

**LINN COUNTY
DANGEROUS AND VICIOUS ANIMALS ORDINANCE**

Ordinance # 8-7-2011

Repealer: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 either the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Effective Date: This ordinance shall be in effect after its final passage, approval and publication as provided by law.

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29.1 DEFINITIONS: Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

(a) Animal means any member of the animal kingdom except human beings.

(b) Animal Control Agency means any public or private agency delegated authority by the Board of Supervisors to enforce portions of this ordinance; or any public or private agency designated by the state, county supervisors or a municipality as their animal control agent.

(c) Animal Control Officer means a designated employee of the Animal Control Agency.

(d) Board of Health means the Linn County Board of Health.

(e) Board of Supervisors means the Linn County Board of Supervisors.

(f) Dangerous Animal means:

(1) any genus/species of animal which is capable of killing, inflicting serious injury upon, or causing illness or disease among, human beings or domestic animals and having a known tendency, (either in its natural state, in the wild, or as a tame, feral or domesticated animal) as a species to do so, and is declared to be a dangerous animal by the Board of Supervisors;

(2) those animals deemed to be “dangerous animals” include the following, subject to amendment by the Board of Supervisors:

2.1 Canidae; e.g. wolves, wolf-dog hybrids, coyotes, coyote-dog hybrids, foxes, jackals, within the order Carnivora but excluding *Canis familiaris*, the domestic dog.

2.2 Felidae; e.g. lions, tigers, jaguars, leopards, cougars, lynx, ocelots, bobcats, within the order Carnivora but excluding *Felis domestica*, the domestic cat.

2.3 Mustelidae; e.g. badgers, wolverines, weasels, skunks, mink, otters within the order Carnivora, but not including domestic ferrets.

2.4 Procyonidae; e.g. raccoons, pandas, kinkajous within the order Carnivora.

2.5 Ursidae; e.g. black bears, brown bears, grizzly bears, polar bears, of the order Carnivora.

2.6 Chiroptera; e.g. bats..

2.7 Cebidae; e.g. monkeys.

2.8 Cercopithecidae; e.g. baboons.

2.9 Callithricidae; e.g. marmosets, tamarins.

2.10 Pongidae; e.g. gibbons, orangutans, chimpanzees, gorillas.

- 2.11 Lemnridae; e.g. lemurs.
- 2.12 Didelphidae; e.g. opossums.
- 2.13 Castoridae; e.g. beavers.
- 2.14 Viveridae; e.g. civets and mongooses.
- 2.15 Hyaenidae; e.g. hyaenas.
- 2.16 Formicidae; e.g. fire ants within the order Hymenoptera.
- 2.17 Apidae; specifically Africanized strains of *Apis mellifera* the honey bee.
- 2.18 Crocodylidae; e.g. crocodiles, alligators, caimans, gavials, of the order Squamata.
- 2.19 Heloderamatidae; e.g. gila monsters, beaded lizards, of the order Squamata.
- 2.20 Crotalidae; e.g. rattlesnakes, copperhead snakes, cottonmouth moccasin snakes, wagners vipers, palm vipers, eyelash vipers, of the order Squamata.
- 2.21 Viperidae; e.g. rhinoceros vipers, bushmasters, puff adders, gaboon vipers, of the order Squamata.
- 2.22 Elapidae; e.g. cobras, taipans, coral snakes, sea snakes, of the order Squamata.
- 2.23 Opisthoglyphous colubridae; e.g. twigsnales, boomslangs, mangrove snakes, mussuranas, eticula hognose snakes of the order Squamata.
- 2.24 Eunectes murinus; e.g. anacondas of the order Squamata.
- 2.25 Boa constrictor; e.g. boa constrictors of the order Squamata.
- 2.26 Morelia eticulates; amethystine pythons of the order Squamata.
- 2.27 Python sebae; African rock pythons of the order Squamata.
- 2.28 Python molurus; eticul pythons, Indian pythons, eticulat pythons of the order Squamata.
- 2.29 Python eticulates; reticulated pythons of the order squamata.
- 2.30 Venomous spiders of the families teridiidae, and loxoscelidae respectively, and scorpions of the order Scorpiones.

