

**TITLE 8**  
**ANIMALS**

**Chapters:**

- 8.04 Animals at Large
- 8.08 Domestic Fowl
- 8.12 Dogs
- 8.16 Dangerous Animals
- 8.20 Bees and Apiaries

**CHAPTER 8.04**

**ANIMALS AT LARGE**

**Sections:**

- 8.04.010 Unlawful.
- 8.04.020 Impoundment.
- 8.04.030 Violation – Penalty.

**8.04.010      Unlawful.**

It is unlawful to permit any cattle, mules, horses, asses, swine, sheep, goats, ducks, geese, turkeys, or peafowls to run at large upon any of the streets, alleys, public places or public commons within the corporate limits of the city.

**8.04.020      Impoundment.**

It shall be the duty of the marshal or his assistants to take up and impound any horse, cow or any other animal found at large along any sidewalk or walkway in Eldon, in violation of this chapter.

**8.04.030      Violation – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

## CHAPTER 8.08

### DOMESTIC FOWL

#### Sections:

- |          |                          |
|----------|--------------------------|
| 8.08.010 | Enclosure required.      |
| 8.08.020 | Unlawful to be at large. |

#### **8.08.010**      **Enclosure required.**

All persons owning chickens, geese or ducks within the city limits shall keep the same enclosed wherever owned or kept, at all times of the year.

#### **8.08.020**      **Unlawful to be at large.**

It is unlawful for any person or persons owning or having control of any geese, ducks or chickens, to permit the same to run at large within the corporate limits of Eldon at any time of the year.

## CHAPTER 8.12

### DOGS<sup>34</sup>

#### Sections:

- |          |                              |
|----------|------------------------------|
| 8.12.010 | Definitions.                 |
| 8.12.020 | Running at large.            |
| 8.12.030 | Immunization.                |
| 8.12.035 | Annual Dog License Required. |
| 8.12.040 | Trespassing.                 |
| 8.12.050 | Barking – Chasing vehicles.  |
| 8.12.060 | Impoundment.                 |
| 8.12.070 | Redemption of impounded dog. |
| 8.12.080 | Disposal of dogs.            |
| 8.12.090 | Enforcement.                 |
| 8.12.100 | Poisoning.                   |
| 8.12.110 | Restraint required.          |
| 8.12.120 | Food and shelter.            |
| 8.12.130 | Number of dogs limited.      |
| 8.12.140 | Vicious dogs.                |
| 8.12.150 | Kennel dogs.                 |
| 8.12.160 | Violations - Penalty         |

#### **8.12.010**      **Definitions.**

For use within this chapter the following are defined:

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4 <sup>34</sup>For statutory provisions authorizing cities and towns to regulate and license dogs, see ICA §368.8.

- A. “*At large*” refers to any dog running otherwise than upon the premises of its owner when the dog is not attached to a leash held by a competent person, restrained within a motor vehicle or in an animal hospital or kennel.
- B. “*Dogs*” includes both male and female dogs of any age, whether altered or not;
- C. “*Owner*” includes any person, firm or corporation owning, harboring, sheltering or keeping a dog.

**8.12.020      Running at large.**

It is unlawful for an owner of a dog to allow or permit such dog to run at large at any time.

**8.12.030      Immunization.**

All dogs six months or older shall be vaccinated against rabies. All dogs six months or older shall wear a collar identifying the owner and with a valid rabies vaccination tag attached to the collar. It shall be a violation of this chapter for an owner of a dog to fail, refuse, or neglect to have a dog vaccinated against rabies or to wear a collar. It shall be a violation of this chapter for an owner of a dog to refuse to provide proof of vaccination against rabies upon request of the law enforcement. Any dog found in violation of this section shall be seized and impounded, and the officer shall give written notice of impoundment in not less than two days to the owner, if known

**8.12.035      Annual Dog License Required.**

Every owner of a dog six (6) months old or older shall procure a license for such dog from the Clerk’s office on or before the thirty first day of January each year and shall pay to the Clerk a fee of \$5.00 for each animal. Fees paid on or after February 1<sup>st</sup> each year shall be \$15.00 for each license. An additional \$1.00 charge shall be assessed for all fees paid and licenses issued by mail. A license shall not be required of seeing-eye and hearing ear dogs, nor of dogs owned by nonresidents temporarily within the city for a period of not more than 30 days. Applications for a license for dogs over which ownership is acquired after January 31 or which dog has reached the age of six months shall be made within one month from the date of acquisition, or within one month after the dog reaches the age of six months, and an application made within those time periods will only be charged the regular fee of \$5.00. The head of the family shall be liable for payment of the license fee on any dog owned, harbored or kept by any member of the family or household.

