



**MARSHALLTOWN  
MORE THAN EVER**

**CITY OF MARSHALLTOWN  
PLAN ZONING COMMISSION  
NOTICE OF PUBLIC MEETING  
CITY HALL COUNCIL CHAMBERS  
10 WEST STATE STREET  
SEPTEMBER 11, 2025, 5:00 PM**

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**AGENDA**

**CALL TO ORDER**

**ROLL CALL**

Jon Boston, Matthew Brodin, Mahala Casady, Deirdre Gruendler, Benjamin Harris-Medina, Stephen Valbracht, Patrick Streit

**APPROVAL OF MEETING MINUTES**

1. Approve the July 17, 2025 Meeting Minutes

**BUSINESS**

2. Conduct a Public Hearing and Consider Making a Recommendation Regarding a Rezoning for 212 E State Street
3. Conduct a Public Hearing and Consider Making a Recommendation Regarding a Zoning Text Amendment Relating to Attendance Requirements for Boards and Commissions
4. Discussion Regarding Landcaping and Buffer Standards for the City of Marshalltown
5. Discussion Regarding Animal Keeping Regulations for the City of Marshalltown

**ADJOURNMENT**

**MISSION STATEMENT**

The City of Marshalltown collaborates to provide a welcoming, safe, vibrant, and growing community.

## **Planning and Zoning Commission – Regular Meeting**

Meeting Minutes – July 17<sup>th</sup>, 2025

### **Call to Order**

Meeting was called to order at 5:00 PM in the City Council Chambers at 10 W. State Street

### **Roll Call:**

Present: Boston, Casady (Doyle), Harris-Medina, Valbrecht, Brodin, Gruendler

Absent: Isom

### **APPROVAL OF MEETING MINUTES**

#### **1. Approval of meeting minutes from June 12<sup>th</sup>, 2025.**

Voice vote, all ayes. Motion carries.

### **BUSINESS**

#### **2. Conduct a Public Hearing and Consider Making A Recommendation on a Comprehensive Plan Amendment and a Rezoning Application for 708 Noble Street, 709 E Linn Street, and 711 E Linn Street**

Clayton Ender, Assistant Director of Housing and Community Development, provided a staff review of the proposed comprehensive plan amendment and rezoning.

Public hearing opened at 5:04 PM. No public comments received. Public Hearing Closed at 5:05 PM.

Motion by Valbrecht to recommend approval of the comprehensive plan amendment and rezoning as presented by staff. Seconded by Casady.

All ayes upon roll call. Motion carries.

### **ADJOURNMENT**

Staff provided updates for next scheduled meeting.

Adjourned 5:10 pm

# MARSHALLTOWN

I O W A

HOUSING & COMMUNITY DEVELOPMENT

Deb Millizer, Director  
Clayton Ender, Assistant Director  
24 North Center Street  
Marshalltown, IA 50158-4911  
Tel - (641) 754-5756  
Fax - (641) 754-5717

**TO:** Planning and Zoning Commission  
**FROM:** Clayton Ender, AICP, Assistant Housing & Community Development Director  
**DATE:** September 11<sup>th</sup>, 2025  
**RE:** Conduct a Public Hearing and Consider Making A Recommendation on a Rezoning Application for 212 E State Street

<b>City Staff Contact:</b>	Clayton Ender, AICP Assistant Director of Housing and Community Development Phone: 641-754-5756 Email: cender@marshalltown-ia.gov
<b>Applicant / Property Owner:</b>	Memorial Foundation of Allen Hospital DBA Allen Foundation 1825 Logan Ave Waterloo IA 50703
<b>Recommendation:</b>	Staff recommends approval of the zone change application and provides the following motion for the commission's consideration:  <b>The Planning and Zoning Commission recommends approval of the rezoning ordinance as drafted.</b>
<b>Current Comprehensive Plan Future Land Use Designation, Current Zoning District &amp; Current Usage:</b>	<b>Current Future Land Use Designation:</b>  <u>Downtown Mixed Use</u> "Mixed office, retail, medial, institutional, and residential uses in the more intense setting of downtown."  <b>Current: Zoning:</b>  UC, Urban Core Zoning District  <b>Current Usage:</b>  Vacant parcel

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Mark Mitchell, Greg Nichols, Jeff Schneider, Gary Thompson



**Proposed Comprehensive Plan Future Land Use Designation, Proposed Zoning District & Proposed Usage:**

**Proposed Future Land Use Designation:**

Downtown Mixed Use

“Mixed office, retail, medial, institutional, and residential uses in the more intense setting of downtown.”

**Proposed Zoning:**

MU, Mixed-Use Zoning District

**Proposed Usage:**

Restaurant with drive-thru (McDonald’s)

**Review Criteria:**

In determining whether to approve, approve with conditions, or deny a zone change, the review bodies shall consider the following review criteria:

- 1. The request complies with the applicable standards of this Zoning Ordinance, the City Code of Ordinances, and any applicable county, state, or federal requirements.**

The proposed rezoning complies with applicable local, state, and federal laws or administrative rules.

- 2. The request substantially conforms to any associated prior approval for the development, including, but not limited to, a special use permit, Master Development Plan, or Site Plan.**

The proposed rezoning does not conflict with past approvals for the subject properties.

- 3. The administrative body has considered the recommendation of staff.**

Staff recommends approval of the rezoning application as outlined in the recommendation section of this staff report.

- 4. The request is consistent with applicable policies of the Comprehensive Plan and applicable utility plans and capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.**

The request is consistent with the comprehensive plan.

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**5. The request promotes the purposes of this Zoning Ordinance as established in § 156.A.002, Purposes, and in other applicable purpose statements in this chapter.**

§ 156.A.002(C)(1) “Encourage a diverse and stable economy with employment opportunities, particularly those that have meaningful multiplier effects in the local economy, by promoting the vitality and development of commercial and industrial districts”

§ 156.A.002(D)(1) “Encouraging the most appropriate, efficient, and compatible use of land, buildings, and other structures throughout the city”

§ 156.A.002(D)(5) “Protecting property against blight and depreciation by facilitating reinvestment, redevelopment, and infill development”

§ 156.A.002(E)(1) “Promote contextually compatible redevelopment and infill development of vacant or underutilized properties”

**6. Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided.**

The subject property has adequate access to existing public streets, water, sanitary sewer, storm sewer and other utilities.

**7. The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.**

The proposed development includes a single-story restaurant building with a drive-thru (McDonald’s). The architecture will include an increased height parapet wall to screen roof mounted mechanical equipment and to provide an appearance of greater height to the building to blend in with taller downtown buildings. The site is on the fringe of downtown and other commercial business are 1-2 stories in height in the vicinity which is consistent with the proposed design of this development.

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- 8. The dimensions of the subject property to accommodate reasonable development that complies with the requirements of this ZO, including parking, open space, and buffering requirements.**

The subject property is of sufficient size and dimension to allow for construction of the proposed improvements.

- 9. The pace of development and the amount of vacant land currently zoned for comparable development in the vicinity of the subject property.**

Vacant land for new commercial development (non-industrial) is limited on the north side of Marshalltown.

- 10. A comparison of the hardship to the applicant with the relative gain to the public health, safety, and welfare.**

The proposed development will support economic growth with the community.

- 11. The proposed zone change is consistent with the Comprehensive Plan or Future Land Use Map and increase the likelihood of advancing the goals, objectives, and policies of the Comprehensive Plan Land Use Map, or another adopted area plan, including but not limited to redevelopment plans.**

The request is consistent with the comprehensive plan. A few specific goals this proposal works to advance include:

Land Use General Goal 1: Maximize the potential of the community of Marshalltown as a thriving center for business and healthy recreation, while maintaining and enhancing its livability as a residential community.

Land Use General Goal 3: Maximize Retain and create high quality infrastructure and visual attractiveness of properties showcasing the City's aesthetic character to its residents and visitors.

Land Use Commercial Goal 1: Expand and diversify the City's tax base by supporting existing businesses and the redevelopment of existing commercial properties and encouraging new commercial development to enable Marshalltown to fulfill its role as a regional trade and service center.

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Land Use Commercial Goal 2: Encourage the redevelopment of commercial sites that display building deterioration, obsolete site design, land use compatibility issues and a high level of vacancies.

Land Use Commercial Goal 3: Improve and enhance Downtown Marshalltown in its role as the hub of the City.

**12. The range of uses allowed by the proposed zoning district will be compatible with the properties in the immediate vicinity of the subject property.**

Adjacent parcels to the north are zoned MU, Mixed Use Zoning District. As such, the proposed rezoning is consistent with adjacent zoning.

**13. The suitability of the subject property for the zoned purposes.**

The applicant has provided a site development concept drawing and conceptual architecture elevations showing how the subject property is intended to be developed. Initial staff review indicates that the subject properties are suitable for the intended development.

Please note that the site plan and architecture are conceptual. Approval of a rezoning does not constitute approval of site development plans. Should rezoning be successful the applicant would still need to go through the normal site plan approval and building permit process.

**14. The character of the surrounding area is transitioning or being affected by other factors, such as traffic, a new school, adjoining uses, or environmental issues.**

The subject property is located along state Highway 14 (N 3<sup>rd</sup> Avenue). Traffic volumes support commercial development. Furthermore, the subject property is on the fringe of downtown in an area transitioning to more commercial development.

**15. Nearby property owners are in support of, or do not oppose, the proposed map amendment.**

Notice of the proposed rezoning, including meeting dates and times, has been mailed to all property owners within 250 feet of the rezoning boundary + width of any intersecting street. Signs have also been posted advertising the rezoning. As of publication of this staff memo no public comments have been received.

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**Attachments:**

Aerial Vicinity Map

Draft Ordinance

Rezoning Application

Conceptual site plan and conceptual architecture elevations

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**ORDINANCE 15111**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FOR PARCEL IDENTIFICATION NUMBER 8418-26-453-050 FROM URBAN CORE ZONING DISTRICT TO MIXED-USE ZONING DISTRICT**

**WHEREAS**, the owner of record for the following legally described real estate has petitioned to have their property rezoned from UC, Urban Core Zoning District to MU, Mixed-Use Zoning District;

THE SOUTH 90 FEET OF LOT 7 AND THE SOUTH 90 FEET OF THE WEST 15 FEET OF LOT 8, ALL IN BLOCK 1 IN THE TOWN OF MARSHALL, MARSHALL COUNTY, IOWA;

AND

THE EAST 45 FEET OF THE SOUTH 90 FEET OF LOT 8 AND THE EAST 28.5 FEET OF THE SOUTH 45 FEET OF THE NORTH 90 FEET OF LOT 8 IN BLOCK 1 IN THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA, EXCEPT PARCEL A IN LOT 8, BLOCK 1, IN THE ORIGINAL TOWN OF MARSHALL RECORDED APRIL 17, 2019 AS #2019-00001540 IN THE RECORDS OF THE MARSHALL COUNTY RECORDER ALSO A 10 FOOT DRIVEWAY EXTENDING FROM NORTH 2ND AVENUE EAST 90 FEET OVER THE NORTH END OF THE SOUTH 90 FEET AND OVER THE SOUTH END OF THE NORTH 90 FEET OF LOTS 7 AND 8 IN BLOCK 1 IN THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA;

AND

LOT 9, BLOCK 1, IN THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA.

AND

LOTS 10, 11 AND 12, EXCEPT THE EAST 3 FEET OF LOT 12, ALL IN BLOCK 1 IN THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA;

AND

ALL OF THE NORTH-SOUTH ALLEY IN BLOCK 1 OF THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA.

**WHEREAS**, the Planning and Zoning Commission has reviewed this petition at their regular meeting on September 11<sup>th</sup>, 2025 and following a public hearing has made a recommendation to approve the official zoning map amendment petition; and,

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

**Section 1. Official Zoning Map Amendment.** The following legally described property is hereby rezoned from UC, Urban Core Zoning District to MU, Mixed-Use Zoning District:

THE SOUTH 90 FEET OF LOT 7 AND THE SOUTH 90 FEET OF THE WEST 15 FEET OF LOT 8, ALL IN BLOCK 1 IN THE TOWN OF MARSHALL, MARSHALL COUNTY, IOWA;

AND

THE EAST 45 FEET OF THE SOUTH 90 FEET OF LOT 8 AND THE EAST 28.5 FEET OF THE SOUTH 45 FEET OF THE NORTH 90 FEET OF LOT 8 IN BLOCK 1 IN THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA, EXCEPT PARCEL A IN LOT 8, BLOCK 1, IN THE ORIGINAL TOWN OF MARSHALL RECORDED APRIL 17, 2019 AS #2019-00001540 IN THE RECORDS OF THE MARSHALL COUNTY RECORDER ALSO A 10 FOOT DRIVEWAY EXTENDING FROM NORTH 2ND AVENUE EAST 90 FEET OVER THE NORTH END OF THE SOUTH 90 FEET AND OVER THE SOUTH END OF THE NORTH 90 FEET OF LOTS 7 AND 8 IN BLOCK 1 IN THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA;

AND

LOT 9, BLOCK 1, IN THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA.

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LOTS 10, 11 AND 12, EXCEPT THE EAST 3 FEET OF LOT 12, ALL IN BLOCK 1 IN THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA;

AND

ALL OF THE NORTH-SOUTH ALLEY IN BLOCK 1 OF THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA.

THE SAME BEING DESCRIBED AS FIELD MEASURED:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 7; THENCE N00°30'39"W ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 89.84 FEET; THENCE N89°52'08"E, A DISTANCE OF 120.58 FEET TO THE WEST LINE OF SAID LOT 9; THENCE N00°16'53"W ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 45.81 FEET; THENCE N00°44'51"W ALONG SAID WEST LINE, A DISTANCE OF 46.14 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE N89°27'25"E ALONG THE NORTH LINE OF SAID LOTS 9, 10, 11 AND 12 AND THE VACATED INTERVENING ALLEY, A DISTANCE OF 258.54 FEET TO THE WEST RIGHT OF WAY LINE OF NORTH 3RD AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE S00°08'40"W ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 181.76 FEET TO THE SOUTH LINE OF SAID LOT 12; THENCE S89°35'03"W

ALONG THE SOUTH LINE OF SAID LOTS 12, 11 AND 10 AND VACATED INTERVENING ALLEY, A DISTANCE OF 196.04 FEET; THENCE S89°34'56"W ALONG THE SOUTH LINE OF SAID LOTS 9, 8 AND 7, A DISTANCE OF 180.98 FEET TO THE POINT OF BEGINNING.

AND

To the centerline of adjacent public right-of-way

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

**Section 3. When Effective.** This ordinance shall be in full force and effect after its final passage, approval and publication as provided by law.

Passed this \_\_\_\_ day of \_\_\_\_\_ 2025 and signed this \_\_\_\_ day of \_\_\_\_\_ 2025.

Signatures on following pages.

DRAFT

CITY OF MARSHALLTOWN, IOWA

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Joel Greer, Mayor

ATTEST:

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Alicia Hunter, City Clerk

I, Alicia Hunter, City Clerk of the City of Marshalltown, Iowa, do hereby certify that the foregoing ORDINANCE was passed and approved by the City Council of the City of Marshalltown, Iowa, on the \_\_\_\_ day of \_\_\_\_\_ 2025, and was published in the Marshalltown Times-Republican, a newspaper of general circulation in the City of Marshalltown, Iowa, on the \_\_\_\_ day of \_\_\_\_\_ 2025.

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Alicia Hunter, City Clerk

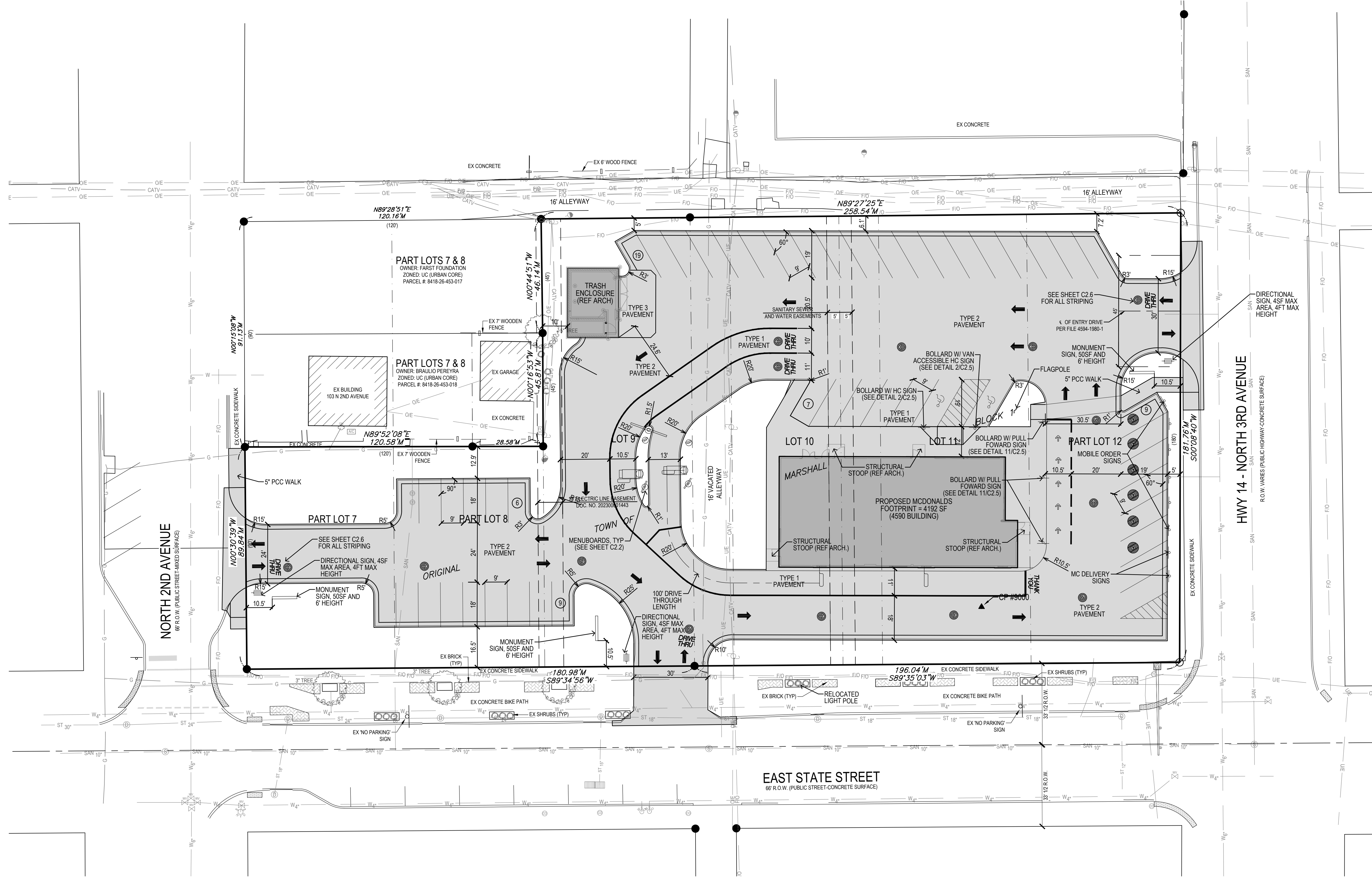
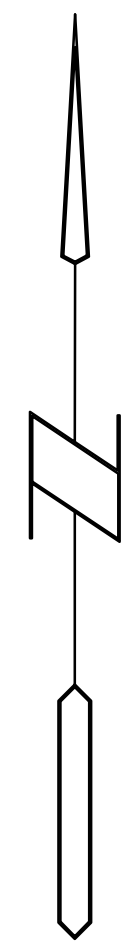
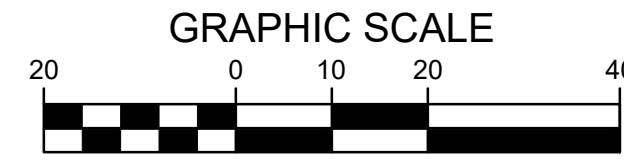
DRAFT

