



**MARSHALLTOWN
MORE THAN EVER**

**CITY OF MARSHALLTOWN
PLAN ZONING COMMISSION
NOTICE OF PUBLIC MEETING
CITY HALL COUNCIL CHAMBERS
10 WEST STATE STREET
FEBRUARY 12, 2026, 5:00 PM**

AGENDA

CALL TO ORDER

ROLL CALL

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

APPROVAL OF MEETING MINUTES

1. Approval of January 8, 2026 Meeting Minutes

BUSINESS

2. Consider Making a Recommendation Regarding Animal Keeping Regulations
3. Consider Making a Recommendation Regarding a Zoning Text Amendment Pertaining to Accessory Structure Locations and Definitions

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 – January 8th, 2026

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, Streit

Absent: Brodin, Valbrecht

BUSINESS

1. Consider Making A Recommendation on a Special Use Permit Application For 1310 Iowa Ave W

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

ITC Midwest – upgrading for reliability issues, be able to hook up more energy to the energy highway, and reinforcement of the grid.

Motion by Gruendler to recommend approval of the special use permit as presented by staff. Seconded by Casady.

All eyes upon roll call. Motion carries.

2. Discussion Regarding Potential Zoning Text Amendments Relating to Accessory Structure Setbacks and Lot Area Calculations.

Boston concerned that side yard wasn't identified as a 2nd front yard with the setbacks. Wants to make sure we are covering that in the accessory section of code. Boston wanted to be sure the board talked about it. Application to corner lots

Staff pulled up an example. Staff open to modification of code to related to the primary structure, not the set back.

Gruendler asked for clarification for set back of fence and height. Staff reviewed code.

Gruendler feels that restricting behind a fence would be excessive.

Discussion regarding ADU's. Staff reviewed law. Every lot is allowed a home and an ADU. Boston is not in favor of this.

Gruendler circled back that the intention was to encourage development not restrict it when the codes were updated regarding the set backs.

Addition of definition for terms such as street side yard etc.

Harris Medina suggested that language that matches the fence ordinances.

No accessory units except ADU's in front of the house structure.

Rounding of Lots – what degree do we want to round?
Context of accessory structures.

Gruendler shared concern of giving 2 different messages on whether we are going to be conservative and strict or liberal.

Nearest 10th of an acre suggested Steit.

Gary Thompson – spoke about the property that brought this concern of round forward. Thompson sees it both ways, but we need to think about the exception to the rule. Thompson suggested instead of the rounding, measuring from the center of the street instead of the property line.

Gruendler concerned we are using this one example when it doesn't apply to a hardship created by the city or no fault of their own. The example bought a lot that was too small for the size of the building they wanted to put up.

Staff shared Johnson example of owners losing area due to no fault of their own.

Thompson – as a friend of Dan Baske he likes the rounding, as a councilor he doesn't want to change anything. Shared we have to have rules.

People on Highland Acres road will loose footage with new road.

Boston suggested giving an incentive to do matching siding & roof if matching the home, with a 20% increase in size. Instead of having a metal building.

Staff feels that we're hashing a problem that hasn't been a problem. Boston conceded.

ADJOURNMENT

Staff gave highlights of Comprehensive Plan and Housing Study Open House and Work Shop. People are positive at halfway point in planning. Staff shared website and invited board to take survey and share with sphere of influence.

Staff provided updates for next scheduled meeting.

