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ORDINANCE #36

AN ORDINANCE ESTABLISHING REGULATIONS REGARDING
 "DANGEROUS AND VICIOUS ANIMALS AND REPTILES"

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF BOONE COUNTY,
 IOWA:

- Sections:
1. Purpose
 2. Definitions
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 4. Registration Required
 5. Confinement Standards
 6. Seizure, Impoundment, and Disposition of Dangerous Animals
And Reptiles
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Section 1. **PURPOSE**

An Ordinance providing for certain types of animals or reptiles to be dangerous per se; providing for inspections and licensing by animal control for the keeping and housing of certain types of animals and reptiles; and providing for the seizure and disposal of certain dangerous animals or reptiles if they are known to have harmed humans or domesticated animals.

Section 2.

DEFINITIONS

The following definitions shall apply when used in this ordinance:

1. "Domestic Animal" – includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animal or reptiles raised and/or maintained in confinement.
2. "At Large" – refers to an animal's or reptile's presence outside of a structure or fixed enclosure used to house or confine the animal or reptile.
3. "Dangerous Animal or Reptile"
 - a. any animal or reptile which is capable of killing, inflicting serious injury upon or causing illness or disease among human beings or domestic animals and having known tendencies (with in its natural state, in the wild or as a tame, feral or domesticated animal) as a species to do so;
 - b. any animal or reptile which has inflicted serious injury on a person without provocation;
 - c. any animal or reptile which has at the animal's or reptile's own initiative, killed a domestic animal;
 - d. any animal owned or harbored primarily or in part for the purpose of fighting;
 - e. any animal or reptile which by breeding, training, disposition or behavior may pose a potential risk of attacking and inflicting injury without provocation upon people or other animals or reptiles;
 - f. those animals or reptiles deemed to be dangerous animals or reptiles per se, which include but are not limited to the following:
 - A. Lions, tigers, jaguars, leopards, cougars, lynx, ocelots, and bobcats
 - B. Wolves, coyotes and foxes, and hybrids thereof;
 - C. Badgers, wolverines, weasels, skunk and mink;
 - D. Raccoons
 - E. Bears
 - F. Monkeys, chimpanzees, marmosets and baboons
 - G. Bats
 - H. Alligators and crocodiles
 - I. Venomous snakes and constricting snakes
 - J. Gila Monsters
 - K. Black widow spiders, brown recluse spiders and scorpions

- L. Red and Black fire ants and other stinging ants native to Central or South America
- M. Africanized strains of the honey bee

4. "Euthanize" – to kill in a humane manner, by an authorized veterinarian or the animal control officer.
5. "Owner" – any person owning, keeping, sheltering or harboring an animal or reptile.
6. "Serious injury" – any illness, disease or bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.
7. "Unprovoked" – an attack or bite not the result of behavior (on the victim's part) intended to irritate the animal or reptile.
8. "Vicious animal or reptile" – any live animal or reptile, not a dangerous animal or reptile as defined in this section:
 - a. that has, unprovoked, bitten or attacked another animal, reptile or person while running at large;
 - b. that has, without reference to provocation or location (i.e. at large or otherwise):
 1. bitten or attacked another animal, reptile or person on one separate occasion within a twelve-month period, or
 2. bitten or attacked another animal, reptile or person, on any one occasion, despite the owner's attempt to restrain or control the animal or reptile. With respect to (b)(1) and (b)(2) above, if the animal or reptile attacked or bitten was running at large or the person attacked or bitten was engaged in an unlawful act prior to the bite or attack, such incident shall not serve as a basis for declaring the offending animal or reptile a vicious animal or reptile.

Section 3.

KEEPING OF DANGEROUS ANIMAL OR REPTILES PROHIBITED

It shall be unlawful for any person to keep a dangerous animal or reptile. Any owner of a dangerous animal or reptile who is a resident of Boone County on the date of passage of this ordinance is grand fathered in. However, once the dangerous animal or reptile dies or is euthanized, it may not be replaced.

Decisions as to whether a particular animal or reptile is dangerous shall be made by the County Animal Control Officer on the basis of reasonable evidence, which may include the opinions of experts. If the Animal Control Officer has reason to believe that the animal or reptile threatens the safety of the public or domestic animals, the Animal Control Officer

may enter upon any premises upon which the animal or reptile is kept and remove the animal or reptile from those premises to a place of impoundment. Entry on said premises shall be only with the consent of the person in lawful control of the premises, or after obtaining a search warrant pursuant to law.

Section 4. **REGISTRATION REQUIRED**

All animal or reptiles within the scope of the definition of dangerous animal or reptile shall be registered with the County Animal Control Officer by an adult person responsible for the keeping of the animal or reptile. Failure or refusal to register each such animal or reptile, stating the animal's or reptile's location and identifying characteristics, on forms provided by the Animal Control Officer, shall constitute a violation of the County Code. Failure to re-register if the animal or reptile's owner is changed, or it is moved to another location, or to report an animal or reptile as missing, shall also be a violation hereof.