# AERIAL VICINITY MAP



**GENERAL NOTES:**  
 1. ALL DIMENSION ARE TO BACK OF CURB UNLESS NOTED OTHERWISE.

8/15/2025 10:20:51 AM L:\LAND PROJECTS\2025\250006 MCDONALD'S - MARSHALLTOWN, IA - STATE ST & N 3RD AVE\DWG\C2 LAYOUT.DWG



SHEET NO.	MARSHALLTOWN, IA		DRAWN BY CLT	DATE 8/15/2025
	SITE PLAN			
REVISION	DESCRIPTION		REV.	DATE
	LAYOUT PLAN			
SHEET ID	SITE ADDRESS		PREPARED FOR	DATE
1-40396	3RD AVE HWY 14, MARSHALLTOWN, IA		© 2025 McDonald's USA, LLC	
TITLE		MCDONALD'S USA, LLC		
These drawings and specifications are the confidential and proprietary property of McDonald's USA, LLC and shall not be copied or reproduced without written authorization. The contract documents were prepared in Marshalltown, IA. The drawings are for reference only and are not suitable for use on a different site or at a later time. Use of these drawings for reference or example on another project requires the contract documents for reuse on another project is not authorized.				
BY		DESCRIPTION		
REV.		DATE		
SEAL		DATE		



PREPARED FOR:  
**MCDONALD'S USA, LLC**  
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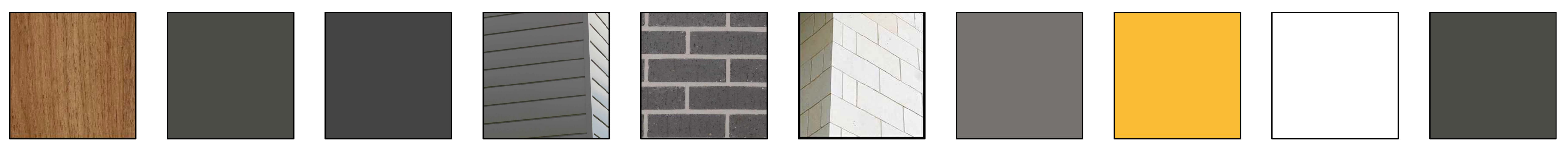
TITLE: MARSHALLTOWN, IA  
 SITE PLAN  
 DESCRIPTION: LAYOUT PLAN  
 SHEET ID: 1-40396  
 SITE ADDRESS: 3RD AVE HWY 14, MARSHALLTOWN, IA  
 SHEET NO.: C2.1  
 REF: 250006



1 FRONT ELEVATION  
 A2.0 1/4" = 1'-0"



2 NON-DRIVE-THRU ELEVATION  
 A2.0 1/4" = 1'-0"



- AL METAL ERA ALUMINUM BATTEN SYSTEM COLOR: WOOD GRAIN WALNUT
- CA CITADEL ACM WALL PANELS (COLOR: UNBRA GRAY)
- E 7/8" 3-COAT STUCCO SYSTEM "IRON ORE" SW 7069 BY SHERWIN WILLIAMS
- CM 7" REVEAL METAL PANEL COLOR: WEATHERED ZINC FROM METAL ERA
- BR MODULAR FACE BRICK COLOR: SLATE GRAY BY HEBRON BRICK COMPANY
- LL NATURAL LIMESTONE BY SALADO LIMESTONE COLOR: LINEN FINISH: BRUSHED
- D HOLLOW METAL DOOR "GAUNTLET GREY" SW7019 BY SHERWIN WILLIAMS
- UN METAL UNDERSCORE COLOR: GOLD
- C1 ALUMINUM CANOPY SYSTEM COLOR: WHITE
- C2 ALUMINUM CANOPY SYSTEM COLOR: RAL 7022

BY

REV	DATE	DESCRIPTION

JAW

JAW ARCHITECTURE & INTERIOR DESIGN  
 147292324  
 147292324  
 147292324

PREPARED FOR:  
**McDonald's USA, LLC**  
 © 2025 McDonald's USA, LLC  
 These drawings and specifications are the confidential and proprietary property of McDonald's USA, LLC and shall not be copied or reproduced for use on any other project without the prior written consent of McDonald's USA, LLC. Use of these drawings on any other project is not authorized.

DRAWN BY: JAW	STD. ISSUE DATE: 2025	REVIEWED BY: JAW	DATE ISSUED: 08/05/2025	SITE ADDRESS: NMC of E. STATE ST. & 3rd AVE/HWY. 14, MARSHALLTOWN, IA
TITLE: 2025 STANDARD BUILDING - BB20 4590-WOOD/WOOD				SHEET NO. <b>A2.0</b> ELEVATIONS
DESCRIPTION: WOOD BEARING WALLS WOOD ROOF TRUSS FRAMING				



# MARSHALLTOWN

I O W A

## HOUSING & COMMUNITY DEVELOPMENT DEPARTMENT

36 North Center Street, Marshalltown, IA 50158

Ph: 641-754-5756 Fax: 641-754-5742

[www.marshalltown-ia.gov](http://www.marshalltown-ia.gov)

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### Rezoning Request Application Packet

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**Application:** Applications will not be accepted unless complete. All required items must be submitted with the application. Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete.

**Notifications:** The City will place a sign on the property to notify the public that a rezoning request has been submitted. The sign includes the city's phone number so that concerned individuals will have an opportunity to learn about the proposal and can present information on this matter to the Commission and/or Council at the public hearing. A notice of public hearing is also published in the newspaper.

1. The burden of providing sufficient evidence to make the applicant's case shall be on the applicant in all cases.
2. The rezoning request must be considered by the Plan Zoning Commission and the City Council. Contact the Housing & Community Development Director for a schedule of the upcoming meetings. Please note the deadline dates for each meeting. The commission will review the request at a regularly scheduled meeting at least once prior to the public hearing. A public hearing must be held by the commission prior to making a recommendation to the City Council. The Plan Zoning Commission meets in the City Council Chambers at City Hall at 5:00 PM on the Thursday following the first Council meeting of the month.
3. The Marshalltown City Council meets on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month at 5:30 p.m. in the City Hall Council Chambers. According to Iowa Code, the rezoning requires three readings and a public hearing.
4. Under optimum conditions it takes about 4-6 months to rezone property if the issue is not controversial. Larger projects may require additional time.
5. Applicants are encouraged to provide all applicable information as early as possible to facilitate the process.

Date Submitted & Fee Paid: \_\_\_\_\_

## Rezoning Request Application Form

36 N. Center Street, Marshalltown, IA 50158 Ph: 641-754-5756 Fax: 641-754-5742

www.marshalltown-ia.gov

All items listed must be submitted with this application:

Failure to complete and submit all the required materials as a part of this application will result in a delay in accepting your application until it is complete.



**Legal description of the property.** The property owner must provide a copy of the full legal description. If you do not have a copy, you can obtain one from the Marshall County Recorder's Office for a fee. The tax description found on the County Assessor's website is not the full legal description.



**Application fee.** A \$500 fee is required payable to "City of Marshalltown." The fee must be paid when the application is submitted to the Zoning Office.

Please type or print legibly in ink.

Property Address:

212 E. State Street Marshalltown, IA 50158

Owner:

Memorial Foundation of Allen Hospital d/b/a Allen Foundations

Mailing Address:

1825 Logan Avenue Waterloo, IA 50703

Phone:

(319) 235-3995

E-mail:

N/A

Current Zoning Classification:

UC (urban core)

Current Use:

empty lot

Proposed Zoning Classification:

MU (mixed-use)

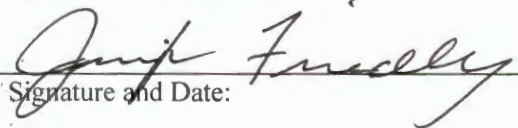
Proposed Use:

fast food restaurant with drive through and parking lot

Please list the uses of surrounding properties:

commercial/retail businesses

Signature and Date:



8/12/2025

## PROPERTY DESCRIPTION:

PER TITLE COMMITMENT #CP75413, EXHIBIT "A"

THE SOUTH 90 FEET OF LOT 7 AND THE SOUTH 90 FEET OF THE WEST 15 FEET OF LOT 8, ALL IN BLOCK 1 IN THE TOWN OF MARSHALL, MARSHALL COUNTY, IOWA;

AND

THE EAST 45 FEET OF THE SOUTH 90 FEET OF LOT 8 AND THE EAST 28.5 FEET OF THE SOUTH 45 FEET OF THE NORTH 90 FEET OF LOT 8 IN BLOCK 1 IN THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA, EXCEPT PARCEL A IN LOT 8, BLOCK 1, IN THE ORIGINAL TOWN OF MARSHALL RECORDED APRIL 17, 2019 AS #2019-00001540 IN THE RECORDS OF THE MARSHALL COUNTY RECORDER ALSO A 10 FOOT DRIVEWAY EXTENDING FROM NORTH 2ND AVENUE EAST 90 FEET OVER THE NORTH END OF THE SOUTH 90 FEET AND OVER THE SOUTH END OF THE NORTH 90 FEET OF LOTS 7 AND 8 IN BLOCK 1 IN THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA;

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AND

ALL OF THE NORTH-SOUTH ALLEY IN BLOCK 1 OF THE ORIGINAL TOWN OF MARSHALL, MARSHALL COUNTY, IOWA.

SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD.

## AREA:

57,511 SQUARE FEET - 1.32 ACRES

THE SAME BEING DESCRIBED AS FIELD MEASURED:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 7; THENCE N00°30'39"W ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 89.84 FEET; THENCE N89°52'08"E, A DISTANCE OF 120.58 FEET TO THE WEST LINE OF SAID LOT 9; THENCE N00°16'53"W ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 45.81 FEET; THENCE N00°44'51"W ALONG SAID WEST LINE, A DISTANCE OF 46.14 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; THENCE N89°27'25"E ALONG THE NORTH LINE OF SAID LOTS 9, 10, 11 AND 12 AND THE VACATED INTERVENING ALLEY, A DISTANCE OF 258.54 FEET TO THE WEST RIGHT OF WAY LINE OF NORTH 3RD AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE S00°08'40"W ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 181.76 FEET TO THE SOUTH LINE OF SAID LOT 12; THENCE S89°35'03"W ALONG THE SOUTH LINE OF SAID LOTS 12, 11 AND 10 AND VACATED INTERVENING ALLEY, A DISTANCE OF 196.04 FEET; THENCE S89°34'56"W ALONG THE SOUTH LINE OF SAID LOTS 9, 8 AND 7, A DISTANCE OF 180.98 FEET TO THE POINT OF BEGINNING.

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HOUSING & COMMUNITY DEVELOPMENT

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Clayton Ender, Assistant Director  
24 North Center Street  
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Tel - (641) 754-5756  
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**TO:** Planning and Zoning Commission  
**FROM:** Clayton Ender, AICP, Assistant Housing & Community Development Director  
**DATE:** September 11<sup>th</sup>, 2025  
**RE:** Conduct a Public Hearing and Consider Making A Recommendation of Zoning Text Amendments Relating to Attendance Requirements for Boards and Commissions

<b>City Staff Contact:</b>	Clayton Ender, AICP Assistant Director of Housing and Community Development Phone: 641-754-5756 Email: cender@marshalltown-ia.gov
<b>Applicant:</b>	City of Marshalltown 24 N Center Street Marshalltown IA 50158
<b>Recommendation:</b>	Staff recommends approval and provides the following motion for the commission's consideration:  <b>The Planning and Zoning Commission recommends approval of Ordinance 15112 as drafted.</b>
<b>Review Criteria:</b>	In determining whether to approve, approve with conditions, or deny a zoning text amendment, the review bodies shall consider the following review criteria:  <b>1. The request complies with the applicable standards of this Zoning Ordinance, the City Code of Ordinances, and any applicable county, state, or federal requirements.</b>  The request does not conflict with any known local, state, or federal law or administrative rule.

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- 2. The request substantially conforms to any associated prior approval for the development, including, but not limited to, a special use permit, Master Development Plan, or Site Plan.**

The zoning text amendment will not conflict with any known previously approved special use permits, master development plan's, or site plan's.

- 3. The administrative body has considered the recommendation of staff.**

Staff recommends approval of Ordinance 15112 as drafted.

- 4. The request is consistent with applicable policies of the Comprehensive Plan and applicable utility plans and capital improvements plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.**

The comprehensive plan does address attendance requirements for boards and commissions. This amendment would not impair implementation of the comprehensive plan.

- 5. The request promotes the purposes of this Zoning Ordinance as established in § 156.A.002, Purposes, and in other applicable purpose statements in this chapter.**

In the opinion of staff this zoning text amendment promotes the purpose of the zoning ordinance. Specifically, § 156.A.002(F)(1) "Establish transparent regulations and review procedures for development, the duties and powers of responsible administrative bodies, and reasonable penalties and enforcement mechanisms for violations of this Zoning Ordinance."

- 6. The proposed amendment helps to mitigate adverse impacts of the use and development of land on the natural or built environments, including, but not limited to, mobility, air quality, water quality, noise levels, stormwater management, wildlife protection, and vegetation; or will be neutral with respect to these issues;**

This amendment would not result in adverse impacts to mobility, air quality, water quality, noise levels, stormwater management, wildlife protection, and vegetation.

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**7. The proposed amendment is necessary to address a changing condition that was not anticipated in the Comprehensive Plan or this Zoning Ordinance; and**

These amendments are intended to ensure regular attendance by members of boards and commissions at scheduled meetings. The amendment establishes a process to remove a sitting member of a board or commission that fails to maintain regular attendance. Removal would be in accordance with process as established by Iowa law.

**8. The proposed amendment advances the strategic objectives of the City Council, such as fiscal responsibility, efficient use of infrastructure and public services, and other articulated city objectives.**

The proposed amendment would advance the city council's strategic plan strategy #3 "Continually improve and sustain the City's infrastructure, organization, and services."

**Attachments:** Draft Ordinance 15112

**CITY COUNCIL**

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Mark Mitchell, Greg Nichols, Jeff Schneider, Gary Thompson



**ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA BY ADDING ATTENDANCE REQUIREMENTS TO CHAPTER 150: PLANNING, PLAN AND ZONING COMMISSION; CHAPTER 31: OFFICERS AND ORGANIZATIONS; CHAPTER 156: ZONING, BOARD OF ADJUSTMENT**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

**Section 1.** The Code of Ordinances, City of Marshalltown Chapter 150: Planning, subchapter titled “Plan and Zoning Commission” section 150.003 shall be amended by adding the following:

§ 150.003 APPOINTMENT; TERMS OF OFFICE; COMPENSATION; *ATTENDANCE*; REMOVAL

(C) To ensure the effective operation of the Plan and Zoning Commission by promoting accountability and regular attendance among its members while aligning with the statutory provisions established by the State of Iowa law, if any commission member has three (3) unexcused absences at six (6) consecutive meetings of the Commission, such absences shall be grounds for requesting the member’s resignation. If the member does not voluntarily resign following such request, the Mayor may initiate proceedings for removal of the member in accordance with Iowa Code § 372.15.

**Section 2.** The Code of Ordinances, City of Marshalltown Chapter 31, section 31.045 Board of Library Trustees is hereby amended by adding the following:

(C) Terms of office; vacancies; compensation; *attendance*

(4) *Attendance.* To ensure the effective operation of the Board of Library Trustees by promoting accountability and regular attendance among its members while aligning with the statutory provisions established by the State of Iowa law, if any board member has three (3) unexcused absences at six (6) consecutive meetings of the board, such absences shall be grounds for requesting the member’s resignation. If the member does not voluntarily resign following such request, the board may initiate proceedings for removal of the member in accordance with Iowa Code § 372.15.

**Section 3.** The Code of Ordinances, City of Marshalltown Chapter 31, section 31.046 Water Works Board of Trustees is hereby amended by inserting the following as (C) and re-lettering the rest of the section:

(C) *Attendance.* To ensure the effective operation of the Water Works Board of Trustees by promoting accountability and regular attendance among its members while aligning with the statutory provisions established by the State of Iowa law, if any board member has three (3) unexcused absences at six (6) consecutive meetings of the board, such absences shall be grounds for requesting the member’s resignation. If the member does not voluntarily resign following such request, the board may initiate proceedings for removal of the member in accordance with Iowa Code § 372.15.

**Section 4.** The Code of Ordinances, City of Marshalltown Chapter 31, section 31.048 Park and Recreation Advisory Committee is hereby amended by adding the following:

(E) (1) *Attendance.* To ensure the effective operation of the Park and Recreation Advisory Committee by promoting accountability and regular attendance among its members, if any member has three (3) unexcused absences at six (6) consecutive meetings of the board, such absences shall be grounds for requesting the member’s resignation. If the member does not voluntarily resign following such request, the board may initiate proceedings for removal of the member in accordance with Iowa Code § 372.15.

**Section 5.** The Code of Ordinances, City of Marshalltown Chapter 156 Zoning, section 156.I.003 Board of Adjustment is hereby amended by inserting the following as (E) and re-lettering the rest of the section:

(E) *Attendance.* To ensure the effective operation of the Board of Adjustment by promoting accountability and regular attendance among its members while aligning with the statutory provisions established by the State of Iowa law, if any board member has three (3) unexcused absences at six (6) consecutive meetings of the board, such absences shall be grounds for requesting the member’s resignation. If the member does not voluntarily resign following such request, the board may initiate proceedings for removal of the member in accordance with Iowa Code § 372.15.