Adjourned 6:03 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: February 12th, 2026
RE: Consider Making a Recommendation Regarding Animal Keeping Regulations

City Staff Contact:	Clayton Ender, AICP Assistant Director of Housing and Community Development Phone: 641-754-5756 Email: cender@marshalltown-ia.gov
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Description/Background:	The Animal Keeping Review Committee has drafted amendments to Chapter 90. As recommended by that committee no changes are proposed to animal keeping within the city. The city council had previously directed this topic to the Planning and Zoning Commission for review and recommendation on whether animal keeping regulations should be brought into the zoning code. Following the animal keeping committee's recommendation, staff is recommending no changes to the zoning code so as to avoid overcomplicating the placement of animal keeping regulations within the overall code of ordinances.
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Attachments: Draft Amendment to Chapter 90

CITY COUNCIL

Melisa Fonseca, Barry Kell, Mike Ladehoff,
Mark Mitchell, Greg Nichols, Jeff Schneider, Gary Thompson



CHAPTER 90: ANIMALS

Section

General Provisions

- 90.001 Definitions
- 90.002 Police dogs; applicability

Domestic Livestock

- 90.003 Keeping livestock
- 90.004 Poultry or domestic fowl
- 90.005 Running at large or staking out
- 90.006 Feeding deer

Domestic Animals

- 90.010 Animal Care
- 90.011 Dog waste; removal
- 90.012 Rabies control
- 90.013 Unclaimed or infected animals; disposition
- 90.014 Animals at large
- 90.015 Microchipping
- 90.016 Confinement of domesticated animals; releasing
- 90.017 Trap-Neuter-Return (TNR) Program
- 90.018 Domesticated animal causing disturbance or annoyance
- 90.019 Dog Breeding and Household Limits for Domestic Animals
- 90.020 Irresponsible Owner
- 90.021 Owner's liability for damage
- 90.022 City authorized to contract for animal shelter
- 90.023 Police officer; duties
- 90.024 Interference with enforcement officer

Vicious Animals

- 90.030 Vicious Animal Designation
- 90.031 Protocol for dogs subject to vicious animal procedures
- 90.032 Vicious Animal License and insurance required
- 90.033 Confinement and restraint of vicious animals
- 90.034 Failure to comply

Dangerous Animals

- 90.040 Dangerous Animals
- 90.041 Keeping dangerous animals prohibited

Appeals and Penalty

- 90.050 Appeals
- 90.999 Penalty

GENERAL PROVISIONS

§ 90.001 DEFINITIONS.

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

ABANDONMENT. The act of leaving a domestic animal without care, supervision, or the intent to return.

ANIMAL SHELTER. A facility designated by the City for the temporary care, impoundment, quarantine, or disposition of domestic animals under this chapter. This includes any organization or location operating under a formal contract or agreement with the City to provide animal sheltering services, such as intake, housing, medical care, and enforcement support. Shelters may include municipal facilities or nonprofit rescue organizations.

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

AT LARGE. Off the premises of its owner, keeper, or custodian and not under the immediate control of a competent person by means of a leash or other physical restraint within the city limits.

CAT. Both male and female of the *Felis catus* (domestic cat) species.

COMMUNITY CAT. A free-roaming cat that has been sterilized, vaccinated for rabies, and ear-tipped in the course of Trap-Neuter-Return.

DANGEROUS ANIMAL. 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.

DOG. Both male and female animals of the *Canis lupus familiaris* (domestic dog) species.

DOMESTIC ANIMAL. Any animal commonly kept as a household pet and dependent on humans for care, including but not limited to dogs, cats, rabbits, and other similar animals typically residing in and around a home. The term does not include livestock, wild animals, or exotic species.

FERAL CAT. A free-roaming cat that has not been socialized to humans and generally avoids human contact.

FREE-ROAMING CAT. Any cat that is not confined to the premises of its owner or custodian and is found wandering outdoors. Free-roaming cats include stray cats, abandoned cats, feral cats, and community cats, regardless of socialization or level of human care.

IMPOUNDMENT. The act of taking custody of a domestic animal by the City or its designee due to ordinance violations, public safety concerns, or abandonment. Includes animal shelter intake and field seizure.

IRRESPONSIBLE OWNER. Any person who owns, keeps, harbors, or has custody of an animal and who, within a 12-month period, has been charged and found guilty with three (3) or more violations of this Chapter or related state laws regarding animal care, control, or licensing and subsequently found guilty.

KENNEL. A structure or enclosure used to confine or house one or more dogs on a residential property.