The registration of the animal or reptile shall be renewed annually. The premises and facilities where such registered animals or reptiles are kept shall be inspected annually, unless there is reason to believe that animals or reptiles are being improperly kept or cared for, in which case inspections may be made as the Animal Control Officer deems necessary. The County Animal Control Officer may establish a schedule of fees to cover costs of administration and inspection.

Section 5. **CONFINEMENT STANDARDS**

All animals or reptiles within the scope of the definition of "dangerous animal or reptile" shall be confined. If such confinement facilities are indoors, all access doors must be continually locked. When taken outside the premises, the animal must at all time be muzzled and leashed or confined in a vehicle, cage or other animal carrier. If such confinement facilities are out doors, they must be securely constructed with chain like fences and ceilings and with concrete floors. Entrance gates must be continually locked. A perimeter fence at least four (4) foot from the primary enclosure must surround all sides of the enclosure not adjacent to a solid wall of a building.

However, in no case shall a reptile be taken outside the owner's premises unless in a fully enclosed cage or container clearly marked as the name of the reptile contained therein and marked "Caution-Dangerous Reptile".

Section 6. **SEIZURE, IMPOUNDMENT AND DISPOSTION OF DANGEROUS ANIMALS OR REPTILES**

1. The Animal Control Officer on his or her own information or upon receipt of a complaint alleging that a person owns, is keeping, sheltering or harboring a dangerous animal or reptile in the County limits, may investigate to determine if a person owns, is keeping, sheltering or harboring a dangerous animal or reptile, and if after

investigation, the facts indicate that the person in fact owns, is keeping, sheltering or harboring a dangerous animal or reptile, the Animal Control Officer shall order the owner to secure the animal or reptile in a structure or fixed enclosure at all times and do one of the following:

- A. Apply for a permit
- B. Within seven (7) days of receipt of the order, permanently place the animal or reptile with a person, organization or governmental entity allowed under this ordinance to own, keep, shelter or harbor dangerous animals or reptiles; or
- C. Within seven (7) days of receipt of the order, euthanize the animal or reptile.

If the owner unsuccessfully pursues option "A", the owner shall perform the requirements of option "B" or option "C" within seven (7) days of receipt of the final decision (original or appeal decision) denying the application for a permit. The abovementioned order shall be contained in a notice to remove the dangerous animal or reptile, which notice shall be given in writing to the owner of the dangerous animal or reptile and shall be personally served upon the owner.

2. Such notice to remove the dangerous animal or reptile shall not be required where such dangerous animal or reptile has previously caused serious injury or death to any person, in which case the Animal Control Officer shall cause the animal or reptile to be immediately euthanized.

In the event that a dangerous animal or reptile 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, the Animal Control Officer may:

- a. seized the animal or reptile and release it to a person or entity authorized to own, keep, shelter or harbor a dangerous animal or reptile, or
- b. euthanize the animal or reptile. The choice of which of these options to pursue is left to the Animal Control Officer. The Animal Control Officer shall be under no duty to attempt the seizure of a dangerous animal or reptile found at large prior to euthanizing such animal or reptile, nor does Animal Control Officer have a duty to notify the owner of such animal or reptile prior to pursuing any of the above options.

3. When, pursuant to the pertinent provision of subsection 2 of this section, an animal or reptile is seized or euthanized without a prior notice to remove to the owner, the Animal or Reptile Control Officer

or other designated person shall, within seven (7) days thereafter, deliver to the animal or reptile's owner either in person or by certified mail, return receipt requested, a written notice of the action taken and the reason (s) therefore.

4. If the notice to remove issued by the Animal Control Officer is not complied with within the allotted period of time, and is not appealed, the officer or designed is authorized to seize the animal or reptile and
 - a. release the animal or reptile to a person authorized to own, keep, shelter or harbor a dangerous animal or reptile, or
 - b. euthanize the animal or reptile. The choice of which option to pursue is left to the discretion of the Animal Control Officer.
5. Costs incurred by the County for the care, maintenance, transportation and euthanizing of a dangerous animal or reptile owned, kept, shelter or harbored in violation of this chapter shall be reimbursed to the County by the owner.

Section 7.

KEEPING OF VICIOUS ANIMALS OR REPTILES PROHIBITED

No person shall own, keep, shelter or harbor for any reason within the County a vicious animal or reptile, as defined in this ordinance.