**Immunization Certificate.** No such license shall be issued until the owner shall procure for examination a certificate of a veterinarian licensed to practice in the State of Iowa that the dog has been vaccinated against rabies and that the vaccination does not expire within six (6) months from the effective date of the license.

**Issuance of License.** Upon payment of the license fee and production of the certificate, the Clerk’s office shall issue to the owner a license which shall contain the name of the owner, the owner’s place of residence and a description of the dog. Said license shall be executed in duplicate, one copy of which shall be retained by the Clerk’s office as a public record.

**Tags.** The Clerk shall also issue and deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The tag shall be worn at all times by the dog for which the license is issued. Every dog found off the property of its owner without said license tag attached to its collar or harness shall be deemed to be unlicensed. A tag is not transferable from one dog to another, and no refund shall be made on any dog license fee because of the death of the dog or by reason of the owner leaving the city before expiration of the license period.

**8.12.040      Trespassing.**

It is unlawful for an owner of a dog to allow or permit such dog to pass upon the premises of another, thereby causing damage to, or interference with the premises.

**8.12.050      Barking – Chasing vehicles.**

It is unlawful for an owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking or otherwise; or by running after or chasing persons, bicycles, automobiles or other vehicles.

**8.12.060      Impoundment.**

Any dog found at large, in violation of Section 8.12.020, shall be seized and impounded. When such dog has been apprehended and impounded, the officer shall give written notice in not less than two days to the owner, if known.

1. Any unlicensed or unvaccinated dog found at large or any licensed dog found at large in violation of Section 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.
2. Owners of licensed dogs shall be notified within two (2) days that upon payment of impounding fees, the dog will be returned. If the impounded licensed dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of as provided in Section 717B.4 Code of Iowa.
3. Impounded unlicensed dogs may be recovered by the owner, upon proper identification, by payment of the license fee, impounding fee and boarding costs, and the costs of vaccination if vaccination is required. If such dogs are not claimed within seven days after notice, they shall be disposed of in a humane manner as directed by the City Council.
4. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor.
5. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

**8.12.070      Redemption of impounded dog.**

When the owner of a dog has reason to believe that the owner's dog has been impounded, the owner may obtain the release of such dog upon paying the impoundment cost of one hundred dollars to the city clerk plus all other charges and expenses in connection with impoundment of the dog for a first offense. In the event that the impounded dog has been impounded by the city for a second time within a twelve-month period, the owner shall pay an impoundment fee of one hundred fifty dollars to the city clerk plus all charges and expenses in connection with the impoundment of the dog. In the event that a dog has been impounded a third time within a twelve-month period, the owner shall pay an impoundment fee of two hundred dollars to the city clerk plus all charges and expenses to obtain the release of the dog from impoundment. Charges and expenses in connection with impoundment shall include the costs of vaccination, if necessary.

**8.12.080      Disposal of dogs.**

The City will hold an impounded dog for seven days at Eastview Animal Hospital. If impounded dogs are not recovered by their owners within three days after notice, the dogs will be disposed of by the pound officer. If the owner of an impounded dog cannot be located or identified within two days, the dog may be disposed of by the pound officer.

**8.12.090      Enforcement.**

This chapter shall be enforced by any regulatory constituted peace officer of the city and, in addition thereto, the Eastview Animal Hospital, is designated as an official agency of the city for the enforcement of this chapter and for the impounding of dogs as provided herein.

**8.12.100      Poisoning.**

Any person who throws out, or places out, any poison of any nature whatsoever, within the limits of the city, for the purpose of killing any dog, or any person who throws out, or places out, any poison in such a manner that it will act as bait for any dog, or any person who puts poison into meat or other substance in such a manner as to tempt any dog to eat thereof, and throws out, or places out, such meat or other substance and poison in such a careless and negligent manner that the same is likely to be eaten by any dog, shall be upon conviction thereof, punished as provided in Chapter 1.12.

