and all required Federal or State licenses.
3. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
4. The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the State Department of Natural Resources.

5. The keeping of registered pit bull terriers licensed with the County on or before October 16, 1989. The keeping of such dogs, however, shall be subject to the following standards:

A. Leash and Muzzle. No person shall permit a licensed pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull terrier to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

B. Confinement. All licensed pit bull terriers shall be securely confined in an enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides that are at least six (6) feet in height. If the pen, kennel or structure is less than six (6) feet in height, it must have a secure top attached to the sides. Any structure used to confine licensed pit bull terriers must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull terriers must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

C. Insurance. All owners, keepers or harborers of licensed pit bull terriers must within fourteen (14) days of October 16, 1989, provide proof to the Clerk of public liability insurance in a single incident amount of \$500,000 for bodily injury to or death of any person or persons or for damages to property owned by any person which may result from the ownership, keeping or maintenance of such animal. Such proof will require a certificate of insurance from the insurance carrier stating that its public liability policy provides liability coverage for bodily injury and property damage caused by pit bull terriers. Such insurance policy shall provide that no cancellation of the policy will be

made unless ten (10) days' written notice is first given to the Clerk.

D. **Animals Born of Licensed Dogs.** All offspring born of pit bull terriers licensed with the County must be removed from the City within six (6) weeks of the birth of such animal.

E. **Failure to Comply.** It is unlawful for the owner, keeper or harborer of a pit bull terrier licensed within the County to fail to comply with the requirements and conditions set forth in this chapter. Any dog found to be the subject of a violation of this chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of the animal resulting in the immediate removal of the animal from the City.

F. Upon demand of any peace officer, the owner, keeper or harborer of any dog found or otherwise located within the City shall produce within twenty-four (24) hours evidence of having licensed such animal and also proof of pedigree or breed thereof. The purpose of this provision is to place the burden upon such person to prove and establish the breed of such animal.

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

*(Code of Iowa, Sec. 351.33)*

**55.11 OWNER'S DUTY.** It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

*(Code of Iowa, Sec. 351.38)*

**55.12 CONFINEMENT.** If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten (10) days the board may humanely destroy the animal. If such animal is returned to

its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

*(Ord. 205 – Oct. 01 Supp.)*

*(Code of Iowa, Sec. 351.39)*

**55.13 AT LARGE: IMPOUNDMENT.** Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

**55.14 DISPOSITION OF ANIMALS.** When an animal has been apprehended and impounded, written notice shall be given in not less than two days to the owner, if known. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner does not redeem the animal within seven days of the date of notice, or if the owner cannot be located within seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with law.

*(Code of Iowa, Sec. 351.37, 351.41)*

**55.15 IMPOUNDING COSTS.** Impounding costs are set by the impounding facility. Fees shall be paid at the City Hall before claiming the animal.

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ORDINANCE NO. 205

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NASHUA, IOWA, 2001, BY AMENDING PROVISIONS PERTAINING TO CONFINEMENT OF ANIMALS

Be It Enacted by the City Council of the City of Nashua, Iowa:

**SECTION 1. SECTION MODIFIED.** Section 55.12 of the Code of Ordinances of the City of Nashua, Iowa, 2001, is repealed and the following adopted in lieu thereof:

**55.12 CONFINEMENT.** If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

*(Code of Iowa, Sec. 351.39)*

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 17 day of September, 2001, and approved this 17 day of September, 2001.

Deanne R. Lantow  
Deanne R. Lantow, Mayor

ATTEST:  
Rebecca A. Neal  
City Clerk Rebecca A. Neal

Roll Call Vote:  
Ayes 5  
Nays 0  
Absent 0



AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE CITY OF NASHUA, IOWA, 2001,  
BY AMENDING PROVISIONS PERTAINING TO  
ANIMAL PROTECTION AND CONTROL

BE IT ENACTED by the City Council of the City of Nashua, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Nashua, Iowa 2001 is amended by adding new sections in Chapter 55, which are hereby adopted to read as follows:

55.01 DEFINITIONS.

3. Dangerous animal means:

D. Any animal determined to be dangerous because of its biting or maiming after hearing and notice procedure by the City Council.

4. Dangerous dog means:

G. Any Dog determined to be dangerous because of its biting or maiming after hearing and notice procedure by the City Council.

55.15 SANITATION.

1. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by members of a homeowners or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:

A. Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and

B. Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as otherwise may be permitted by law.

