CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Other Conditions
50.04 Nuisances Prohibited
50.05 Nuisance Abatement
50.06 Notice to Abate: Contents
50.07 Method of Service
50.08 Request for Hearing
50.09 Abatement in Emergency
50.10 Abatement by City
50.11 Collection of Costs
50.12 Installment Payment of Cost of Abatement
50.13 Failure to Abate

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

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

1. Offensive Smells. Erecting, continuing or using any building or other place for the exercise of any trade, employment or manufacture, which, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort or property of individuals or the public.

2. Filth or Noisome Substance. Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.

3. Impeding Passage of Navigable River. Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

4. Water Pollution. Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

5. Blocking Public and Private Ways. Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.

6. Billboards. Billboards, signboards and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue,

highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.08)**

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

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

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

10. Dutch Elm Disease. Trees infected with Dutch Elm Disease. **(See also Chapter 151)**

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

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

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

1. Junk and Junk Vehicles **(See Chapter 51)**

2. Dangerous Buildings **(See Chapter 145)**

3. Storage and Disposal of Solid Waste **(See Chapter 105)**

4. Trees **(See Chapter 151)**

50.04 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided for in this chapter or State law.

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice. †

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

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

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

1. Description of Nuisance. A description of what constitutes the nuisance.

2. Location of Nuisance. The location of the nuisance.

3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.

4. Reasonable Time. A reasonable time within which to complete the abatement.

5. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

50.07 METHOD OF SERVICE. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

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

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

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† **EDITOR'S NOTE:** A suggested form of notice for the abatement of nuisances is included in the appendix of this Code of Ordinances. Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the Code of Iowa rather than this procedure.

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

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

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

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

50.11 COLLECTION OF COSTS. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one (1) month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

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

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

(Code of Iowa, Sec. 364.13)

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

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions
51.02 Junk and Junk Vehicles Prohibited
51.03 Junk and Junk Vehicles a Nuisance
51.04 Exceptions
51.05 Notice to Abate

51.01 DEFINITIONS. For the purpose of this chapter, the following terms are defined:

1. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

2. "Junk vehicle" means any:

A. Vehicle legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:

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

(2) Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, topper, steering wheel or trunk lid.

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

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

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

more; or which is in such condition that it cannot be legally driven or operated upon the highways of the State.

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

B. Vehicle licensed with the County Treasurer which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable; or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more; or other which is in such condition that it cannot be legally driven or operated upon the highways of the State.

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

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

(Ord. 318 – Jul. 02 Supp.)

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

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

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

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within:

1. Structure. A garage or other enclosed structure; or

2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within the City.

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

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CHAPTER 52

OUTSIDE PARKING AND STORAGE OF VEHICLES

52.01 Definitions
52.02 Declaration of Nuisance
52.03 Unlawful Parking and Storage
52.04 Exceptions

52.01 DEFINITIONS. For use in this chapter, the following words are defined:

1. "Driveway" means the hard surfaced area leading from the street or alley, whichever is the shortest and/or most direct route to the nearest City right-of-way whether an alley or street to a garage not to exceed 1½ times the width of the garage to a maximum of 36 feet wide. In the case of no garage, a single driveway not to exceed 24 feet wide from the street or alley to a house or to a location where a garage could be by ordinance is permitted. In cases where a detached building being used as a garage or capable of storing a car is on the property, a second driveway is permitted. In no case will more than two (2) driveways per addressed location be allowed.

2. "Front yard area" means 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 line. The front shall be determined by the address assigned to the property.

3. "Side corner lot" means 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.

4. "Trailer" means every vehicle without power designed for carrying persons or property and for being pulled by a motor vehicle.