**8.12.110      Restraint required.**

All dogs shall be restrained by the owners thereof from “*running at large*”. In addition to the definition in Section 8.12.010, a dog shall be deemed “*at large*” when:

- A. Not properly identified as required by this chapter.
- B. On the premises of the owner and:
  - 1. Not accompanied by and obedient to the commands of the owner, or alternatively;
  - 2. Not confined on said premises by adequate fences or restrained by leash, cord, rope or chain;
  - 3. Not confined pursuant to any order of any court.
- C. Off the premises of the owner of said animal and:
  - 4. Not restrained on an adequate leash, cord, rope or chain. Any leash, cord, rope or chain over six feet in length is inadequate for the purposes of this subsection; or
  - 5. On the private property of another person without the permission of the person owning, leasing or otherwise legally occupying said property; or
  - 6. Not confined in a motor vehicle; or
  - 7. Not confined in an adequate cage or pen; or
  - 8. Not properly housed in a veterinary or animal hospital or clinic or a kennel; or
  - 9. Not a participant in an animal obedience school or class, a field trial, or other sporting event or show or form of public entertainment.
- D. A female dog in heat when:
  - 1. Not housed in a building which is completely enclosed or in a pen which is enclosed by a fence or other structure having a height of at least 42 inches; or alternatively
  - 2. Not housed in a veterinary or animal hospital or clinic or a kennel.
- E. Restrained in such a manner that said animal is able to range beyond the premises of the owner or person in whose charge said animal is given.

Except that nothing in this subsection, however, shall be construed as prohibiting any owner from walking said animal if restrained in the manner prescribed by subsection C(1), above.

**8.12.120      Food and shelter.**

It shall be unlawful for an owner to fail, refuse, or neglect to provide a dog with food, potable water, or shelter. “Shelter” as it applies to dogs, shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least two inches from the ground and with the entrance covered by a flexible, wind proof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

**8.12.130      Number of dogs limited.**

It shall be unlawful for any person or persons to keep more than five (5) dogs within the City, with the exception that a litter of pups, or a portion of a litter may be kept for a period of time not exceeding five (5) months from birth. The provisions of this Section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

**8.12.140      Vicious dogs.**

No person shall keep or harbor any vicious dog in the city, and if said animal remains in the city after notice to remove the same has been given the owner by the mayor said animal shall be picked up by the mayor members of the police department or the animal warden and destroyed as provided herein. Any vicious dog which cannot be safely taken up and impounded for destruction may be slain by any police officer.

- A.      *“Vicious Dog”* means a dog that exhibits a propensity to attack or bite persons without provocation or has on more than one occasion in any 12-month period attacked, bitten, maimed, or killed any domestic animal.
  
- B.      *“Provocation”* shall include the:
  - 1.      Defense of the property of the owner.
  - 2.      Defense of the person of the owner or his immediate family.
  - 3.      Defense of the animal itself where subjected to attacks, torture, torment, mishandling or other actions that could reasonably cause such a violent reaction by the animal.

Provocation shall not include:

- 4.      The mere act of entering the premises or dwelling, other buildings or other property of the owner or occupant thereof with either actual or implied consent of the owner or occupant thereof to so enter.
  - 5.      Any other action by a person that would not be reasonably deemed to cause such a violent reaction.
- C.      In the event that a vicious dog is found at large and unattended upon public property, park property, public right-of-way, public waterway, lagoon, or public sewer system, or the property of someone other than its owner, thereby creating a hazard to person or property, such dog may, in the discretion of the mayor, be destroyed if it cannot be confined or captured. The city shall be under no duty to attempt the confinement or capture of a vicious dog found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
  
  - D.      Upon the written, signed complaint of any individual that a person is keeping, sheltering, or harboring a vicious dog on premises in the city in violation of this Chapter or who keeps a vicious dog which has demonstrated a propensity to attack or bite without provocation, the mayor shall cause the matter to be investigated, and if after investigation the facts indicate that the person named in the complaint is keeping, sheltering or harboring a vicious dog in the city, the mayor shall order the person named in the complaint to safely remove such animal from the city, permanently place the animal with an organization or group allowed under Iowa law to possess vicious dogs, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove the vicious dog, which notice shall be given in writing to the person keeping, sheltering or harboring the vicious dog, and shall be served personally or by certified mail. Such order and notice to remove the vicious dog shall not be required where such vicious dog has previously caused serious physical harm or death to any person, in which case the mayor shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
  
  - E.      The order to remove a vicious dog issued by the mayor may be appealed to the city council. In order to

appeal such order, written notice of appeal must be filed with the city clerk within three days after receipt of the order contained in the notice to remove the vicious dog. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.

