

1.0109 STANDARD PENALTY - MUNICIPAL INFRACTION. The provisions of §364.22 Municipal Infractions, Code of Iowa, are hereby adopted by reference the same as if fully set out herein. All violations of the Code of Ordinances, unless otherwise specified, shall constitute municipal infractions as defined in *Code of Iowa* §364.22, and shall be subject to the remedies specified herein. The City Administrator or City Administrator's designee(s) shall enforce the provisions of these ordinances using a form approved by the City Administrator.
[Ord. No. 1804 Eff. Date 10-10-94] [1987 Code of Ordinances §1-1.0109] [Code of Iowa, §364.3(2)]

1.0109 (1) Definitions.
[Ord. No. 1804 Eff. Date 10-10-94]

(A) Code. The term "Code" means the Code of Ordinances of the City of Newton, Iowa as may be amended from time to time.
[Ord. No. 1804 Eff. Date 10-10-94]

(B) Subsequent Offense. A subsequent offense is a violation of the same section of the Code which occurs at the same location or at a different location more than two times.
[Ord. No. 1804 Eff. Date 10-10-94]

(2) Schedule of Penalties. Unless another penalty or procedure is expressly provided by the Code of Ordinances for any particular provision, section or chapter, any person failing to perform a duty or obtain a license required by, or violating any provision of the Code of Ordinances, or any rule or regulation adopted herein by reference, shall be guilty of a municipal infraction and shall be subject to the following schedule of penalties:

SCHEDULE OF PENALTIES

1st Offense	\$ 10.00 - \$150.00
2nd Offense	\$100.00 - \$500.00
Subsequent Offenses	\$500.00 - \$1,000.00

Furthermore, all municipal infractions shall require a court appearance of the Defendant. Should there be a finding for the Plaintiff, the court shall give consideration to ordering the Defendant to abate or correct the violation.
[Ord. No. 2095 Eff. Date 11-27-06]

(4) Separate Offense. Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.
[Ord. No. 1804 Eff. Date 10-10-94]

(5) Alternative Relief. Seeking a civil penalty as authorized by this section does not preclude the City from seeking alternative relief from the Court in the same action. Such alternative relief may include, but is not limited to, an order for abatement or injunctive relief.
[Ord. No. 1804 Eff. Date 10-10-94]

(A) ALL CODE OFFENSES MUNICIPAL INFRACTIONS UNLESS OTHERWISE PROVIDED. All Code sections providing penalties which are different from the scheduled penalties established under this section as of the effective date of this ordinance except for all violations under Title 2 of the Code and any violation which would be punishable as a criminal offense under the State Code of Iowa are hereby amended and are municipal infractions subject to the penalties and procedures set forth under this section.

Any offense under the Code which does not provide a penalty as of the effective date of this ordinance is a municipal infraction and is subject to the penalties and procedures set forth under this section.

Any offense established after the effective date of this ordinance, except for violations under Title 2 of the Code unless otherwise expressly provided, any violation which would be punishable as a criminal offense under the State Code of Iowa, or any other penalty expressly provided, shall be a municipal infraction and shall be subject to the penalties and procedures set forth under this section.
[Ord. No. 1804 Eff. Date 10-10-94]

1.0110 SEVERABILITY. If any section, provision or part of the Code of Ordinances is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the Code of Ordinances as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §1-1.0110]

13.0101 GENERAL PROVISIONS. The provisions of §364.22 Municipal Infractions, Code of Iowa, are hereby adopted by reference the same as if fully set out herein. Violations of the provisions of this chapter shall constitute municipal infractions as defined in said §364.22, and shall be subject to the remedies specified therein. The city administrator or the city administrator's designee(s) shall enforce the provisions of this chapter. [Code of Iowa §364.22]

13.0102 PENALTIES. Violation of any of the provisions, standards or terms of any of the municipal infraction ordinances specified in this chapter shall subject the user, owner, occupant or person committing the violation to the schedule of penalties set forth in §1.0109 of the Newton Code of Ordinances. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense. A repeat violation is a violation by the same person who has previously admitted the infraction or previously been found guilty of the infraction at the same location or a different location. The court shall have the power to enjoin a violator from further violations of the same provisions upon penalty of contempt of court and such other powers as may be specified in §364.22, Code of Iowa, or the Newton Code of Ordinances.
[Ord. No. 1807 Eff. Date 01-09-95] [Code of Iowa §364.22]

13.0104 AUTHORITY TO ISSUE CITATIONS. Citations for municipal infractions may be issued by the city administrator or the city administrator's designee, police department, fire department, public works department, community development department or the water board manager on a form approved by the city administrator.
[Ord. No. 2037 Eff. Date 10-28-02]

13.0105 SERVICE BY CITATION. A citation issued pursuant to this chapter may be served pursuant to Iowa Code Section 364.22.
[Ord. No. 2037 Eff. Date 10-28-02]

13.0201 DEFINITIONS.
[Ord. No. 1592 Eff. Date 02-27-89]

.1 Front Yard Area: shall mean all that area between the front property line and a line drawn along the front face or faces of the principal structure on the property and extended to the side property lines.
[Ord. No. 1592 Eff. Date 02-27-89]

.2 Side Yard Corner Lots: shall mean the yard area adjacent to the street right-of-way on a corner lot extending from the front yard along the side of the structure to the rear property line.
[Ord. No. 1592 Eff. Date 02-27-89] [

.3 Outside: means to be outside of an enclosed storage facility and visible from any other property, including public right-of-way.
[Ord. No. 1592 Eff. Date 02-27-89]

.4 Weeds: shall mean noxious or otherwise, untended vines, brush and scrub bushes, grass and other similar vegetation.
[Ord. No. 1592 Eff. Date 02-27-89]

13.0202 PUBLIC NUISANCES AFFECTING PEACE, SAFETY, AND GENERAL WELFARE ARE PROHIBITED. The following are declared to be nuisances affecting public peace, safety and general welfare due to them being injurious to health, indecent or offensive to the senses or an obstacle to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property.
[Ord. No. 2037 Eff. Date 10-28-02]

.1 Obstructions of View. All trees, hedges, signage or other obstructions, whether natural or man made, which prevent persons from having a clear view of all traffic approaching an intersection as defined in 321.1 Code of Iowa, or any successor provision thereto, and all trees, hedges, signage or other obstructions located on city right-of-way, whether natural or man made which prevents persons using a private driveway or street from having a clear view of all traffic approaching on any public street, highway, alley or roadway.
[Ord. No. 2037 Eff. Date 10-28-02]

.2 Old Machinery, Junk, Etc. The piling, storage or keeping of old machinery, junk, furniture, household furnishings or appliances or component parts thereof or other debris within the city.
[Ord. No. 1592 Eff. Date 02-27-89]

.3 Throwing, Placing Items on Public Right-of-Ways. The placing or throwing on any street, alley, road, highway, sidewalk, or other public property of any glass, tacks, nails, bottles or any substances which may injure any person or animal or damage any pneumatic tire when passing over the same.
[Ord. No. 1592 Eff. Date 02-27-89]

.4 Garbage, Trash, Etc. The depositing of, maintaining, permitting, or failing to remove, garbage, trash, rubbish, bottles, cans, or other refuse on any property within the city, including large quantities of organic debris and materials, which accumulated by other than natural means, except neatly maintained compost piles.
[Ord. No. 1592 Eff. Date 02-27-89]

.5 Lumber, Occupational Materials, Etc. The outside storage of pipes, lumber, forms, machinery or other occupational materials upon property in the front yard or side yard corner lot or visible from a public street in a residential district.
[Ord. No. 1592 Eff. Date 02-27-89]

.6 Weeds, Growths to be Cut. All weeds growing on lots and parcels of ground within the city limits shall, automatically be deemed a health, safety and fire hazard upon reaching or exceeding the maximum vegetation height restriction as set forth below.

Maximum Vegetation Height	Land Use
Eight (8) Inches	Developed Residential Commercial and Industrial Zoned Areas
Twelve (12) Inches	Undeveloped Residential, Commercial and Industrial Zoned Areas
Eighteen (18) Inches	Unplatted property and agriculture zoned property unless planted for farm cropping purposes

The property owner(s) or occupants(s) shall also be jointly or severally responsible for the cutting of such growths on the abutting space between the lot line and the curb line or edge of the traveled way within the street right-of-way whether in front of or along the side of the lot or parcel of ground, and one-half of any alley abutting the property.

The city administrator or the city administrator's designee shall notify the property owner(s)/occupant(s) when the weeds are longer than the limits set out in this section. If the weeds are not cut within seven (7) days, then the city of Newton, Iowa, will have the option to issue a municipal infraction and/or have the weeds or growth cut and assess the cost to be collected with the property taxes.

