

AGENDA OF THE SPECIAL SESSION OF THE COUNCIL
OF THE CITY OF WASHINGTON, IOWA
TO BE HELD AT WASHINGTON FREE PUBLIC LIBRARY
NICOLA-STOUFER MEETING ROOM
115 W. WASHINGTON STREET
AT **6:00 P.M.**, WEDNESDAY, JULY 25, 2012

Call to Order

Pledge of Allegiance

Roll call

Agenda for the Special Session to be held at 6:00 P.M., Wednesday, July 25, 2012 to be approved as proposed or amended.

PRESENTATION FROM THE PUBLIC – Please limit comments to 3 Minutes

CONSIDERATION OF HEARINGS, ORDINANCES & RESOLUTIONS

First Reading of an Ordinance Amending Chapter 65.02, Special Stops Required (4-Way Stop at S. 12th Avenue & East Taylor Street)

First Reading of an Ordinance Amending Chapter 69.08, No Parking Zones (Drop-off lane at Washington Junior High, no parking during school hours on west side of S. 4th Avenue)

UNFINISHED BUSINESS

2013 Salary Evaluation

NEW BUSINESS

Discussion of Compact Car Parking Space in 100 block of E. 3rd Street near intersection with N. 2nd Avenue

Review of Animal Protection and Control Ordinance and Discussion

ADJOURNMENT

Illa Earnest, City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WASHINGTON, IOWA, BY AMENDING CHAPTER 65.02 "SPECIAL STOPS REQUIRED"- S. 12TH AVENUE AND EAST TAYLOR STREET

BE IT ORDAINED by the City Council that the Code of Ordinances of the City of Washington, Iowa be amended as follows:

SECTION 1. **Delete Phrase.** Section 65.02, "Special Stops Required", Paragraph 245 is hereby repealed.

SECTION 2. **Add Phrase.** Section 65.02, "Special Stops Required", Paragraph 245 "East Taylor Street at South 12th Avenue (eastbound, westbound, northbound and southbound stop)."

SECTION 3. **Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. **Effective Date.** This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this _____ day of _____, 2012.

Sandra Johnson, Mayor

Attest:

Illa Earnest, City Clerk

Approved on First Reading: _____
Approved on Second Reading: _____
Approved on Third & Final Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2012.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF WASHINGTON, IOWA, BY AMENDING CHAPTER 69.08 "NO PARKING ZONES"- S. 4TH AVENUE FROM E. JEFFERSON TO E. MADISON

BE IT ORDAINED by the City Council that the Code of Ordinances of the City of Washington, Iowa be amended as follows:

SECTION 1. **New Paragraph.** Section 69.08, "No Parking Zones", Paragraph 68 "South 4th Avenue, on the west side, from East Jefferson Street to East Madison Street, from 8:00 a.m. to 4:30 p.m. school days."

SECTION 2. **Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 3. **Effective Date.** This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved this _____ day of _____, 2012.