BOARDING KENNEL. Any property, or facility where more than three (3) adult dogs over six (6) months of age are kept, housed, or maintained, whether for personal, commercial, or rescue purposes.

MICROCHIP. A permanent electronic identification device implanted under the skin of a domestic animal, registered with a national database, and used to reunite lost pets with their owners.

OWNER. Any person, group of persons, firm, association, or corporation owning, keeping, or harboring an animal. This includes temporary custodians and fosters. Ownership does not apply to those engaged in providing food, shelter, medical, or TNR services to Community Cats. Ownership does not apply to those engaged in providing food, shelter, or medical services to Stray Cats.

PROVOCATION. Any intentional or unintentional act by a person that would reasonably be expected to cause a normal domestic animal to react in a defensive or protective manner. Acts of provocation include, but are not limited to, teasing, tormenting, abusing, striking, or attempting to harm a dog.

QUARANTINE. The mandatory confinement of a domestic animal following a bite or exposure incident, in accordance with Iowa Code and City protocols. May occur at a veterinary clinic, animal shelter, or approved home location.

SERIOUS INJURY. Any injury to a person that creates a substantial risk of death, causes serious permanent disfigurement, or causes protracted loss or impairment of the function of any bodily member or organ. For purposes of this chapter, “serious injury” includes, but is not limited to, injuries resulting in broken bones, disfiguring lacerations, loss of consciousness, or those requiring medical treatment such as sutures, surgery, or hospitalization.

TRAP-NEUTER-RETURN (TNR) PROGRAM. A non-lethal management program in which free-roaming cats are humanely trapped, sterilized by a licensed veterinarian, vaccinated at a minimum for rabies, ear-tipped for identification by removing the distal one-quarter of the cat’s left ear while under anesthesia, and returned to their original outdoor location. Returning a TNR cat to its original location shall in no way be considered abandonment.

VETERINARY HOSPITAL. A public establishment that is actively engaged in the practice of veterinary medicine as defined by Chapter 169 of the Iowa Code, which is owned, operated, and regularly maintained by an Iowa-licensed veterinarian.

VICIOUS ANIMAL. Any dog that, without provocation, bites a human being or domestic animal, or any dog 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 to potentially cause injury or otherwise endanger their safety.

§ 90.002 POLICE DOGS; APPLICABILITY.

Police dogs on active status with the city's Police Department are exempt from this Chapter, except for a required rabies vaccination.

DOMESTIC LIVESTOCK

§ 90.003 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.

§ 90.004 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.

(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.

§ 90.005 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.

§ 90.006 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.

(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.

DOMESTIC ANIMALS

§ 90.010 ANIMAL CARE

(A) General Standard. All owners, keepers, or custodians of animals shall provide proper care to ensure the health, safety, and well-being of such animals.

(B) Minimum Care Requirements. Every animal shall be provided with:

- (1) Food and Water. Wholesome food of sufficient quantity and quality, and clean, potable water, made available at all times, to maintain the animal in good health.
- (2) Shelter. Structurally sound, shelter from the elements, including protection from wind, rain, snow, excessive heat, and cold. Shelter shall be clean, dry, and large enough for the animal to stand, turn around, and lie down comfortably.
- (3) Sanitation. An environment that is clean and free from the accumulation of waste, debris, or conditions that may endanger the animal's health.
- (4) Medical Attention. Necessary veterinary care to prevent or relieve illness, injury, or suffering.
- (5) Exercise. Sufficient space and opportunity for exercise to maintain normal behavior and physical condition.

(C) Prohibited Conduct. It shall be unlawful for any person to:

- (1) Fail to provide the minimum care required in subsection (B).
- (2) Keep an animal in unsanitary or unsafe conditions that endanger the health of the animal or the public.
- (3) Leave an animal confined in a vehicle under conditions that may endanger the animal's health or safety.
- (4) Physically abuse, mistreat, or otherwise subject an animal to cruel treatment.

