CHAPTER 55

ANIMAL PROTECTION AND CONTROL †

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

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.

2. "Animal" means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)

3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

4. "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.

5. "Dangerous animal" means (a) any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so; (b) any animal declared to be dangerous by the City Council; and (c) the following animals, which are deemed to be dangerous animals per se:

A. Lions, tigers, jaguars, leopards, cougars, lynx and bobcats;

B. Wolves, coyotes and foxes;

C. Badgers, wolverines, weasels, skunk, opossums and mink;

D. Raccoons;

E. Bears;

F. Monkeys and chimpanzees;

G. Bats;

H. Alligators and crocodiles;

I. Scorpions;

J. Snakes that are venomous, or constrictors;

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† **Editor's Note:** For regulations with regard to cruelty to animals and animal contests, see *Code of Iowa*.

K. Gila monsters.

6. “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.

7. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the Code of Iowa.

8. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the Code of Iowa; or poultry.

(Code of Iowa, Sec. 717.1)

9. “Owner” means any person owning, keeping, sheltering or harboring an animal.

10. “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, non-venomous or non-constricting snake, turtle, gecko or iguana.

55.02 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City’s zoning regulations. No livestock shall be left unattended in any City park, parking lot or public way. No livestock can be ridden on a public sidewalk or the Riverwalk. Horses attached to a carriage are exempt from this provision.

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

(Code of Iowa, Sec. 717.2)

55.04 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)

55.05 ABANDONMENT OF CATS AND DOGS. A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

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

55.06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run at large within the corporate limits of the City.

55.07 AT LARGE - IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded at the impoundment facilities utilized by the City, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

55.08 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.09 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

55.10 CLEANING UP AFTER ANIMALS. It is the duty of every person owning or having custody or control of an animal to clean up and remove the feces deposited by such animal at all times when said animal is not on the owner's premises. Such animal feces shall be disposed of in a sanitary manner.

55.11 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.

55.12 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. A vicious dog means a dog, while running at large, has attacked or bitten any person without provocation, or any dog that has exhibited vicious propensities: a) by biting a person on two separate occasions within a twelve-month period; b) did bite once causing injuries above the shoulders of the person; c) could not be controlled or restrained by the owner at the time of the bite; d) has attacked or bitten any domestic animal or fowl on two separate occasions within a twelve-month period; or e) which has been found to possess such a propensity by the Council, after a hearing. After receiving a report of a vicious dog and after investigation affirming this report, a police officer may enter the premises of the owner (with the owner's consent or with a search warrant) and remove and impound the dog. The owner shall have 10 days to claim the dog and provide proof that the dog will no longer be kept within the City limits or request a hearing before Council to appeal the determination of "vicious dog." If the dog is not claimed within 10 days, the dog will be euthanized.

55.13 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor any dangerous 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 within the City except in the following circumstances:

1. The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show.

2. The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.

3. Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the Code of Iowa.

55.14 SEIZURE, IMPOUNDMENT AND DISPOSITION.

1. 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 persons or property, such animal may, in the discretion of the Mayor, City Administrator or Police Chief, 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.

2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on premises in the City, the City Administrator shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the City, the City Administrator shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed to possess dangerous animals, or destroy the animal within three (3) days of the receipt of such an order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Mayor, City Administrator or Police Chief shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove a dangerous animal may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three (3) days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order.

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 seven (7) days of the receipt of the notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.

5. If the Council affirms the order, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous animal remove such animal from the City, permanently place such animal with an organization or group allowed to possess dangerous animals or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order is not appealed and is not complied with within three (3) days or the order of the Council after appeal is not complied with within three (3) days of its issuance, the City is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with the order issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a simple misdemeanor.

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

(Code of Iowa, Sec. 351.33)

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

(Code of Iowa, Sec. 351.38)

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

(Code of Iowa, Sec. 351.39)

55.18 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

   A. A prize for participating in a game.

   B. A prize for participating in a fair 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 Section 162.5 of the Code of Iowa if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.

   B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

55.19 DEER FEEDING REGULATIONS. No person shall engage in the artificial feeding of deer within the City limits of Elkader.

1. "Artificial feeding" shall be defined as the placement of shelled corn and/or other types of grain, salt or minerals, fruit or vegetable matter on the ground or in feeders, mangers or any other type of structure or receptacle for the purpose of feeding or attracting deer, on any private or public property.

2. The prohibition does not apply to any of the following:

   A. Use of bird feeders or their equivalent for the primary purpose of feeding of birds;

   B. Cultivation of naturally growing grains, fruits, or vegetables for purposes other than the feeding of deer, but which inadvertently attract deer.

3. Violation of this section shall constitute a municipal infraction and the penalty shall be:

   A. First Offense – written warning;

   B. Second Offense – $25.00;

C. Third Offense – $50.00;

D. Subsequent offenses after the third offense shall carry a penalty of $100.00.

(Ch. 55 - Ord. 2008-04 – Dec. 08 Supp.)