**Section 6.** The Code of Ordinances of the City of Marshalltown is hereby amended and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 7.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**Section 8.** This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2025, and signed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

CITY OF MARSHALLTOWN, IOWA

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Joel Greer, Mayor

ATTEST:

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Alicia Hunter, CMC, City Clerk

I, Alicia Hunter, City Clerk of the City of Marshalltown, Iowa, do hereby certify that the foregoing ORDINANCE was passed and approved by the City Council of the City of Marshalltown, Iowa, on the \_\_\_\_\_ day of \_\_\_\_\_, 2025, and was published in the Marshalltown Times-Republican, a newspaper of general circulation in the City of

Marshalltown, Iowa, on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_ Alicia Hunter, City Clerk

# MARSHALLTOWN

I O W A

HOUSING & COMMUNITY DEVELOPMENT

Deb Millizer, Director  
Clayton Ender, Assistant Director  
24 North Center Street  
Marshalltown, IA 50158-4911  
Tel - (641) 754-5756  
Fax - (641) 754-5717

**TO:** Planning and Zoning Commission  
**FROM:** Clayton Ender, AICP, Assistant Housing & Community Development Director  
**DATE:** September 11<sup>th</sup>, 2025  
**RE:** Discuss and Review Existing Landscaping Ordinance

**City Staff Contact:**

Clayton Ender, AICP  
Assistant Director of Housing and Community Development  
Phone: 641-754-5756  
Email: cender@marshalltown-ia.gov

**Description/Background:**

The city's current landscaping, buffering, and screening standards are governed by Article F of the Zoning Ordinance, approved in April 2022 following a comprehensive rewrite of the Zoning Ordinance. These standards apply to new developments, changes in use, and certain site improvements and establish requirements for plant types, sizes, placement, parking lot landscaping, and buffering between land uses.

A recent development proposal by Marshalltown Company has prompted concerns about the reasonableness and flexibility of the current standards. In a letter submitted to the City Council, Marshalltown Company highlighted the costs and practical implications of complying with the code. Their concern is that the current code may be overly rigid and could deter future investments or redevelopment, particularly in areas where significant improvements have already occurred.

The city's enforcement of these requirements reflects the intent of the ordinance – to improve aesthetics, mitigate land use impacts, and increase environmental sustainability. However, the feedback received raises the question of whether the standards, as written, are achieving a balance between city goals and development feasibility. City Council has directed this topic to the Planning and Zoning Commission for further review. The direction by council did not mandate any text amendments, at this time, but rather to complete a review on if the standards as written remain appropriate.

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Staff will lead a discussion on current landscaping standards for the city and will share some information pertaining to the current status of the city's urban forest and some ideas that have been shared with staff by members of the community.

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## ARTICLE F - LANDSCAPING, BUFFERING, AND SCREENING

### § 156.F.001 PURPOSE AND APPLICABILITY.

(A) *Purpose.* The purpose of this section is to establish minimum standards to achieve the following objectives, which, combined, promote the health and general welfare of the citizens of Marshalltown:

- (1) *Appearance and beauty.* Enhancement of the overall appearance and natural beauty of the community;
- (2) *Buffering and screening.* Buffering of incompatible land uses and screening negative site elements;
- (3) *Heat island effect.* Reduction of heat generated from paved surfaces;
- (4) *Water quality and wildlife.* Protection of water quality and wildlife habitat;
- (5) *Vegetation and topsoil.* Preservation of existing vegetation and topsoil; and

(6) *Benefits.* Landscaping and landscaped open spaces provide multiple benefits including energy conservation, increased property values, and an enhanced aesthetic quality throughout the city.

(B) *Applicability.* The standards of this article apply to the following development activities:

- (1) *New development.* New residential, nonresidential, or mixed-use development or change in use from residential to nonresidential or mixed-use;
- (2) *Increase in intensity.* Increase in apartment units, manufactured home pads, nonresidential gross floor area, or impervious surface by 20% or more, cumulatively over a five-year period; or
- (3) *Change in use.* Change in use requiring additional parking spaces.

(Ord. 15039, passed 4-11-2022)

### § 156.F.002 GENERAL REQUIREMENTS.

(A) *Generally.* Requirements for the planting of all landscape material is set out in this section.

(B) *Plant material standards.*

(1) *Plant variety.* All plants shall be of the type and species appropriate for the climate and location being planted. All plant material shall be commercially produced and meet the minimum standards recognized by landscape professionals. In order to reduce the threat and impact of plant disease, multiple plant types and species shall be utilized on each site.

(2) *Prohibited plants.* Refer to Parks & Recreation Department for a list of prohibited plants.

(3) *Sizes.* All required plants shall meet the size and variety requirements in Table 156.F.002, Minimum Plant Sizes and Varieties.

<b>Table 156.F.002-2, Minimum Plant Sizes and Varieties</b>	
<b>Plant Type</b>	<b>Minimum Size or Varieties</b>
Overstory Tree	2.0-inch caliper
Understory Trees	1.5-inch caliper
Evergreen/Coniferous Tree	6-feet in height
Shrubs	3-gallon container
Ornamental Grasses	1-gallon container

(C) *Plant locations.* All plantings shall comply with the following:

(1) *Public right-of-way.* A permit shall be obtained prior to planting any street tree or landscape material in the public right-of-way.

(2) *Sight distance triangle.* No landscaping may be planted in violation of the visibility triangle established in Subsection 156.B.008.a, Measurements. Corner lots, and in situations where driveways and alleys intersect with street rights-of-way, shall be kept free of landscaping and plant materials that interfere with the vision of a motorist or pedestrian.

(3) *Easements.* No trees shall be placed within any public utility easement. Any shrubs or ornamental grasses planted within public utility easement (if allowed by the easement) shall not be required to be replaced in the event maintenance, repair, or installation of a utility is needed.

(4) *Fire safety.* Landscaping shall meet minimum clearances from all fire hydrants and building sprinkler systems as required by the Fire Department.

(5) *Spacing.* In general, all plants shall be sited and spaced in a manner to allow for appropriate growth to mature size.

(D) *Plant substitutions.* The following substitution of tree planting requirements may be made:

(1) *Overstory.* One overstory tree may be substituted in place of ten required shrubs.

(2) *Understory.* One understory tree may be substituted in place of five required shrubs.

(3) *Evergreen.* One evergreen/coniferous tree may be substituted in place of one required overstory tree.

(4) *Substitution.* One overstory tree may be substituted in place of two required understory trees. Two understory trees may be substituted for one required overstory tree.

(5) *Grasses.* Three ornamental grasses may be substituted for one required shrub.

(Ord. 15039, passed 4-11-2022)

## **§ 156.F.003 DEVELOPMENT LANDSCAPING.**

(A) *Generally.*

(1) *Applicability.* Site landscaping is required around multiple-family buildings, civic, institutional, commercial office and retail, industrial, and mixed-use buildings.

(2) *Planting requirements.* The required number of overstory and understory trees and shrubs or ornamental grasses as set out in the respective zoning district.

(B) *Off-street parking, driveways, and loading areas.*

(1) *Generally.*

(a) *Landscape plan required.* A landscape plan for all parking lots regardless of size shall be prepared and submitted to the city for review and approval for any landscaping, buffer, or screening required by the city.

(b) *Preparation of landscape plan.* To encourage landscape plans to be thoughtfully arranged so site elements are artfully and technically organized in a way that conveys meaning, coherence, and spatial organization, a qualified individual or organization, as acceptable to the Zoning Administrator, shall prepare the landscape plan.

(c) *Landscape plan contents.* All landscape plans are subject to the contents set forth in the site plan procedures in § 156.J.004, Administrative Review Procedures.

(2) *Parking lot design.*

(a) All rows of parking that exceed 20 stalls in length shall be terminated with a curbed landscaped island that is a minimum nine feet wide and no less than 16 feet in length (32 feet in length for head-to-head parking stalls).

(b) Off-street parking lots that exceed 100 stalls shall require no parking or loading area shall be more than 100 feet from a tree located within a landscaped open space area.

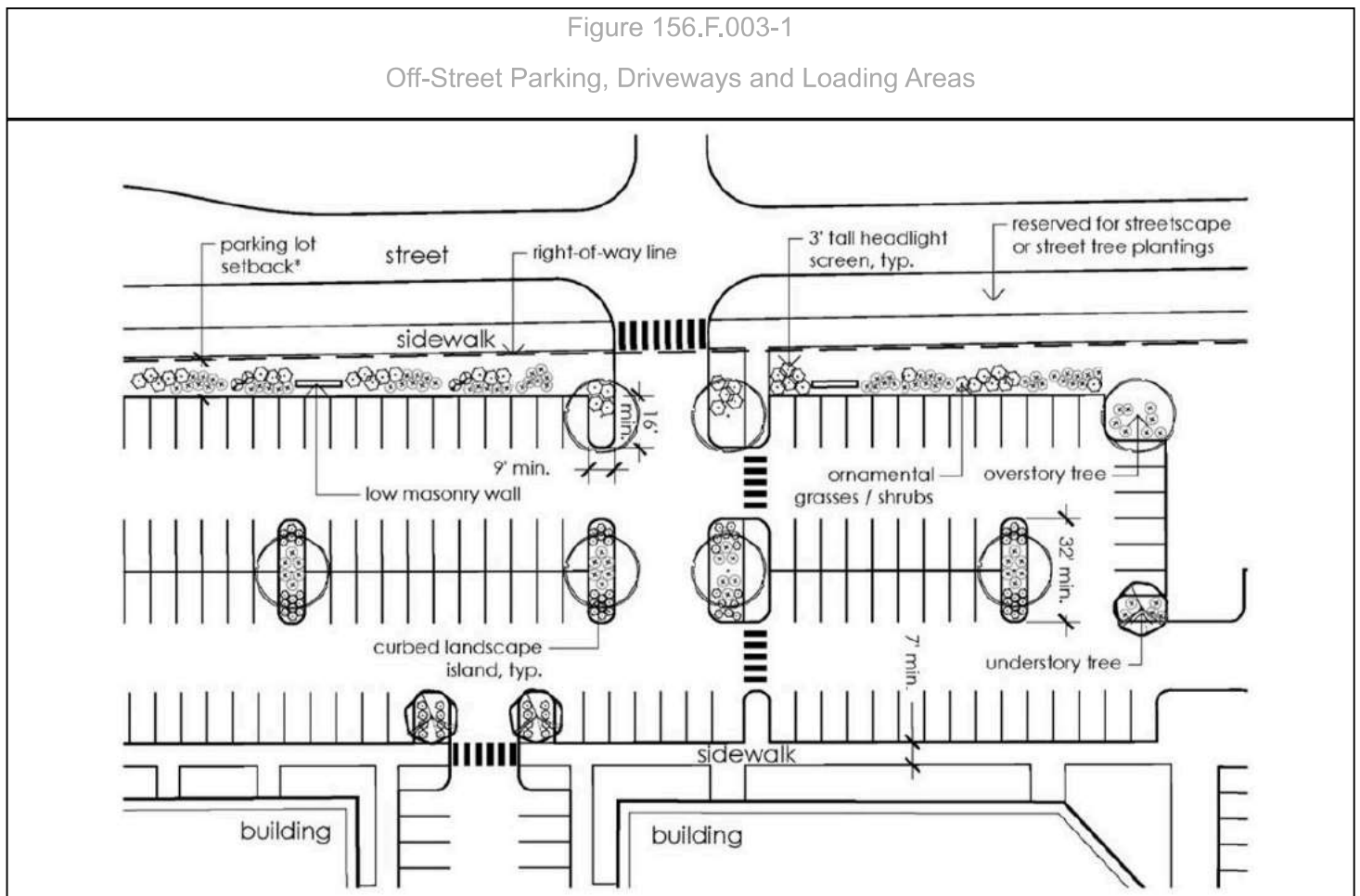
(c) Sidewalks that abut the front edge of any parking stall shall be no less than seven feet wide to accommodate a two foot vehicle overhang.

(3) *Sidewalk requirement.* Every parking lot of more than 100 spaces shall have at least one pedestrian walkway.

(4) *Landscaping required.* All parking lot islands shall be landscaped with turf grass, ornamental grass plantings, plant beds, shrubs, trees, rock, and/or chip brick. The use of pavers in an island shall only be used in combination with plant-scaping materials. Sidewalks may be constructed within a parking lot island as necessary to accommodate pedestrian circulation. See Figure 156.F.003-1, Off-Street Parking, Driveways, and Loading Areas. See Figure 156.F.003-1, Off-Street Parking, Driveways, and Loading Areas.

(5) *Parking lot screening.* Whenever an off-street parking area fronts along a public street, an average of one overstory and two understory trees shall be planted every 75 feet within the parking lot setback area. In areas of public utility easement, no trees are required but the screening material must incorporate plant-scaping. Additionally, a minimum three-foot-tall screen shall be installed between the parking lot and the adjoining street along the entire frontage in accordance with minimum visibility requirements at intersections, driveways, and alleys. This screen can be constructed with any combination of ornamental grasses, shrubs, earth berming, low masonry walls, and decorative fencing. Shrubs and ornamental grasses shall have a mature height of at least three feet.

(6) *Parking lot setback.* The parking lot setback shall be a minimum width of five feet.



(C) *Trees required.* Trees shall be required in all zoning districts following the design standards provided within this section.

(1) *Single-family detached.* A minimum of two overstory trees is required per single-family lot.

(2) *Single-family attached and duplex.* One overstory tree shall be required for every 40 feet of average lot width.

(3) *Other residential and non-residential.*

(a) A minimum of five overstory trees per acre shall be required.

(b) Unless otherwise approved by the city, required trees shall not be located within the street right-of-way, between the edge of the public street and any sidewalk or trail. The trees shall be shown on a landscaping plan provided to the Zoning Administrator. The tree planting plan shall include the location, size, and species of all street trees being proposed.

(Ord. 15039, passed 4-11-2022)

**§ 156.F.004 BUFFERING.**

(A) *Generally.* The bufferyards required in this section provide transition and physical barriers between properties of differing land uses to reduce the effects of sight, sound, and other incompatibilities. The bufferyards are based on the amount of screening they provide, which are classified from less screening (Type A) to more screening (Type C), depending on the types and intensities of adjoining land uses.

(B) *General standards.*

(1) *Groundcover.* In addition to the required plantings, walls, fences, and berms, remaining portions of all bufferyards shall contain groundcover.

(2) *Plant groupings.* Bufferyard plantings may be located in small groupings to appear more natural or evenly spaced.

(3) *Earthen berms.* Earthen berms within a bufferyard may vary and undulate to accommodate drainage and to provide a more natural appearance. Incorporation of a berm into a buffer yard may necessitate an increase in width of the bufferyard beyond what is required in Table 156.F.004-1, Bufferyard Classifications.

(4) *Encroachment.* No part of any required bufferyard shall be used for structures, parking, storage, loading, locating refuse containers, or any similar activity which may create a nuisance.

(5) *Extent.* All required bufferyards shall be located on the parcel proposed for development.

(6) *Access breaks.* Breaks for pedestrian, bicycle, and vehicle access are permitted on the condition that access shall be designed to cross a bufferyard at as near a perpendicular angle as practical.

(7) *Low impact development.* Low impact development and other similar stormwater management features are permitted in a required bufferyard.

(C) *Bufferyard types.* There are three types of bufferyards, each of which varies in width and the numbers and types of plants required per 100 linear feet. The minimum planting requirements for each type of bufferyard are set out in Table 156.F.004-1, Bufferyard Classifications, except that parking lot setback plantings are set out in § 156.F.003, Development Landscaping. Illustrative examples of bufferyards are in Figure 156.F.003-1, Illustrative Bufferyard Types.

Table 156.F.004-1

Bufferyard Classifications

Required Plantings per 100 Linear Feet

Type	Width	Overstory Trees	Understory Trees	Evergreen Trees	Shrubs	Height of Berm, Wall, or Fence <sup>1</sup>
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Table 156.F.004-1

Bufferyard Classifications

Required Plantings per 100 Linear Feet

Type	Width	Overstory Trees	Understory Trees	Evergreen Trees	Shrubs	Height of Berm, Wall, or Fence <sup>1</sup>
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Option 1: Landscape Only Bufferyard

Type A	5 ft.	0	2	--	10	N/A
Type B	10 ft.	1	2	1	12	N/A
Type C	15 ft.	2	1	1	15	N/A
Option 2: Landscape with Berm, Wall, or Fence <sup>2</sup>						
Type A	3 ft.	--	--	--	10	6' tall fence or wall/4' tall berm
Type B	5 ft.	--	--	--	15	6' tall fence or wall/4' tall berm
Type C	10 ft.	--	2	--	20	6' tall fence or wall/4' tall berm

**TABLE NOTES:**

<sup>1</sup> A berm, wall, or fence is not required for landscape only bufferyards.

<sup>2</sup> Plant material, including overstory trees, may be installed on the inside or outside of the wall or fence facing the abutting properties. Plant material, including overstory trees, must be installed on the outside of the wall or fence facing the street.

Figure 156.F.004-1

Illustrative Bufferyards



(D) *Bufferyard locations.* Bufferyards shall be established within a bufferyard easement on individual lots or parcels, unless a property owners' association is established in which case bufferyards may be within common open space. Properties separated by the public street right-of-way are not considered adjoining for the purposes of this section. Bufferyards shall be required as follows:

(1) *Between zoning districts.* The type of required bufferyard between two adjoining zoning districts or use category in the GI zoning district, with the type determined by the intensities of the districts. Table 156.F.004-2, District Bufferyard Standards, establishes the required bufferyard type between the zoning district of the parcel proposed for development and the zoning of the abutting district. Where "--" is found there is no bufferyard required.

Table 156.F.004-2

District Bufferyard Standards

Zoning of Abutting District

Zoning of Parcel Proposed for Development	AG, RR, RL	RM, RH	MU, UC	GC	PI, REC	GI - Heavy Industrial Uses <sup>1</sup>	GI - All Other Industrial Uses <sup>1</sup>
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Table 156.F.004-2

District Bufferyard Standards

Zoning of Abutting District

Zoning of Parcel Proposed for Development	AG, RR, RL	RM, RH	MU, UC	GC	PI, REC	GI - Heavy Industrial Uses <sup>1</sup>	GI - All Other Industrial Uses <sup>1</sup>
---	------------	--------	--------	----	---------	---	---

Residential (AG, RR, RL)	--	--	--	--	--	C	C
Residential (RM, RH)	B	--	--	--	--	C	C
Mixed-Use (MU, UC)	C	C	--	--	--	C	C
General Commercial (GC)	B	B	B	--	--	C	C
Nonresidential (PI, REC)	C	C	B	B	--	C	C
Heavy Industrial Use Category (GI)	C	C	C	C	C	--	--
All Other Industrial Use Categories (GI)	C	C	C	B	C	--	--

Table Notes:

<sup>1</sup>See § 156.C.003, Use Table, and associated specific uses and use categories as defined in § 156.M.003, Definitions.