Sandra Johnson, Mayor

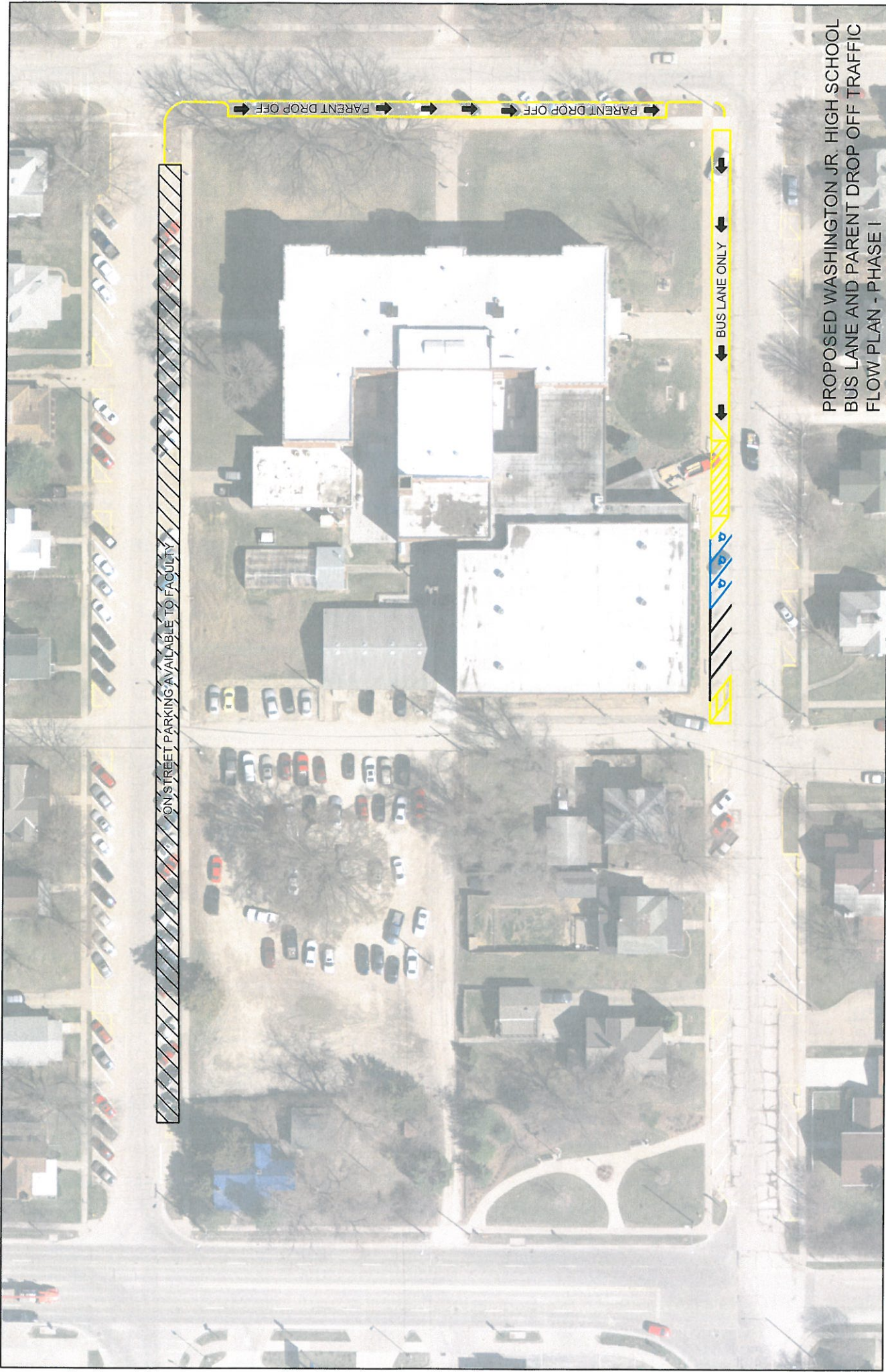
Attest:

Illa Earnest, City Clerk

Approved on First Reading: _____
Approved on Second Reading: _____
Approved on Third & Final Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the _____ day of _____, 2012.

City Clerk



ON STREET PARKING AVAILABLE TO FACULTY

PARENT DROP OFF

BUS LANE ONLY

PROPOSED WASHINGTON JR. HIGH SCHOOL
BUS LANE AND PARENT DROP OFF TRAFFIC
FLOW PLAN - PHASE I

Brent Hinson

From: mhagie
Sent: Thursday, July 19, 2012 10:08 AM
To: 'Brent Hinson'
Subject: 7/25 meeting

Brent, could you please make an addition to the agenda for the 7/25 meeting concerning the compact car parking space at the corner of N 2nd Ave and E 3rd St.

Thanks, Merle

66. South Avenue E, on the west side, from West Tyler Street to Sitler Drive.
(Ord. 883 – Jan. 2005 Supp.)
67. West Monroe Street, on the north side, for a distance of approximately one hundred (100) feet west from its intersection with South Avenue E.
(Ord. 893 – 2006 Supp.)
68. West Monroe Street, on the south side, beginning at Iowa Highway 1 and extending east a distance of four hundred fifty (450) feet.
(Ord. 898 – 2006 Supp.)
69. West Monroe Street, on the north and south sides, from South Avenue B to South Avenue C.
(Ord. 900 – 2006 Supp.)
70. East Van Buren Street, on the south side, for a distance of one hundred fifteen (115) feet west of its intersection with South Third Avenue.
(Ord. 900 – 2006 Supp.)
71. North Third Avenue, on the west and east side, for a distance of approximately one hundred (100) feet north from its intersection with East 7th Street from 7:30 a.m. to 4:00 p.m. on school days.
(Ord. 908 – 2009 Supp.)
72. South Third Avenue, on the east side, for a distance of five hundred and twelve (512) feet south from its intersection with E. Polk Street.
(Ord. 915 – 2009 Supp.)
73. West Main Street, on the south side of the 300 block, from 8:00 a.m. to 5:00 p.m. on Monday through Friday.
(Ord. 924 – 2009 Supp.)
74. Industrial Park Drive.
(Ord. 933 – 2009 Supp.)
75. North Second Avenue, on the west side, for a distance of fifty four (54) feet south of centerline of the intersection with East Third Street.
(Ord. 944 – 2009 Supp.)
76. East Main Street, on the south side, for a distance of 37 feet west of the centerline of North Third Avenue.
(Ord. 956 – 2009 Supp.)
77. South 9th Avenue, on west side, between its intersection with East Main Street and its intersection with East Washington Street. *(Ord. 977 – 2011 Supp.)*