2.No person owning, harboring or keeping an animal within the City shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's property, or to abutting property if others.

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

55.15 KEEPING OF NUMEROUS ANIMALS.

1.It shall be unlawful for any person to keep more than 3 dogs, keep more than 3 cats or keep more than 3 other animals within the City; except that a litter of pups, kittens or other young animals may be kept for a period of time not exceeding five (5) months from birth. This subsection shall not apply to any establishment where animals are kept for breeding, sale, or boarding as provided by law. This provision shall not apply to those citizens whom have kept greater than 5 animals prior to the enactment of this ordinance, but shall only apply prospectively. This provision shall not apply to owners of agricultural land located within the City limits, however, shall not exempt said owners from provisions relating to dangerous animals, dogs and cats.

2.In areas where kennels are permitted, no kennel shall be located closer than 10 feet from the property line of the nearest adjacent residential lot.

55.17. ADMINISTRATIVE SANCTIONS AND REMEDIES



1. Council Authority. As part of any order issued pursuant to this Ordinance, the Council shall have the authority to hear any complaint, after hearing notice, and after hearing to order the following administrative sanctions and remedies:

- A. Obedience training for the animal(s) in question;
- B. Muzzling of an animal while off the property of the owner;
- C. Confinement of an animal indoors;
- D. Confinement of an animal in a secure enclosure;
- E. Reduction of the number of animals kept at any one location;
- F. Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty;
- G. The sterilization of an animal;
- H. A ban on maintaining other animals in the City; and
- I. Any other measure or sanction designed to eliminate a violation, prevent future violations, or protect health and safety of the public, including destruction of the animal.

2. Impoundment. In addition to any other remedies provided in this Ordinance, the council or its designee, or an animal control officer or a police officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

- A. Any animal at large;
- B. Any animal constituting a public nuisance or considered a danger to the public;
- C. Any animal that is in violation of any quarantine or confinement order of the City's chief health officer;
- D. Any unattended animal that is ill, injured or otherwise in need of care;
- E. Any animal that is reasonably believed to have been abused or neglected.
- F. Any animal that is reasonably suspected of having rabies;
- G. Any animal that is charged with being potentially dangerous, or dangerous where an animal control officer, the Board of Health, or the Mayor determines that there is a threat to public health and safety;
- H. Any animal that a court of competent jurisdiction has ordered impounded or destroyed;
- I. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

3. Municipal Infraction. An animal control officer or police officer may also, or in lieu of impoundment, issue to the owner a notice of violation. Such notice shall impose upon the owner a civil penalty of \$50.00 dollars per occurrence.

4. Impoundment Notice and Costs.

- A. Upon impoundment of an animal, the Enforcement Officer shall immediately attempt to notify the owner by telephone or certified mail.
- B. An owner reclaiming an impounded animal shall pay a fee of the actual costs for each day the animal has been impounded.
- C. Any animal not reclaimed by its owner within seven (7) working days shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the local humane society.
- D. All impoundment costs and other fees, including fees for euthanasia, shall be paid by the owner of the dog, cat or animal. Impounding costs are set by the impounding facility and shall be the costs due and payable by the owner of the dog, cat or animal.

5. Appeals. Any person aggrieved by any decision of the council, except in the case where a municipal infraction citation has been issued, may appeal the decision to the District Court as provided by law.



SECTION 2. SECTIONS MODIFIED. The Code of Ordinances of the City of Nashua, Iowa 2001 is amended by modifying certain sections in Chapter 55 which are hereby adopted to read as follows:

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council. This provision shall not apply to owners of agricultural land located within the City limits, however, shall not exempt said owners from provisions relating to dangerous animals, dogs and cats.

55.10 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies.


55.12 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after ten (10) days the board may humanely destroy the animal. The owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting the performance of its duties has bitten a person.

SECTION 3. SUBSECTION REPEALED. The Code of Ordinances of the City of Nashua, Iowa, 2001 is amended by repealing Chapter 55, Section 09, Subsection 5, which allowed for the keeping of registered pit bull terriers licensed with the County on or before October 16, 1989.

SECTION 4. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Council the 19 day of March, 2007.

  
Tim Baldwin, Mayor

ATTEST:

  
Rebecca A. Neal, City Clerk

Roll Call Vote:  
Ayes 5  
Nays 0  
Absent 0