(3) Animals used in agriculture as defined by the United States Department of Agriculture shall not be considered dangerous animals.

(g) Health Department means the Linn County Health Department.

(h) Health Officer means the Director of the Linn County Health Department, or his/her authorized representative.

(i) Keeping means the act of confining, harboring, maintaining, owning, or sheltering an animal.

(j) Law Enforcement Officer means the Linn County Sheriff or any of his deputies or any officer of a local law enforcement agency providing services to an incorporated area within Linn County.

(k) Owner means any person confining, harboring, keeping, maintaining, or sheltering an animal.

(l) Person means any agency, association, business, club, company, corporation, firm, individual, institution, organization, partnership, syndicate, trust, trustee, or any federal, state or local governmental agency or instrumentality of other entity recognized by the law as the subject of rights and duties. The feminine, masculine, singular or plural is included in any circumstance.

(m) Uncontrolled Dangerous Animal means a dangerous animal on or off the premises of the owner and not under control of the owner, keeper or other persons acting for the owner or not confined in a secure enclosure.

(n) Vicious Animal means an animal that has attacked and/or bitten a person without provocation.

(1) Dogs used in security or police work shall not be classified as vicious dogs if a bite or bites occur while the dog is actually performing in such a capacity.

(2) Dogs shall not be classified as vicious dogs if a bite or bites are inflicted upon a person who is, at the time of the bite or bites, engaged in a criminal act against the person or property of another.

29.2 DANGEROUS ANIMALS PROHIBITED: No person shall keep a dangerous animal in Linn County except by permit as hereinafter provided.

29.3 DANGEROUS ANIMALS ALLOWED: The prohibition contained in Section 2 of this ordinance shall not apply to the keeping of dangerous animals in Linn County under any of the following circumstances and by permit as hereinafter provided.

(a) Dangerous animals kept at state licensed veterinary hospitals, humane societies, licensed rehabilitator or animal control pounds for treatment or impoundment purposes.

(b) Dangerous animals kept by federal, state, county and municipal authorities and their designees or veterinarians pursuant to the enforcement of this or any animal control ordinance.

(c) Dangerous animals kept by governmental agencies, educational institutions, medical institutions or research laboratories for instructional or research purposes.

(d) Dangerous animals kept in publicly owned zoos.

(e) Dangerous animals kept for fur pelting businesses on properly zoned land.

(f) Dangerous animals kept by individuals meeting USDA permit requirements and the permit requirements contained herein.

(g) Dangerous animals commercially exhibited for ten (10) days or less.

(h) Animals being commercially transported through Linn County.

29.4 PERMIT REQUIRED TO KEEP DANGEROUS ANIMALS

(a) Any person keeping a dangerous animal under provisions set forth in this ordinance shall apply to the Board of Supervisors for a permit to do so.

(b) Permits may be revoked by the Board of Supervisors for failure to comply with this ordinance.

29.5 PERMIT REQUIREMENTS TO KEEP DANGEROUS ANIMALS

The applicant for a permit to keep a dangerous animal shall supply pertinent information on a form supplied by the Board of Supervisors. The applicant shall submit statements to verify that the keeping of the dangerous animal constitutes a useful purpose such as research, education, veterinary treatment, animal control or meets the requirements of section 3(f) of this ordinance.

(a) The applicant shall comply with minimum standards as set forth in the Code of Federal Regulations, Title 9, Chapter 1, Subchapter A, Part 3, in so far as said regulations pertain to: structural strength of facilities, water, electrical safety, waste disposal, heating, ventilation, shelter from sunlight, shelter from rain and snow, shelter from wind and cold, drainage, cleaning and sanitation, pest control, feeding and watering and set forth herein.

(b) The applicant shall submit plans for the eventual disposition of the animal and any of the animal's offspring.