(2) *Along corner and rear yards abutting collector and arterial streets.* When a corner or rear yard of a lot zoned RM, RH, MU, UC, GC, PI, or REC abuts collector and arterial street right-of-way, a Type B bufferyard is required. A Type C bufferyard is required for uses in the GI district.

(3) *Single-family residential through (double frontage) lots.* Any single-family detached or attached residential lot having both its front and rear lot lines abutting a public street, private street, or interstate highway (a double frontage lot) or a corner lot which is adjacent to a double frontage lot shall be required to have a Type C bufferyard along that corresponding rear or side yard lot line. The rear yard and front side yard building setbacks shall be measured from the farthest extent of the bufferyard.

(4) *Adjacent to agricultural land.* A Type A bufferyard is required for a parcel proposed for development when adjoining agricultural land that is not planned for development. At the time of development, unless no bufferyard is required, the adjoining property would also be required to provide the bufferyard required in Table 156.F.004-2, District Bufferyard Standards.

(5) *Along a natural resource feature, park, or recreation area.* Development must meet applicable city codes related to stream/riparian protection.

(6) *Adjacent to public streets.* Refer to the requirements for trees and parking lot screening in § 156.F.003, Development Landscaping.

(E) *Natural area exemption.* A parcel that would typically require bufferyards may be exempt from the requirement to provide bufferyards where the parcel is separated from the adjacent property by a natural area that meets or exceeds the number of plantings required by the applicable bufferyard. Natural areas shall be exempt from the shrub requirement.

(F) *Warranted exceptions of bufferyard requirements.* Should a bufferyard requirement overburden a property by making development impractical, in the sole discretion of the Zoning Administrator, the width of a required buffer may be reduced, and a privacy fence, screen wall, or other measures may be used to mitigate the impact on the property to be buffered.

(G) *Credits for existing landscaping improvements.*

(1) *Generally.* Existing trees, fences, and landscape or retaining walls that meet, in part but not in whole, the bufferyard requirements set out herein, may be counted toward a bufferyard requirement, provided that the trees and landscaping are in good health or the fences or walls are structurally sound.

(2) *Existing landscaping credit.* Credit shall be given for existing trees and landscaping within bufferyards and perimeter yards.

(H) *Relationship to other bufferyard requirements.* Some limited or special uses may have different requirements for bufferyards, as specified in § 156.C.004, Limited Use Standards, and § 156.C.005, Special Use Standards. If bufferyards are required by another section of this Zoning Ordinance along property boundaries that are also district boundaries, then the most restrictive bufferyard requirement is required.

(Ord. 15039, passed 4-11-2022)

## **§ 156.F.005 SCREENING.**

(A) *Generally.* This section provides screening standards, including fences and walls, for the separation of adjoining residential and nonresidential land uses and screening standards for mechanical equipment, outdoor storage, and refuse containers.

(B) *Refuse containers.*

(1) Refuse containers, including dumpsters, shall be screened on all sides by the use of a permanent enclosure, with gates for disposal truck access. The enclosure shall be constructed to visibly screen the receptacle from public view and from adjoining properties. The design of the pedestrian access to the receptacle or dumpster shall be designed to minimize the view into the enclosure.

(2) The enclosure shall be landscaped to minimize the visual impact of the enclosure on surrounding properties and public thoroughfares.

(C) *Mechanical equipment.*

(1) *Overhead utilities.* All electrical lines less than 30,000 volts must be placed underground, unless a utility provider determines that underground utilities are a safety hazard or impractical in which case this requirement may be waived by the Plan and Zoning Commission.

(2) *Ground-mounted.* For all new development or redevelopment, all ground-mounted mechanical equipment, including, but not limited to, air-conditioning condensers, heat pumps, ventilation units, computer cooling equipment, and any other related utility structures and equipment that are visible from any adjacent public thoroughfare shall be visibly screened from public view by the use of one of the following approaches:

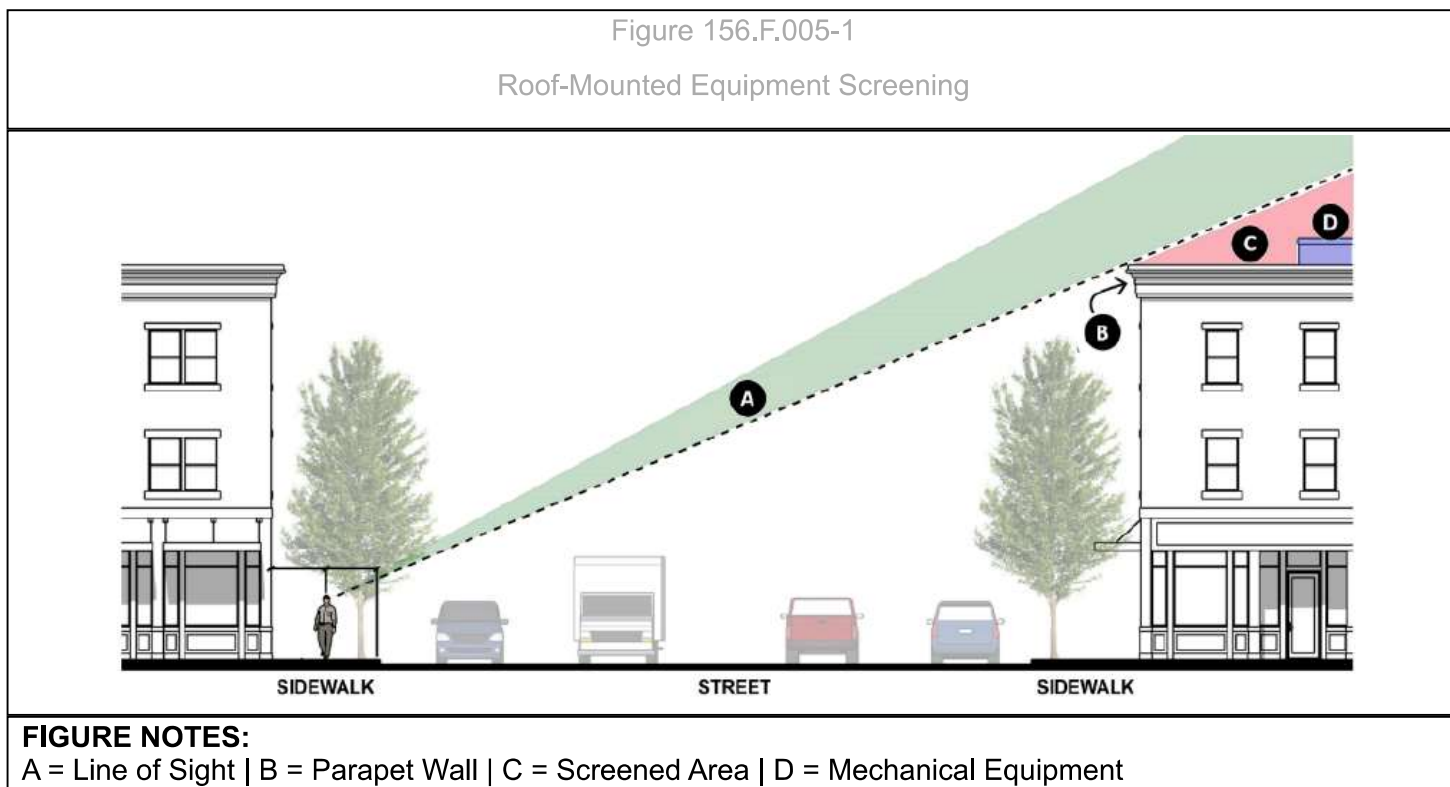
(a) A screening wall built of materials compatible and consistent with the materials of the principal building;

(b) Landscape plantings of predominantly evergreen type trees and shrubs to provide year-round screening;

- (c) Fencing that has at least 80% opacity;
- (d) Permanent earth-berming; or
- (e) A combination of the above.

(3) *Roof-mounted.* Equipment must be 100% screened from ground level views at all property lines by structural improvements such as:

- (a) Parapet walls with cornice treatments;
- (b) Screening walls constructed of materials consistent with the principal building; or
- (c) Sloped-roof systems or other architectural elements.



(4) *Building-mounted.* Mechanical equipment that is within public view must be enclosed, screened by opaque fencing or landscaping, or painted to match the building wall.

(D) *Outdoor storage.* Except for industrial uses that are legally permitted, and uses in the GI district, all outside storage shall be screened from all rights-of-way with a fence or wall at least six feet in height. No outside storage shall be stacked in a way that it becomes visible from the public right-of-way.

(E) *Fences and walls.* The following requirements apply to fences and walls on residential and mixed-use lots and all fences and walls with a height above average grade of 30 inches in nonresidential districts:

(1) *General.*

(a) All fences and walls shall not adversely affect the public health, safety, and welfare of the city and shall conform to all applicable building code requirements.

(b) Special fence requirements such as fencing provided around parks, recreation, and school facilities may be erected to a height in excess of the above limits upon approval of the Zoning Administrator.

(c) All required screening walls shall be equally finished on both sides of the wall.

(2) *Height.* The maximum height of a fence or wall:

(a) Within a visibility triangle shall be two feet (See Subsection 156.B.008.a, Measurements);

- (b) Shall be six feet in all residential and mixed-use districts;
- (c) Shall be eight feet in nonresidential districts;
- (d) Shall be ten feet in the GI district East of 18th Avenue;
- (e) Within a required front or corner side yard setback shall be four feet;

(3) *Sight distance.* No fence, wall, shrubbery, earthen berm, sign, or other obstruction to vision shall be permitted which serves to obstruct vision between a height of two feet and six feet, six inches on any corner lot within a triangle of 20 feet formed by intersecting street right-of-way lines.

(4) *Materials.*

(a) Non-residential and mixed-use districts. Fence and wall exterior materials and design shall be similar or complementary to the materials and design of the primary structure.

(b) *Allowed materials.* Materials used for fences and walls shall be durable, and of a character commonly used in residential applications, including:

1. Weather-resistant or finished (painted or stained and sealed) wood;
2. Ornamental wrought iron or powder-coated aluminum (except on fences/walls that are used for required screening purposes);
3. Cement fiberboard;
4. Vinyl;
5. Finished bamboo (stained and sealed);
6. Chain link with a top rail support;
7. Split rail with treated wood;
8. Masonry (brick, stucco-finished concrete, split face concrete masonry units, or stone), but not unfinished concrete block; or
9. Combinations of these materials.
10. Wood, as long as any part of the fence contacts concrete or the ground is treated with preservatives approved by the U.S. Environmental Protection Agency (EPA) or is naturally resistant to decay, such as cedar or redwood. Fasteners and hardware used with treated or decay-resistant wood shall be hot-dipped galvanized, stainless steel, or coated per manufacturers standards for use with such woods.

(c) *Limited materials.*

1. Used or reclaimed wood or other materials may be used provided they are in good condition and can be reasonably expected to last as long as new materials;
2. Wire mesh fence may be permitted to enclose tennis courts and game and recreation areas on public land and residential lots; or
3. Side or rear yard garden plots may use green garden fence, woven wire or chicken wire; provided, it does not exceed five feet in height using steel posts not exceeding five feet in height.
4. In the GI district, barbed wire cradles facing inward toward the property may be placed on top of fences enclosing public utility buildings or wherever the Zoning Administrator finds that such is necessary to address security interest so long as the extension is no more than one foot.

(d) *Prohibited materials.* The following materials are not allowed as fence or wall components:

1. Salvaged material or materials not specifically manufactured for fencing, including but not limited to complete or partial pallets, PVC pipe, scrap lumber, plywood, tree branches, tree trunks, sheet metal, trash, tires, junk, entry or garage doors, utility poles, landscape timbers, plastic or fiberglass sheets, spikes, nails, and razors.

2. An electric, razor wire, barbed (except in the GI district, see limitations above in division (E)(4)(c)4.), chicken, woven, snow (except from November 1 through March 31), plastic safety, concrete block, or grapestake fence.

3. Agricultural fence products such as creosote posts, steel posts, wire panels, field fence, high tensile wire, tube gates and similar materials;

4. A fence composed solely of fence posts;

5. Any incomplete fence consisting only of posts and supporting members;

6. Any fence or wall material the Zoning Administrator determines that such structure creates a hazard to users of the street, sidewalk, or to nearby property.

(e) *Fence and wall orientation and maintenance.*

1. *Maintenance.* Fences and walls shall be maintained in an upright position (not more than five degrees from vertical orientation), and in good condition (e.g., free of rust, peeling paint or coatings, missing or broken pickets, wood rot, and graffiti).

2. *Orientation.* The finished side of all fences shall face out toward neighboring property or adjacent rights-of-way. Where fences are located on the property line of residential property, the finished side of the fence shall face the yard that does not belong to the applicant, unless the applicant provides to the city written consent of the abutting property owner.

(F) *Obstructions.*

(1) No fence, screen, wall, or another visual barrier shall be located or placed to obstruct the vision of a motor vehicle driver approaching within 30 feet of any street intersection.

(2) Where an alley intersects a street, no visual barrier taller than 30 inches may be placed within a sight visibility triangle.

(G) *Residential district maximums.* In the following residential districts (AG, RR, RL, RM, RH) or along the boundary between a residential and nonresidential district, the following standards apply:

(1) *Rear and side yards.* No fence or wall shall exceed a height of six feet above grade.

(2) *Front yard.*

(a) The maximum height of a fence or wall shall not exceed four feet.

(b) Fences in the manufactured home parks shall not exceed a height of four feet.

(3) *Corner lot.* Where a corner lot is platted with two front yards, and a house is constructed facing one of the front yards, the second front yard shall also be deemed to be a front yard.

(H) *Nonresidential and multiple-family uses.*

(1) *Contiguous to residential.* Where a multiple-family or nonresidential use is contiguous to an AG, RL, or RM district, a solid wall, fence or opaque landscape screen of not less than six nor more than eight feet in height shall be erected on or near the property line separating these districts.

(2) *Screening dumpsters and storage facilities.* Any lot in a commercial or industrial district, with the exception of the UC and MU districts, abutting any residential district shall be required to have adequate screening of dumpsters and storage facilities.

(3) *Adjacent to public street.* When a side or rear yard of a multiple-family, civic, institutional, commercial, industrial, or mixed-use is adjacent to a public street, a solid wall, fence, or opaque landscape screen of not less than six nor more than eight feet in height shall be erected.

(I) *Exceptions to screening requirements.* Screening requirements may be waived by the Zoning Administrator if an opaque screening of equivalent height or greater exists immediately abutting, and on the opposite side of the lot line.

(Ord. 15039, passed 4-11-2022)

## § 156.F.006 INSTALLATION AND MAINTENANCE.

(A) *Generally.* The following provisions aid in ensuring that all required landscaping is installed and maintained and properly.

(B) *Installation standards.*

(1) *National standards.* All landscaping and all plant materials shall be true to name, variety, and size and shall conform to all applicable provisions of the American Standards for Nursery Stock, latest edition as published by the American Horticulture Industry Association.

(2) *Installation.* Any required landscaping shall be in place at the time an occupancy permit is approved. Should completion of landscaping be delayed because of the season of the year, a temporary occupancy permit may be issued if the developer posts a bond or other acceptable guarantee in the amount of the landscaping as completed.

(3) *Plant size requirement.* All installed plant material shall be sized according to Table 156.F.002-2, Minimum Plant Sizes and Varieties, unless otherwise noted in this article.

(4) *Tree topping.* Unless a tree is interfering with an overhead power line, no trees may be topped if the limbs are three inches in diameter or greater.

(5) *Nursery stock.* Trees and shrubs planted pursuant to this article shall be good, healthy nursery stock.

(6) *Soil.* Landscaped areas associated with new development shall be prepared to achieve a soil depth of at least six inches with the depth consisting of a soil mix of compost and organic matter to reduce the need for fertilizers and increase water retention.

(7) *Planters.* Architectural planters may be permitted in the UC, Urban Core zoning district and for infill development sites less than 6,000 square feet in area.

(8) *Visual clearance.* In addition to observing the sight triangle established in § 156.B.008, Measurements and Allowances, the branches of a tree in a landscape island shall maintain a minimum of five feet of clearance from the surface of the vehicle use area.

(C) *Maintenance standards.*

(1) *Generally.* Maintenance and care of landscaping on mixed-use and nonresidential properties shall be according to the most current ANSI A300 Standards for Tree Care Operations.

(2) *Conformance.* All landscaping, buffering, and screening shall be maintained at all times to conform to the regulations established in this article. Landscaping, which is not maintained in a manner consistent with this article shall be subject to the penalties established in § 156.L.003, Judicial Remedies.

(3) *Stormwater drainage.*

(a) Any landowner shall be deemed exclusively responsible for developing and implementing a plan to address stormwater drainage, which shall be submitted to the city as a part of the site plan.

(b) The city shall not be responsible for any deficiencies which may later be determined to exist under the stormwater management plan.

(c) The city shall undertake no corrective duties or actions concerning any said deficiencies pertaining to stormwater drainage and landscape maintenance.

(4) *Other maintenance standards.* In other areas, maintenance and care shall meet the following standards:

(a) Landscape areas, including abutting landscaped portions of public rights-of-way, shall be pruned as needed to present a healthy, neat, and orderly appearance at all times.

(b) All landscaped areas shall be irrigated as needed to ensure continuous healthy growth and development. Maintenance shall include the removal and replacement of dead, dying, or diseased plant material.

(c) Trees extending over a street shall be kept pruned so as to not interfere with street traffic.

(5) *Tree removal.* Nothing in this section shall require any application or permit from any public utility provider prior to removing a tree whenever it has determined the tree poses a hazard, or interferes with restoration or continuation of utility services.

(Ord. 15039, passed 4-11-2022)

## Marshalltown Canopy Cover Assessment Quick Reference Sheets - 2025

Urban tree canopy, defined as the layer of leaves, branches and stems in a community that cover the ground when viewed from above, is a simple way for a community to get an overall picture of both residential and public trees. This canopy benefits community residents by cleaning air and water, reducing energy costs and increasing property value.

### About the Data

This tree canopy cover assessment uses historic and current land cover from 2017-2023 and tree canopy summary statistics at the Census Urban Areas geography to inform and maintain planning activities. Learn more about the data shown at <https://treecanopy.us/>.