Nothing herein shall be construed as requiring the property owner(s) or occupant(s) to be jointly or severally responsible for the cutting of such growths on unimproved platted street right-of-way. Such unimproved platted street right-of-way shall be mowed by the City of Newton at its own expense pursuant to guidelines established by the Public Works Director. Furthermore, nothing shall be construed as otherwise alleviating property owner(s) or occupant(s) duty to otherwise maintain all property outside the lot and property lines and inside the curb lines upon the public streets.

[Ord. No. 2037 Eff. Date 10-28-02]

.7 Waiver for Weeds, Growths to be Cut. The property owner(s) or occupant(s) of tracts of land within the city may allow vegetation to extend beyond the maximum vegetation heights set out in §13.0202.6, so long as all of the conditions specified below are fulfilled.

[Ord. No. 2037 Eff. Date 10-28-02]

(A) The tract or portion thereof shall be designated by the City Administrator or designee as a natural area, considering the following factors: grade, incline, the difficulty to control or maintain said tract, the character of the surrounding area, and whether said tract is being maintained as either a soil erosion control area or a conservation area. The owner or occupant of said tract shall apply in writing to the City Administrator or designee for such natural area designation.; and
[Ord. No. 2037 Eff. Date 10-28-02]

(B) A buffer (30) feet in width on all sides of such natural area adjacent to developed properties or public right-of-way shall be mowed to the height required in §13.0202.6; and
[Ord. No. 2037 Eff. Date 10-28-02]

(C) The tract shall contain no "noxious weeds" as defined in §317.1, Code of Iowa.

[Ord. No. 2037 Eff. Date 10-28-02]

Subsequent failure of any one or more of the foregoing conditions shall void the waiver issued hereunder and immediately subject the property and property owners to the remedies provided for the abatement of nuisances under the Code of Ordinances and Code of Iowa. [Ord. No. 2037 Eff. Date 10-28-02]

.8 Property Not Seeded or Sodded. Property in a residential district not seeded, sodded or otherwise planted with a ground cover more than one hundred eighty (180) days after any disturbance in the front yard, rear yard, or side yard of the property caused by construction, grading, or other activity, excluding gardens; or at any time prior to the one hundred eighty (180) days if the property is causing erosion or drainage problems on the same or nearby properties, including public streets.
[Ord. No. 2037 Eff. Date 10-28-02]

.9 Wood Piles. The accumulation of any piles of wood which are not neatly stacked, or secured in a stable manner to avoid collapse.
[Ord. No. 1592 Eff. Date 02-27-89]

.10 Exterior of Residential Structures. Any structure, or portion thereof, in a residential district whose exterior is not completed in accordance with city approved construction plans within three hundred sixty (360) days after construction commences.
[Ord. No. 1592 Eff. Date 02-27-89]

.11 Construction Materials. Any construction materials, including piles of dirt, sand, and sod, left in the open on property or street right-of-way more than sixty (60) days after construction has been completed or a certificate of occupancy has been issued, whichever occurred first.
[Ord. No. 1592 Eff. Date 02-27-89]

.12 Mail and Newsprint Receptacles. The placement of mail boxes and other newsprint receptacles on public right-of-way, except those which are in compliance with United States Postal Service requirements for location and type and on a common post.
[Ord. No. 1592 Eff. Date 02-27-89]

.13 Removal of Snow and Ice from Sidewalks. All property owners shall keep the sidewalks abutting upon their property free from snow, ice or other obstructions or accumulations. If such property owner fails to remove the same for a period of twenty-four (24) hours after the same has been deposited thereon the city administrator or the city administrator's designee who shall have charge of the care of the streets may cause the same to be removed. Thereupon the cost of the removal shall be levied against the property as provided in Section 13.0225.3 of this chapter.
[Ord. No. 1826 Eff. Date 02-26-96]

.14 DUMPING OF SNOW. It shall be unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of streets so as to obstruct gutters, or impede the passage of vehicles upon the street or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the streets temporarily, such accumulation shall be removed promptly by the property owner or the property owner's agent, and only after making arrangements for such prompt removal at the owner's cost of the accumulation within a reasonably short time. Snow from sidewalks in the central business district may be deposited in the street, adjacent to the curb, as long as it is done in a timely manner to be removed by the normal city snow removal operations.
[Ord. No. 2037 Eff. Date 10-28-02]

.15 SNIPE SIGN. In order to alleviate existing problems with signs which include among others, an over-abundance of signs causing clutter and visual pollution, a number of abandoned, deteriorated and or unsafe signs, and signs that distract, confuse, obscure, compete and conflict with motorist's vision, it shall be unlawful for any person to post or fail to remove a snipe sign. A snipe sign is any sign or poster affixed in any manner to a tree, fence, utility pole, building or any similar object on public property, which is not otherwise permitted. The City Administrator, or designee, is authorized to remove any snipe sign and if no one comes forward to claim the sign within seven (7) days of its removal, the City is authorized to dispose of the snipe sign.
[Ord. No. 2037 Eff. Date 10-28-02]

.16 Offensive Smells. The erecting, continuing or using of any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.
[Ord. No. 2037 Eff. Date 10-28-02]

.17 Filth or Noisome Substance. The causing of suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.
[Ord. 2037 Eff. Date 10-28-02]

.18 Water Pollution. The 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. [Ord. No. 2037 Eff. Date 10-28-02]

.19 Blocking Public and Private Ways. The obstructing or encumbering by fences, buildings or otherwise the public roads, private ways, streets, alleys, commons, landing places or burying grounds.
[Ord. No. 2037 Eff. Date 10-28-02]

.20 Billboards. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view on any portion or part of a public street, avenue, highway, boulevard or alley or of a railroador street railway track as to render dangerous the use thereof.
[Ord. No. 2037 Eff. Date 10-28-02]

.21 Abandoned Appliances. Abandoning or otherwise leaving unattended any refrigerator, ice box, or similar container, with doors that may become locked, outside of buildings and accessible to children, or allowing any such refrigerator, ice box, or similar container to remain outside of buildings on premises in the person's possession or control, abandoned or unattended and so accessible to children.
[Ord. No. 2037 Eff. Date 10-28-02]

.22 Storing of Inflammable Junk. The depositing or storing of infallmable junk, such as old rags, rope, cordage, rubber, boxes and paper, by dealers in such articles, unless it be in a building of fireproof construction. [Ord. No. 2037 Eff. Date 10-28-02]

13.0202.23 Air Pollution. The emission of dense smoke, noxious fumes or fly ash.
[Ord. No. 2037 Eff. Date 10-28-02]

.24 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. [Ord. No. 2037 Eff. Date 10-28-02]

.25 Houses of Ill fames. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of opium or hashish or other illegal substances, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the distubance of others.
[Ord No. 2037 Eff. Date 10-28-02]

13.0203 OUTSIDE PARKING AND STORAGE.
[Ord. No. 1592 Eff. Date 02-27-89]

.1 Definitions. For purposes of this section, the following words shall have the meanings given below:
[Ord. No. 1592 Eff. Date 02-27-89]

(A) Motor Vehicle shall mean any motor vehicle as defined in Iowa Code, Chapter 321.1 including the following:
[Ord. No. 1592 Eff. Date 02-27-89]

(1) Motorized Bicycle
[Ord. No. 1592 Eff. Date 02-27-89]

(2) Motorcycle
[Ord. No. 1592 Eff. Date 02-27-89]

(3) All-terrain Vehicles
[Ord. No. 1538 Eff. Date 08-06-87]

(B) Travel trailer means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used a a place of human habitation by one or more persons. Said vehicle may be up to eight

(8) feet in width and its overall length shall not exceed forty (40) feet in width and its overall length shall not exceed forty (40) feet unless width and length are in conflict with Chapter 321, Code of Iowa. Such vehicle shall be customarily or ordinarily used for vacation or recreational purposes and may not be used as a place of permanent habitation. If any such vehicle is used in this state as a place of human habitation for more than ninety (90) consecutive days in one location, it shall be classed as a mobile home regardless of the size limitations herein provided.

[Ord. No. 1592 Eff. Date 02-27-89]

(C) Fifth-wheel Travel Trailer means a type of travel trailer which is towed by a pickup by a connecting device known as a fifth wheel. However, this type of travel trailer may have an overall length which shall not exceed forty feet.

[Ord. No. 1592 Eff. Date 02-27-89]

(D) Motor home means a motor vehicle designed as an integral unit to be used as a conveyance upon the public streets and highways and for use as a temporary or recreational dwelling

Ord. No. 2037 Eff. Date 10-28-02]

(E) Trailer means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that only tongue weights rests upon the towing vehicle

[Ord. No. 1592 Eff. Date 02-27-89]

(F) Front Yard Area is defined in §13.0201.1.

[Ord. No. 1592 Eff. Date 02-27-89]

(G) Side Yard Corner Lots is defined in §13.0201.2.

[Ord. No. 1592 Eff. Date 02-27-89]

(H) Outside is defined in §13.0201.3.

[Ord. No. 1592 Eff. Date 02-27-89]

(I) All weather surface shall mean an asphalt, portland cement concrete, turf blocks, brick pavers or gravel surface of sufficient thickness to adequately support motor vehicles.