(D) Tethering. If an animal is restrained by a tether, the tether shall be of adequate length and strength to prevent entanglement, allow for exercise, and provide access to shelter, food, and water. The use of choke chains, prong collars, or any restraint that causes injury or prevents necessary movement is prohibited. No person shall allow an animal to be tethered for more than 8 hours in 24 hours.

(E) Abandonment. It shall be unlawful to leave a domestic animal without care, supervision, or intent to return. If ownership is later proven and the animal remains unclaimed, the proven owner shall be responsible for all applicable impoundment, care, and redemption fees incurred during the animal's stay at the shelter. This includes:

- (1) Leaving an animal in a public place, vacant property, or unauthorized location.
- (2) Transferring ownership without consent or legal documentation.
- (3) Falsely claiming an owned animal is a stray in order to compel shelter intake or avoid surrender fees.
- (4) Knowingly providing false or misleading information to the City's contracted shelter or its representatives regarding ownership, custody, or the circumstances of an animal's surrender or impoundment.

(F) Enforcement. Any animal found to be abandoned, neglected, abused, or deprived of adequate care as defined in this section may be impounded, and the owner may be subject to penalties as provided by this Code.

§ 90.011 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.

No private property owner shall fail to clean up or remove any excrement or droppings deposited by their own dog within a timely manner to avoid the accumulation resulting in a public nuisance.

§ 90.012 RABIES CONTROL.

(A) It shall be unlawful for any person to own or be in possession of a dog, cat, or ferret, six months of age or over, which has not been vaccinated against rabies. Persons owning or possessing these animals shall be required to have a certificate of vaccination for such animal signed by a licensed veterinarian indicating that the vaccination is current. Any dog, cat, or ferret not having a valid rabies vaccination tag and for which no rabies vaccination certificate can be produced may be apprehended pursuant to Iowa Code Chapter 351.

(B) Any person having knowledge of a dog, cat, or other animal bite upon any person or other animal within the city shall immediately report such fact to the Animal Warden. It is the duty of health care professionals and veterinarians to report to the Animal Warden the existence of any animal known or suspected to be suffering from rabies. This section shall not apply if the bite occurred while the animal was being treated, confined, or housed within a veterinary facility that has actual knowledge that the animal was vaccinated for rabies at the time of the bite and has certification to prove such vaccination. In such cases, it is up to the discretion of the facility on whether to report the animal bite to the Animal Warden.

(C) A representative of the Police Department shall contact the veterinarian having a valid Veterinarian-Client-Patient-Relationship (VCPR) with the owner of the animal, if applicable. The

VCPR Veterinarian or a representative thereof shall inform whether the animal is current or not current in regards to rabies vaccination.

(D) The Animal Warden may impound animals in the city suspected of being infected with rabies 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 an animal shelter authorized by the city, or in a veterinary hospital, or strictly confined at the owner's premises. However, quarantine requirements may be waived upon the approval of the attending physician or practitioner if such an animal has an effective vaccination against rabies given not less than 30 days or not having expired prior to the date of bite or skin abrasion, and the animal was not at large at the time of bite. When isolation and quarantine are authorized on the owner's premises, it will be at the discretion of and under the supervision of the Animal Warden or a licensed veterinarian. An animal placed under isolation and quarantine must be examined by a licensed veterinarian on the first day of the quarantine, or as soon as reasonably possible, and on the last day of quarantine to ensure there are no discernible symptoms of rabies.

(1) The expense of isolation and quarantine shall be borne by the owner. The expenses involved shall be determined by the shelter and/or licensed veterinarian providing service.

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

(F) The owner of any animal shall forthwith surrender any animal which has bitten a human or any animal which is suspected of having been exposed to rabies for supervised quarantine at the owner's expense 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 from the Animal Warden or under the care or guidance of a licensed veterinarian.

§ 90.013 UNCLAIMED OR INFECTED ANIMALS; DISPOSITION.