emergency proclaimed by the Mayor unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. A snow emergency parking ban shall continue from its proclamation throughout the duration of the snow or ice storm and the forty-eight (48) hour period after cessation of such storm except as above provided upon streets, which have been fully opened. Such a ban shall be of uniform application and the Police Chief is directed to publicize the requirements widely, using all available news media, in early November each year. Where predictions or occurrences indicate the need, the Mayor shall proclaim a snow emergency and the Police Chief shall inform the news media to publicize the proclamation and the parking rules thereunder. Such emergency may be extended or shortened when conditions warrant.

69.14 SNOW ROUTES. The Council may designate certain streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

(Code of Iowa, Sec. 321.236[12])

69.15 MAXIMUM LENGTH AND WIDTH OF VEHICLES. No person shall park or leave standing any vehicle or combination of vehicles measuring more than nineteen feet (19') overall in length or eight feet (8') overall in width within the area of the public square and extending one block each way therefrom, said area bounded by the south line of Second Street, the west line of Second Avenue, the north line of Jefferson Street, and the east line of Avenue B, but not including any portion of Second Street, Second Avenue, Jefferson Street and Avenue B.

69.16 DUTY TO PARK IN SINGLE SPACE. Where stalls or sections for vehicles are marked or painted upon the surface of any street or portion thereof or municipally owned or leased parking lot, it is the duty of the driver or operator of any vehicle to park the same within the limits of one of the stalls or sections and not over or across said lines.

69.17 RESERVED PARKING. The following parking spaces on the south side of West Second Street are designated as parking spaces to be used only by those persons having official business in the Washington County Public Safety Center, and any use of or parking of vehicles in said designated parking spaces by persons not involved with official business at said center is herewith prohibited. The said reserved spaces are identified as being spaces five (5) and six (6) (counting from the southeast corner of the intersection of Second Street and Avenue B).

(Ord. 955 – 2009 Supp.)

69.18 PARKING FOR COMPACT CARS ONLY. The following parking spaces are designated as reserved only for the use of compact cars and smaller vehicles. Parking of other vehicles in said designated spaces is hereby prohibited.

1. The first parking space on the west side of North Marion Avenue, just south of the intersection of North Marion Avenue and West Third Street;
2. The first parking space on the west side of South Avenue B south of West Main Street.
3. The first parking space on the west and east side of North Avenue B Avenue just south of the intersection of West Second Street.
4. The first parking space on the west side of North Second Avenue just south of the intersection with East Third Street.

69.19 PREFERRED STUDENT PARKING SPACE. The first parking space on the south side of East Jefferson Street, west of the intersection of South Fourth Avenue, is hereby designated as a "Preferred Student Parking" space. Such space shall be reserved for use between the hours of 7:00 a.m. to 4:00 p.m., Monday through Friday, during the school year by a Washington Senior High School student who is duly selected by the Washington Community School District. Any vehicle parked in such space shall display a placard or similar instrument (provided by the school district) visible through the front and rear windshields that designates the motorist of such vehicle as being granted such "preferred student" privilege.

(Ord. 872 – Sept. 2003 Supp.)