[Ord. No. 1592 Eff. Date 02-27-89]

.2 Declaration of Nuisance. The outside parking and storage on property used for residential purposes and/or residentially zoned property of large numbers of vehicles, watercraft, trailers, materials, supplies or equipment not customarily used for residential purposes in violation of the requirements set forth below is declared to be a public nuisance because it (a) obstructs views on streets and private property, (b) creates cluttered and otherwise unsightly areas, (c) prevents full use of residential streets for residential parking, (d) decreases adjoining landowners and occupants enjoyment of their property and neighborhood, and (e) otherwise adversely affects property values and neighborhood patterns.

[Ord. No. 1592 Eff. Date 02-27-89]

.3 Unlawful Parking and Storage

[Ord. No. 1592 Eff. Date 02-27-89]

(A) No person may place, store, or allow the placement or storage of ice fish houses, skateboard ramps or other similar non-permanent structures outside continuously for longer than twenty-four (24) hours in the front yard area or side yard corner lots on property used for residential purposes and/or on residentially zoned property.

[Ord. No. 1592 Eff. Date 02-27-89]

(B) No person shall cause, undertake, permit or allow the outside parking and storage of vehicles on property used for residential purposes and/or on residentially zoned property unless it complies with the following requirements:

[Ord. No. 2037 Eff. Date 10-28-02]

(1) Vehicles which are parked or stored outside in the front yard of side yard of corner lot areas must be on an all weather surface driveway which shall not exceed forty percent (40%) of the front yard of any lot or the side yard of a corner lot. Driveways exceeding forty percent (40%) of the front yard of any lot or the side yard of a corner lot prior to the adoption of this chapter are exempt provided no additional surface area is added. This provision, however, shall not prevent the construction of hard surface paving to access the garage(s) for multiple attached dwellings, provided the design is approved through the Site Plan Review process.

[Ord. No. 2037 Eff. Date 10-28-02]

(2) Parking or storing of watercraft or trailers is prohibited within the front yards. Parking and storage of watercraft or trailers is also prohibited on side yard corner lots. Exception: Watercraft or trailer parking is permitted on side yard corner lots where the rear yard is not accessible. For purposes of this section, a rear yard is not inaccessible because of a fence, trees, bushes or other plantings.
[Ord. No. 2037 Eff. Date 10-28-02]

.4 Exceptions. The prohibitions of this section shall not apply to the following:
[Ord. No. 2037 Eff. Date 10-28-02]

(A) Any motor truck, pickup truck or similar vehicle being used by a public utility, moving company or similar company, which is actually being used to serve a residence not belonging to or occupied by the operator of the vehicle.
[Ord. No. 2037 Eff. Date 10-28-02]

(B) Any vehicle which is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the period of time reasonably necessary to make such pickup or delivery.
[Ord. No. 2037 Eff. Date 10-28-02]

(C) Lawful non-conforming and permitted uses.
[Ord. No. 2037 Eff. Date 10-28-02]

13.0206. Abandoned or inoperable motor vehicles.
[Ord. No. 2037 Eff. Date 10-28-02]

.1 Definitions. For purposes of this section, the following words shall have the meanings specified below:
[Ord. No. 1592 Eff. Date 02-27-89]

(A) Abandoned Vehicle: means any of the following:
(1) A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
(2) A vehicle that has remained illegally on public property for more than twenty-four hours.
(3) A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours.
(4) A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process in subsection 3.
(5) Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic
(6) A vehicle that has been impounded pursuant to section 321J.4B by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
(7) A motor vehicle that has remained for a period of more than thirty (30) days on private property with or without the consent of the person in control of the property, in an inoperable condition, unless it is kept in an enclosed garage or storage building
(8) It shall also mean a motor vehicle voluntarily surrendered by its owner to the city or to a towing contractor hired by the city for its removal
[Ord. No. 2037 Eff. Date 10-28-02]

(B)(1) **Junk Vehicle:** shall mean any motor vehicle stored within the corporate limits of the city, not licensed for the current year as required by law or is in an inoperable condition or because any of the following characteristics, constitutes a threat to the public health and safety, (Unless such vehicle is kept in an enclosed garage or storage building or at lawfully operated auto salvage or junk yard. A junk vehicle shall also be considered an abandoned vehicle for the purpose of this chapter.):
[Ord. No. 2037 Eff. Date 10-28-02]

(B)(2) **Junk Machinery** shall mean any piece of machinery stored within the corporate limits of the city which is in an inoperable condition or because of any one of the following characteristics, constitutes a threat to the public health and safety (Unless such machinery is kept in an enclosed garage or storage building or at lawfully operated auto salvage or junk yard.):
[Ord. No. 2037 Eff. Date 10-28-02]

(a) **Broken Glass.** Any vehicle or machinery with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

[Ord. No. 2037 Eff. Date 10-28-02]

(b) Broken or Loose Part. Any vehicle or machinery with a broken or loose fender, door, bumper, hood, hood ornament, door handle, window handle, running board, steering wheel, truck top, trunk handle, radio aerial, tail pipe or decorative piece.

[Ord. No. 2037 Eff Date 10-28-02]

(c) Habitat for Nuisance Animals or Insects. Any vehicle or piece of machinery which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

[Ord. No. 2037 Eff. Date 10-28-02]

(d) Flammable Fuel. Any vehicle or machinery which contains gasoline or any other flammable fuel.

[Ord. No. 2037 Eff. Date 10-28-02]

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

[Ord. No. 2037 Eff Date 10-28-02]

(f) Salvage. Any other vehicle or piece of machinery which is used for sale of parts or as a source of repair or replacement parts for other vehicles or machinery or which is kept for scrapping, dismantling or salvage of any kind.

(C) Inoperable Condition: means that the vehicle has no substantial potential use consistent with its usual function, and shall include a vehicle that (1) has a missing or defective part that is necessary for the normal operation of the vehicle, (2) or is stored on blocks, jacks, or other supports, or (3) has not had a current vehicle license for at least three months

[Ord. No. 1592 Eff. Date 02-27-89]

(D) "Motor Vehicle" or "Vehicle": shall have the meaning contained in Iowa Code, Chapter 321.1.

[Ord. No. 1592 Eff. Date 02-27-89]

(E) Vital Component Parts: means those parts of the motor vehicle that are essential to the mechanical functioning of the vehicle including, but not limited to, the motor, drive train, and wheels.

[Ord. No. 1592 Eff. Date 02-27-89]

.2 Vehicles / Machinery Constituting a Public Nuisance.

[Ord. No. 2037 Eff. Date 10-28-02]

(A) Abandoned vehicles junk vehicles and junk machinery are declared to be a public nuisance creating a hazard to the health and safety of the public because they invite plundering, create fire hazards, attract vermin and present physical dangers to the safety and well being of children and other citizens. The accumulation and outside storage of such vehicles / machinery is in the nature of rubbish, litter, and unsightly debris and is a blight on the landscape and a detriment to the environment.

[Ord. No. 2037 Eff. Date 10-28-02]

(B) JUNKED VEHICLES AND MACHINERY A NUISANCE. Storage within the corporate limits of a junk motor vehicle or junk machinery upon private property owned or controlled by the owner of the vehicle or machinery, unless excepted by definition, constitutes a threat to the health and safety of the citizens and is a nuisance. If any junk motor vehicle or machinery is stored upon private property in violation hereof, the owner or person in control of the property upon which it is stored shall be prima facie liable for said violation.

[Ord. No. 2037 Eff Date 120-28-02]

(C) Any vehicle, whether occupied or not, that is found stopped or parked in violation of any ordinance or state statute; or that is reported stolen; or that is impeding fire fighting, snow removal or plowing or the orderly flow or traffic, is declared to be a public nuisance.