(A) An impounded animal shall be housed, fed, and cared for humanely by the agency authorized by the City Council to impound animals. Impounded animals, except cats, shall be kept for a period of seven days. Impounded cats shall be kept for a period of three days. If by tag, microchip, or other means the owner of an impounded animal can be identified, the owner shall be notified pursuant to Section 90.014, and the impoundment period start date shall be the date of notice to the owner. If the identity of the animal's owner is unknown, the impoundment period shall begin upon the animal's arrival at the agency authorized by the City Council.

(B) If, after the seven days, or the three days for cats, respectively, the owner of an animal thereof fails to reclaim any such impounded animal or cat, the animal or cat shall become the property of the city or its authorized agency and may be humanely destroyed or placed for adoption.

(C) Any animal which appears to be suffering from rabies when impounded shall be confined in the animal shelter or a veterinary hospital for a period of not less than ten days, and the animal, or its carcass if it dies, shall be subject to such reasonable medical or pathological tests as the Animal Warden shall recommend. The Animal Warden may elect to euthanize the animal at his or her discretion or under the recommendation of a licensed veterinarian.

(D) Rabies tests, if any, shall be conducted at the expense of the owner.

§ 90.014 ANIMALS AT LARGE.

(A) It shall be unlawful for any owner or person having care, custody, or control of any animal to allow such animal to run at large. An animal is not considered at large when it is:

- (1) On the premises of the owner or person in control, and adequately constrained and confined;
- (2) Within a vehicle of its owner or custodian;
- (3) Engaged in lawful hunting, herding, training, or other recognized activities under the direct supervision of a competent person; or
- (4) In a designated off-leash area, park, or other location approved within the City.

(B) If the owner or keeper of a dog at large is found guilty of a first offense, upon the second offense, such animal shall be microchipped and sterilized, spayed, or neutered if unaltered, at the owner's expense, prior to the animal being released to the owner.

(C) 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.

(D) In determining what constitutes 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.

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

(F) 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. Refusal to reclaim any impounded animal shall not relieve the owner of the duty to pay the impoundment fees, veterinarian expenses, or any other costs incurred in the care of the animal.

(G) 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.

§ 90.015 MICROCHIPPING

- (A) The purpose of this section is to promote the prompt return of lost dogs and cats to their owners, improve compliance with vaccination requirements, and enhance public health and safety through reliable animal identification.
- (B) Requirement.
- (1) Every dog or cat over the age of six (6) months kept, harbored, or maintained within the City shall be implanted with a microchip containing a unique identification number.
 - (2) The microchip shall be implanted by a licensed veterinarian or a person under the supervision of a licensed veterinarian.
 - (3) The owner shall ensure that the microchip information is registered with a national or regional pet recovery database containing the owner's current contact information.
- (C) Proof of microchipping shall be provided upon request by the Animal Warden or designee.
- (D) Any person acquiring a dog or cat that is not microchipped shall have the animal microchipped within thirty (30) days of acquisition or within thirty (30) days of the animal reaching six (6) months of age, whichever is later.
- (E) Exemptions. This section shall not apply to:
- (1) Dogs or cats whose veterinarian certifies in writing that the animal's health would be endangered by microchip implantation;
 - (2) Animals temporarily within the City for fewer than thirty (30) days; or
 - (3) Animals owned by licensed animal shelters or rescue organizations awaiting adoption.
- (F) Failure to comply with this section shall constitute a municipal infraction.

§ 90.016 CONFINEMENT OF DOMESTICATED ANIMALS; RELEASING.

- (A) 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.
- (B) 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.
- (C) No person shall provoke or mistreat any animal while confined on its owner's premises.

§ 90.017 TRAP-NEUTER-RETURN (TNR) PROGRAM

- (A) The City recognizes Trap-Neuter-Return (TNR) as a method of managing free-roaming cats, reducing nuisance behaviors, and stabilizing the community cat population.
- (B) Community cats managed under this section shall not be deemed "at large" when returned to their outdoor location, provided they are part of a TNR program.
- (C) Residents may rehome a feral cat as a domestic animal. Colony caretakers are not considered owners of feral cats.