(c) The applicant shall sign agreements that hold Linn County, the Health Department and the Animal Control Agency harmless from any liability pursuant to the issuance of this permit.

(d) The applicant shall submit statements that the keeping of the dangerous animal meets all requirements in effect in the pertinent jurisdiction.

(e) To ensure compliance with these requirements the Animal Control Officer may make random inspections of all dangerous animal facilities.

29.6 TYPES OF PERMITS

(a) There will be three (3) types of permits issued to keep dangerous animals.

1. A Dangerous Animal Facility permit issued to persons who qualify under the conditions set forth in Section 3 (a through f) of this ordinance.

2. A Dangerous Animal Transporters permit issued to persons who qualify under the conditions set forth in Section 3 (g and h) of this ordinance.

3. A Rehabilitator's Permit issued without fee to someone possessing an Iowa DNR Rehabilitators permit maintained for identifying location and type of animal and exempt from section 5(a) of this ordinance.

(b) Permits are renewable and expire after one year.

(c) The fee schedule for permits shall be set by the Board of Supervisors to cover the costs of administration and inspections.

29.7 NOTICE OF DANGEROUS ANIMAL

(a) The premises where a dangerous animal is kept shall display a warning sign on each entrance of a dangerous animal facility in a conspicuous manner, informing the public of the type of animal kept therein. The sign shall be at least 5 inches high by 7 inches wide. It shall state "(NAME OF SPECIES) ON THESE PREMISES" and list the common name of the type of dangerous animal(s) kept. The sign shall have a yellow background with black block capital letters not less than ½ inches in height.

(b) The keeper of a dangerous animal shall immediately notify the Animal Control Agency if the animal dies, escapes or in any way harms a human being.

29.8 MAMMAL SECURITY STANDARDS

All mammals subject to these regulations shall be kept only in a manner that conforms to the following standards:

(a) A sign to identify the species being kept, by its common name, shall be displayed on the holding pen.

(b) Mammals shall be kept in locked holding pens or locked cages.

(c) The following pen and fence requirements apply to the mammalian orders as stated. A "C" means that a ceiling, electrical wire and/or 45 degree overhead barrier appropriate to secure the species is required on the pen or cage. A "P" means that a perimeter fence is required in addition to the pen. A required perimeter fence shall be at least four (4) feet out from, and entirely surrounding the holding pen and shall be at least as high as the holding pen. An "N" means that no perimeter fence is required.

(1) Canidae (larger than fox) – Chain link fence and *concrete floor; P,C

(2) Canidae (smaller than coyote) – Chain link fence and *concrete floor or strong metal cage; P,C

(3) Felidae (larger than bobcat and ocelot) – Chain link fence and *concrete floor; P,C

(4) Felidae (bobcat and ocelot or smaller) – Chain link fence and *concrete floor; P,C or room in house with ½ – 1” mesh hardware cloth over window openings in this room.

(5) Mustelidae – Chain link fence and *concrete floor or strong metal cage; for small weasels – 40 gallon breeder aquarium with fitted frame and ¼ inch mesh hardware cloth top or strong metal cage; pens for otters should include a pool of water as wide as and twice as long as the animal’s length and deep enough for total submersion; P, C

(6) Procyonidae – Chain link fence an *concrete floor or strong metal cage; P,C

(7) Ursidae – Nine gauge minimum chain link fence or vertical steel bars and *concrete floor; P,C

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(8) Chiroptera – Strong metal cage with ¼ to ½ inch vinyl covered wire mesh and/or 3/16 inch plate glass; N,C

(9) Primates (Cebidae, Cercopithecidae, Pongidae, Lemuridae) – Strong metal cage or chain link fence and concrete floor; P,C

(10) Didelphidae – Chain link fence and concrete floor; or metal frame cage with ½ to 1 inch mesh hardware cloth; or room in a house with ¼ to ½ inch mesh hardware cloth over window openings; P,C

(11) Castoridae – Chain link fence and *concrete floor including a pool of water as wide as and twice as long as the animal’s length and deep enough for total submersion; P

(12) Viveridae – Chain link fence and *concrete floor; or strong metal cage; P,C

(13) Hyaenidae – Chain link fence and *concrete floor; P, C

(14) Teridiidae, Loxoscelidae – Aquarium with secure, fitted screen top.