- F. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the city council may affirm or reverse the order of the mayor. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing, or any continued session thereof.
- G. If the city council affirms the action of the mayor the city council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious dog, remove such animal from the city, permanently place such animal with an organization or group allowed under Iowa law to possess vicious dogs or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the mayor is not appealed or is not complied with within three days of the order of the city council after appeal has been served, the mayor is authorized to seize and impound such vicious dog. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the person against whom the decision and order of the Marshal or city council was issued has not petitioned to the Wapello County District Court for a review of said order, the mayor shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Iowa law to possess vicious dogs, or destroy such animal in a humane manner. All impoundment fees shall be at the expense of the owner of the vicious dogs, which said fee shall include the actual cost of feeding and care of the animal.

**8.12.150**      **Kennel dogs.**

Kennel dogs which are kept or raise solely for the bona fide purpose of sale in which are kept under constant restraint are not subject to the provisions of this chapter. “*Kennel*” is defined as any premises wherein any person engages in the business or boarding, breeding, buying, letting for hire or training of dogs and which is licensed by the state of Iowa for such purpose.

**8.12.160**      **Violations – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

## CHAPTER 8.16

### DANGEROUS ANIMALS

#### Sections:

8.16.010	Definitions.
8.16.020	Keeping prohibited.
8.16.030	Exceptions.
8.16.040	Violations - Penalty.
8.16.050	Seizure, removal, impoundment, and destruction of dangerous animals.

#### **8.16.010**      **Definitions.**

For use within this chapter the following are defined:

A.                    “*Owner*” includes any person, firm, or corporation owning, harboring, sheltering or keeping a dangerous animal.

B.                    “*Dangerous Animal*” means:

1.                    Any animals declared to be dangerous by the City Council.
2.                    Any cross breed of such animals which have similar characteristics to the animals specified below.
3.                    Pit bull terrier, further defined as:

An American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Bull Terrier breed of dog; a mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier; or, a dog which has the appearance and characteristics of being an American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Bull Terrier breed or mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier.

#### **8.16.020**      **Keeping prohibited.**

No person shall keep, shelter, or harbor for any purpose within the city a dangerous animal except as provided in §8.16.030 of this chapter.

**8.16.030**      **Exceptions.**

A.      The prohibition contained in §8.16.020 of this Code shall not apply to the keeping of dangerous animals in the following circumstances:

1.      The keeping of dangerous animals in a public zoo, public aquarium, and bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.
2.      The keeping of dangerous animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show licensed to perform in the city.
3.      The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment.
4.      The keeping of dangerous animals by a wildlife rescue organization with appropriate permit from the state conservation commission.
5.      Any dangerous animals under the jurisdiction of and in the possession of the state conservation commission, pursuant to I.C.A. ch. 481A or I.C.A. ch. 481B.
6.      The transport, entry, and display of a dangerous animal at an approved dog show when properly confined in a locked cage, or on a leash and muzzle and personally restrained by a handler or owner of the dog.

B.      The following regulations apply to the keeping of dangerous animals under this exception.

4.              Every person, firm or corporation keeping, sheltering, or harboring a dangerous animal as permitted under §8.16.030(A) shall at all times keep such animal securely confined within a cage or other enclosure approved by the chief of police or designee.

5.              No person, firm or corporation owning, keeping, sheltering or harboring a dangerous animal as permitted under §8.16.030(A) shall permit or allow such animal to enter upon, be placed in, or traverse any public property, park property, public right-of-way, public waterway, or lagoon, or public sewer system, or any business establishment licensed by the city, or the property of another except when such animal is being transported while caged or confined.

6.              It shall be the duty of the persons permitted to keep dangerous animals under §8.16.030(A) to report to the police department when any dangerous animal is found missing.

7.              No person shall keep or harbor a dangerous animal, which has demonstrated a propensity without provocation to attack or bite.

**8.16.040**      **Violations – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.

**. 8.16.050      Seizure, removal, impoundment and destruction of dangerous animals.**

No person shall keep or harbor any dangerous animal in the city, and if said animal remains in the city after notice to remove the same has been given the owner by the chief of police said animal shall be picked up by the chief of police, members of the police department or the animal warden and destroyed as provided herein. Any dangerous animal, which cannot be safely taken up and impounded for destruction may be slain by any police officer.