§ 90.018 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 continuous, frequent, or habitual howling, yelping, barking, or other noise-related conduct.

§ 90.019 DOG BREEDING AND HOUSEHOLD LIMITS FOR DOMESTIC ANIMALS.

(A) Prohibited breeding operations. The operation of any dog breeding facility, kennel, or commercial enterprise for the purpose of breeding, raising, or selling dogs is prohibited within the city limits.

(B) Household limit. No more than three (3) dogs, over six (6) months of age, may be kept or harbored at any one residential property, regardless of ownership.

(C) Exception. Section (B) household limits do not apply to:

- (1) A licensed veterinarian operating within a properly zoned veterinary clinic;
- (2) The City designated Animal Shelter or any facility operating under contract with the City for animal control or sheltering services;
- (3) A licensed boarding or grooming facility operating in a properly zoned facility;
- (4) A licensed pet shops.

§ 90.020 IRRESPONSIBLE OWNER.

(A) The purpose of this section is to promote responsible animal ownership, protect public health and safety, and ensure the humane treatment of animals within the City. Owners who repeatedly fail to comply with this Chapter or whose animals present a risk to the community may be designated as irresponsible owners and subject to additional restrictions.

(B) The Animal Warden may charge for Irresponsible Owner once a person has been charged with 3 violations in a year and subsequently found guilty.

(C) Consequences of Designation. An individual designated as an irresponsible owner shall be subject to the following restrictions, for a period not less than twenty-four (24) months:

- (1) Prohibition on owning, keeping, or harboring any animal within City limits.
- (2) Requirement to surrender all animals owned, kept, or harbored within the City to the City's designated shelter.
- (3) Penalties for any further violations of this Chapter.
- (4) Ineligibility to adopt or reclaim animals from the City's designated shelter.

(D) Reinstatement. After the expiration of the designation period, an individual may apply in writing for reinstatement. The City may require proof of compliance with all applicable laws and ordinances before reinstating the right to own or harbor animals.

§ 90.021 OWNER'S LIABILITY FOR DAMAGE.

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

§ 90.022 CITY AUTHORIZED TO CONTRACT FOR ANIMAL SHELTER

(A) In lieu of the establishment and maintenance of an animal shelter, the City Council may contract with any incorporated society or association for the prevention of cruelty to animals for the maintenance of an animal shelter 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.

(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 chapter.

§ 90.023 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. Police officers shall investigate dog bite incidents.

§ 90.024 INTERFERENCE WITH ENFORCEMENT OFFICER.

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

VICIOUS ANIMALS

§ 90.030 VICIOUS ANIMAL DESIGNATION.

(A) A dog that bites a human being or other domestic animal shall be immediately surrendered to the animal shelter after the bite or at the Animal Warden's discretion. Such a dog shall be deemed a vicious animal and may be released upon meeting all vicious animal requirements in this chapter.

(B) A dog, which was previously deemed a vicious animal, that bites a human being or domestic animal without provocation, or causes serious injury or death to a human being or domestic animal, shall be surrendered to the animal shelter immediately or at the Animal Warden's discretion, and such dog shall be euthanized.

(C) Designations under this section may be appealed per section 90.050 Appeals.

(D) All fees under this section shall be paid to the animal shelter for services rendered, regardless of the success or failure of any such appeal pursuant to this section.

§ 90.031 PROTOCOL FOR DOGS SUBJECT TO VICIOUS ANIMAL PROCEDURES.

Protocols shall be adopted by the animal shelter for the holding, processing, releasing, and euthanizing of dogs suspected or deemed to be vicious animals, and for dogs suspected or deemed to have caused serious injury or death. Protocols include, but are not limited to, the following:

(A) Dogs captured or surrendered to the animal shelter under the provisions of this chapter will not be released by the animal shelter 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 shelter pursuant to this subchapter have five days from the date of surrender of the dog or from notification that the animal shelter holds the dog to pick up the dog and pay all applicable fees. This time may be extended by the animal shelter pending the time needed to hold an appeal hearing.