Chapter 48

ORDINANCE 2019-07

AN ORDINANCE ADDING CHAPTER 48 (OFF-LEASH DOG FACILITY) TO THE CODE OF ORDINANCES OF THE CITY OF ELKADER, IOWA

WHEREAS, the City of Elkader has determined it is necessary to add a new chapter, Chapter 48, to the Code of Ordinances of the City of Elkader ("City Code") to establish a City-owned dog park facilities and to set forth the rules and requirements applicable to said facility and its use by residents.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKADER, IOWA:

SECTION 1. PURPOSE. The purpose of this Ordinance is to add a new chapter, Chapter 48, to the City Code to establish a City-owned dog park facility and to set forth the rules and requirements applicable to said facility and its use by residents.

SECTION 2. SECTIONS ADDED. Chapter 48, OFF-LEASH DOG FACILITY, and its respective subsections are hereby added to the City Code as follows:

CHAPTER 48

OFF-LEASH DOG FACILITY

48.01 Establishment of Facility
48.02 Facility Rules & Regulations
48.03 Annual Registration Required
48.04 Dog at Large
48.05 Penalty for Violation

48.01 ESTABLISHMENT OF FACILITY; FACILITY FEATURES. .

1. *Establishment of Facility*. The City Administrator or his/her authorized designee is hereby authorized to establish one or more authorized off-leash dog exercise facilities within the city which meet the requirements of this chapter. Each authorized off-leash dog exercise facility shall be hereinafter referred to as a "facility" or as an "authorized facility." All definitions in Chapter 55 of this Code of Ordinances shall apply to the provisions of this chapter.
2. *Characteristics of Authorized Facilities*. Each authorized facility established under this chapter shall meet the following criteria:
    A. The facility shall be located within a public park or other city-owned land;
    B. The facility shall be appropriately and securely fenced and equipped with at least one self-closing gate;

C. The rules and regulations for the use of the facility shall be posted on a sign at each entrance to the facility; and
D. A box containing dog registration forms and a depository for said forms shall be installed at or near the primary entrance gate to the facility for owners' use to properly register eligible dogs on an annual basis.

48.02 FACILITY RULES & REGULATIONS. The following rules and regulations, in addition to any further rules, regulations or guidelines to be established at the discretion of the City Administrator or his/her authorized designee, shall govern the use of each authorized facility established under this chapter:

1. Facility hours: 7:00 a.m. through sunset, seven (7) days per week
2. No animals other than dogs may be brought into the fenced area.
3. Dogs shall have on a collar with ID and current rabies vaccination tags at all times while in the facility. Owners shall keep a copy of any dog registration documentation provided by the City on their person or phone for inspection upon request by any other facility user or City employee.
4. All dogs must be leashed until safely inside and returned to a leash prior to exiting. Owners must have one leash per dog at all times.
5. Dog owners must remain in the fenced area while their dogs are using the facility. Owners must be in view of their dogs with voice control at all times.
6. Dog owners must be 18 years of age or older to be allowed in facility area unsupervised. Children accompanying dog owners must be strictly supervised by an adult and shall be at least 12 years old to be allowed inside. Spectators should remain outside the fenced area.
7. Vicious, dangerous or aggressive dogs, including those defined or adjudicated as vicious pursuant to Chapter 55 of this Code of Ordinances, and female dogs in heat are not allowed inside the facility under any circumstances.
8. Owners must immediately leash and remove dogs from the facility at the first sign of aggressive, hostile or combative behavior. Any dog found to have bitten another dog/person will be subject to suspension or revocation of facility privileges and may also be subject to citation in accordance with Chapter 55 and Chapter 3 of this Code of Ordinances.
9. Owners are responsible for and are required to pick up after their dogs. All dog waste must be collected and disposed of by the owner in the dog waste receptacles provided.
10. Owners must fill all holes created by their dog(s) and are responsible for reporting to the City Administrator any damages to the facility, fencing, or other equipment caused by their dog or the dog of another owner.
11. While small, bite-sized training treats are permitted, food in bowls, long-lasting chews, rawhides or glass containers are not permitted.
12. Smoking and eating are not allowed inside the facility.
13. Sick or injured dogs are not allowed. Owners of dogs with a known sickness/injury or displaying sick or injured behavior will be required to remove their dog immediately.
14. Each adult may have a maximum of two (2) dogs at a time in the facility.
15. Puppies less than four (4) months old are not permitted.
16. All dog bites or attacks must be immediately reported to the Elkader Police Department or City Administrator. In addition, owners are required to assist in the investigation of incidents of aggression or biting by providing appropriate identification and information to the responding or investigating officials, and to other dog owners who are involved with the incident under investigation. Failure to provide assistance and identification as requested will result in immediate revocation of all facility privileges. Owners are solely liable for any injury or damage caused by their dog and are fully responsible for their dog's actions.
17. Owners are responsible for any injury or damage caused by your dog. Prevent injuries by supervising your dog at all times. Never leave your dog unattended. If you dog inflicts an injury, please give your name and telephone number to the other dog owner before leaving. You are at all times solely responsible for your dog's behavior and any damage your dog may cause.
18. All dogs and owners use the facility at their own risk. The City of Elkader shall not be liable for any property, physical, or pet damage or injury occurring within the off-leash area. In addition, by using the facility you are accepting full responsibility for your actions and the actions of your dog(s).
19. Strollers, bicycles, tricycles, big-wheels, wagons, rollerblades, etc. are not permitted in the facility, except wheelchairs used by people with disabilities.
20. Owners and facility users must wear shoes at all times.