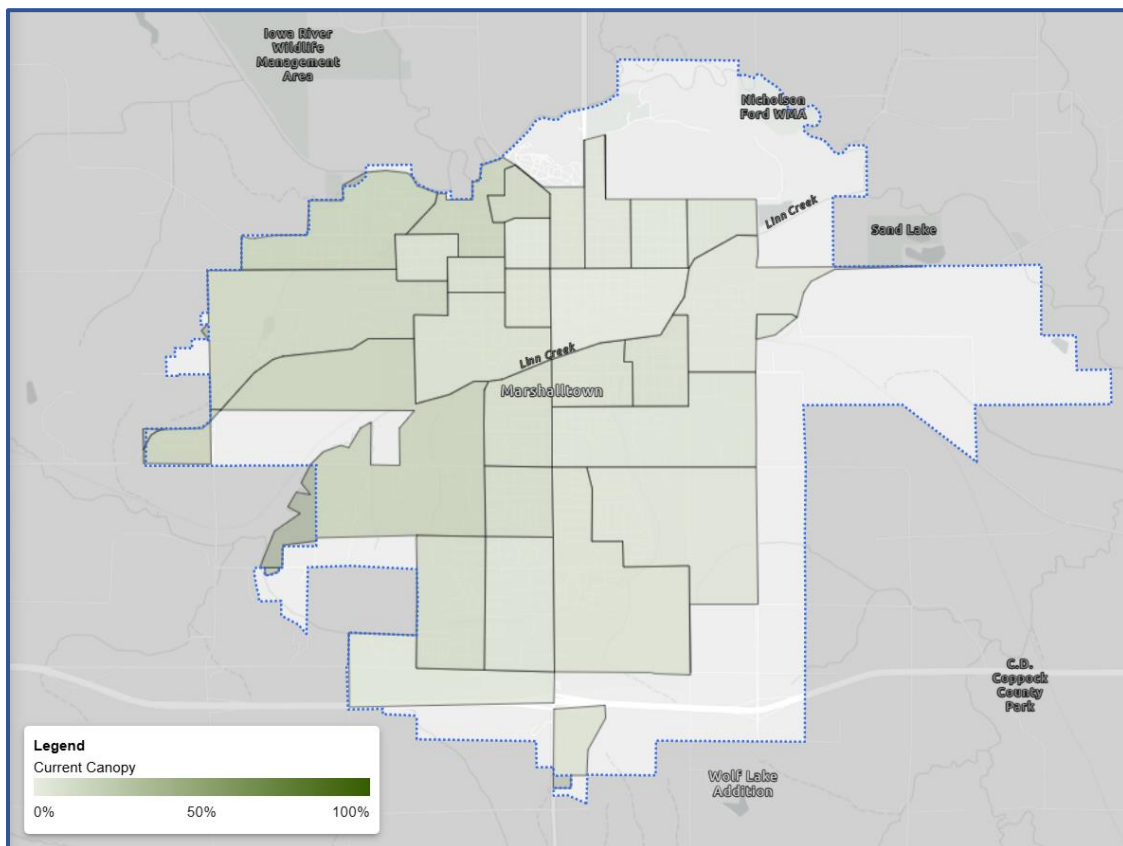
**Type:** Feature Service

**Date updated:** 3/20/2025

**Tags:** boundaries, environment, census urban areas, land cover, tree canopy, NCA Summary Layer

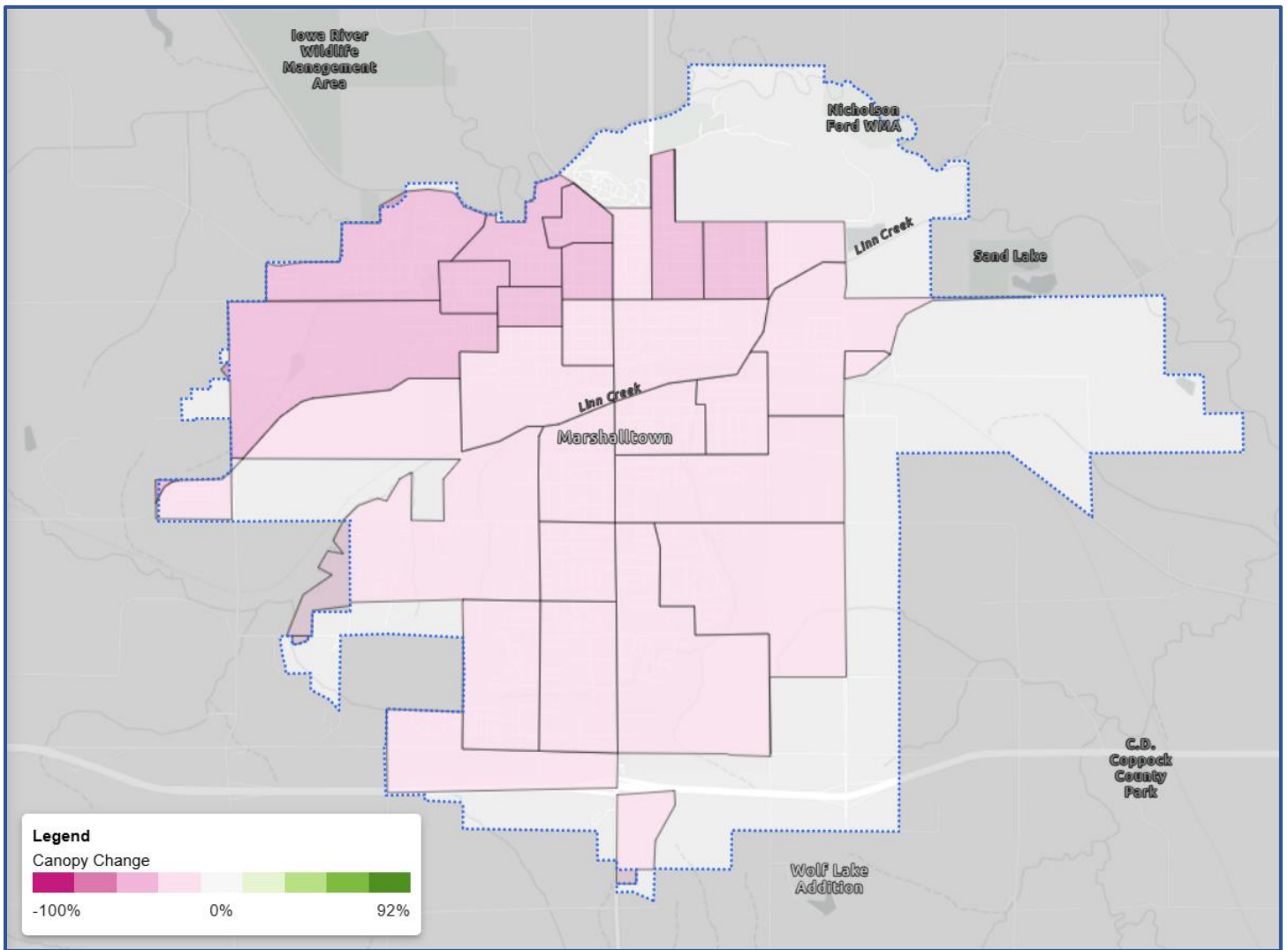
**Date created:** 11/15/2024

### Current Canopy Cover by Census Block



This map shows current canopy cover by census block. Neighborhoods in lighter shades have less canopy cover while neighborhoods in darker shades have more.

## Canopy Cover Change

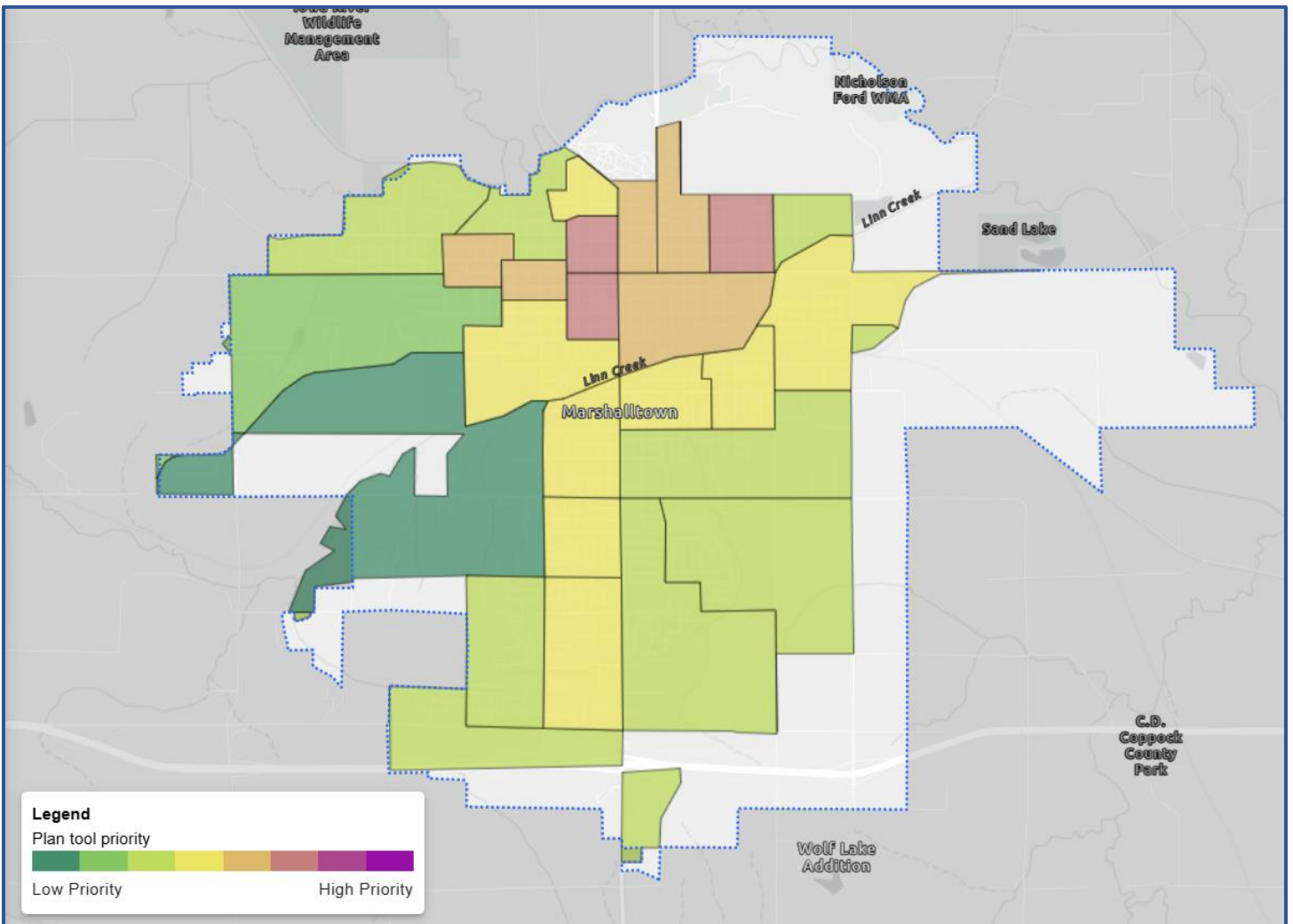


This map shows change in canopy cover by census block. Areas in pink tones have lost canopy. Areas in green tones have gained canopy. Areas in light or white tones have experienced little to no change.

### Canopy Cover and Relative Change by Census Block

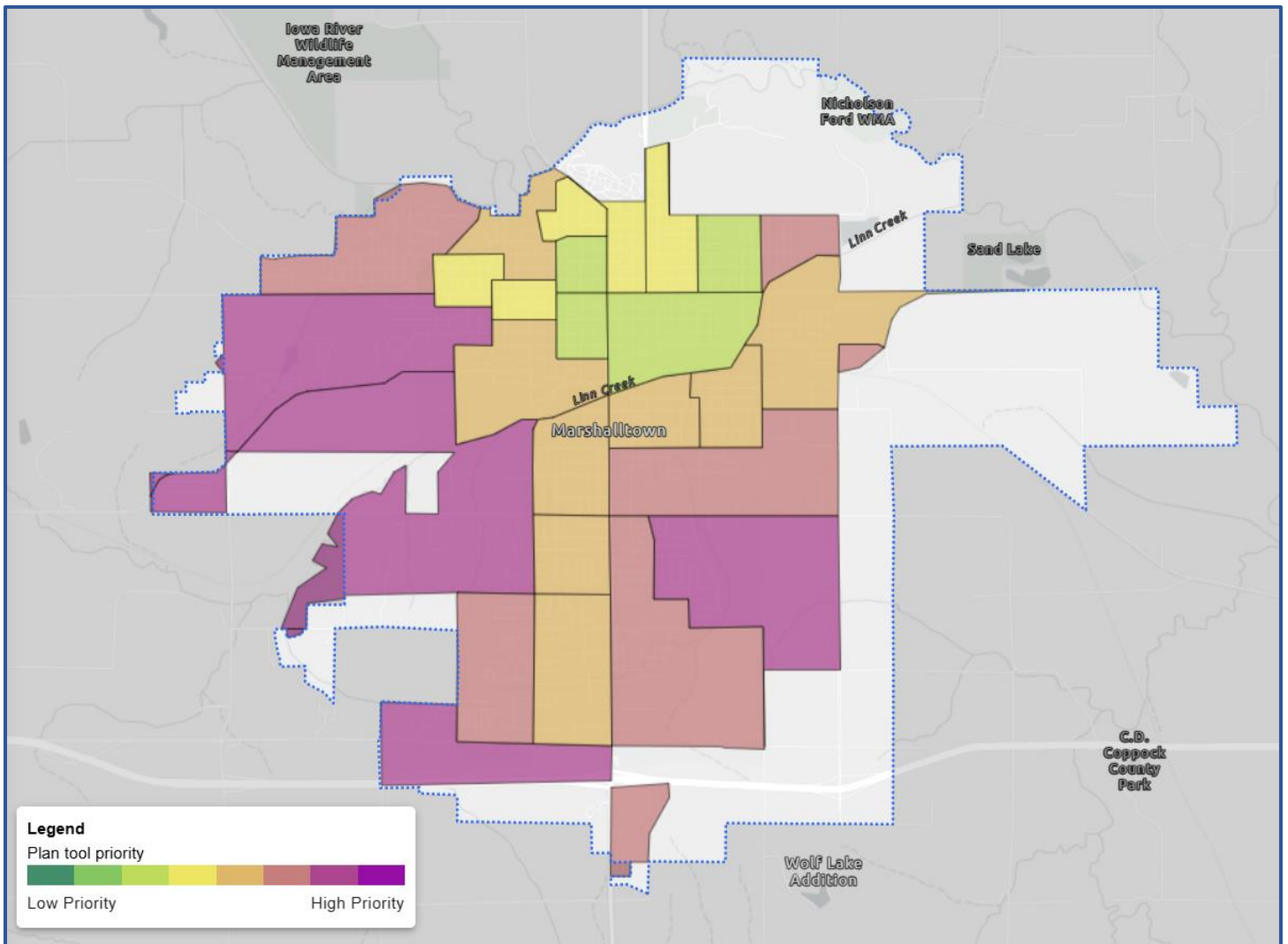
Block Number	Current Canopy Cover (%)	Relative Change (%)	Notes
191279507002	21.2	-49.7	
191279508021	17.8	-44.7	
191279508022	20.6	-37.6	Incomplete Data
191279508013	14.2	-30.5	Incomplete Data
191279508023	5.8	-29.2	Incomplete Data
191279507003	20.9	-51.9	
191279507001	11.2	-69.0	
191279507004	11.3	-64.8	
191279506004	10.5	-43.7	
191279506005	13.4	-45.2	
191279508011	14.1	-46.6	
191279508012	8.1	-37.3	
191279506001	17.6	-53.6	
191279506002	5.9	-73.1	
191279506003	8.2	-51.4	
191279505001	8.6	-59.6	Incomplete Data
191279505004	6.7	-72.7	Incomplete Data
191279505003	4.8	-75.7	Incomplete Data
191279505002	7.4	-58.3	Incomplete Data
191279509001	3.8	-60.8	
191279509004	6.0	-53.7	Incomplete Data
191279509002	10.0	-48.7	
191279509003	11.0	-48.1	
191279510001	7.9	-45.3	Incomplete Data
191279510002	6.9	-42.2	Incomplete Data
191279510003	8.7	-36.2	Incomplete Data

## Urban Heat Map



This map shows areas of highest and lowest urban heat by census block. Areas in green tones experience less heat. Areas in yellow, orange and purple tones experience more heat.

## Planting Priority Map



This map shows planting priority by census block. Blocks with green tones are lower priority. Blocks with yellow, orange or purple tones are higher priority.



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**From:** [Carol Webb](#)  
**To:** [Clayton Ender](#)  
**Subject:** FW: Thanks and follow up  
**Date:** Monday, August 11, 2025 3:40:26 PM

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See idea below from Dierdre. This might be something that we could consider as we review landscaping standards.

Carol Webb  
City Administrator  
City of Marshalltown

---

**From:** Deirdre Gruendler <deidregruendler@gmail.com>  
**Sent:** Monday, August 11, 2025 3:38 PM  
**To:** cwebb@marshalltown-ia.gov  
**Subject:** Thanks and follow up

**CAUTION:** This email originated from outside of the City of Marshalltown. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Carol -

Thanks for visiting with me today re: Riverside Cemetery's potential plans for the future!

I'm forwarding two links that somewhat align with the idea of a Green Fund for the City of Marshalltown, which could provide alternative options for vegetation requirements associated with development projects at various scales.

**Reflo in Milwaukee**, WI, has been in place for 10 years, or so. They are a small nonprofit led by a LEED-certified environmental engineer. They work on projects to remove concrete from public school environments, replacing it with a variety of landscaping projects. Each year, they hold a competitive granting process for projects in the schools. In their 10-year history, they've raised over \$24 million. The big focus is on improving stormwater handling.

<https://refloh2o.com>

**City Forest Credits** is a 501(c)(3) nonprofit carbon registry that manages carbon and impact standards for metropolitan areas in the United States. They have a project in Des Moines that was launched in 2019. They offer two services for the private sector to contribute to local climate action and enrich our communities. Companies can purchase carbon offsets from urban forest projects, or invest in certified planting projects with health, equity, and environmental impacts  
<https://www.cityforestcredits.org/about-city-forest-credits/>

I haven't come across anything that is a 100% fit with what I envision. Below is what's on my mind: creating a local development credit program.