(B) Microchipped. A dog required to be licensed as a vicious animal under this subchapter shall be microchipped. All dogs, which are microchipped through the animal shelter, will be charged a fee to be determined by the animal shelter for such procedure.

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

(E) 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 shelter pursuant to this chapter.

§ 90.032 VICIOUS ANIMAL 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 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 or separate 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. The certificate of insurance must reference coverage for the vicious animal.

(C) The City of Marshalltown, 24 North Center Street, Marshalltown, IA 50158, must be listed as the certificate holder.

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

(E) 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.

(F) The license provided for in this section shall expire annually on the month and day indicated on the expiration of the certificate of insurance and must be annually renewed prior to this expiration. The cost of issuance of the license shall be as set by resolution of the City Council.

§ 90.033 CONFINEMENT AND RESTRAINT OF VICIOUS ANIMALS.

(A) No vicious animal 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.

(B) 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 shelter pursuant to this chapter.

(C) 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 an animal to go beyond the premises unless properly caged, tied, restrained, leashed, or muzzled to securely confine and control such animal. Electronic or GPS fencing is not allowed for the containment of a Vicious Animal.

(D) 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.

§ 90.034 FAILURE TO COMPLY.

(A) If 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.

(B) 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.

(C) A police officer shall investigate upon the complaint of any individual that a person is keeping, sheltering, or harboring a vicious animal on said premises in the city.

(1) If, after such investigation the Animal Warden determines 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, shall order the person to immediately place the animal for permanent placement with an organization or group determined by the Animal Warden to be safe to keep vicious animals or destroy the animal.

(2) 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 pursuant to section 90.050 Appeals.

(3) 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.

DANGEROUS ANIMALS

§ 90.040 DANGEROUS ANIMALS.

Any animal declared to be dangerous by the County Board of Health or the Animal Warden; and the following animals, which are deemed to be dangerous animals per se: Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats; wolves, coyotes, and foxes; badgers, wolverines, weasels, skunks, minks, and groundhogs; raccoons, deer, and snapping turtles; bears; monkeys and chimpanzees; alligators and crocodiles; snakes that are venomous or constrictors; gila monsters.

§ 90.041 KEEPING DANGEROUS ANIMALS PROHIBITED.

(A) No person shall keep, shelter, or harbor any dangerous animal as a pet or act as a temporary custodian for such animal, or keep, shelter, or harbor such animal for any other purpose or in any 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.

APPEALS AND PENALTY

§ 90.050 APPEALS.

(A) The dog owner may file a written appeal within 3 business days of being served a violation to request a hearing.

(B) The appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk.

(B) The hearing shall be held within 7 days of receiving the appeal.

(C) The appeal will be heard by the City Administrator or by a Hearing Officer appointed by the City Administrator.

(D) The hearing determination shall be contained in a written decision and shall be filed with the City Clerk within 3 days after the hearing or any continued session thereof. The decision and order shall also be served upon the person who appealed.

(E) Failure to file such a timely written notice of appeal shall constitute a waiver of the right to appeal.

§ 90.999 PENALTY.

(A) 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 and will be subject to penalties as described in this Code section.

(B) 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.

(C) Any person found to have abandoned an animal or falsified information under this definition may be subject to a municipal infraction.

(D) The owner of an animal deemed vicious due to a bite may be subject to a municipal infraction.

(E) In lieu of any designation or orders by the Animal Warden or designee, the City may issue to the known owner of such animal a municipal infraction for violations of this chapter.

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: February 12th, 2026
RE: Conduct a Public Hearing and Consider Making A Recommendation of Zoning Text Amendments Relating to the Accessory Structure Locations and Definitions

City Staff Contact:	Clayton Ender, AICP Assistant Director of Housing and Community Development Phone: 641-754-5756 Email: cender@marshalltown-ia.gov
Applicant:	City of Marshalltown 24 N Center Street Marshalltown IA 50158
Recommendation:	Staff recommends approval.
Review Criteria:	<p>In determining whether to approve, approve with conditions, or deny a zoning text amendment, the review bodies shall consider the following review criteria:</p> <ol style="list-style-type: none">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 request does not conflict with any known local, state, or federal law or administrative rule.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.