Existing Ordinance

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.16 Disposal Of Infected Or Toxic Animal
55.02 Cruelty To Animals	55.17 Confinement Of Female Dogs Or Cats In Heat
55.03 Minimum Confinement Area	55.18 Vicious Dogs Permits
55.04 Abandonment	55.19 Confinement Of Vicious Dogs
55.05 Animal Neglect	55.20 Vicious Dogs At Large
55.06 Livestock Neglect	55.21 Seizure, Impoundment And Disposition Of Vicious Dogs, Illegal Animals And Dangerous Animals
55.07 Livestock	55.22 Keeping Of Illegal Animals Prohibited
55.08 Damage or Injury	55.23 Illegal Animals Exceptions
55.09 Annoyance or Disturbance	55.24 Keeping Of Dangerous Animals
55.10 Owner's Duty	55.25 Immediate Seizure Or Destruction Of Animals
55.11 Confinement	55.26 Permanent Removal From City
55.12 Dogs and Cats Running At Large	55.27 Animal Waste
55.13 Impounding and Disposition	55.28 Pet Awards Prohibited
55.14 Rabies Control	55.29 Liability For Damages
55.15 Quarantine	

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

1. "Adequate shelter" means that each of the following exists:
 - A. Shelter from Sunlight. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun.
 - B. Shelter from Rain or Snow. All animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
 - C. Shelter From Cold Weather. Shelter shall be provided for all animals kept outdoors when the atmospheric temperature falls below fifty (50) degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather shall be provided when the ambient temperature falls below that temperature to which the species is acclimated.
 - D. Drainage. A suitable method shall be provided to rapidly eliminate excess water from the living area of the animal.
2. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
3. "Allow" or "Permit" means to allow or permit with or without consent or knowledge.
4. "Animal" means any living creature not human.
5. "At Large" means any animal found off the premises of the animal's owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

6. "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.
7. "Cat" means any member of the feline species.
8. "Confinement Area" means the outdoor portion of an owner's property occupied by and available to an animal.
9. "Dangerous Animal" means:
 - A. Any animal which is not naturally tame or gentle, 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 Council; and
 - C. The following animals, which are deemed to be dangerous animals per se:
 - (1) Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
 - (2) Wolves, coyotes and foxes;
 - (3) Badgers, wolverines, weasels, and skunks;
 - (4) Raccoons;
 - (5) Bears;
 - (6) Monkeys and chimpanzees;
 - (7) Alligators and crocodiles;
 - (8) Scorpions;
 - (9) Snakes that are venomous, or constrictors;
 - (10) Gila monsters.
10. "Dog" means and includes both male and female animals of the canine species.
11. "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.
12. “Game” means a “game of chance” or “game of skill” as defined in §99B.1 of the Code of Iowa.
13. “Illegal 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 illegal by the City Council;
 - C. Any non-domesticated member of the order of carnivore which as an adult exceeds the weight of 20 pounds;
 - D. Any of the following animals, which shall be deemed to be illegal animals, per se:
 - (1) Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;
 - (2) Wolves, coyotes and foxes;
 - (3) Badgers, wolverines, weasels, and skunk and mink;
 - (4) Raccoons;
 - (5) Bears;
 - (6) Monkeys and chimpanzees;
 - (7) Bats;
 - (8) Alligators and crocodiles and caimans;
 - (9) Scorpions;
 - (10) Snakes and reptiles which are venomous;
 - (11) Snakes that are constrictors over six feet in length;
 - (12) Gila monsters;
 - (13) Opossums;
 - (14) All apes, baboons and macaques;
 - (15) Piranhas;
 - (16) Any crossbreed of such animals which have similar characteristics to the animals specified above.
14. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, emus; farm deer as defined in §170.1 of the Code of Iowa; or poultry.
15. “Offending Animal” means a “vicious dog” an “illegal animal” or a “dangerous animal” as defined hererin.

16. "Owner" means any person owning, keeping, sheltering or harboring an animal (or allowing the keeping, sheltering or harboring of an animal on the premises of said person.
17. "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.
18. "Vicious Dog" means:
 - A. Any dog which has attacked a human being or domestic animal one or more times, without provocation;
 - B. Any dog with a history, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
 - C. Any dog that snaps, bites or manifests a disposition to snap or bite;
 - D. Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;
 - E. Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the Police Department, al law enforcement agency of the State or the United States or a branch of the armed forces of the United States;

(Code of Iowa, Sec. 351.2)

(Ord. 921 - 2009 Supp.)