[Ord. No. 2037 Eff. Date 10-28-02]

(D) Any vehicle which is impeding public road or utility repair, construction or maintenance activities after reasonable notice in writing of the proposed activities has been given to the vehicle owner or user at least twelve hours in advance, is declared to be a public nuisance.
[Ord. No. 2037 Eff. Date 10-28-02]

13.0207 TREES AND SHRUBS.
[Ord. No. 1592 Eff. Date 02-27-89]

.1 Dead and Dangerous Trees and Branches to be Removed. A property owner shall be responsible for the removal of any dead or otherwise dangerous trees, shrubs, or branches which are the owner's property.
[Ord. No. 1592 Eff. Date 02-27-89]

.2 Removal Permit Required. Before cutting down or otherwise removing a tree or branch of a tree located in the publicly owned property or right-of-way abutting the owner's property where there is a possibility the cutting of such tree or branch will fall on a sidewalk, alley, street or any other public right-of-way, the owner shall first obtain a free permit from the city administrator or the city administrator's designee. Application for such permit shall state the location, kind and approximate size of the tree to be removed and by whom the work is to be done.
[Ord. No. 2037 Eff. Date 10-28-02]

.3 Liability of Owner. The property owner shall be liable for all damages to any person or property resulting from the removal of shrubs, trees, or branches from the property owner's property. Without in any way limiting the liability of such owner, this liability shall specifically include damages to public sidewalks, curbing, pavement and public utility equipment.
[Ord. No. 1592 Eff. Date 02-27-89]

.4 Owner's Failure to Remove Dead or Dangerous Trees and Branches. The failure to remove any tree or branch by the owner pursuant to §13.0207.1 for the period of fourteen (14) days after either written or oral notice from the city administrator or the city administrator's designee shall subject the offender to the penalty of this chapter and the tree or branch shall be regarded as a nuisance and shall be abated accordingly.
[Ord. No. 2037 Eff. Date 10-28-02]

.5 Trimming of Trees. The owner or agent of the abutting property shall keep the trees on, or overhanging the street trimmed so that all branches will be at least (15) feet above the surface of the street and eight (8) feet above the sidewalks.
[Ord. No. 2037 Eff. Date 10-28-02]

.6 Trees Not Trimmed. The leaving of any tree defined in §13.0207.5 untrimmed for a period of five (5) days, subject to commercial removal service availability, after either written or oral notice from the city administrator or the city administrator's designee shall be regarded as a nuisance and will be enforced under Chapter 13 of the Municipal Code.
[Ord. No. 1592 Eff. Date 02-27-89]

.7 Removal of Trees Infected with Disease. A property owner, occupant or agent in charge of any property shall, at such owner's, occupant's or agent's own expense, remove all dead trees and dead wood or limbs from trees located on such property.
[Ord. No. 1592 Eff. Date 02-27-89]

.8 Failure to Comply. If the owner, occupant or agent in charge of property fails to comply with a notice ordering removal of dead or infected trees, brush, limbs, or debris issued pursuant to §13.0207.7, the city administrator or the city administrator's designee shall cause such trees, brush, limbs or debris to be removed and the costs of such removal assessed against the property.
[Ord. No. 1592 Eff. Date 02-27-89]

.9 DEFINITIONS. For use in this chapter, the following terms are defined.
[Ord. No. 2037 Eff. Date 10-28-02]

(A) "Parking". Shall mean that part of the street, avenue or highway in the city not covered by sidewalk and lying the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.
[Ord. No. 2037 Eff. Date 10-28-02]

.10 PLANTING RESTRICTIONS. No tree shall be planted in any street or parking unless a permit has been issued in accordance with the following:
[Ord. No. 2037 Eff. Date 10-28-02]

(A) Application. An application or permit to plant a tree or trees shall be filed with the city. Said application shall show the following:
[Ord. No. 2037 Eff. Date 10-28-02]

(1) Name and application of the owner of property adjacent to the area in which it is desired to plant a tree or trees.
[Ord. No. 2037 Eff. Date 10-28-02]

(2) Street address of property adjacent to the area trees are to be planted if different than above.
[Ord. No. 20378 Eff. Date 10-28-02]

(3) Species and exact location of each tree for which permit is desired.

(B) Agreement. There shall be submitted with each application an agreement signed by the owner of adjacent property whereby said owner agrees to indemnify the city against all costs or losses which may accrue now or in the future in connection with the requested planting. This agreement shall be in such form as approved by the city attorney and shall be filed with the county recorder upon approval by the council.
[Ord. No. 2037 Eff. Date 10-28-02]

(C) Review by City Administrator. The city administrator shall review and approve, approve with modifications, or deny such application.

(D) Council Appeal. The applicant may appeal the decision of the city administrator to the council who shall affirm or modify the decision of the city administrator.
[Ord. No. 2037 Eff. Date 10-28-02]

.11 REMOVAL OF TREES. The City Administrator shall cause to be removed, on the order of the council, any tree on the streets of the city which interferes with the making of improvements or with travel thereon. The city administrator shall additionally cause to be removed any trees on the street, not on private property, which have become diseased, or which constitute a danger to the public, or which may otherwise be declared a nuisance.
[Ord. No. 2037 Eff. Date 10-28-02]

.12 TREES SUBJECT TO REMOVAL. The council having determined that the health of the elm trees within the city is threatened by a fatal disease known as the Dutch Elm Disease hereby declares the following shall be removed:
[Ord. No. 2037 Eff. Date 10-28-02]

(A) Living or Standing Trees. Any living or standing tree or part thereof infected with the Dutch Elm Disease fungus or which harbors any of the elm bark beetles, that is scolytus multistriatus (eichb.) or hylurgopinus rufipes (marsh.).
[Ord. No. 2037 Eff. Date 10-28-02]

(B) Dead Trees. Any dead elm tree or part thereof including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying insecticide.
[Ord. No. 2037 Eff. Date 10-28-02]

(C) Cottonwood Trees. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees are subject to removal as a general nuisance.
[Ord. No. 2037 Eff. Date 10-28-02]

.13 DUTY TO REMOVE. No person, firm or corporation shall permit any tree or material as defined in the preceding section of this article to remain on the premises owned, controlled or occupied by the person, firm or corporation within the city.

[Ord. No. 2037 Eff. Date 10-28-02]

.14 INSPECTION. The city administrator shall inspect or cause to be inspected all premises and places within the city to determine whether any condition as defined in the first section of this article exists thereon, and shall also inspect or cause to be inspected any elm trees reported or suspected to be infected with the Dutch Elm Disease or any elm barkbearing material reported or suspected to be infected with the elm bark beetles.

[Ord. No. 2037 Eff. Date 10-28-02]

.15 REMOVAL FROM CITY PROPERTY. If the city administrator upon inspection or examination, in person or by some qualified person acting for the city administrator, shall determine that any condition as herein defined exists in or upon any public street, alley, park or any public place, including the strip between the curb and the lot line of private property, within the city and that the danger of other elm trees within the city is imminent, the city administrator shall immediately cause it to be removed and burned or otherwise correct the same in such manner as to desstroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect pests or vectors known to carry such disease fungus.

[Ord. No. 2037 Eff. Date 10-28-02]

.16 REMOVAL FROM PRIVATE PROPERTY. If the city administrator upon inspection or examination, in person or by some qualified person acting for the city administrator, shall determine with reasonablvle certainty that any condition as herein defined exists in or upon private premises and that the danger to other elm trees within the city is imminent, the city administrator shall immediately notify by certified mail the owner, occupant or person in charge of such property, to correct such condition within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt thereof, the council may cause the nuisance to be removed and the cose assessed against the property as provided herein.

If the city administrator is unable to determine with reasonable certainty whether or not a tree in or upon private premises is infected with Dutch Elm Disease, the city administrator is authorized to remove or cut specimens from said tree, and obtain a diagnosis of such specimens.

[Ord. No. 2037 Eff. Date 10-28-02]

§13.0220 ABATEMENT PROCESS - PURPOSE. The City of Newton has adopted the abatement process in order to allow the City and its residents to resolve City nuisances without penalty to the resident. This chapter will allow City residents a reasonable period of time to abate the nuisance before a municipal infraction citation is issued.

[Ord. No. 1807 Eff. Date 01-09-95]

§13.0221 RESPONSIBILITIES OF CITY ADMINISTRATOR. The responsibilities of the city administrator or the city administrator's designee shall include making decisions on conditions of abating violations of this chapter.

[Ord. No. 1807 Eff. Date 01-09-95]

§13.0222 PRIORITY ENFORCEMENT. The city administrator or the city administrator's designee shall have the authority to establish priorities for the abatement of nuisance violations and implement appropriate procedures to abate each category of violations so established. The procedures established shall be accomplished in accordance with §13.0227, as amended.

[Ord. No. 1807 Eff. Date 01-09-95]

§13.0223 RIGHT OF ENTRY. The city administrator or the city administrator's designee shall have the right to enter upon any property at any reasonable time for the purpose of carrying out the city administrator's duties in the enforcement of abatement violations. In the event that the owner of the property located within the city refuses to permit entry to the city administrator or the city administrator's designee, the city administrator may seek an entry warrant from the district court. Any entry warrant issued shall command such owner or occupant to permit entry to the city administrator or the city administrator's designee.

[Ord. No. 1807 Eff. Date 01-09-95]

§13.0224 REMEDIES. The city administrator or the city administrator's designees shall have, but not by way of limitation, the following remedies available to the city administrator or the city administrator's designee with respect to the abatement of nuisance violations:

[Ord. No. 1807 Eff. Date 01-09-95]

.1 No Action. After careful consideration of the facts and circumstances the city administrator may authorize no action to be taken on a complaint of an alleged nuisance violation.