- A. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, public waterway, lagoon, or public sewer system, or the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the mayor, be destroyed if it cannot be confined or captured. The city shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
- B. Upon the written, signed complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the city in violation of this Chapter or who keeps a dangerous animal which has demonstrated a propensity to attack or bite without provocation, the mayor shall cause the matter to be investigated, and if after investigation the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the city, the mayor shall order the person named in the complaint to safely remove such animal from the city, permanently place the animal with an organization or group allowed under Iowa law to possess dangerous animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the mayor shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.
- C. The order to remove a dangerous animal issued by the mayor may be appealed to the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three days after receipt of the order contained in the notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order.
- D. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the city council may affirm or reverse the order of the mayor. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing, or any continued session thereof.

- E. If the city council affirms the action of the mayor, the city council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the city, permanently place such animal with an organization or group allowed under Iowa law to possess dangerous animals or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the mayor is not appealed or is not complied with within three days of the order of the city council after appeal has been served, the mayor is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If, at the end of the impoundment period, the person against whom the decision and order of the mayor or city council was issued has not petitioned to the Wapello County District Court for a review of said order, the mayor shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Iowa law to possess dangerous animals, or destroy such animal in a humane manner. All impoundment fees shall be at the expense of the owner of the dangerous animals, which said fee shall include the actual cost of feeding and care of the animal.
  
- F. These remedies are in addition to the remedies set forth in §8.16.040.

## CHAPTER 8.20

### BEES and APIARIES

#### Sections:

8.20.010	Definitions.
8.20.020	Registration.
8.20.030	Retroactive and Future Application.
8.20.040	Nuisance bees; duty to exterminate.
8.20.050	Nuisance bees; notice to abate; appeal; time limit for compliance.
8.20.060	Nuisance bees; abatement by City.
8.20.070	Nuisance bees; summary abatement.
8.20.080	Number of apiaries limited.
8.20.090	Placement and identification of apiaries.
8.20.100	Water supply.
8.20.110	Public nuisance; duty to abate.
8.20.120	Public nuisance; enforcement.
8.20.130	Violations - Penalty

#### **8.20.010**      Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

- A.      “*Abate*” means to exterminate, destroy, eliminate, seize, impound or mitigate;
- B.      “*Africanized Honey Bees*” means a population of hybrid bees resulting from a cross between *Apis mellifera* and *Apis mellifera scutellata*;
- C.      “*Apiary*” includes bees, comb, hive, appliances, or colonies, wherever they are kept, located, or found;
- D.      “*Appliance*” means any implement or other devise which is used in handling and manipulating bees or comb, any container of bees or comb, or any other equipment which is used in the practice of apiculture;
- E.      “*Bees*” means honey-producing insects of the genus *Apis* and includes all life stages of these insects;
- F.      “*Colony*” means one hive and its contents, including bees, comb and appliances;
- G.      “*Comb*” includes all materials which are normally deposited into hives by bees but excludes extracted honey or royal jelly, trapped pollen, and processed beeswax;
- H.      “*Hive*” means any receptacle or container, or part of any receptacle or container, which is made or prepare for the use of bees, or which is inhabited by bees.

**8.20.020      Registration.**

All apiaries must be registered with the City. There is no fee for registration.

**8.20.030      Retroactive and Future Application.**

This Chapter shall retroactively apply to all apiaries within city limits as of the date of enactment of this Chapter. All apiaries within city limits at that time must be in compliance with this Chapter within thirty (30) days of the date of enactment.

This Chapter shall also apply to all apiaries within city limits at any future date.

**8.20.040      Nuisance bees; duty to exterminate.**

Bees, including Africanized Honey Bees, shall be considered a public nuisance when they interfere with the normal use of private or public property, or have shown unusual aggressive behavior toward a person or animal.

Every owner or person in charge of, or in possession of, any property on which nuisance bees are present shall proceed in good faith to endeavor to exterminate said bees.