55.02 CRUELTY TO ANIMALS. No person who impounds or confines, in any place, any domestic animal or fowl or dog or cat shall fail to supply such animal during confinement with a sufficient quantity of food and water, or shall fail to provide the dog or cat with adequate shelter, or shall torture, torment, deprive of every person owning a dog to confine and restrain such dog by good and sufficient means, or to cause such dog to be properly leashed as to prevent such dog from biting any person or animal or from running at large. It is unlawful for a person to chain, tether or otherwise attach a dog to a stationary object for more than five hours during any 24 hour period.

55.03 MINIMUM CONFINEMENT AREA. It shall be unlawful for an owner to fail to provide a confinement area of less than the following:

1. For one dog under 50 pounds: 6 feet by 10 feet (60 square feet)
2. For one dog over 50 pounds or two dogs under 50 pounds: 8 feet by 10 feet (80 square feet)
3. For two dogs over 50 pounds each or three dogs under 50 pounds: 8 feet by 12 feet (96 square feet)

4. For three dogs over 50 pounds each or four dogs under 50 pounds: 10 feet by 14 feet (140 square feet)
5. Four dogs over 50 pounds each: 12 feet by 16 feet (192 square feet)

55.04 ABANDONMENT. 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.

(Code of Iowa, Sec. 717B.7)

55.05 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)

55.06 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)

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

55.08 DAMAGE OR INJURY. It is unlawful for any owner to allow or permit an animal to attack persons or domestic animals, to destroy property, to cause personal injury or to place persons in danger of attack or injury.

55.09 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.

55.10 OWNERS DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person of 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 suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.11 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, 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.

55.12 DOGS AND CATS RUNNING AT LARGE. It is unlawful for any owner to allow a dog or cat to run at large within the corporate limits of the City. Any dog or cat found at large shall be presumed to be so as a result of lack of sufficient supervision by its owner. Proof that said dog or cat was at large shall constitute in evidence a prima facie presumption in any proceeding charging an owner with a violation of this section.

55.13 IMPOUNDING AND DISPOSITION.

1. Any unlicensed dog or cat found at large or any licensed dog found at large in violation of this chapter shall be sized and impounded.

2. The owner of such unlicensed or licensed dog or cat shall be notified that the dog or cat has been impounded. Such owner may repossess such dog or cat upon payment to the Clerk of the sum of ten dollars (\$10.00) as an impounding fee for the first offense, plus an additional fee of one dollar (\$1.00) for keeping such dog or cat for each day or fraction thereof during which such dog or cat has been impounded; twenty-five (\$25.00) as an impounding fee for the second offense on the same dog or cat, plus an additional fee of one dollar (\$1.00) for keeping such dog or cat for each day thereafter; and fifty dollars (\$50.00) as an impounding fee for the third and each successive offense thereafter on the same dog or cat, plus an additional fee of one dollar (\$1.00) for keeping such dog or cat for each day thereafter.

3. Impounded unlicensed dogs or cats may be recovered by the owner upon proper identification and by compliance with the provisions of this chapter and of Chapter 56 of this Code of Ordinances relative to licenses.

4. When an animal has been apprehended and impounded, written notice shall be given in not less than two (2) days to the owner, if known. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated animal, by having it immediately vaccinated. If the owner does not redeem the animal within seven (7) days of the date of notice, or if the owner cannot be located with seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with the law.

5. These impounding and disposition charges and proceedings may be imposed in addition to the criminal sanctions of Section 55.11 herein.

55.14 RABIES CONTROL. All dogs and cats six (6) months or more of age shall be immunized against rabies and a current rabies vaccination tag, furnished by a licensed veterinarian, shall be attached to the animals collar or harness. Dogs or cats not immunized or without a current rabies vaccination tag may be seized and impounded as provided in Section 55.12 of this chapter.

55.15 QUARANTINE. The owner of any dog or cat which has contracted rabies, or which has been subject to the same, or which is suspected of having rabies, or which shall have bitten any person, shall upon demand by the Police Chief, produce and surrender up such dog or cat to be held in quarantine for observation for that period necessary to detect the existence or nonexistence of rabies. The cost of caring for said dog or cat shall be paid by the owner.

55.16 DISPOSAL OF INFECTED OR TOXIC ANIMAL. If, upon examination by a licensed veterinarian, any animal shall prove infected with rabies or otherwise toxic, such dog or cat shall be disposed of and it shall be the duty of said veterinarian to notify the City Health Officer or any positive rabies case found, without delay.