Let's say a developer is working on a project where the zoning requirement is to plant 100 trees. They would have the option to contribute a set amount to the City of Marshalltown's urban reforestation fund. This would exchange the zoning requirement for a fund contribution requirement. The contributed dollars would be used to plant public right-of-way or City Park trees. The location of the trees would be based on a priority setting matrix. I imagine that could be a combination of 1) the neighborhood where the development project is taking place or 2) the neighborhoods the City has identified as most in need of reforestation from a climate, storm water retention, quality-of-life perspective.

The funds could be spent as accumulated or used to create an endowment fund that would be used in perpetuity, or a combination of both.

Based on what I've seen online, it would be unique to have a project that combines both development and reforestation efforts within a single community. The staggering need for reforestation in Marshalltown, based on the derecho losses, suggests to me that it could be appropriate to do so here.

Okay...that's (more than) enough.

Deirdre



## The Healing Power of Trees

Adding 8,000 trees to a neighborhood in Louisville, KY, improves health conditions that are linked to heart disease, stroke and some types of cancer.

February 05, 2025

Illustrations by Daniele Simonelli | Text by Amy Crawford | Issue 1, 2025



SHARE     

**T**he Watterson Expressway, also known as Interstate 264, is eight lanes wide where it cuts through the south side of Louisville, Kentucky, and for a long time, the only thing separating the area’s single-family homes, parks and churches from all that traffic was a concrete wall.

But today, martial rows of upright arborvitae, a type of cypress often used as hedges, stand guard between the highway and the working-class neighborhoods on either side. These are just a portion of the 8,000 new trees now shading sidewalks and streets, parks and parking lots, front yards and back yards across a 4-square-mile area. Planted between 2019 and 2022, the greenery has transformed south Louisville, roughly doubling the number of trees in an area that had long lacked the leafy canopy found in wealthier parts of town.

The Nature Conservancy and a group of partners, including researchers at the University of Louisville, hope this effort, known as the [Green Heart Louisville Project](#), will also transform how we think about the relationship between nature and human health.

“We all know trees are good for our health—there’s a lot of anecdotal and observational evidence for that,” says [David Phemister, TNC’s Kentucky](#) state director. “But there’s not a lot of direct clinical evidence.”



In the fall of 2017, The Nature Conservancy, the University of Louisville's Christina Lee Brown Envirome Institute, and other partners launched the Green Heart Louisville Project to examine the link between neighborhood greening and human health. Starting in 2020, TNC and a group of partners began the process of planting about 8,000 large trees throughout part of the study area. The project is tracking the health of 750 residents living near the new greenery compared to those living outside of it. [Click on the headings in the map to learn more.]

Until now, that is. Green Heart is the first project to back up the commonsense idea that trees are good for people with rigorous medical research—and the first clinical results, released this past August, are already attracting national attention.

In a way, Louisville is used to the spotlight. The river city of about 600,000 people sits at the center of Kentucky's vaunted bourbon industry, drawing tourists to its craft distilleries. Downtown, not far from the Muhammad Ali Center (the self-proclaimed "Greatest" was born here), a landmark factory still makes Louisville Sluggers—Major League Baseball's official bat. And, of course, for 150 years, the city has hosted the Kentucky Derby, one of the most-watched horse races in the country.

Outside of the first Saturday in May, however, the people who live in the shadow of Churchill Downs have sometimes felt overlooked.

"Louisville has a lot of distinctions that are not great," says [Chris Chandler](#), a Louisville native who directs [TNC's Cities](#) and Strategic Partnerships Program. "We have super-poor air quality. The air pollution is, in some cases, generated from industries and activities in Louisville, but it also moves up and down [the Ohio] River." Because of the topography, he adds, poor-quality air sticks around longer during the summer.

have contributed to a recent two-year drop in life expectancy between 2011 and 2021. And the harms are not evenly distributed: People who live in more prosperous, predominantly white parts of Louisville live more than 15 years longer than the residents of more diverse, poorer neighborhoods—which, not coincidentally, also tend to have fewer trees.



## EXPAND TO SEE MORE

Such disparities have long troubled Dr. Aruni Bhatnagar, chief of the Division of Environmental Medicine and director of the [Christina Lee Brown Envirome Institute](#) at the University of Louisville. He was aware of the longstanding associations between greenery and human health, and of the ability of plants to mitigate air pollution, including by serving as a physical barrier against dirty air, absorbing chemicals into their cells and even collecting particles with their leaves, in the same way that insects are trapped by flypaper.

Still, the connection between greenery and health had only ever been demonstrated by observational studies. Randomized controlled trials are generally accepted to be the gold standard in medical research. Most pharmaceuticals on the market have multiple such studies behind them. So Bhatnagar intended to treat nature like medicine.

“The best way to do it would be to plant trees and then see what happens,” Bhatnagar says. “That’s the clinical scientific methodology. The trees are the treatment.”

It was a simple idea, but the logistics would prove more complicated. Bhatnagar realized that, to make a significant difference over the limited time that could be allotted to a

Planting trees may be an unorthodox clinical intervention, but it was in the wheelhouse—and the budget—of The Nature Conservancy, which over the past decade has been conducting more work in cities, places where the well-being of nature and humanity intersect in clear ways. That’s sometimes been about ensuring clean water or air, or safeguarding habitat. Here, the goal would be improving people’s health.

“We are an imperiled species,” says Chandler, who helped lead TNC’s involvement in the collaboration that became Green Heart. “We are just as important as any other system or any other species on the landscape, and humans need to see ourselves in the work of healing and restoring our planet.”

The project began with community engagement, as the local nonprofit organization Louisville Grows worked to ensure that people wanted trees in their yards, and that they would do their part to help care for them. Many residents were excited; community groups had after all been working for years to get more infrastructure investment, including in parks and street trees. Others expressed less enthusiasm about watering and raking leaves, or disbelief that the trees were actually free.





## EXPAND TO SEE MORE

“We spent a lot of time knocking on doors and sitting on front porches,” Chandler says. “It’s conversations like that where you build trust, you build understanding.”

Meanwhile, Bhatnagar’s research team recruited about 750 people, both from the treated neighborhoods and from a control area south of downtown Louisville, who would have their health monitored before and after the trees arrived.

Then, in 2019, volunteers and contractors began planting.

“We planted trees in every typology that you could find in the city,” Chandler says. “We planted them in parks, on private property—backyards, front yards. We planted them all the way from the neighborhood street to arterial roads to the federal highway. We planted in church parking lots, at community centers, even a couple commercial properties like gas stations.”

Jerry Englehart, a social worker who lives two blocks from the expressway, accepted more than two dozen trees on his .11-acre lot, including a handsome, flowering yellowwood in his front yard and a row of arborvitae out back. The difference has been remarkable, he says, noting that traffic noise is down, while more birds have come to roost as the trees grow.

“It’s really nice to be able to go into our backyard and be in a green space, without having to drive somewhere,” he says. “We can just go out there and get green therapy.”

Englehart and his wife, who recently welcomed a baby daughter, also signed up for the health study. “I think research is important,” Englehart says, “and to be able to participate is, it makes me feel like I’m actually contributing in a way that’s helping.”

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## Already other cities are beginning to look to Louisville as a leader in connecting urban greenery with human health.

This past August, the research team at the University of Louisville reported their first results. Within the treatment area, where homes are now surrounded by more than twice as many trees, study participants had significantly lower levels of a blood marker known as C-reactive protein, which is a strong indicator of inflammation.

Part of the body's natural defense system, inflammation is triggered by injury, infection or irritants, summoning immune cells to combat pathogens and heal damage. But so-called chronic inflammation, which lasts for months or years and is associated with ongoing exposure to irritants like cigarette smoke and air pollution, actually degrades the body's functions and contributes to problems like cardiovascular disease, diabetes and some cancers. The 13-20% reduction in C-reactive protein the Louisville researchers found translates to a proportionally lower risk of these inflammation-associated conditions.

It's great news for residents of the newly green neighborhoods, and an astounding finding for the research team.

"It was hard to convince ourselves!" Bhatnagar says. "Certainly we didn't expect this, within such a short time."

There's plenty more to learn, Bhatnagar says, cautioning that the dramatic drop in inflammation levels, though heartening, is still just the first result. The researchers are continuing to track participants' health, including effects on blood pressure, immunity and mental well-being. Other studies are looking at environmental effects, such as how the s have affected air pollution, temperature and biodiversity.

Louisville as a leader in connecting urban greenery with human health. That’s been a source of pride for this city by the Ohio River, as well as for everyone involved with Green Heart.

“Until we got these first results, I’m sure there was continued skepticism out there,” says Phemister. “But seeing those initial results, and how quickly this showed up in the data, was a real eye-opener. Think about the billions of dollars that are invested in our road systems, in our utility systems—all essential, all important for human communities. Nature needs to be a part of those investments, too.”

“Nature is critical infrastructure in cities,” he adds. “And its conservation could be a key public health strategy.”

## About the Creators

**Amy Crawford** is a freelance writer based in Michigan who writes about the environment, history and art for publications like *Smithsonian* and *Slate*.

**Daniele Simonelli** is a freelance illustrator based in Rome. He is the founder of a studio collective of animators and illustrators from across Europe.



# Living in tree-filled neighborhoods may reduce risk of heart disease, study shows

More than 8,000 trees were planted in areas of South Louisville, Kentucky as part of a research trial.

Does planting trees help improve the health of communities?

03:30

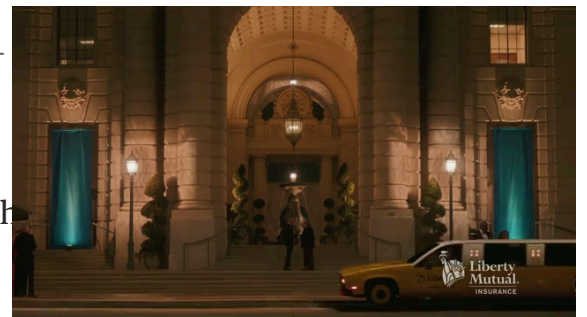
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Aug. 27, 2024, 6:01 AM CDT / Updated Aug. 27, 2024, 8:18 AM CDT

**By Kaitlin Sullivan and Anne Thompson**

Living in a tree-filled neighborhood may be as beneficial to health as research shows.

Researchers at the University of Louisville designed a clinical trial to study the health of people living in six low- to middle-income neighborhoods in South Louisville, Kentucky. They



used blood and other samples to better understand how their heart risks changed before and after the team planted thousands of mature trees near their homes.

Results from [the Green Heart Louisville Project's HEAL Study](#), released Tuesday, showed that people living in neighborhoods with twice as many trees and shrubs had lower levels of a blood marker associated with heart disease, diabetes and some types of cancer compared with those who lived in more tree-bare neighborhoods.



— A team from the University of Louisville's Green Heart Louisville Project planted thousands of trees in the first-of-its-kind project. *Mike Wilkinson*

“We are trying to see if we can decrease the rates of heart dis  
Bhatnagar, a professor of medicine at the University of Louis

ADVERTISING



Most previous studies showing the effects of nature on mental and physical health are observational and can't answer whether people who live in green communities are healthier because they're wealthier and have access to better health care.

The HEAL study was set up with a control group and an intervention, meaning something measurable that some of the participants were exposed to during the study but not before.



Bhatnagar and his team recruited about 750 people living in a 4-mile area of South Louisville cut by a highway. The residents were 25 to 75 years old.

Nearly 80% were white, and 60% identified as female. Half reported average household incomes of \$50,000.

The researchers collected blood, urine, nail and hair samples, as well as health data, from each person before they began their intervention.

Then, from 2019 to 2022, they planted nearly 8,500 evergreen trees, 630 deciduous trees – the type that lose leaves in the fall – and 45 different types of shrubs in parts of the 4-mile study area, leaving others untouched.

Last year and this year, they took new samples from residents living in both areas.

People living in the intervention areas had 13% lower levels of [high-sensitivity C-reactive protein](#), a blood marker associated with heart disease, including stroke, coronary artery disease and heart attack. The drop was similar to starting a regular exercise routine, Bhatnagar said.

“I wouldn’t have expected such a strong biomarker response, and that speaks to maybe something truly is causal here with how trees impact health,” said Peter James, director of the Center for Occupational and Environmental Health at the University of California, Davis School of Medicine, who wasn’t involved in the new research.



— Trees provide shade and cool areas where they're planted. They also buffer noise, which is linked to higher rates of heart disease. [Mike Wilkinson](#)

## How trees can improve physical health

Previous research has shown spending time in [green spaces boosts mental health](#).

The new study showed the connection between living among more trees and physical health.

Trees provide shade and cool the areas where they're planted, which has a [cooling effect](#) that disproportionately affects low-income neighborhoods. Hot weather aggravates heart disease and [can cause heatstroke](#) conditions.

Trees also buffer noise, which is linked to higher rates of cardiovascular disease.

“They provide areas for people to relax, exercise, and probably improve mental health,” says [Joan Casey](#), an environmental epidemiologist and associate professor of environmental and public health at the University of California, San Diego.

occupational health sciences at the University of Washington, said in an email.

“They also replace other health-harmful land uses, like industrial sites,” she said.

Because one of the city’s major highways cuts through the study area, Bhatnagar and his team believe, trees’ ability to filter air pollution and buffer neighborhoods from constantly breathing in harmful particles could be a primary way the tree-planting intervention appeared to lower inflammation markers in people living in greened areas.

During the study, the project planted trees only in the parts of South Louisville that had the worst air quality. It took air quality samples before the project, and it is still analyzing how the new tree cover has affected pollution. It’s a complex undertaking, because air quality fluctuates based on the weather – a windy day might increase or decrease air pollution in certain areas, depending on the direction of the wind, and air pollution is worse on hotter days.

The project plans to plant trees in the control group neighborhoods in another three or four years if the intervention neighborhoods continue to show positive results. It also wants to determine whether tree cover improves sleep or children’s immune systems by encouraging outside play.

“There is no sort of ultimate proof,” Bhatnagar said. “But this is the strongest evidence of any study that’s ever been done on trees and their relationship to health.”

Growing evidence shows the importance of ensuring green spaces are equitably distributed around cities, [which is currently not the case](#).

Casey said it’s important that city planners be careful not to create “green gentrification” when they create more equitable access to green spaces in cities – that is, when spaces such as water fronts are restored and housing prices increase as a result, making it unaffordable for current residents to continue living there once a green space is completed.

“The take-home message here is that nature is not an amenity: green spaces are not a perk for the wealthy. They are essential for us as human beings,” James

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Kaitlin Sullivan

Kaitlin Sullivan is a contributor for NBCNews.com who has worked with NBC News and the environment and is a graduate of the Craig Newmark Graduate School of



Anne Thompson is NBC News' chief environmental affairs correspondent.

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# MARSHALLTOWN

I O W A

HOUSING & COMMUNITY DEVELOPMENT

Deb Millizer, Director  
Clayton Ender, Assistant Director  
24 North Center Street  
Marshalltown, IA 50158-4911  
Tel - (641) 754-5756  
Fax - (641) 754-5717

**TO:** Planning and Zoning Commission  
**FROM:** Clayton Ender, AICP, Assistant Housing & Community Development Director  
**DATE:** September 11<sup>th</sup>, 2025  
**RE:** Discuss and Review Existing Animal Keeping Regulations and Possible Zoning Text Amendments Pertaining to Animal keeping

**City Staff Contact:**

Clayton Ender, AICP  
Assistant Director of Housing and Community Development  
Phone: 641-754-5756  
Email: cender@marshalltown-ia.gov

**Description/Background:**

At the June 23<sup>rd</sup>, 2025 City Council meeting the City Council heard public comment during the public communication period related to the current regulations for chicken keeping within city limits. Furthermore, the city council has established an animal ordinance review committee which has made some preliminary recommendations that some of the animal keeping regulations be moved into zoning in an effort to establish consistency in regulations and to utilize existing processes in place for regulation based on zoning district or utilization of the Board of Adjustment for unusual cases.

This discussion item is intended to be introductory in nature and to solicit initial feedback from the commission on topics that we need further information on to best be able to establish regulations pertaining to animal keeping.

**Attachments:** Chapter 90 of Code of Ordinances  
Staff memo from August 25<sup>th</sup> City Council agenda

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Mark Mitchell, Greg Nichols, Jeff Schneider, Gary Thompson



# MARSHALLTOWN

— I O W A —

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**TO:** Mayor and City Council  
**FROM:** Clayton Ender, AICP, Assistant Director of Housing and Community Development  
**RE:** Chicken Keeping Regulation Review

At the June 23<sup>rd</sup>, 2025 City Council meeting the City Council heard public comment during the public communication period related to the current regulations for chicken keeping within city limits. Based upon these public comments staff has completed a review of current chicken keeping regulations for the City of Marshalltown, how the current regulations for the city compare to other peer cities, and has provided options for policy modification.

## What is urban chicken keeping?

Urban chicken keeping is a practice of keeping chickens, typically hens, within city limits. The practice is becoming more popular as people are more interested in where their food is coming from and as food costs increase. While the precise reason for chicken keeping may vary from person to person the most common reason for chicken keeping is for egg production.

## How does the City of Marshalltown regulate chickens?

Currently the keeping of chickens within the City of Marshalltown is addressed in the City Code in the following places:

Chapter 90 – Animals

### **§ 90.002 POULTRY OR DOMESTIC FOWL.**

(A) For purposes of this chapter, the phrase **POULTRY OR DOMESTIC FOWL** shall mean any live chicken or rooster, or any live domesticated, turkey, duck or goose, regardless of the purpose for which any of these birds is owned or possessed.

- (B) (1) The keeping or maintaining of poultry or domestic fowl in an area of the city, which is zoned residential is prohibited.  
(2) The keeping or maintaining of rabbit enclosures within ten feet from any side lot line or rear lot line or within 50 feet from any street line or residence is prohibited.

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(3) In an area of the city, which is not zoned residential, the keeping or maintaining of poultry or domestic fowl enclosures within ten feet of any side lot line or rear lot line or within 50 feet from any street line is prohibited.

#### Chapter 156.C.003 – Zoning Use Table

- Animal keeping is loosely included within the “All Other Agriculture and Animal-Related Services” land use category. The intent of this land use category seems to be those uses such as kennel, vet clinic, and stables rather than animal keeping as an accessory use such as chicken keeping.

#### **What are other cities doing?**

Multiple Iowa cities do permit chicken keeping with varying levels of regulation. This section will provide a summary of regulations for neighboring and peer cities to Marshalltown.