21. No attendant will be on duty.
22. Remove choke, spike, pinch, prong, or collars that may injury other dogs BEFORE play is allowed.
23. The off-leash dog area is for dogs, their handlers and those accompanying them. No other use is allowed. These areas are designated for canine activities. It is not intended for any other purpose.
24. OWNERS WHO FAIL TO ABIDE BY RULES AND REGULATIONS ARE SUBJECT TO LOSS OF FACILITY PRIVILEGES AND MAY BE SUBJECT TO CITATION PURSUANT TO CHAPTERS 3 & 55 OF THE CITY CODE, WHERE APPLICABLE.
25. Animals and/or owners whose privileges have been suspended or revoked may be posted by the City to notify other owners or facility users.

48.03 ANNUAL REGISTRATION REQUIRED. Every dog owner using the facilities established under this chapter must register their dogs before entry. Registrations must be renewed annually using the forms provided by the City Administrator or his/her authorized designee, which forms will also be made available to facility users at each facility established under this chapter. Owners must keep all registration documents in their possession and available for inspection at all times while using the facility. Registrations must be renewed each year, and renewal registrations must be submitted on or before January 31 of each calendar year to be considered timely. All registration applications must contain all information requested on the application and must be accompanied by payment of a $10.00 fee for each animal registered.

48.04 DOG AT LARGE. A person who brings a dog into an authorized facility and complies in all respects with the provisions of this section, including any rules and regulations established as provided this chapter, shall not be deemed to have permitted or allowed the dog to be at-large within the city, within the meaning of chapter 55 of this Code of Ordinances.

48.05 PENALTY FOR VIOLATION. Any violation of any of the provisions of this chapter, including any rules or regulations established hereunder and posted as required herein, shall constitute a municipal infraction, ~~and shall be punishable as provided in Chapter 3 of this Code of Ordinances~~ with a fine of $25 for the first offense and $50 for any subsequent offense.

SECTION 3. REPEALER. All other sections of this Ordinance in conflict with these provisions shall be repealed.

SECTION 4. SEVERABILITY. If any section, provisions or part of these Ordinances shall be adjudged invalid or unconstitutional, such adjudication shall have no effect on the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. These Ordinances shall be in full force and effect from and after its adoption and publication as provided by law.

Passed by the City Council on the 9th day of September, 2019.

Josh R. Pope, Mayor

ATTEST:

Jennifer K. Cowsert, City Administrator/Clerk

CHAPTER 3

MUNICIPAL INFRACTIONS

3.01 Municipal Infraction
3.02 Environmental Violation
3.03 Penalties
3.04 Civil Citations
3.05 Alternative Relief
3.06 Criminal Penalties

3.01 MUNICIPAL INFRACTION. A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the Code of Iowa, is a municipal infraction punishable by civil penalty as provided herein.

(Code of Iowa, Sec. 364.22[3])

3.02 ENVIRONMENTAL VIOLATION. A municipal infraction which is a violation of Chapter 455B of the Code of Iowa or of a standard established by the City in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or to the following specific violations:

(Code of Iowa, Sec. 364.22 [1])

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8.

2. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.

3. The discharge of airborne residue from grain, created by the handling, drying or storing of grain, by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

3.03 PENALTIES. A municipal infraction is punishable by the following civil penalties:

(Code of Iowa, Sec. 364.22 [1])

1. Standard Civil Penalties.

   A. First Offense – Not to exceed $750.00

   B. Each Repeat Offense – Not to exceed $1,000.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

2. Special Civil Penalties.

   A. A municipal infraction arising from noncompliance with a pretreatment standard or requirement, referred to in 40 C.F.R. §403.8, by an industrial user is punishable by a penalty of not more than $1,000.00 for each day a violation exists or continues.

   B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than $1,000.00 for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

(1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

(2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.

(3) The violation does not continue in existence for more than eight (8) hours.

3.04 CIVIL CITATIONS. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. A copy of the citation may be served by personal service as provided in Rule of Civil Procedure 1.305, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 1.310 and subject to the conditions of Rule of Civil Procedure 1.311. A copy of the citation shall be retained by the issuing officer, and the original citation shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

(Code of Iowa, Sec. 364.22[4])

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.
4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.
8. The legal description of the affected real property, if applicable.

If the citation affects real property and charges a violation relating to the condition of the property, including a building code violation, a local housing regulation violation, a housing code violation, or a public health or safety violation, after filing the citation with the Clerk of the District Court, the City shall also file the citation in the office of the County Treasurer.

(Ord. 2010-02 – May 11 Supp.)

3.05 ALTERNATIVE RELIEF. Seeking a civil penalty as authorized in this chapter 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.

(Code of Iowa, Sec. 364.22 [8])

3.06 CRIMINAL PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

(Code of Iowa, Sec. 364.22[11])