[Ord. No. 1807 Eff. Date 01-09-95]

.2 Warning and Order to Abate. If upon investigation of an alleged nuisance the city administrator or the city administrator's designee has reason to believe that a nuisance exists, the city administrator or the city administrator's designee shall issue the violator a Warning and Order to Abate. The Warning and Order to Abate shall allow the violator a specified period of time to abate the nuisance without penalty. The Warning and Order to Abate and the time specified to abate the nuisance shall be established pursuant to the requirements of §13.0227, as amended. Furthermore, the violator shall have a right to file a written appeal of the Warning and Order to Abate with the City Administrator at 101 West Fourth Street South, Newton, Iowa 50208 within 14 days of service of the order or, if appealing an emergency abatement order, then the amount of time they were given to appeal is one-half the amount of time they are provided to abate the violation.

If an appeal is filed, the City Administrator shall appoint two department directors or the department directors' first line supervisors to comprise an appeal panel of the City Administrator and the two appointees to hear the appeal.

The appeal shall be heard not sooner than 14 days of the appeal being filed nor later than 21 days, unless the violator waives the time period and then said appeal can be conducted sooner, but must be within 30 days of receipt of the appeal.

The Appeal panel shall issue a written opinion and mail, by regular U.S. Mail, their finding, and provide for either the City's notice to be rescinded, modified or affirmed, and if modified or affirmed, the time frame the violator has to bring the property into compliance.

Appeals of the appeal panel's decision must be filed within 14 days to the Iowa District Court.

If the appeal is from an emergency abatement order, then said appeal shall be heard as soon as immediately practical for the City to provide for the appeal, given the emergency nature of the situation, such that an order for an appeal to be held within the hour of an appeal being made could be reasonable given the circumstances. The appeal board's decision shall be rendered and either orally given at the conclusion of the appeal after sufficient time for deliberation or put into writing and handed to the appealing party. If orally rendered, the order shall be reduced to writing within twenty-four hours of the decision. Any appeal of the appeal panel's decision regarding an emergency abatement order, must be filed within one day to the Iowa District Court.

Failure to timely file any appeal is jurisdictional. [Ord. No. 2095 Eff. Date 11-27-06]

.3 Summary Abatement. Upon the advice of the city attorney, the city administrator shall have the power to authorize summary abatement of a violation which creates an imminent hazard to public health, safety and welfare.
[Ord. No. 1807 Eff. Date 01-09-95]

.4 Additional Remedies. Remedies provided in this article shall be cumulative and in addition to any other remedies which may be available to the city administrator. Nothing contained herein shall be construed to preclude the city administrator from seeking other such remedies in addition to, or in lieu thereof, the remedies herein granted, such as issuing a municipal infraction citation.
[Ord. No. 2037 Eff. Date 10-28-02]

13.0225 EMERGENCY ABATEMENT ORDERS.
[Ord. No. 1807 Eff. Date 01-09-95]

.1 ISSUING ORDER OF EMERGENCY. Whenever the city administrator deems that an emergency exists which threatens life or property and requires immediate action to protect the public health, safety and welfare, the city administrator may, without prior notice or hearing, issue an order stating that such emergency exists and requiring that such action be taken as deemed necessary to meet the emergency. Notwithstanding any provision of this chapter to the contrary, such order shall be effective immediately.
[Ord. No. 1807 Eff. Date 01-09-95]

.2 FAILURE TO COMPLY WITH EMERGENCY ORDER. It shall be unlawful for any person to whom such an emergency order is issued to fail to comply therewith immediately. In the event that such person to whom the emergency order was issued fails or refuses to immediately comply therewith, the city administrator may request, without prior notice to the owner, occupant, or agent of the owner, that the dangerous condition be removed, corrected, or otherwise abated to such an extent that it is no longer an imminent hazard to the public health, safety and welfare.
[Ord. No. 1807 Eff. Date 01-09-95]

.3 COSTS OF REMOVAL TO BE ASSESSED AGAINST PROPERTY. All nuisance violations affect the peace, safety and general welfare of the citizens of Newton. Property owners who remain in violation after notice by the City pursuant to the time limits specified by the City Administrator or their designee shall

have the violation removed or abated by the City or the City's designee and shall have the cost of removal or abatement certified to the County Treasurer as a tax against the property.
[Ord. No. 2037 Eff. Date 10-28-02]

13.0226 **PENALTIES.** Failure to abide by the Warning and Order to Abate as set forth in §13.0224.2 within the specified period of time or failure to comply with the Emergency Order as set forth in §13.0225.2, as amended, shall be a municipal infraction as established in §13.0102 and shall subject the violator to the schedule of penalties as established in §1.0109 of the Code of Ordinances.
[Ord. No. 1807 Eff. Date 01-09-95]

13.0227 **PROCEDURES AND GUIDELINES.** The city administrator shall be empowered to promulgate procedures and guidelines to accomplish the purposes of this chapter.
[Ord. No. 1807 Eff. Date 01-09-95]

13.0301 ADMINISTRATION AND ENFORCEMENT. The city administrator shall be responsible for the administration of the provisions of this article. The city administrator, and the city administrator's duly designated representatives, including but not limited to the chief of police or any member of the police department and the Newton Animal Rescue League, shall be responsible for the enforcement of the provisions of this article. Those persons charged with enforcing the provisions of this article shall have the authority to seize and impound animals pursuant to the provisions of this chapter and shall have the authority to write and serve municipal infraction citations and enforcement/impoundment fee tickets as provided in this article. It shall be the duty of those persons charged with enforcing the provisions of this article to impound any animals found running at large in violation of the terms of this article. References to the city administrator herein contained shall be deemed to include the city administrator's duly appointed designee.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-2.0101]

13.0302 DEFINITIONS. For use in this article, the following terms shall have the following meanings:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-2.0102]

13.0302.1 Animal: shall mean every wild, tame or domestic member of the animal kingdom other than the genus and species Homo sapiens.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-2.0102(1)]

13.0302.2 Cat: shall mean both male and female animals of the feline species, whether neutered or not.
[Ord. No. 1538 Eff. Date 08-06-87] [Code of Ordinances §3-2.0102(2)]

13.0302.3 Dangerous Animal: shall mean:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-2.0102(3)]

13.0302.3(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;
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-2.0102(3A)]

13.0302.3(B) An animals declared to be dangerous by the city administrator or the city administrator's designee.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-2.0102(3B)]

13.0302.3(C) The following animals which shall be deemed to be dangerous animals per se:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-2.0102(3C)]

13.0302.3(C)(1) Artiodactyla of the family Antilocapridae which includes pronghorns;

13.0302.3(C)(2) Artiodactyla of the family Cervidae which includes moose and caribou;

13.0302.3(C)(3) Artiodactyla of the family Suidae and the genus and species Sus scrofa (domestic swine and wild boar) which includes all male and female wild boars;

13.0302.3(C)(4) Bovidae - males only (bulls).

13.0302.3(C)(5) Carnivora of the family Canidae which includes wolves and foxes but excluding domestic dogs;

13.0302.3(C)(6) Carnivora of the family Felidae which includes lions, lynx, and bobcats but excluding domestic cats;

13.0302.3(C)(7) Carnivora of the family Mustelidae which includes badgers, wolverines, weasels and skunks, except ferrets;

13.0302.3(C)(8) Carnivora of the family Procyonidae which includes raccoons;

13.0302.3(C)(9) Carnivora of the family Ursidae which includes bears;

13.0302.3(C)(10) Chelonia of the family Chelydridae (snapping turtles);

13.0302.3(C)(11) Crocodilia which includes crocodiles and alligators;

13.0302.3(C)(12) Chiroptera (bats);

13.0302.3(C)(13) Proboscidae (elephants);

13.0302.3(C)(14) Rodentia of the family Muridae (rats) except white rats kept as household pets;

13.0302.3(C)(15) Squamata of the suborder Ophidia (snakes) which are venomous; and
[Ord. No. 1971 Eff. Date 05-19-00]

13.0302.3(C)(16) Squamata of the suborder Ophidia (snakes) which are constrictors that are greater than six (6) feet in length.
[Ord. No. 1971 Eff. Date 05-19-00]

13.0302.4 **Meaning of Certain Words.** Words used in the singular include the plural and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-2.0102(4)]

13.0303 **DOGS AND CATS AT LARGE.**

- A. Dogs properly identified as required by law shall be deemed under restraint if:
 - 1. The dog is on the premises of the owner or a person given charge of the dog by the owner, and is either of the owner or the person given such charge, or
 - a. Accompanied by and obedient to the commands of the owner or the person given such charge, or
 - b. Confined on those premises by an adequate protective fence or by leash, cord or chain that does not allow the dog to go beyond the owner's real property line;
 - 2. The dog is off the premises of the owner, and is either:
 - a. On a leash, cord or chain not more than six feet in length, and under the control of a person competent to restrain and control the dog, or
 - b. Confined within a motor vehicle;
 - 3. It is properly housed in a veterinary hospital or kennel or commercial establishment as defined by chapter 162 of the Code of Iowa.
- B. Dogs shall be deemed to be at large if they are not under restraint by one of the methods set forth in subsection A of this section.
- C. Cats are allowed to be unrestrained any time within the city, except:
 - 1. Agents and agencies responsible for animal control within the city are hereby authorized to temporarily seize any cat running at large within the city for the limited purposes of ascertaining whether such cat is currently licensed and vaccinated for rabies. Upon confirmation of current license and rabies tags, such cat shall be immediately released. In the absence of a current license or rabies tag, such cat shall be impounded as provided hereinafter.
- D. A cat, properly licensed and displaying such license as required by law, shall not be deemed at large if:
 - 1. The cat is not causing damage or interfering with property of another.