CITY COUNCIL

Melisa Fonseca, Barry Kell, Mike Ladehoff,
Mark Mitchell, Greg Nichols, Jeff Schneider, Gary Thompson



Any existing accessory structure that might become non-conforming as a result of these changes would be permitted to remain as a legal non-conforming structure. Any destruction of a non-conforming structure would be reviewed in accordance to the adopted non-conforming structure standards of the zoning ordinance.

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

Staff recommends approval.

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 applicable policies of the Comprehensive Plan and applicable utility plans and capital improvements plans.

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 provide definitions that were not included in the zoning ordinance rewrite of 2022 and to address street side yard accessory structure locations that were not accounted for in the 2022 zoning code rewrite.

- 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

CITY COUNCIL

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Mark Mitchell, Greg Nichols, Jeff Schneider, Gary Thompson



ORDINANCE 15__

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA,
CHAPTER 156, ZONING – ACCESSORY STRUCTURE LOCATIONS AND DEFINITIONS

WHEREAS, the City Council of the City of Marshalltown, Iowa, has adopted Chapter 156 (Zoning); and

WHEREAS, the City Council finds the following amendments to Chapter 156 to be in the best interest of the City and the public in general.

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

Section 1. Amendment. §156.C.007(E)(1)(a) shall be amended to read as follows:

“No accessory building or part thereof shall be located in the front yard or street side yard.”

Section 2. Amendment. §156.M.003 shall be amended to add the following definitions to the existing list of definitions, in alphabetic order:

FACADE, SIDE. Any portion of a building which is neither the front building façade or the rear building façade.

Lot line. A line dividing one lot from another lot or from a street or alley.

- (1) **Front:** The line which adjoins a public street. In the case of a corner lot, it shall be the shortest dimension on a public street or as designated by the Zoning Administrator based on the practical front yard of the property as determined by factors such as, but not limited to, the existing or proposed building façade configuration and the characteristics of surrounding properties.
- (2) **Rear:** The boundary which is opposite and most distant from the front lot line. In case of an interior triangular or gore-shaped lot, it shall mean a straight line 10 feet in length which is parallel to the front lot line or its cord, and intersects the two (2) other lot lines at points most distant from the front lot line.
- (3) **Street Side:** Any lot line which adjoins a public street, but which is not a front lot line.
- (4) **Side:** Any lot line that is not a front lot line, a rear lot line, or a street side line.

Section 3. Amendment. The following existing definitions within §156.M.003 shall amended to read as follows:

YARD. A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachment and accessory buildings are expressly permitted herein.

- (1) **Front Yard.** The portion of a property located between the front lot line and the front building façade of a primary structure. The front yard extends the full width of the lot.

- (2) Street Side Yard. The portion of a property located between the street side lot line and the side building façade of a primary structure. The street side yard excludes areas of the lot which are defined as being a part of the front yard.
- (3) Side Yard. The portion of a property located between the side lot line and the side building façade of a primary structure. The side yard is limited to that area that is between the front building façade and the rear building façade.
- (4) Rear Yard. The portion of a property located between the rear lot line and the rear building façade of a primary structure. The rear yard excludes any yard area defined as being part of the street side yard.

Section 4. 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 5. 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 _____ 2026 and signed this ____ day of _____ 2026.

Signatures on the following page.

DRAFT

CITY OF MARSHALLTOWN, IOWA

Mike Ladehoff, Mayor

ATTEST:

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 _____ 2026, and was published in the Marshalltown Times-Republican, a newspaper of general circulation in the City of Marshalltown, Iowa, on the ____ day of _____ 2026.

Alicia Hunter, City Clerk

DRAFT