52.02 DECLARATION OF NUISANCE. The outside off-street parking or storage on property used for residential purposes, in violation of Code of Ordinance for the City of Lenox, Iowa Section 69.11, 69.12 or any other provision of the Code of Ordinances for the City of Lenox or the Code of the State of Iowa is declared to be a public nuisance because it (a) obstructs views on street and private property, (b) creates cluttered and otherwise unsightly areas, (c) decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, (d) may endanger the safety of children at play, (e) may harbor rats, insects, and other undesirable pests, and (f) otherwise adversely affects property values and neighborhood patterns.***(Ord. 379 – Feb. 19 Supp.)***

52.03 UNLAWFUL PARKING AND STORAGE.

1. No person may store or allow the placement or storage for more than twenty-four (24) hours of any ice fishing houses, skateboard ramps or other similar non-permanent structures in the front yard area or side yard corner lots of property used for residential purposes.

2. No person may place, store or allow the placement or storage of pipe, lumber, forms, steel, machinery or similar materials including all materials used in connection with a business outside on property used for residential purposes.

52.04 EXCEPTIONS. The prohibitions of this chapter do not apply to the following:

1. Any motor vehicle parked on a driveway.

2. Any truck, pickup truck or other vehicle belonging to a public utility being used to serve a residence or any vehicle making a pickup or delivery parked for a reasonable amount of time.

(Ch. 52 – Ord. 348 – Apr. 11 Supp.)

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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

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

1. "Animal" means a nonhuman vertebrate.

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

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

3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.

(Code of Iowa, Sec. 717.1)

4. "Owner" means any person owning, keeping, sheltering or harboring an animal.

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

55.05 LIVESTOCK. It is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations; EXCEPT it shall be legal to harbor or keep any members of the cattle, goat, horse, sheep or swine family where each animal shall individually have not less than 7,500 square feet of contiguous land, excluding buildings, without further approval of the City.

(Ord 314 - Jan. 02 Supp.)

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

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

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of domesticated animals to allow or permit such animal to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, crowing or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles. ***(Ord 315 - Jan. 02 Supp.)***

55.09 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)

55.10 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)

55.11 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded 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)

55.12 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.

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

(Code of Iowa, Sec. 351.37, 351.41)

55.14 IMPOUNDING COSTS. Impounding costs are a $35.00 pick up fee plus the costs of the impoundment as established by the impoundment facility.

55.15 NUMBER OF ANIMALS. It is unlawful for an owner to harbor or house on the same premises more than four (4) animals over the age of six (6) months unless such animals are in a licensed state kennel or pet shop, veterinary hospital or animal grooming shop. All owners shall show proof of vaccination for rabies on any dog six (6) months and older. No person shall harbor such animals as to create unhealthful or unsanitary conditions for the humans or animals occupying the premises or create any other conditions constituting a nuisance. Upon discovery of excess number of animals or unsanitary conditions the Enforcement Officer shall be asked to do an investigation. If the investigation reveals a violation the owner shall be asked to abate the conditions and if the animals exceed the allowed amount the owner shall have 90 days to reduce the number. ***(Ord. 336 – Dec. 07 Supp.)***

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CHAPTER 56

DANGEROUS AND VICIOUS ANIMALS

56.01 Definitions
56.02 Keeping of Dangerous Animals Prohibited
56.03 Keeping of Vicious Animals Prohibited
56.04 Seizure, Impoundment and Disposition

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

1. "Dangerous animal" means:

   A. Badgers, wolverines, weasels, mink and other Mustelids (except ferrets);

   B. Bats;

   C. Black widow spiders and scorpions;

   D. Raccoons, opossums and skunks;

   E. Any dog that has been trained for dog fighting, animal fighting or animal baiting, or is owned or kept for such purposes;

   F. Any dog trained to attack human beings upon command or spontaneously in response to human activities except dogs owned by and under the control of the police department, a law enforcement agency of the State of Iowa or the United States or a branch of the armed forces of the United States;

   G. The American Pit Bull Terrier breed of dog;

   H. The American Staffordshire Terrier breed of dog;

   I. Any dog which has the appearance and characteristics of being predominantly of the breeds of American Pit Bull Terrier or American Staffordshire Terrier.

2. "Vicious animal" means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on three separate occasions within a twelve-month period.

56.02 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 within the City. Persons who owned, possessed or kept a dangerous animal on the effective date of this chapter are permitted to continue to own, possess or keep those animals only, but are not permitted to replace an animal which dies, is sold, transferred or otherwise disposed of.