* A primary containment barrier buried a minimum of 36 inches in the ground an extending at least 42 inches horizontally into the enclosure may be substituted for a concrete floor for all species except Felidae, for which a vertical barrier extending 18 inches into the ground is required.

(d) The perimeter fence is not required if there is a primary holding pen that is located entirely within an enclosed building.

SPACE REQUIREMENTS FOR CERTAIN MAMMALS

The following states the total required combined measurements for holding and exercise enclosures, for which compliance shall be required. Where two height requirements appear, the first is for a covered enclosure and the second is for an enclosure with electric wire and/or 45° overhead barrier. For each additional adult animal, add 50% of the stated minimum floor area.

Infant animals in pet stores shall be exempt for not more than two weeks. Animals temporarily held for treatment by a licensed veterinarian are exempt for the duration of said treatment.

SPECIES	FLOOR (ft.²)	HEIGHT (ft)
*Wolf	200	6-8
Coyote	125	6-8
*Dingo	200	6-8
Foxes (Arctic, Red, Gray)	40	4-8
Foxes (other)	18	2.5-6
*Lion	300	10-16
*Tiger	300	10-16
*Jaguar	200	10-16
*Leopard	200	10-16
*Cheetah	200	10-16
*Cougar	200	10-16
Lesser Cats (less than 20 lbs)	42	8-12
Lesser Cats (more than 20 lbs)	85	8-12
Skunks	18	2.5-6
*Wolverine	75	4-8
Badger	50	3-6
Otter	60	3-6
Raccoon and Coati	36	3
*American Black Bear	300	8-12
Bats (North American)	32	6
Small New World Monkeys (e.g. Squirrel)	28	7
Medium New World Monkeys (e.g. Capuchin)	36	7
Large New World Monkeys (e.g. Spider)	65	10
*Old World Monkeys (e.g. Baboons)	100	8
*Great Apes (e.g. Chimps, Gorillas)	260	10
Marmosets and Tamarins	20	6
Lemurs	20	6
Opossum	18	3
Beavers	60	3-6
Civets and Mongooses	18	2.5-6
*Hyenas	200	6-8
Spiders and Scorpions	0.5	0.5

***If provisions are not made for temporary division of space into separate areas, a shift area appropriately sized for the species and adjoining the primary enclosure is required for securing the animal during cage maintenance.**

SPACE REQUIREMENTS FOR REPTILES

The following space requirements, for which compliance shall be required, are applicable to the keeping of reptiles which are subject to these regulations:

- (a) Helodermatidae: A cage as wide as and twice as long as the lizard's total length and 12 inches high. For each additional lizard in the same cage, take the floor area needed by the largest occupant and increase by 25%.
- (b) Snakes: Half a square foot of floor space per foot of length for a snake up to six feet long. One square foot of floor space per foot of length for snake up to ten feet long. Two square feet of floor space per foot of length for a snake over ten feet. For each additional snake in the same cage, take the floor area needed by the largest occupant and increase it by 25%.
- (c) Crocodiles and their allies: There must be a pool of water as wide as and twice as long as the crocodilian's total length. It must be a dry area as long and as wide as the occupant's total length. For each additional specimen in the same cage, take the area needed by the largest occupant and increase it by 25%.