[Ord. No. 1930 Eff. Date 05-24-99] [1987 Code of Ordinances §3-1.0104(1)(sic)]

13.0306 **KEEPING OF DANGEROUS ANIMALS PROHIBITED.** No person shall keep, shelter, or harbor as a pet, guardian or for any other purpose, within the city, a dangerous animal as defined herein, except as provided in §13.0307 below.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0107(sic)]

13.0307 **EXCEPTIONS.** The prohibition contained in §13.0306 shall not apply to the keeping of dangerous animals in the following circumstances:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0108(sic)]

13.0307.1 **Zoo or institution.** The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, museum or other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study;

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0108(1)(sic)]

13.0307.2 **Pet Shop or Circus.** The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit, show or licensed pet shop;

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0108(2)(sic)]

13.0307.3 **Veterinarians.** The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment;

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0108(3)(sic)]

13.0307.4 **Any dangerous animals** under the jurisdiction of and in the possession of the Iowa Conservation Commission pursuant to Chapters 109 or 109A of the Iowa Code.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0108(4)(sic)]

13.0308 **REGULATION OF KEEPING DANGEROUS ANIMALS.** The following regulations shall apply to the keeping of dangerous animals within the city:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(sic)]

13.0308.1 **Report to the police.** Every person firm, or corporation owning, keeping, sheltering or harboring a dangerous animal pursuant to §13.0307 shall report such fact to the police department together with the following information:
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(1)(sic)]

13.0308.1(A) The species name of each animal.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(1A)(sic)]

13.0308.1(B) The number of such animals of each species kept on the premises;
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(1B)(sic)]

13.0308.1(C) A physical description of each animal, including any pet names to which it might respond;
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(1C)(sic)]

13.0308.1(D) The location of such animal or animals within the city, including the location of the cage or place of confinement upon or in said premises wherein the animal or animals are kept;
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(1D)(sic)]

13.0308.1(E) In the case of poisonous dangerous animals, the location of the nearest source of anti-venom for that species.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(1E)(sic)]

13.0308.2 **Confined.** Every person firm or corporation keeping, sheltering or harboring a dangerous animal shall at all times keep such animals securely confined within a cage or other enclosure sufficient to prevent physical contact between said animal and all persons other than *bona fide* animal caretakers working under the control of said animal owner.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(2)(sic)]

13.0308.3 **Anti-Venom.** Every person firm or corporation keeping, sheltering or harboring a poisonous dangerous animal shall be required to keep ten (10) doses of anti-venom on hand and current at all times.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(3)(sic)]

13.0308.4 **Trespass.** No person firm or corporation owning keeping, sheltering or harboring a dangerous animal shall allow such animal to enter upon or traverse any public property, park property, public right-of-way, or the property of another, except when such animal is being transported while caged or confined.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(4)(sic)]

13.0308.5 **At Large.** In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to life or property, such animal may, in the discretion of the city administrator or the city administrator's designee, or the chief of police, be destroyed if it cannot be confined or captured. The city shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(5)(sic)]

13.0308.6 **Order to Remove.** In the event that the city administrator or the city administrator's designee determines that a dangerous animal is being kept, sheltered, or harbored by any individual or entity in violation of the provisions of this chapter, the city administrator or the city administrator's designee may, in the city administrator's discretion, have such individual or entity prosecuted for such violation, and/or city administrator or designee may order such individual or entity to remove such dangerous animal from the city or destroy it. Such order shall be contained in a notice to remove dangerous animal, which notice shall be given in writing, directed to such individual or entity, and delivered personally or by certified mail. Such order of the city administrator or the city administrator's designee shall be appealable to the city council, which may affirm or reverse such order, and the notice shall so state.
[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(6)(sic)]

13.0308.7 **Appeal.** Any individual or entity desiring to appeal an order issued by the city administrator or the city administrator's designee, pursuant to §13.0308.6 above, to the city council may do so by filing a written

notice of appeal with the mayor within seven (7) days after receipt of the notice to remove dangerous animal. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the mayor. The hearing of such appeal shall be scheduled within thirty days of the receipt of notice of appeal. After such hearing, the city 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 mayor within twenty (20) days after the hearing, or any continued session thereof.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(7)(sic)]

13.0308.8 Council Action. If the city council affirms the action of the city administrator, the council shall also order in its written decision that the individual or entity owning, sheltering, harboring or keeping such dangerous animal remove such animal from the city or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the order is not complied with within seven (7) days of its issuance, the city administrator or the city administrator's designee is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the city council was issued has not petitioned the Jasper County District Court for a review of the order, the city administrator or the city administrator's designee shall cause the animal to be disposed of by sale or destroyed in a humane manner. Failure to comply with an order of the city council issued pursuant hereto shall constitute a misdemeanor and shall be punishable by a fine of not more than one hundred dollars (\$100.00) or by imprisonment not to exceed thirty (30) days.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0109(8)(sic)]

13.0309 GENERAL PROHIBITIONS AND DUTIES. The following general prohibitions and duties shall apply:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0110(sic)]

13.0309.1 Aid Escape. No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such person's property or that of another, by opening any gate, door, or window, by making an opening in any fence, enclosure, or structure, or by unleashing such animal.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0110(1)(sic)]

13.0309.2 Defecate. It shall be prohibited for any person to permit or allow an animal owned by that person or under that person's custody or control to defecate upon public property, park property, public right-of-way, or the property of another.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0110(2)(sic)]

13.0309.3 Clean-up. It shall be the duty of every person owning or having the custody or control of an animal to clean up, remove and dispose of the feces deposited by such animal upon public property, park property, public right-of-way or the property of another. Failure to do so shall constitute a misdemeanor.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0110(3)(sic)]

13.0309.4 Noise. No person owning or having an animal under their control or within their care or custody shall permit such animal to bark or make any loud or unusual noises during times which such owner knows or should expect that such noise will disturb one or more neighbors, or otherwise disturb the peace.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0110(4)(sic)]

13.0309.5 Interfere With Enforcement. It shall be prohibited for any person in any manner to interfere with any employee or designated representative of the city so as to hinder, delay or prevent such employee or representative executing such employee's or representative's duties in relation to the matters and things contained in this article.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0110(5)(sic)]

13.0309.6 Dead Animals. It is unlawful for any person owning, controlling or caring for any animal that has died from any cause to allow the carcass to lie about the owner's premises or upon the premises of another person or upon any public property or right-of-way. It shall be the duty of such person to cause such carcass to be removed and properly disposed of by burying it in an approved animal cemetery, cremating in an approved incinerator, desiccation, removal by a licensed animal disposal company, or by delivering to a licensed veterinarian, or the city animal shelter within twenty-four (24) hours after the death of the animal. It is unlawful for any person to bury an animal on a private premise within the city, or for the owner of any property to allow an animal to be buried thereon.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0110(6)(sic)]

13.0309.7 Disposal Limited. Regardless of the provisions of §13.0309.6 above, it shall be unlawful for any owner or other person to dispose of any dead animal or allow it to be collected for disposal by any person except authorized representatives of the city if such animal has attacked, bitten or caused a skin abrasion on any person, or

if the animal is suspected of being infected with rabies, until permission for disposal has been given by the city administrator or the city administrator's designee.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0110(7)(sic)]

13.0309.8 Domestic Animals Prohibited on City Cemetery Property. For purposes of this section, "domestic animal" shall mean every tame member of the animal kingdom other than the genus and species Homo Sapiens. No owner of any domestic animal, whether such animal is leashed or unleashed, shall cause or permit such animal, by action or inaction, to be on or within cemetery property owned or operated by the City at any time. This prohibition shall not apply to certified animals assisting persons with disabilities.

[Ord. No. 1759 Eff. Date 07-12-93]

13.0310 FEES AND PENALTIES. Penalties for violations of this article are:

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0111]

13.0310.1 Fee/Impoundment Ticket. In the event that an animal is observed at large but cannot be captured for impoundment, or in the event its owner refuses to relinquish possession of such animal for impoundment, an enforcement/impoundment fee ticket may be issued to its owner requiring the payment of a fee for the city's cost in attempting to impound the animal and enforce the provisions of this article.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0111(1)(sic)]

13.0310.2 Misdemeanor. In the event the owner of an animal has been served a ticket for the payment of the enforcement/impoundment fee and fails to pay the required amount due to the city within thirty (30) days of the date of issuance, such failure shall constitute a misdemeanor.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-1.0111(2)(sic)]

13.0310.3 Municipal Infraction. In the event an owner violates any provision of this article, said owner shall be subject to penalties provided in §13.0102.