55.17 CONFINEMENT OF FEMALE DOGS OR CATS IN HEAT. The owner any female dog or cat in heat shall confine said female dog or cat in a building, or otherwise keep the same in such manner so that said female dog or cat cannot come into contact with another animal except for planned breeding.

55.18 VICIOUS DOGS PERMITS. It is unlawful for any person to harbor or keep a vicious dog with the City without first obtaining a vicious dog permit in accordance with the following:

1. Application. The application for a vicious dog permit must include the following:
 - A. Certificate of Insurance issued by an insurance company licensed to do business in the State, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$100,000 for the injury or death of any persons, for damage to property of others and for acts of negligence by the owner or agent in the keeping or owning of such vicious dog. Said certificate shall require notice to the City, in conformity with general City standards for certificates of insurance, in the event of underlying policy of insurance is canceled for any reason.
 - B. The cancellation of other termination of any insurance policy, presented to comply with this section, shall automatically revoke and terminate the permits issued under this section unless another certificate, complying with this section, shall be provided showing insurance in effect at the time of such cancellation or termination.

55.19 CONFINEMENT OF VICIOUS DOGS. All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided herein. Such pen, kennel or structure must have secure sides and a secure top attached to the sides, or in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure. All pens or other structures designed, constructed or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation 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 so as to prevent digging under the walls by the confined dog. All pens must have a sign with minimum two-inch lettering saying "Beware of Vicious Dog." The Police Chief is empowered to inspect such pens at least once per year. All structures erected to house vicious dogs 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. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six (6) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless both the dog and the leash are under the actual physical control of a person eighteen years of age or older. Such dogs may not be leashed to inanimate objects such as trees, posts, building, or any other object or structure. Violation of this section is a misdemeanor.

55.20 VICIOUS DOGS AT LARGE. A vicious dog which is found more than twice in any calendar year not to be confined as required by this chapter shall be required to be permanently removed from the City or destroyed. An animal which is returned to the City after removal under this section shall be destroyed.

55.21 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS DOGS, ILLEGAL ANIMALS AND DANGEROUS ANIMALS.

1. The Police Chief, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious dog, illegal animal, or dangerous animal as defined herein, may initiate proceedings to declare said animal an "offending animal." If the owner contests said designation, a hearing on the matter shall be conducted by the City Administrator. The person owning, keeping, sheltering or harboring the offending animal in question shall be given not less than 72 hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the offending animal in question and the basis for the allegation of viciousness. The notice shall also set forth that if the offending animal is determined to be vicious, illegal, or dangerous, the owner may be required to obtain a vicious dog permit, confine the animal or dispose of the animal as required by this chapter. The notice shall be served upon any

adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

2. If, after hearing, the City Administrator determines an animal is an offending animal held in violation of this chapter as set out in the notice of hearing, the City Administrator shall order the person owning, sheltering or harboring or keeping the animal to obtain a vicious dog permit and confine the animal as required by this chapter, or remove it from the City. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the City Administrator is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the order of the City Administrator was issued has not appealed such order to the Council, or has not complied with the order, the City Administrator shall cause the animal to be destroyed. Before being returned to the owner, an unaltered dog shall be surgically spayed or neutered, unless the dog has been duly registered for breeding purposes.
3. The order to obtain the required permit, confine or remove an offending animal from the City issued by the City Administrator may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order to the City Administrator.
4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within twenty days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the City Administrator. Such determination shall be contained in a written decision and shall be filed with the Clerk with three days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the City Administrator and the arguments of the parties or their representatives, but no additional evidence shall be taken.
5. If the Council affirms the action of the City Administrator, the Council shall order in its written decision that the person sheltering, harboring or keeping such offending animal, shall obtain a vicious dog permit and confine said dog as required by this chapter or remove the offending animal from the City. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in this subsection 1 of this section. If the original order of the City Administrator is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three

days of its issuance, the Police Chief is authorized to seize and impound said offending animal. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the City Administrator or Council was issued has not petitioned the Washington County District Court for a review of said order, or has not complied with the order, the City Administrator shall cause the dog to be destroyed in a humane manner.