29.11 KEEPING OF VENOMOUS REPTILES

- (a) No person shall be permitted to keep venomous reptiles unless they have demonstrated a minimum of two years of secure and humane keeping of harmless reptiles. Thereafter the person shall be restricted for one year to the keeping of non-lethal venomous reptiles, e.g. copperheads, pygmy rattlesnakes, and sidewinders.
- (b) It shall not be permitted to keep venomous reptiles in buildings containing more than one dwelling unit.
- (c) Venomous reptiles shall be kept in locked cages in locked rooms and the cage shall be labeled to identify the reptile contained.
- (d) Venomous reptiles that have had duct ligation surgery shall nevertheless be regarded as subject to these regulations.
- (e) Cages shall be so constructed as to not break or give way as a result of reasonable foreseeable accident or misuse.
- (f) Persons applying for a permit to keep venomous reptiles must demonstrate that current antivenin for each species is maintained on the premises where the venomous reptiles are kept, or is maintained by a medical facility within Linn County or an adjacent county.

29.12 KEEPING OF LARGE NON-VENOMOUS REPTILES

- (a) No person shall be permitted to keep a species of constricting snake as specified in Section 1f unless the person can show two years experience in the secure and humane keeping of snakes.
- (b) Snakes as specified in Section 1f shall be kept in locked cages in locked rooms.

(c) Cages shall be so constructed as to not break or give way a result of reasonably foreseeable accident or misuse

(d) No person shall be permitted to keep a reticulated python, African rock python or an anaconda except after demonstrating to the satisfaction of the animal control officer that the person has sufficient knowledge and experience to keep such reptiles in a safe and humane manner.

29.13 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS

(a) The Law Enforcement Officer or Animal Control Officer may seize and remove any dangerous animal kept without a permit or any permitted dangerous animal that is not kept confined under United States Department of Agriculture Standards. Any dangerous animals seized may be euthanized by the Animal Control Officer. The owner or keeper of a seized dangerous animal may be assessed for any costs incurred for capturing, maintenance, or euthanizing the animal.

(b) A dangerous animal that kills or causes serious injury to a human being shall be immediately surrendered to the Animal Control Officer for euthanasia.

(c) If the keeper desires to have an appeal he/she shall deliver written notice of appeal to the Linn County Board of Supervisors within two working days of the seizure/surrender of the animal. The animal shall remain in the custody of the Animal Control Agency until the appeal is adjudicated with the cost of confinement being assessed to the owner. The impoundment shall be at a premises that has a valid permit to keep dangerous animals issued under the conditions set forth in Section 3.

29.14 DUTY TO SURRENDER A VICIOUS ANIMAL / COST OF CONFINEMENT

(a) No person shall continue to own or keep a vicious animal in Linn County. Upon written notice by a Law Enforcement Officer, an animal alleged to be vicious shall be surrendered to the Animal Control Officer for euthanasia. Unless a written authorization for euthanasia is signed by the Owner at the time of surrender, the animal shall be held for 2 working days after surrender, with the cost of confinement being assessed against the Owner.

(b) If an Owner desires to have an appeal he/she shall deliver written notice of appeal to the Linn County Board of Supervisors within two working days of the seizure/surrender of the animal. The animal shall remain in the custody of the Animal Control Agency during the pendency of the proceedings and the cost of confinement shall be assessed against the Owner.

(c) Upon a decision of the Board of Supervisors upholding euthanasia, the Owner may file with the Animal Control Agency a written authorization for euthanasia. Absent a written authorization for euthanasia, the animal shall remain in the custody of the Animal Control Agency for a period of thirty days from the date of the decision by the Board of Supervisors pending a Writ of Certiorari by the Owner to the District Court. Cost of confinement shall be assessed against the Owner.

(d) If the Owner files a Writ of Certiorari in the District Court, upon posting of the required bond, the animal shall remain in the custody of the Animal Control Agency during the pendency of the proceedings and the cost of confinement shall be assessed against the Owner.

(e) Confinement of an animal shall be at a facility approved by the Animal Control Agency.