13.0311 SNAKES. Squamata of the suborder Ophidia (snakes) which are constrictors are permissible in the City of Newton so long as:

- (A) they are not greater than six (6) feet in length; and
- (B) there are no more than four (4) snakes owned by a household (if a female snake has offspring, the owner has 90 days to reduce the number of snakes back down to no more than four; and
- (C) a snake does not leave the owner's secured building on the property, unless the snake is in a snake cage that has a lid and at least one lock.

[Ord. No. 1971 Eff. Date 05-19-00]

13.0312 KENNEL DOGS. Repealed per Ordinance No. 1764, Effective Date 08-06-93.

[Ord. No. 1538 Eff. Date 08-06-87] [1987 Code of Ordinances §3-2.0202] [Code of Iowa, §351.1]

13.0313 ANNUAL LICENSE REQUIRED.

- A All dogs and cats over six (6) months of age kept, harbored, or maintained by their owner in the city shall be licensed by the owner. "Owner" means, in addition to its ordinary meaning, any person who keeps or harbors an animal.
- B Such license shall be issued and recorded by the City and affixed to each animal by its owner to a substantial collar and, during the term of the license, shall be at all times kept on the animal for which the license is issued.
- C License fees shall be as established in §13.0314 immediately below. Application for licenses on the form provided by the City may be made after December 1, and at any time for an animal which has come into the possession or ownership of the applicant, or which has reached the age of six months. Licenses are valid from January 1 through December 31 of a calendar year. Failure to purchase a license by April 1st of any given year shall result in an additional fee being charged for late license purchase. The late fee shall be set by City Council resolution.
- D The provisions of this section shall not be intended to apply to dogs and cats whose owners are non-residents temporarily within the city, kennel dogs or cats, or show dogs or cats brought into the city for the purpose of participating in any dog or cat show, provided such dogs and cats are kept restrained by the owner at all times.

[Ord. No. 1961 Eff. Date 01-21-00]

13.0314 LICENSE FEES. Annual license fees for dogs and cats shall be set by City Council resolution. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag upon the payment of a fee to the City as set by City Council resolution.
[Ord. No. 1916 Eff. Date 10-01-98] [1987 Code of Ordinances §3-2.0302] [Code of Iowa, §351.24]

13.0315 ISSUANCE OF LICENSE. Repealed per Ordinance No. 1764, Effective Date 08-06-93.
[Ord. No. 1764 Eff. Date 08-06-93] [1987 Code of Ordinances §3-2.0303] [Code of Iowa, §372.13 (4)]

13.0316 LICENSE TAGS. Repealed per Ordinance No. 1764, Effective Date 08-06-93.
[Ord. No. 1764 Eff. Date 08-06-93] [1987 Code of Ordinances §3-2.0305]

13.0317 IMMUNIZATION. All dogs and cats six (6) months or older, and all dogs and cats who are between the ages of four (4) and six (6) months at the time they are licensed, shall be vaccinated against rabies. Before issuance of a license the owner shall furnish a veterinarian's certificate showing that the dog or cat for which the license is sought has been vaccinated, and that the vaccination does not expire within six months from the effective date of the license. It shall be a violation of this article for any dog or cat to not be vaccinated against rabies. A tag showing evidence or proper vaccination shall be worn by every dog and cat meeting the criteria established in this section.
[Ord. No. 1764 Eff. Date 08-06-93] [1987 Code of Ordinances §3-2.0306] [Code of Iowa, §351.34]

13.0318 EXCEPTIONS. Repealed per Ordinance No. 1764, Effective Date 08-06-93.
[Ord. No. 1764 Eff. Date 08-06-93] [1987 Code of Ordinances §3-2.0307] [Code of Iowa, §351.1 & 351.33]

13.0319 RUNNING AT LARGE. No owner of any licensed or unlicensed dog, or any cat shall permit such dog or cat to run at large in the city at any time as described in 13.0303..
[Ord. No. 1930 Eff. Date 05-24-99]

13.0320 CONTRACTS WITH HUMANE SOCIETIES, ETC. The city may contract with any incorporated society or association for the prevention of cruelty to animals, for the collection and protection of dogs and cats, for the maintenance of a shelter or pound, for unlicensed or untagged dogs and cats and for lost, strayed or homeless dogs and cats, and for the destruction or other disposition of seized dogs and cats not redeemed as provided by this article.
[Ord. No. 1764 Eff. Date 08-06-93]

13.0321 IMPOUNDMENT -- WHEN REQUIRED. It shall be the duty of the city humane officer or any society under contract with the city to cause to be collected and impounded any licensed or unlicensed dog or any cat which is not currently licensed and vaccinated found to be at large in the city at any time. When such dog or cat has been apprehended and impounded, written notice shall be given to the owner of such within two (2) days, if such owner's name and address appear on the dog's or cat's collar or can be otherwise found.
[Ord. No. 1764 Eff. Date 08-06-93]

13.0322 IMPOUNDMENT - FEES. An impoundment fee and a fee to cover the cost of food and care during impoundment for each dog and cat impounded shall be allowed as set by the society under contract and approved by the city council.
[Ord. No. 1764 Eff. Date 08-06-93]

13.0323 IMPOUNDMENT -- PERIOD DOGS AND CATS REQUIRED TO BE KEPT. If the owner of a dog or cat impounded hereunder does not redeem the dog within seven days or the cat within three days of the date of the notice, the dog or cat may be humanely destroyed or otherwise disposed of in accordance with the law. If the owner of a dog impounded cannot be located within seven days or a cat within three days, the dog or cat may be humanely destroyed or otherwise disposed of in accordance with the law.
[Ord. No. 1903 Eff. Date 06-22-98]

13.0324 IMPOUNDMENT -- REDEMPTION OF LICENSED DOGS AND CATS. The owner of an impounded licensed dog or cat may claim and redeem such dog or cat upon payment of the impounding fee, plus the fee for costs of food and care. If the dog or cat does not have a current rabies vaccination, the owner shall also be obligated to show satisfactory proof of intent to have the dog or cat vaccinated immediately, and within two working days of redeeming the dog or cat the owner thereof shall provide written documentation of such vaccination to the impounding agency. Failure of the owner to provide such documentation in a timely manner shall constitute a new and separate municipal infraction punishable as provided above.
[Ord. No. 1764 Eff. Date 08-06-93]

13.0325 IMPOUNDMENT -- REDEMPTION OF UNLICENSED DOGS AND CATS. The owner of an impounded unlicensed dog or cat may claim and redeem such dog or cat upon payment of an impounding fee, plus the fee for costs of food and care and purchase of proper license for such animal. If the dog or cat does not have a current rabies vaccination, the owner shall also be obligated to show satisfactory proof of intent to have the dog or cat

vaccinated immediately, and within two working days of redeeming the dog or cat the owner thereof shall provide written documentation of such vaccination to the impounding agency. Failure of the owner to provide such documentation in timely manner shall constitute a new and separate municipal infraction punishable as provided above.

[Ord. No. 1764 Eff. Date 08-06-93]

13.0326 IMPOUNDMENT -- DISPOSITION OF UNREDEEMED DOGS AND CATS. At the expiration of the period of impoundment provided in the foregoing sections, an unredeemed dog or cat may at the discretion of the chief of police or the chief's designee or any society under contract with the city as provided herein, be humanely destroyed or otherwise disposed of in accordance with the law.

[Ord. No. 1764 Eff. Date 08-06-93]

13.0327 DISPOSITION OF FEES COLLECTED UNDER THIS ARTICLE. Other than license fees, all other fees collected under this Article shall be remitted to or turned over to any society under contract with the city for use in defraying expense of animal control within the City.

[Ord. No. 1764 Eff. Date 08-06-93]

13.0328 QUARANTINE. The chief of police or the chief's designee shall cause a dog or cat to be quarantined or placed in a secure area for observation for a minimum period of fourteen (14) days when any such dog or cat has bitten or caused any skin abrasion upon any person. Such quarantine and isolation may, at the discretion of the chief of police or the chief's designee, be on the owner's premises in a manner to be ordered and directed by the chief of police. If the owner fails to confine such animal as directed by the chief of police, then it shall be apprehended and held for the isolation and quarantined as specified above by any society under contract with the city for the performance of such services. If the animal is placed in isolation by such society, the owner shall be required to pay the impounding fee and fee for food and care provided for in this article, and if the owner fails to pay the fees at the end of the period of isolation as directed by the chief of police, the animal may be humanely disposed of by the society. If the dog or cat that has bitten someone or caused any skin abrasion upon any person is unclaimed or the owner is unknown, then it shall be held in isolation at the direction of the chief of police by the society for observation not less than fourteen (14) days and then humanely disposed of by said society.