56.03 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter or harbor for any reason within the City a vicious animal except in the following circumstances:

1. Animals under the control of a law enforcement or military agency.

2. The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of this chapter. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious Dog" or words of similar import, and the owner of such premises shall inform the local law enforcement officers that a guard dog is on duty at said premises.

56.04 SEIZURE, IMPOUNDMENT AND DISPOSITION.

1. In the event that a dangerous animal or vicious 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 or peace officer, 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 or vicious 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 or vicious animal on premises in the City, the Mayor 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 or vicious animal in the City, the Mayor shall order the person named in the complaint to safely remove such animal from the City 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 or vicious animal, which notice shall be given in writing to the person keeping, sheltering

or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Mayor 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 or vicious animal issued by the Mayor 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 contained in the notice to remove the dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Mayor.

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 of the Mayor. 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 action of the Mayor, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the City 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 of the Mayor 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 Mayor is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Mayor issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a simple misdemeanor.

(Ch. 56 – Ord. 337 – Dec. 07 Supp.)

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CHAPTER 57

DOG LICENSING

57.01 License Required
57.02 License Fees
57.03 Delinquency
57.04 License Tags
57.05 Duplicate Tags
57.06 License Records
57.07 Kennel Dogs
57.08 Penalties

57.01 LICENSE REQUIRED.

1. Every owner of a dog over the age of six (6) months and kept inside the City limits of Lenox SHALL procure a license for the animal from the City.

2. All owners of dogs will be required to obtain such license within six (6) months of the ordinance codified by this chapter taking effect.

3. Every owner of a dog will make application to City Hall on forms provided by the City.

4. The application form shall state the breed, sex, age, color, markings and name of the dog, the name, address and telephone number of the owner. Owners will provide proof of rabies vaccination with the application for each dog along with the expiration of the vaccination.

5. All licenses will be valid for the period of the rabies certificate. The license must be renewed when the certificate expires and proof of re-vaccination is provided.

57.02 LICENSE FEES. The fee for the license shall be established by resolution of the City Council of Lenox.

57.03 DELINQUENCY. The license shall become delinquent 3 days after the expiration of the rabies certificate. A delinquency fee of $10.00 will be added to the cost of the license renewal on or after said date.

57.04 LICENSE TAGS. Upon receipt of application and fee, each owner will be provided a license in the form of a metal tag with an unique identifying number on the tag, the year in which it was issued and the name of the City. The tag shall be securely fastened to the collar or harness of the dog it is issued for and worn at all times by the dog for which it was issued. Tags may not be transferred from one dog to another. Expired tags are to be removed and replacements obtained upon expiration. Tags may be obtained 30 days prior to expiration with proof of an updated rabies certificate.

57.05 DUPLICATE TAGS. Upon filing an affidavit with the City Clerk that a tag has been lost or destroyed, a replacement tag may be obtained for a fee of three dollars ($3.00). The Clerk shall enter the new number into the license records.

57.06 LICENSE RECORDS. The City Clerk shall keep records of all licenses issued. These records will show:

1. The serial number of the tag issued and date of each application.

2. A description and name of the dog, along with the name, address and telephone number of the owner.

3. A copy of the rabies vaccination record and the date of expiration.

4. All other data which may be required by law or by the direction of the Council.

57.07 KENNEL DOGS. Dogs which are kept or raised for the bona fide purpose of sale and which are kept under constant restraint, are not subject to the provisions of this chapter. The keeping of three (3) or more dogs for the purposes of breeding shall constitute a kennel business. Dog kennels are considered a business and NOT a home business and shall only be allowed in properly zoned business districts.

57.08 PENALTIES. The penalty for violation of this chapter shall be a simple misdemeanor. The owner shall be issued a citation requiring them to appear in court. Any unlicensed dog shall be impounded in the designated impound location until such time as all provisions of this chapter are met or it is necessary for the animal to be taken to a veterinarian's office for the purpose of receiving the required vaccination or the animal is permanently removed from the City limits of the City of Lenox.

(Chapter 57 – Ord. 354 – Mar. 13 Supp.)

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