29.15 UNCONTROLLED DANGEROUS ANIMALS PROHIBITED

Any uncontrolled dangerous animal may be apprehended and impounded by the Animal Control Officer. The Animal Control Officer shall have the right to enter upon private property when it is necessary to apprehend an uncontrolled dangerous animal. Such entrance upon private property shall be in reasonable pursuit of an animal and shall not include entry into a domicile unless it be at the invitation of the occupant. An animal control officer denied entry to a domicile may initiate procedures outlined in Section 18 regarding issuance of a search warrant. Any Law Enforcement Officer or Animal Control Officer may humanely destroy an uncontrolled dangerous animal if apprehension of the animal would pose a risk of injury to the officer.

29.16 DISPOSITION OF DISEASED AND INJURED UNCONTROLLED DANGEROUS ANIMALS

(a) The Animal Control Officer may euthanize a diseased or injured uncontrolled dangerous animal. The animal shall first be examined by a licensed veterinarian and the veterinarian shall determine whether or not euthanization is required. A reasonable attempt to locate and notify the owner of the animal will be made prior to euthanizing the animal.

(b) If the disease or injury to the uncontrolled dangerous animal is of such severity that the animal could not humanely be treated, or the animal has a contagious or fatal disease as determined by the examining veterinarian, the animal may be euthanized immediately without an attempt to locate or notify the owner. The owner shall subsequently be notified, if possible.

29.17 LIABILITY

Nothing in this ordinance absolves the keeper of an animal that inflicts injury to a person or property from financial responsibility for the animals actions.

29.18 REFUSAL OF ADMITTANCE

If an owner denies the Law Enforcement Officer and/or the Animal Control Officer entry onto a property to carry out the provisions of this ordinance a complaint may be made to any magistrate of the county. Said magistrate shall thereupon issue his/her warrant directed to a peace officer of the county commanding him/her to accompany the Animal Control Officer to the property to view and/or seize any dangerous animal or vicious animal kept thereon. Such warrant shall be executed between the hours of sunrise and sunset.

29.19 APPEAL

The owner of an animal may appeal any decision made by a Health Officer, a Law Enforcement Officer or an Animal Control Officer pursuant to this regulation except for the seizure of an animal which is a known vector for rabies and for which no valid species-specific

rabies vaccine has been licensed if such animal has caused injury to any person by biting, scratching, or attacking. An appeal pursuant to any provision of this ordinance shall be made by delivering a written notice of appeal to the Board of Supervisors within two working days of any surrender, seizure or order for confinement of an animal and shall be heard within five (5) working days of the receipt of the written notice.

29.20 JURISDICTION

- (a) The provisions of this ordinance shall apply throughout the unincorporated areas of Linn County, Iowa and any municipalities which have not enacted municipal ordinances regulating dangerous and/or vicious animal matters.
- (b) Nothing in this ordinance is intended or shall be construed to limit the right of any municipality in the county in the exercise of its home rule authority or in the exercise of powers under any other provisions to enact rules to regulate and control animals within the boundaries of its jurisdiction.
- (c) Nothing in this ordinance releases the keeper of a dangerous animal from the responsibility of obtaining all federal, state, county or city permits and or licenses required for keeping such animal.
- (d) Nothing in this ordinance allows any person the right to keep any animal in violation of any federal, state, county or city law.

29.21 ENFORCEMENT

It shall be the duty of the Health Officer to enforce provisions of this ordinance relating to animal bites and the prevention and control of rabies, and this duty may be delegated to his/her authorized representative. All other enforcement shall be initiated by a Law Enforcement Officer or Animal Control Officer forwarding an incident report to the Linn County Attorney's Office. The Board of Supervisors is authorized to enter into contracts with any person to enforce portions of this ordinance.

29.22 PENALTIES

In addition to and without prejudice to the remedies contained herein, violation of the provisions of this ordinance or failure to comply with any of its requirements shall be enforced in accordance with Chapter 19, Linn County Code of Ordinances.

29.23 VARIANCES.

Variations to the permit or caging requirements of this ordinance may be granted by the Board of Supervisors provided sufficient information is submitted to substantiate the need and propriety for such action. Applications for variances and justification shall be in writing and copies filed with the Animal Control Agency.