- LeGrand - Prohibits chicken keeping within city limits except by written consent of the City Council or except in compliance with the City’s zoning regulations. The zoning regulations for LeGrand allow for chicken keeping within their Agriculture Zoning District. This would generally be consistent with the City of Marshalltown.
- Melbourne – Unable to determine regulations on livestock/animal keeping, but found information pertaining to domestic animals. Allowed a maximum of 6 cats and dogs, no more than 3 dogs. Maximum of 3 rabbits. Can apply for waiver for more dogs under set circumstances such as mature size of animal.
- State Center – Animal keeping is included within the definition of agriculture. Is allowed by right in the A-1, Agriculture zoning district. Limited kennel breeding in the C-1 district. Animal keeping appears to be prohibited elsewhere in their city limits.
- Unincorporated Marshall County - Regulates livestock (cattle, horses, sheep, swine, goats, poultry, llamas, ostrich, emu, or any other animal or fowl which are kept for commercial, hobby, or personal purposes) by zoning district. Livestock is generally permitted in the following zoning districts:
  - A-1, Agriculture – By right
  - R-2, Rural Residential – If property contained livestock at time of adoption of ordinance and subject to issuance of a special use permit.
  - U-1, Unclassified – By right subject to meeting design conditions

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**Possible Policy Modifications**

**Option 1** – Keep regulations as-is which prohibits chicken keeping (or poultry more broadly) on residential properties.

**Option 2** – Amend Chapter 90 to allow for chicken keeping (or poultry more broadly) by right either broadly on all residential properties or more specifically based on residential characteristics. A draw back to this approach is that there doesn’t exist a process in Chapter 90 to allow for special exceptions/uses.

**Option 3** - Amend Zoning to regulate animal-keeping by zoning district and amend Chapter 90 to remain consistent with amended zoning regulations. This option allows for animal keeping to be regulated more specifically by district (area of town) and the existing special use permit process or variance process through the Board of Adjustment can be utilized.

If option 3 is desired staff would recommend that all forms of animal keeping be added to the zoning code so that the special use and/or variance process can be utilized for the majority of animal keeping scenarios.

The following table is an example of how the use table within zoning could be amended to address animal keeping. The specific permission, special use permit, or prohibited categories in this example are not intended to reflect a final version, but simply an example of how this method could be used.

Table 156.C.003-1, Use Table																	
Use Category	Specific Use <sup>1</sup>	Cv = Conventional CI = Cluster In = Infill	Residential								Mixed-Use		Nonresidential				Standards
			AG	RR	RL		RM		RH		MU	UC	GC	PI	REC	GI	
					Cv	Cl	Cv	In	Cv	In							
<b>Residential</b>																	
Animal-Keeping	Domestic Animals, Standard	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Domestic Animals, Intensive	P	S	S	S	S	S	S	S	S	S	S	S	P	S		
	Livestock, Standard	P	S	S	S	S	S	S	S	S	S	S	S	P	S		
	Livestock, Intensive	P	S	--	--	--	--	--	--	--	--	--	--	P	--		
	Poultry or Domestic Fowl, Standard	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Poultry or Domestic Fowl, Intensive	P	S	S	S	S	S	--	--	--	--	S	S	P	S		

P = Permitted  
 S = Special Use Permit  
 -- = Prohibited



Should policy modifications be desired there are several criteria that can be part of a new regulation to ensure that animal keeping does not create nuisances to adjacent property owners. These regulations can be considered the “standard” requirements whereas a special use permit process could be utilized for an “intensive use” which might be any form of animal keeping that is more intensive than the “standard” requirements. The exact regulations for standard vs. intensive would remain to be determined, but the following categories are provided as a starting point for discussion.

- Maximum Animals Per Property – Could be a set a specific number of animals or a ratio of animals per lot area. Some examples might include a maximum of 6 chickens per property regardless of size or 6 chickens per ½ acre of lot area.
- Minimum Lot Area – Could set a minimum lot area to be eligible for standard animal keeping. Some examples might be that a minimum of ½ acre of lot area required to be eligible for standard chicken keeping.
- Usable land area per animal – Can require that all properties with animal keeping provide a minimum usable land area per animal. Usable land area being land in which is actually available for use by animals and would typically exclude area of a property encumbered by buildings, steep slopes, open water, or other features that restrict animal usage.
- Minimum setbacks for structures housing animals – Can require that coops, pens, or other structures housing animals be separated from neighboring residential buildings a set distance, such as 50 feet.

### **Staff Recommendation**

Staff recommends that a process as outline in Option #3 be pursued. Staff would recommend referring this topic to the Planning and Zoning Commission for further review and recommendation to the City Council on any possible zoning code amendments.

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## CHAPTER 90: ANIMALS

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### Section

#### *General Provisions*

- 90.001 Keeping livestock
- 90.002 Poultry or domestic fowl
- 90.003 Running at large or staking out
- 90.004 Feeding deer
- 90.005 Police dogs; applicability
- 90.006 Failure to comply with order

#### *Dogs and Cats*

- 90.020 Definitions
- 90.021 Rabies vaccination required
- 90.022 Dog waste; removal
- 90.023 Cats at large
- 90.024 Dogs at large
- 90.025 City authorized to contract for care, disposition of domesticated animals in lieu of establishing pound
- 90.026 Apprehending and impounding
- 90.027 Police officer; duties
- 90.028 Notice to owner; redemption
- 90.029 Unclaimed or infected animals; disposition
- 90.030 Confinement of domesticated animals; releasing
- 90.031 Rabies control
- 90.032 Interference with enforcement officer
- 90.033 Owner's liability for damage
- 90.034 Domesticated animal causing disturbance or annoyance
- 90.035 Kennels and breeding dogs

#### *Vicious Animals*

- 90.050 Definitions
- 90.051 Unprovoked dog biting
- 90.052 Protocol for dogs subject to vicious animal procedures
- 90.053 License and insurance required
- 90.054 Confinement of fierce, dangerous or vicious animals
- 90.055 Restraint
- 90.056 Seizure, impoundment and disposition; failure to comply

#### *Dangerous Animals*

- 90.070 Definition
- 90.071 Keeping dangerous animals prohibited

- 90.999 Penalty

### **GENERAL PROVISIONS**

#### **§ 90.001 KEEPING LIVESTOCK.**

(A) The keeping, stabling or housing and pasturing or roaming of ruminants, cattle, sheep, goats, horses, mules, asses or swine, except within a lot containing over two acres and not closer than 200 feet from a dwelling is prohibited.

(B) Horses within the city before the publication date of this chapter may be grandfathered; however, the property owner has the burden of proof of continuous land occupation of horses.

(2013 Code, § 6-1) (Ord. 9477, passed 2-24-1958; Ord. 11690, passed 6-23-1970; Ord. 14169, passed 11-14-1983; Ord. 14707, passed 3-10-2003)

#### **§ 90.002 POULTRY OR DOMESTIC FOWL.**

(A) For purposes of this chapter, the phrase **POULTRY OR DOMESTIC FOWL** shall mean any live chicken or rooster, or any live domesticated, turkey, duck or goose, regardless of the purpose for which any of these birds is owned or possessed.

(2013 Code, § 6-1.1)

(B) (1) The keeping or maintaining of poultry or domestic fowl in an area of the city, which is zoned residential is prohibited.

(2) The keeping or maintaining of rabbit enclosures within ten feet from any side lot line or rear lot line or within 50 feet from any street line or residence is prohibited.

(3) In an area of the city, which is not zoned residential, the keeping or maintaining of poultry or domestic fowl enclosures within ten feet of any side lot line or rear lot line or within 50 feet from any street line is prohibited.

(2013 Code, § 6-2)

(Ord. 14748, passed 12-27-2004) Penalty, § 90.999

#### **§ 90.003 RUNNING AT LARGE OR STAKING OUT.**

No owner or person having charge of any domestic animal of any kind or poultry or domestic fowl shall permit the domestic animal or poultry or domestic fowl to be staked out on a street or alley or allow the domestic animal or poultry or domestic fowl to run at large in the city. This section does not apply to a dog or cat.

(2013 Code, § 6-3) (Ord. 14748, passed 12-27-2004) Penalty, § 90.999

#### **§ 90.004 FEEDING DEER.**

(A) (1) No person shall engage in the artificial feeding of deer within the city limits, except as set forth in division (B) below.

(2) **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.

(2013 Code, § 6-5)

(B) The prohibition set forth in division (A) above shall not apply to any of the following:

(1) Deer management practices approved, authorized and sponsored by the city;

(2) Use of bird feeders or their equivalent for the primary purpose of feeding of birds; and/or

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

(2013 Code, § 6-6)

Penalty, § 90.999

#### **§ 90.005 POLICE DOGS; APPLICABILITY.**

Sections 90.020 through 90.035 and 90.050 through 90.056 of this chapter do not apply to police dogs on active status with the city's Police Department.

(2013 Code, § 6-7) (Ord. 14861, passed 9-14-2009; Ord. 15043, passed 6-13-2022)

#### **§ 90.006 FAILURE TO COMPLY WITH ORDER.**

Failure to comply with an order of the Animal Warden issued pursuant to this chapter and not timely appealed, or of the City Administrator or Hearing Officer after appeal, constitutes a violation of this chapter.

(2013 Code, § 6-8) (Ord. 14861, passed 9-14-2009)

## **DOGS AND CATS**

#### **§ 90.020 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL WARDEN.** The person employed by the city or with whom the city has contracted as its enforcement officer.

**AT LARGE.** Off the premises of the owner or upon the public streets, alleys, public grounds, school grounds or parks within the city. A dog shall not be deemed **AT LARGE** under any of the following circumstances:

(1) If attached to a leash or chain of sufficient strength to restrain the dog and not more than six feet in length when the leash or chain is held by a person competent to restrain and control the dog off the owner's premises;

(2) If properly restrained within a motor vehicle or housed in a veterinary hospital;

(3) If accompanied by and at heel beside the owner or a competent responsible person;

(4) If left unattended on the owner's premises, so confined, tied or restrained as to be unable to range beyond the owner's premises;

(5) If the owner and the dog are participating in a regularly scheduled competitive or exhibition event, sanctioned or sponsored by a nationally recognized organization, local chapter thereof or other generally recognized local organization, in a park designed by the city's Park and Recreation Department for such activities and under the terms and conditions established by the Park and Recreation Department;

(6) If the dog and the owner are actively engaged in a generally recognized and dog obedience training program or training for a generally recognized kennel club event, in a park designed for such activities by the city's Park and Recreation Department and under the terms and conditions established by the Park and Recreation Department; provided, all of the following conditions are met:

(a) The dog is in the actual physical presence of the owner or trainer at all times;

(b) The owner or trainer is at no time more than 50 feet from the dog;

(c) The dog is immediately obedient to the commands of the owner or trainer;

(d) The owner or trainer has, at all times, on his or her person a leash of sufficient strength to restrain the dog; and

(e) However, in the Nicholson-Ford Nature Area, the exceptions above shall only be applicable to dogs that are "retriever breeds" as determined and defined by the city Park and Recreation Department. Such breeds in the Nicholson-Ford Nature Area may be more than 50 feet from the trainer if wearing an operable electronic collar.

(7) If a dog and owner are confined within an area specifically designed and set apart as an off-leash dog park and the owner has registered and followed the policies set for such an area, a dog shall be deemed to be **AT LARGE** if it is not properly vaccinated for rabies as required by law, if it is not housed, restrained or controlled in one of the methods set forth in this section or if under division (6)(e) above, its presence or activities are not in conformance with the terms and conditions established by the Parks and Recreation Department of the city.

**CAT.** Both male and female of the feline species.

**DOG.** Both male and female animals of the canine species.

**KENNEL DOG.** A dog kept or raised solely for the bona fide purpose of sale and which is kept under constant restraint.

**OWNER.** Any person, group of persons, firm, association or corporation owning, keeping or harboring an animal.

**VETERINARY HOSPITAL.** A public establishment regularly maintained and operated by a licensed veterinarian for the diagnosis and treatment of disease and injuries of animals.

(2013 Code, § 6-18) (Ord. 9073, passed 6-25-1956; Ord. 12017, passed 4-11-1972; Ord. 14232, passed 5-27-1986; Ord. 14707, passed 3-10-2003; Ord. 14872, passed 4-26-2010)

#### **§ 90.021 RABIES VACCINATION REQUIRED.**

It shall be unlawful for any person to own or have a dog or cat in his or her possession, in the city, a cat or dog six months of age or over, which cat or dog has not been vaccinated against rabies. Persons owning or possessing a dog or cat over the age of six months of age shall be required to have a certificate of vaccination for such dog or cat signed by a licensed veterinarian indicating that the vaccination is current. Any dog or cat not having a valid rabies vaccination tag and for which no rabies vaccination certificate can be produced shall be apprehended pursuant to I.C.A. Ch. 351.

(2013 Code, § 6-19) (Ord. 12463, passed 5-1-1974; Ord. 13987, passed 5-11-1981; Ord. 14232, passed 5-27-1998; Ord. 14707, passed 3-10-2003) Penalty, § 90.999

#### **§ 90.022 DOG WASTE; REMOVAL.**

No owner, possessor or person in charge of a dog shall fail to clean up or remove immediately any excrement or droppings deposited by such dog on any public or private property not owned or in the control of that owner, possessor or person in charge of such dog.

(2013 Code, § 6-20) (Ord. 14605, passed 12-30-1998; Ord. 14707, passed 3-10-2003) Penalty, § 90.999

#### **§ 90.023 CATS AT LARGE.**

The city or its contracting agent, if the city has entered into a contract as provided in this subchapter, shall pick up and shelter any cat confined in a humane manner by any person when the cat was not on its owner's property. Pick-up shall be within 24 hours whenever possible.

(2013 Code, § 6-21) (Ord. 9073, passed 6-25-1956; Ord. 12017, passed 4-11-1972; Ord. 14232, passed 5-27-1986; Ord. 14707, passed 3-10-2003) Penalty, § 90.999

#### **§ 90.024 DOGS AT LARGE.**

It shall be unlawful for the owner or keeper of any dog to permit such dog to run at large, whether such dog shall be licensed or unlicensed.

(A) A dog found at large shall be sterilized, spayed or neutered, at the owner's expense, if and upon the owner or keeper of the dog being found guilty of a second or subsequent dog at large violation under this chapter.

(B) In determining what is a second, third or subsequent offense, multiple counts or charges for more than one dog at large by the owner or keeper resulting from the same event or release shall be considered one offense.

(C) There is no time limitation from the prior offense in determining whether an offense under this section is a second, third or subsequent offense.

(D) A dog found at large shall be forfeited, if and upon the owner or keeper being found guilty of a third or subsequent offense of a dog at large violation under this chapter.

(2013 Code, § 6-22) (Ord. 14709, passed 3-25-2003; Ord. 14861, passed 9-14-2009; Ord. 14970, passed 11-27-2017; Ord. 14996, passed 5-11-2020) Penalty, § 90.999

#### **§ 90.025 CITY AUTHORIZED TO CONTRACT FOR CARE, DISPOSITION OF DOMESTICATED ANIMALS IN LIEU OF ESTABLISHING POUND.**

(A) In lieu of the establishment and maintenance of a pound and the employment of an Animal Warden employed by the city, the City Council may contract with any incorporated society or association for the prevention of cruelty to animals for the maintenance of a shelter or pound for untagged domesticated animals and for lost, strayed or homeless domesticated animals; for the destruction or disposition of seized domesticated animals not redeemed as provided by this subchapter; and for the disposal of dead dogs or cats.

(B) Such contract shall set forth the manner in which the work shall be done and in which payments are to be made to the society and may also direct the disposition of all domesticated animals seized as provided in the agency's bylaws.

(C) Such contract may provide that proceeds of the animal-related fees thereon may be retained by the society in payment for its services and such other payments may be made to such society by the city as may be necessary to defray the actual cost incurred by the society in connection with its work under such contract by accounting to the city and credit on the amount appropriated by the Council.

(D) The Animal Warden has the authority to write municipal infractions under this subchapter.

(2013 Code, § 6-23) (Ord. 9073, passed 6-25-1956; Ord. 12017, passed 4-11-1972; Ord. 14707, passed 3-10-2003) Penalty, § 90.999

#### **§ 90.026 APPREHENDING AND IMPOUNDING.**

No domesticated animal picked up pursuant to this subchapter shall be released to the owner thereof until payment of a pick-up charge, plus boarding charges. In addition, the owner shall show proof of a current rabies vaccination. Additional conditions for release provided in this chapter shall be applicable if the animal is a dangerous or vicious animal.

(2013 Code, § 6-24) (Ord. 9073, passed 6-25-1956; Ord. 11059, passed 5-9-1967; Ord. 12017, passed 4-11-1972; Ord. 13987, passed 5-11-1981; Ord. 14232, passed 5-27-1986; Ord. 14707, passed 3-10-2003) Penalty, § 90.999

#### **§ 90.027 POLICE OFFICER; DUTIES.**

Police officers or such other person as may be approved by the Council shall report to the Animal Warden any domesticated animal found to be running at large contrary to the provisions of this subchapter and shall give such assistance as may be required in the impounding of any such domesticated animal.

(2013 Code, § 6-25) (Ord. 9073, passed 6-25-1956; Ord. 12017, passed 4-11-1972; Ord. 14707, passed 3-10-2003)

#### **§ 90.028 NOTICE TO OWNER; REDEMPTION.**

Not later than two days after the impounding of any domesticated animal, the owners, if known, shall be notified either personally or by certified mail of such impoundment. The registry of impounded animals shall be available for inspection during reasonable hours by the owners. The owner of any animals impounded may reclaim such animals by payment of all

costs and charges incurred by the city or the agency authorized by the City Council to impound animals, including the maintenance of said animals.

(2013 Code, § 6-26) (Ord. 9073, passed 6-25-1956; Ord. 12017, passed 4-11-1972; Ord. 14707, passed 3-10-2003)

#### **§ 90.029 UNCLAIMED OR INFECTED ANIMALS; DISPOSITION.**

(A) It shall be the duty of the agency authorized by the City Council to impound any animals, to keep all such animals, except cats, so impounded for a period of seven days after the owner has been notified as provided in § 90.028 of this chapter. It shall be the duty of the agency authorized by the City Council to impound cats, to keep all cats so impounded for a period of three days after the owner has been notified as provided in § 90.028 of this chapter.

(B) If, after the seven days, or the three days for cats, following notice to the owner of the impounding of the owner's animal, or cat, respectively, or if the owner is unknown, then after the seven days, or the three days respectively, after the impoundment of such animal the owner thereof has failed to claim and redeem any such impounded animal or cat, which, as provided in this subchapter, the animal or cat shall become the property of the city or its authorized agency and may be humanely destroyed or placed.

(C) Any animal or cat which appears to be suffering from rabies when impounded shall be confined in the pound or a veterinary hospital for a period of not less than ten days, and the animal or cat, or its carcass if it dies, shall be subject to such reasonable medical or pathological tests as the Animal Warden shall recommend.