**8.20.050      Nuisance bees; notice to abate; appeal; time limit for compliance.**

- A. Whenever nuisance bees are present on any property within the City, the Mayor, Marshall, or their designee, may cause a notice to abate the nuisance to be issued, for the purpose of notifying the record owner, or person in charge of or in possession of the property, of the existence of the nuisance. The notice shall direct that the owner shall, within a period of ten days, abate the nuisance by destroying the nuisance bees, removing the dead bees, and removing combs and hives.
- B. Notice shall be served in the manner described in Chapter 7.12 of the Eldon Municipal Code and shall contain a description of the property in general terms reasonably sufficient to identify the location of the nuisance.
- C. Within ten days from the date of giving notice, the violator may file an appeal as set forth in Section 7.12.090 of the Eldon Municipal Code.

**8.20.060      Nuisance bees; abatement by City.**

- A. In the event the owner or person in charge of or in possession of the property affected by such notice fails, neglects or refuses to proceed and to endeavor to exterminate the nuisance bees within the time specified herein, the Mayor, Marshall, or their designee shall at once cause the nuisance bees to be exterminated and destroyed.
- B. The property owner shall be responsible for the removal of dead bees, combs and hives, at the property owner's expense.
- C. The property owner may be responsible for the costs of the abatement as set forth in Sections 7.12.070 and 7.12.080 of the Eldon Municipal Code.

**8.20.070      Nuisance bees; summary abatement.**

In cases of manifest public danger and/or immediate necessity, the Mayor, Marshall, or their designee, shall have the authority to immediately call a contractor to exterminate the bees without observance of any of the notice requirements described in Chapter 7.12 of the Eldon Municipal Code.

The property owner shall be responsible for the removal of dead bees, combs, and hives, at the property owner's expense.

If the City abates the nuisance bees, the affected property may be assessed for the abatement costs as set forth in Section 7.12.080 of the Eldon Municipal Code.

**8.20.080      Number of apiaries limited.**

It shall be unlawful for any person or persons to keep more than five (5) apiaries within the City.

**8.20.090      Placement and identification of apiaries.**

- A. Permission. Prior to locating or maintaining an apiary, written permission of the property owner or occupant shall be obtained if the apiary is located on property not owned or leased by the person responsible for the apiary.
- B. Distance from Public Roads. All apiaries owned or kept within the City shall be located at least one hundred fifty (150) feet from any and all public streets, roads and freeways, unless there are natural barriers to prevent bees from causing a nuisance or hazard persons using the road or freeway.
- C. Distance from Structures. All apiaries owned or kept within the City shall be located at least one hundred fifty (150) feet from houses or buildings, unless the owner of the apiary first obtains permission from the occupant or person in charge of the house or building.
- D. Distance from Schools. All apiaries owned or kept within the City within one hundred fifty (150) feet from school yards or places where people congregate shall be located and maintained behind barriers (natural or otherwise) or at least six (6) feet in height.
- E. Entering Other Lands. No apiary shall be maintained or allowed in the City if there are a substantial number of bees from such apiary which are entering land other than where such apiary is situated and are causing a public nuisance to the extent that the health, safety, and welfare of the public is endangered or property is damaged.
- F. Sign. No person shall maintain an apiary on premises other than his or her residence unless the apiary is identified by a sign that is prominently displayed on the entrance side of the apiary or stenciled on the hive that states in dark letters not less than one (1) inch in height on a background of contrasting color, the name of the owner or person responsible for the apiary, his or her address and telephone number, or if he or she has no telephone, the number of a person who has agreed in writing to be responsible for the bees.

**8.20.100      Water supply.**

Prior to placing an apiary, a plentiful supply of fresh water shall be furnished and kept available to such apiary at all times pursuant to the following methods and conditions:

- A. A fresh water supply placed within one hundred (100) feet of the apiary, and
- B. All sources of water serving the apiary must be on property for which written permission has been granted or which is owned by the person responsible for the apiary.

**8.20.110      Public nuisance; duty to abate.**

Any property or apiary in violation of this Chapter is a public nuisance. The owner or person in charge or possession of any such nuisance, upon receiving notice of the violation, shall correct or abate the violation within the time specified in the notice.

**8.20.120      Public nuisance; enforcement.**

- A. The provisions of this Chapter may be enforced by the nuisance abatement proceedings set forth in Chapter 7.12 of the Eldon Municipal Code.
- B. Any remedy provided in this Chapter for the abatement of a nuisance is in addition to any other remedy provided by law.

**8.20.130 Violations – Penalty.**

A violation of this chapter is a municipal infraction and any person violating any of the provisions of this chapter, shall be punished as provided in Chapter 1.12, in the discretion of the court.