[Ord. No. 1764 Eff. Date 08-06-93]

13.0329 VICIOUS DOGS. Notwithstanding any other provisions of this chapter, no person owning, possessing, harboring, or having the care of a vicious dog as defined in this article shall permit such animal to go unconfined upon the premises of such person and shall not permit the dog to go beyond the premises unless the dog is securely leashed and muzzled.

[Ord. No. 1557 Eff. Date 12-30-87]

13.0330 VICIOUS DOG – DEFINITION. A vicious dog shall be defined as:

13.0330.1 A dog with a known propensity, tendency or disposition to attack unprovoked, as evidenced by a single previous incident of unprovoked chasing, snapping or barking at human beings or domestic animals so as to potentially cause injury or to otherwise endanger their safety, coupled with a second such incident occurring at any time thereafter; or

13.0330.2 A dog which has on any single occasion caused serious injury to a person; for purposes of this provision, serious injury shall mean either:

13.0330.2(A) Any breaking of the skin above the shoulders, or

13.0330.2(B) Any injury at or below the shoulders causing heavy bleeding, damage beneath the skin, or stitches.

13.0331 VICIOUS DOG - CONFINED. A vicious dog shall be confined as follows:

[Ord. No. 1557 Eff. Date 12-30-87]

13.0331.1 Securely confined in a dwelling house;

[Ord. No. 1557 Eff. Date 12-30-87]

13.0331.2 Completely enclosed in a locked enclosed fence, pen or other such structure having a height of at least six (6) feet; such pen or structure must have secure sides which are imbedded into the ground if the bottom of the structure is not connected to the structure; or

[Ord. No. 1557 Eff. Date 12-30-87]

13.0331.3 If the fence pen or structure is less than six (6) feet in height, it must have a secure top in addition to being securely imbedded as prescribed in 13.0331.2 above.

[Ord. No. 1557 Eff. Date 12-30-87]

13.0332 VIOIOUS DOGS - MUZZLED. A vicious dog, when outside its confinement shall at all times be muzzled except when shown in an American Kennel Club show or a show sanctioned by the American Kennel Club; or when securely confined in a private vehicle and inaccessible to others than those in the vehicle.
[Ord. No. 1557 Eff. Date 12-30-87]

13.0333 VIOIOUS DOGS - OFF PREMISES. A vicious dog as defined in this article when off premises must be accompanied by and obedient to the commands of the owner or competent responsible person and on a leash, cord or chain or other similar restraint that does not exceed six (6) feet in length and be muzzled with a manufactured muzzle as prescribed in §13.0332
[Ord. No. 1557 Eff. Date 12-30-87]

13.0334 LICENSES. All dogs as defined in this article shall be licensed in compliance with other sections within this chapter.
[Ord. No. 1557 Eff. Date 12-30-87]

13.0335 PENALTIES. Any owner of a vicious dog as described in this article who fails to adhere to the sections prescribed herein may have the dog impounded by the animal control officer or chief of police until the owner adheres to these sections, and in addition, shall be subject to the penalties prescribed in §13.0102.
[Ord. No. 1557 Eff. Date 12-30-87]

13.0401 PURPOSE. The purpose of this article is to prevent excessive sound, which is a serious hazard to the public health and the quality of life in the City of Newton.
[Ord. No. 1965 Eff. Date 03-27-00]

13.0402 DEFINITIONS. All terminology used in this article and not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

- (1) A or C weighted sound level (sound level) means the sound pressure level in decibels as measured on a sound meter using the A or C weighting network. The level so read shall be designated dB(A) or dBA dB(C). or dBC.
- (2) Decibel means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as dB.
- (3) Emergency work means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons and property from an imminent danger.
- (4) Emergency vehicle means a motor vehicle used in response to a (public) calamity or to protect persons and property from imminent danger.
- (5) Gross vehicle weight means the value specified by the manufacturer as the loaded weight of a vehicle.
- (6) Person means any individual, association, partnership, corporation or officer thereof.
- (7) Sound means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.
- (8) Sound level meter means an instrument, including a microphone, amplifier, output meter and weighting networks, that is sensitive to pressure fluctuations. The output meter reads sound pressure level in decibels when properly calibrated and the instrument is of Type 2 or better as specified in American National Standards Institute Publication SI 4-1971, or its successor publication.

[Ord. No. 2028 Eff. Date 07-08-02]

13.0403 MEASUREMENT OF NOISE AND SOUND. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during the measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured voice. A windscreen for the microphone shall be used when required. The measurement shall be an A weighted or C weighted, sound level.
[Ord. No. 2028 Eff. Date 07-08-02]

13.0404 TEST MEASUREMENT AND REQUIREMENTS FOR DETERMINING NATIONAL CLASSIFICATION OF SOUND.

- (1) No person shall engage or participate in the making and creating of an excessive or unusually loud sound within the city heard and measured in the manner prescribed below, except when done under and in compliance with a permit issued pursuant to this article.
- (2) It shall be the duty of persons in a position of ownership, possession or control of premises to prevent such premises from being the site of activities producing sound levels in excess of what is permitted under this article. Failure or refusal to perform such duty shall constitute a violation of this section.

- (3) It shall be the duty of persons in positions of leadership or responsibility with respect to unincorporated associations, groups, gatherings and assemblages of people to prevent such from causing or making sound levels in excess of what is permitted under this article. Failure or refusal to perform such duty shall constitute a violation of this section.
- (4) For the purpose of determining and classifying any sound as excessive or unusually loud, the following test measurements and requirements are to be applied:
 - (a) The sound shall be measured at the edge of the city street or alley right-of-way reasonably appearing to be to the source of the sound. When a complaint is received, a measurement may also be taken at the location on the property where the complaining party was disturbed.
 - (b) The sound shall be measured on a sound level meter of standard design and quality operated in an "A" or "C" weighting scale. [Ord. No. 2028 Eff. Date 07-08-02]
 - (c) A sound measured or registered in excess of the maximum permitted levels according to the following table, is declared to be excessive and unusually loud and is unlawful.

Neighborhood Characteristic	Maximum Permitted
Residential (between 7 a.m. to Midnight)	60
Residential (between Midnight to 7 a.m.)	55
Commercial	65
Park or Agriculture	65
Industrial	80

[Ord. No. 2028 Eff. Date 07-08-02]

13.0405 VEHICLE NOISE LIMITS. It shall be unlawful for any person to operate or for the owner to cause or permit to be operated within the public right-of-way in this city, any motor vehicle which emits a noise in excess of the dB(A) or dB(C) level established in this section.

- (1) The maximum allowable noise levels for motor vehicles shall be 75 dB(A) or 75 dB(C) measured at a distance of twenty-five feet.
- (2) This section applies to the total noise from a motor vehicle and shall not be construed as limiting and precluding the enforcement of any other provisions of this ordinance, and includes radios, cassette players, disk players and similar devices associated with motor vehicles.
- (3) The sound shall be measured on a sound level meter of standard design and quality operated on the "A" or "C" weighting scale.

[Ord. No. 2028 Eff. Date 07-08-02]

13.0406 PERMITS. Applications for a permit for relief from the provisions up to an additional 5dB(A) and dB(C) of this ordinance may be made to the Police Chief or a duly authorized representative, pursuant to the following procedure:

- A. All permits must be applied for in writing during normal business hours stating what devices are to be employed, where they are to be employed, on what date(s) and at what times of day they are to be used, the nature of the sounds to be produced or amplified and the number of people in attendance, and the persons responsible for the activity.
- B. Permits granted shall state with reasonable specificity the date(s), location(s), time(s), nature of the sound, devices permitted, number of people in attendance, and the persons responsible for the activity.
- C. Permits shall not be arbitrarily or unreasonably withheld nor shall the free expression of ideas or lawful speech be restrained, but sound and noise producing conduct having no communicative value and serving only to unreasonably disturb and disrupt the enjoyment of residences and normal pursuits shall be restrained.
- D. The police chief or designee may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or the surrounding neighborhood. [Ord. No. 2028 Eff. Date 07-08-02]

13.0407 EXEMPTIONS. The requirements, prohibitions, and terms of this article shall not apply to emergency work or to any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency. The terms of this section shall not apply to those activities of a temporary duration, permitted by law including but not limited to parades, fireworks displays, outdoor warning systems, nonprofessional athletic contests, all construction work and all other authorized activities occurring on government property. This ordinance shall not apply to events and vehicle usage at the Iowa Speedway.

[Ord. No. 2096 Eff. Date 12-22-06]

13.0408 PENALTIES FOR OFFENSES PERTAINING TO NOISE CONTROL.

- (1) A violation of any provision of Article 4, Noise Control, shall be a municipal infraction punishable by a penalty as listed in Code of Ordinances 1.0109.
- (2) Alternatively, a violation of any provision of Article 4, Noise Control, can be charged by a peace officer of the city as a simple misdemeanor.

[Ord. No. 1965 Eff. Date 03-27-00]