(D) Rabies tests, if any, shall be conducted at the expense of the owner. If an animal or cat is determined to be infected with rabies, it shall be destroyed or disposed of as directed by the Animal Warden.

(2013 Code, § 6-27) (Ord. 9073, passed 6-25-1956; Ord. 11059, passed 5-9-1967; Ord. 12017, passed 4-11-1972; Ord. 14707, passed 3-10-2003; Ord. 14757, passed 1-24-2005)

#### **§ 90.030 CONFINEMENT OF DOMESTICATED ANIMALS; RELEASING.**

(A) (1) Every female domesticated animal in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel so that such domesticated animal cannot come in contact with other animals, except for intentional breeding purposes.

(2) Domesticated animals kept outdoors for more than four hours at one time must be provided with a moisture-proof and wind-proof shelter and shade of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position and to keep the animal clean, dry and comfortable.

(B) (1) No person, except the owner of a domesticated animal or such owner's authorized agent, shall willfully open any door or gate on any private premises or unleash any domesticated animals for the purpose of enticing or enabling any domesticated animal to leave such private premises and be at large under this subchapter.

(2) No person shall provoke or mistreat any animal while confined on its owner's premises.

(2013 Code, § 6-29) (Ord. 9073, passed 6-25-1956; Ord. 12017, passed 4-11-1972; Ord. 12390, passed 1-15-1974; Ord. 14707, passed 3-10-2003) Penalty, § 90.999

#### **§ 90.031 RABIES CONTROL.**

(A) Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia or rabies, the Mayor, if the Mayor deems it necessary, shall issue a proclamation ordering every owner of an animal to confine the animal securely on the owner's premises at all times, for such period as deemed necessary.

(2013 Code, § 6-30)

(B) (1) It shall be the duty of every physician or other practitioner in the city to make written report to the Police Department of the name and address of any person treated for a bite inflicted by an animal, together with such other information as will assist in the prevention of rabies.

(2) It shall be the duty of every veterinarian in the city to report to the Animal Warden any diagnosis of rabies in an animal made by him or her or under his or her supervision.

(3) It shall be the duty of the owner of any animal or any person having knowledge of such animal biting or causing a skin abrasion upon any person in the city to promptly report such fact to the Animal Warden.

(2013 Code, § 6-31)

(C) (1) The Animal Warden shall impound animals in the city suspected of being infected with rabies or other disease communicable to humans or any animal that has bitten or caused a skin abrasion upon any person in the city and cause such animals to be placed in isolation and under quarantine for observation for a minimum period of ten days. The isolation and quarantine shall be either at the pound or humane shelter authorized by the city or in a veterinary hospital. However, if such animal has an effective vaccination against rabies given not less than 30 days and not having expired prior to the date of bite or skin abrasion, and the animal was not at large at the time of bite, it may be placed in the custody of the owner on the owner's premises during the isolation and quarantine period. When isolation and quarantine is authorized on the owner's premises, it will be at the discretion of and under the supervision of the Animal Warden.

(2) The expense of isolation and quarantine will be borne by the owner. If the animal is placed in isolation and under quarantine in the pound or humane shelter authorized by the city, an additional charge shall be assessed.

(2013 Code, § 6-32)

(D) Every owner or person having possession, custody or control of any animal which is known to be rabid or which has been bitten by an animal infected with rabies shall immediately report such fact to the Police Department or Animal Warden and shall have such animal placed in isolation and quarantine as directed by the Animal Warden for such period as designated at the owner's expense.

(2013 Code, § 6-33)

(E) The owner of any animal shall forthwith surrender any animal which has bitten a human or any animal which is suspected as having been exposed to rabies for supervised quarantine at the owner's expense as provided in division (C) above, upon demand of the Animal Warden, police officer or City Attorney's office. No person shall kill any animal suspected of being rabid or remove the animal from the city without permission of the Animal Warden.

(2013 Code, § 6-34)

(Ord. 9073, passed 6-25-1956; Ord. 12017, passed 4-11-1972; Ord. 14707, passed 3-10-2003)

#### **§ 90.032 INTERFERENCE WITH ENFORCEMENT OFFICER.**

No person shall willfully interfere with, molest or injure an agent of the city authorized to enforce the provisions of this subchapter or seek to release any domesticated animal properly in the custody of such authorized agent.

(2013 Code, § 6-35) (Ord. 9073, passed 6-25-1956; Ord. 12017, passed 4-11-1972; Ord. 14707, passed 3-10-2003)  
Penalty, § 90.999

#### **§ 90.033 OWNER'S LIABILITY FOR DAMAGE.**

Nothing contained in this subchapter shall relieve the owner of any domesticated animal from liability for any damage committed by such dog as provided by state law.

(2013 Code, § 6-36) (Ord. 9073, passed 6-25-1956; Ord. 12017, passed 4-11-1972; Ord. 14707, passed 3-10-2003)

#### **§ 90.034 DOMESTICATED ANIMAL CAUSING DISTURBANCE OR ANNOYANCE.**

It shall be unlawful for any person owning or harboring a domesticated animal to allow or permit such domesticated animal to cause serious or habitual disturbance or annoyance to any person by frequent or habitual howling, yelping, barking or otherwise noise some conduct.

(2013 Code, § 6-37) (Ord. 12017, passed 4-11-1972; Ord. 14707, passed 3-10-2003; Ord. 14709, passed 3-25-2003; Ord. 14970, passed 11-27-2017) Penalty, see § 90.999

#### **§ 90.035 KENNELS AND BREEDING DOGS.**

Dog kennels and the breeding or raising of dogs is prohibited; except that, not more than three dogs over six months may be kept per residence.

(2013 Code, § 6-38) (Ord. 9477, passed 2-24-1958; Ord. 14707, passed 3-10-2003) Penalty, see § 90.999

### **VICIOUS ANIMALS**

#### **§ 90.050 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL WARDEN.** The Director of the Animal Rescue League or the Director's designee.

**VICIOUS ANIMAL.** Any of the following:

(1) Any animal, including, but not limited to, dogs, with a known propensity, tendency or disposition to attack unprovoked, as evidenced by its habitual or repeated chasing, snapping or biting at human beings or domestic animals so as to potentially cause injury or otherwise endanger their safety. The Chief of Police, a qualified veterinarian duly licensed in the state or the Animal Warden are authorized to declare an animal **VICIOUS** for purposes of this chapter. A police officer or the Animal Warden may determine an animal to be **VICIOUS** for purposes of capture or confinement under §90.056(A) of this chapter; and/or

(2) Any dog, which, without provocation, bites a human being or domestic animal.

(2013 Code, § 6-51) (Ord. 14261, passed 8-10-1987; Ord. 14707, passed 3-10-2003; Ord. 14801, passed 3-12-2007)

#### **§ 90.051 UNPROVOKED DOG BITING.**

(A) The owner of a dog, whose dog without provocation bites a human being or domestic animal, shall surrender that dog

to the Animal Rescue League within 24 hours or one business day of such bite. Such dog shall be declared or deemed a vicious animal for purposes of this chapter, and will be released upon meeting the respective requirements of § 90.052 of this chapter, and upon paying the charges incurred and fees established by the Animal Rescue League, unless the circumstances are such as described in divisions (D) or (E) below.

(B) The owner of a dog, whose dog is classified as a vicious animal under division (A) above or as a repeat biter under division (D) below, or as causing serious injury or death to a human being or domestic animal under division (E) below, or held by the Animal Rescue League under this section, may appeal the vicious animal status, number of bite status or the seriousness of the injury to the human being or domestic animal, to the City Administrator, within three business days of the dog's surrender to the Animal Rescue League. The appeal will be heard by the City Administrator or by a Hearing Officer appointed by the City Administrator.

(C) Such notice of appeal:

(1) Shall be in writing and served on the City Clerk or the City Clerk's designee. Failure to file such timely written notice of appeal shall constitute a waiver of right to appeal; and

(2) Shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. Within seven days of receipt by the City Clerk, a date of hearing for such appeal will be set. After such hearing, the City Administrator or the Hearing Officer, if so appointed, may affirm or reverse the decision as to the vicious animal status, the number of bites status or the seriousness of the injury to the human being or domestic animal. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three days after the hearing or any continued session thereof. The decision and order shall be served upon the person who appealed.

(D) The owner of a dog, whose dog is previously declared or deemed a vicious animal under this subchapter, and whose dog without provocation bites a human being or domestic animal, shall surrender that dog to the Animal Rescue League within 24 hours or one business day of such bite. Such dog shall be euthanized, and the owner shall be responsible for the charges incurred and fees established by the Animal Rescue League.

(E) The owner of a dog, whose dog bites a human being or domestic animal, causing serious injury or death to that human being or domestic animal, shall surrender that dog to the Animal Rescue League within 24 hours or one business day of such bite. Such dog shall be euthanized, and the owner shall be responsible for the charges incurred and fees established by the Animal Rescue League.

(F) Fees under this section shall be paid to the Animal Rescue League for services rendered, regardless of the success or failure of any such appeal pursuant to this section.

(2013 Code, § 6-51.1) (Ord. 14801, passed 3-12-2007; Ord. 14861, passed 9-14-2009)

#### **§ 90.052 PROTOCOL FOR DOGS SUBJECT TO VICIOUS ANIMAL PROCEDURES.**

Procedures or protocol shall be adopted by the Animal Rescue League in the holding, processing, release and euthanization, and by the City Administrator for appeals, for dogs at large, dogs suspected or deemed to be vicious animals, and for dogs suspected or deemed to have caused serious injury or death, including, but not limited to, the following.

(A) A dog required to be licensed as a vicious animal under this subchapter shall be microchipped and sterilized, spayed or neutered. All dogs, which are microchipped or sterilized, spayed or neutered, or both, through the Animal Rescue League, will be charged a fee to be determined by the Animal Rescue League for such procedure.

(B) A dog found at large owned or kept by someone with two or more dog at large violations shall be sterilized, spayed or neutered at the owner's expense. All such dogs sterilized, spayed or neutered through the Animal Rescue League, will be charged a fee to be determined by the Animal Rescue League.

(C) Dogs captured or surrendered to the Animal Rescue League under the provisions of this chapter, will not be released by the Animal Rescue League, until all applicable requirements including, but not limited to, proof of insurance, microchipping, sterilization, spaying or neutering, licensing and payment of fees are met. Owners of dogs sent to the Animal Rescue League pursuant to this subchapter, have five days from the date of surrender of the dog or from notification that the Animal Rescue League holds the dog, to pick up the dog and pay all applicable fees. This time may be extended by the Animal Rescue League pending the time needed to hold an appeal hearing.

(D) It shall be a violation of this chapter for an owner to refuse to surrender a dog requested or required to be surrendered to the Animal Rescue League pursuant to this chapter.

(2013 Code, § 6-51.2) (Ord. 14801, passed 3-12-2007; Ord. 14861, passed 9-14-2009)

#### **§ 90.053 LICENSE AND INSURANCE REQUIRED.**

All vicious animals must be licensed as follows.

(A) Application for a license must be made at the office of the City Clerk upon a form to be provided by the Clerk.

(B) The application must be accompanied by an insurance policy or a certificate of insurance issued by a company licensed to do business in the state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$100,000 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner or his or her agents in the negligent keeping of such vicious animal.

(C) The insurance policy or certificate of insurance referred to in this section shall provide that it cannot be cancelled or terminated until ten days' notice by registered mail of such cancellation or termination shall have been received by the City Clerk or the Clerk's designee.

(D) The cancellation or other termination of any insurance policy, issued in compliance with this section, shall automatically revoke and terminate the license issued under this section, unless another policy, complying with this section, shall be provided and in effect at the time of such cancellation or termination. The City Clerk or the Clerk's designee shall immediately issue written notification of the revocation of such certificate and all licenses issued under this section.

(E) The license provided for in this section shall be valid for one year and must be renewed annually. The cost of issuance shall be as set by resolution of the City Council.

(2013 Code, § 6-52) (Ord. 14261, passed 8-10-1987; Ord. 14707, passed 3-10-2003)

#### **§ 90.054 CONFINEMENT OF FIERCE, DANGEROUS OR VICIOUS ANIMALS.**

(A) (1) No animal known to be vicious, as the term is defined in §90.050 of this chapter, shall be permitted off the premises of the owner, except when such animal is confined in a boarding kennel, a veterinary hospital or while being transported to such boarding kennel or veterinary hospital.

(2) If any such animal is not confined as required by this section, it shall be impounded and shall not be released without meeting the applicable procedures or protocol established by the Animal Rescue League pursuant to § 90.052 of this chapter.

(B) Notwithstanding division (A) above, any animal may be taken up and impounded when the animal has attacked any person or domestic animal and inflicted such serious and grievous injury to the person or domestic animal as to cause the Animal Warden, in his or her sole discretion, to believe the animal is vicious, and the animal shall not be released until the Animal Warden shall authorize release upon any terms and conditions under procedures and protocol established pursuant to § 90.052 of this chapter.

(2013 Code, § 6-53) (Ord. 9073, passed 6-25-1956; Ord. 12017, passed 4-11-1972; Ord. 12390, passed 1-15-1974; Ord. 14707, passed 3-10-2003; Ord. 14801, passed 3-12-2007; Ord. 14861, passed 9-14-2009) Penalty, see § 90.999

#### **§ 90.055 RESTRAINT.**

(A) Persons owning, possessing or harboring or having the care of a vicious animal shall not allow or permit such animal to go unconfined upon the premises of such person. Persons shall not permit such animal to go beyond the premises unless properly caged, tied or restrained so as to securely confine and control such animal and, in the case of a vicious dog, securely leashed and muzzled.

(B) If a vicious animal is housed in a kennel on a property, the kennel must have a cement base, a secure covered top and a secure closed door.

(2013 Code, § 6-54) (Ord. 14261, passed 8-10-1987; Ord. 14707, passed 3-10-2003; Ord. 14801, passed 3-12-2007) Penalty, see § 90.999

#### **§ 90.056 SEIZURE, IMPOUNDMENT AND DISPOSITION; FAILURE TO COMPLY.**

(A) (1) In the event that a 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 sole discretion of the Animal Warden, be destroyed if it cannot be safely captured or confined. The city shall be under no duty to attempt the confinement or capture of a vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction. Upon the complaint of any individual that a person is keeping, sheltering or harboring a vicious animal on premises in the city, the Animal Warden, accompanied by the police officer if necessary and available, or a police officer, shall cause the matter to be investigated. If, after such investigation as the Chief of Police or the Animal Warden deem necessary, on their own initiative or as a result of a complaint hereunder, it is determined that a person is keeping, sheltering or harboring a vicious animal in the city which has not been licensed as a vicious animal under this chapter, or which has been found to be at large after being deemed vicious, the Police Chief, or his or her designee, or the Animal Warden, shall order the person keeping, sheltering or harboring the vicious animal within three days of service of the order to either safely and permanently place the animal with an organization or group determined by the Animal Warden to be safe to keep vicious animals or destroy the animal. The order herein shall be contained in a written notice directed to the person or persons keeping, sheltering or harboring the vicious animal and shall be served in the manner of personal service under the Iowa Rules of Civil Procedure, or by both regular and certified mail and shall be effective upon placement of the notice in a United States Post Office receptacle. The notice shall also advise the persons to whom it is directed of their right to appeal the order by delivering to the City Clerk within three days of the personal service or five days of the mailing by regular and certified mail, a written notice of appeal which provides the names and addresses of the owners of the vicious animal, names the vicious animal and states the grounds upon which the appeal is based. Within seven days of receiving a notice of appeal hereunder, the City Clerk shall send by regular mail to the appellant(s) at the address provided in the notice of appeal, a written notice of the time, date and place for the hearing, the name of the Hearing Officer appointed by the City Administrator to conduct the appeal and the rights of the appellants to present evidence, to be represented by an attorney at their own expense, to conduct cross-examination of the witnesses presented by the city and to preserve a transcript of the proceedings on appeal at their own expense. The decision on appeal shall be issued in writing within seven days of the appeal hearing by regular mail to the address provided in the notice of appeal.

(2) Any person who has received a notice under this section who removes or transfers possession of the vicious animal, except in strict compliance with the orders of the Police Chief, Animal Warden or Appeals Hearing Officer, shall be subject to a civil penalty as a municipal infraction.

(2013 Code, § 6-55)

(B) Failure to comply with an order of the Animal Warden or police officer, issued pursuant to this chapter and not appealed, or an order of the City Administrator or Hearing Officer on appeal, pursuant to this chapter, constitutes a violation of this chapter.

(2013 Code, § 6-51)

(Ord. 14707, passed 3-10-2003; Ord. 14801, passed 3-12-2007; Ord. 14919, passed 5-13-2013)

## **DANGEROUS ANIMALS**

### **§ 90.070 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

#### ***DANGEROUS ANIMAL.***

(1) 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; and

(2) Any animal declared to be ***DANGEROUS*** by the County Board of Health or Council or its designee; and 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, skunks, minks and groundhogs;
- (d) Raccoons, deer and snapping turtles;
- (e) Bears;
- (f) Monkeys and chimpanzees;
- (g) Alligators and crocodiles;
- (h) Snakes that are venomous or constrictors; and
- (i) Gila monsters.

(2013 Code, § 6-61)

### **§ 90.071 KEEPING DANGEROUS ANIMALS PROHIBITED.**

(A) No person shall keep, shelter or harbor any dangerous animal as a pet or act as temporary custodian for such animal, or keep, shelter or harbor such animal for any other purpose or in any 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; or
- (3) Any dangerous animals under the jurisdiction of and in the possession of the state's Department of Natural Resources, pursuant to I.C.A. Ch. 481A and 481B.

(B) The Animal Warden will respond to complaints of dangerous animals and remove them. In the event the Animal Warden is not reasonably available and an imminent danger exists, the Police Department shall be authorized to destroy the dangerous animal.

(2013 Code, § 6-62) Penalty, see § 90.999

### **§ 90.999 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.999 of this code of ordinances.

(B) (1) In addition to the penalties, remedies and relief as provided in this municipal code of ordinances, a violation of § 90.024 of this chapter shall be a municipal infraction punishable and a third or subsequent violation of § 90.024 of this chapter shall require forfeiture of the dog found at large.

(2) Notwithstanding § 90.999(B) of this code of ordinances, concerning repeat offenses, there is no time limitation from the prior offense in determining whether an offense under § 90.024 of this chapter is a second, third or a subsequent offense after three.

(2013 Code, § 6-22)

(Ord. 12017, passed 4-11-1972; Ord. 14707, passed 3-10-2003; Ord. 14709, passed 3-25-2003; Ord. 14861, passed 9-14-2009; Ord. 14970, passed 11-27-2017)