6. Failure to comply with an order of the City Administrator issued pursuant hereto and not appealed or of the Council after appeal is a misdemeanor.
7. Any animal which is alleged to be an offending animal and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner, if the dog is determined to be vicious or the animal is found to be an offending animal. If the dog is not determined to be vicious or the animal is found not to be offending, all costs shall be paid by the City except cost attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner.

55.22 KEEPING OF ILLEGAL ANIMALS PROHIBITED. No person shall keep, shelter, or harbor any illegal animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any other purpose or in any other capacity with the City except as provided in Section 55.23 of this chapter.

55.23 LLEGAL ANIMAL EXEPTIONS. The prohibition contained in Section 55.21 of this chapter shall not apply to the keeping of illegal animals in the following circumstances:

1. The keeping of illegal 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 illegal animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.
3. The keeping of illegal animals in a bona fide, licensed veterinary hospital for treatment.
4. The keeping of illegal animals by a wildlife rescue organization with appropriate permit from the Iowa Department of Natural Resources.

5. Any illegal animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481 B of the Code of Iowa.
6. The keeping of snakes and reptiles that are venomous and the keeping of snakes that are constrictors six feet in length and over, by any individual 18 years of age or older who (a) has received a degree or bachelor or science, based upon courses of instruction which include courses in herpetology, from an accredited college level institution, or (b) has successfully completed a course of instruction taught under the auspices of a zoo on the proper handling, care and keeping of such animals, or (c) has completed a course of instruction of at least 20 hours' duration at an accredited educational institution on the care, handling and keeping of reptiles, before the effective date of the ordinance codified by this chapter. Such person shall also apply for and receive from the Clerk a permit to keep such animals, and such application shall be on a form approved by the Council.

55.24 KEEPING OF DANGEROUS ANIMALS. No person shall keep or permit to be kept any dangerous animal as a pet or for display or for exhibition purposes, whether gratuitously for a fee except in the following circumstances:

1. The keeping of dangerous animals in a public zoo, public aquarium, 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 bona fide traveling circus, carnival, exhibit or show.
3. The keeping of illegal animals in a bona fide, licensed veterinary hospital for treatment.

The above prohibition shall not apply to the keeping of dangerous animals under the control of a law enforcement or military agency.

55.25 IMMEDIATE SEIZURE OR DESTRUCTION OF ANIMALS. Any animal found at large which displays dangerous tendencies or is an illegal animal may be processed as a dangerous animal pursuant to Section 55.20 of this chapter, and said animal may be immediately seized anywhere within the City, in which case the Police Chief is authorized to destroy it immediately. Any dog which has been previously declared vicious or which is believed to be vicious and is not properly confined may be treated as a dangerous animal, and be immediately seized anywhere with the City.

55.26 PERMANENT REMOVAL FROM CITY. Any animal required by any provision of this chapter to be removed, voluntarily or otherwise, from the City, shall be so removed by its owner or the person harboring or having control of such animal, who shall provide the Police Chief a notarized statement

designating the place to which the animal has been removed. An animal not removed as required, or an animal which has been removed and which is again found illegally within the City shall be destroyed.

55.27 ANIMAL WASTE. It is unlawful for any person who owns, houses, leads, walks, or otherwise maintains control of any animal or pet which defecates anywhere within the City limits to fail to immediately remove the feces produced by said animal or pet to a garbage or waste receptacle after first placing said feces in a plastic or other impermeable bag and sealing said bag by tying it securely or using a "twist tie," tape or similar device to prevent the odors from escaping from said bag into the atmosphere. All structures, yards, kennels, or pens wherein any dog, cat, pet or other animal is contained must be kept clean and free from odors caused by animal waste and/or feces.

55.28 PETS AWARDS PROHIBITED.

1. Prohibition. It is unlawful for any person to award an animal or advertise that an animal may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair event.
 - 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 which 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 §162.5 of the Code of Iowa if the award of an animal is provided in connection with the sale of an animal on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Isaac Walton League of America; or organizations associated with the outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

55.29 LIABILITY FOR DAMAGES. The owner of an animal shall be liable to an injured party for all damages done by the animal, when the animal is caught in the action of worrying, maiming or killing a domestic animal, or the animal is attacking or attempting to bite a person, except when the party damaged is doing an unlawful act, directly contributing to the injury. This section does not apply to damage done by an animal affected with hydrophobia unless the owner of the animal had reasonable grounds to know that the animal was afflicted with hydrophobia and by reasonable effort might have prevented the injury.