1. The Animal Control Officer or other designated person, on his or her own information or upon receipt of a complaint alleging that a person owns, is keeping, sheltering or harboring a vicious animal or reptile as defined in this ordinance may, in said person's discretion, initiate proceedings to declare such animal or reptile a vicious animal or reptile. A hearing on the matter shall be conducted by the Board of Supervisors. The owner of the animal or reptile in question shall be given no less than seventy-two (72) hours written notice (including Saturday, Sunday and holidays) of the time and place of said hearing. Said notice shall order the owner to secure the animal or reptile in a structure or fixed enclosure at all times. The notice shall set forth a description of the animal or reptile in question and the basis for the allegation of viciousness and shall also notify the owner that should the animal or reptile be determined to be vicious, the owner will be required to euthanize it or allow the County to do so. The notice shall be personally served upon the owner of the animal or reptile.
2. If, after hearing, the Board of Supervisors determines that an animal or reptile is vicious, the Board of Supervisors shall order the owner to cause it to be euthanized or to allow the County to do so. The order shall be served upon the owner against whom issued in the same manner as the notice of hearing. Any decision of the Boone County Board of Supervisors may be appealed to the Iowa District Court. The owner of a vicious animal or reptile must appeal the final

decision of the Board of Supervisors within twenty (20) days of the date of service of the final decision on the owner.

3. If the order is not complied with within three (3) days of its service upon the owner, and is not appealed, the animal control officer is authorized to seize and euthanize the animal or reptile.
4. If, after hearing, it has been determined that the animal or reptile properly falls within the category of vicious animal or reptile as defined in this ordinance, then all provisions applying to a dangerous animal or reptile shall apply, including confinement and registration.
5. The notice required by subsection 1 of this section shall not be required where such vicious animal or reptile has previously caused serious injury or death to any person, in which case the Animal Control Officer shall cause the animal or reptile to be immediately euthanized. In the event a vicious animal or reptile 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, the Animal Control Officer or other officer may, in his or her discretion, seize and impound such animal or reptile or euthanize it if such seizure and impoundment is not possible or would expose any person to the risk of serious injury. The County shall be under no duty to attempt the seizure of a vicious animal or reptile found at large prior to euthanizing such animal or reptile, nor shall it have the duty to notify the owner of such animal or reptile prior to euthanizing it or seizing and impounding it.
6. When, pursuant to the pertinent provisions of subsection 5 of this section, an animal or reptile is euthanized without a prior notice to the owner, the Animal Control Officer or other officer shall, within seven (7) days thereafter, deliver to the animal's or reptile's owner, either in person or by certified mail, return receipt requested, a written notice of the action taken and the reason (s) therefore. When pursuant to such subsection an animal or reptile is impounded without prior notice to the owner, the Board of Supervisors shall, thereafter, initiate proceedings to have the animal or reptile declared a vicious animal or reptile, in the manner provided for in subsection 1 of this section. Thereafter, the procedures contained in subsections 1, 2, and 3, where applicable, shall apply.
7. Any animal or reptile which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. Cost incurred by the County for the care, maintenance,

transportation and euthanizing of the vicious animal or reptile owned, kept, sheltered or harbored in violation of this ordinance shall be reimburse to the County by the owner.

Section 8. **EXEMPTIONS**

The following are exempt from these regulations:

1. A person possessing or having custody of a sick or injured animal or reptile in the county solely for the purpose of transporting the animal or reptile to a veterinarian for care, or to an animal shelter, or to a state or federal facility with authority or apparent authority to handle the animal or reptile.
2. Private veterinarians, animal hospitals or clinics, provided such persons or establishments notify the animal control officer on the same day that they obtain custody of the animal or reptile.
3. Any "research facility" within the meaning of Section 2(e) of the Federal Animal Welfare Act, 7 U.S.C. Section 2132(e), licensed by the Secretary of Agriculture of the United States pursuant to the Act.

Section 9. **REGISTRATION REQUIRED**

- A. All animals or reptiles within the scope of Section 2 (8) shall be registered with the Animal Control Officer by an adult person responsible for the keeping of the animal or reptile. Failure or refusal to register each such animal or reptile, stating the animal's or reptile's location and identifying characteristics, on the forms provided by animal control, shall constitute a violation of the County Code and be punishable as a simple misdemeanor. Failure to re-register if the animal or reptile's owner is changed, or it is moved to another location, or to report an animal or reptile is missing, shall also be a violation hereof.
- B. The registration of an animal or reptile shall be renewed annually. The premises and facilities where such registered animals or reptiles are kept shall be inspected annually, unless there is reason to believe animals or reptiles are being improperly kept or cared for, in which case inspections may be made as the animal control officer deems necessary. The Animal Control Department may establish a schedule of fees to cover costs of administration and inspection.

Section 10. **PROHIBITED ANIMAL OR REPTILES**

Registration and keeping of certain animal or reptiles, as specified in this section, shall not be allowed. The keeping of such an animal or reptile shall be a violation hereof and punishable as such. Furthermore, after notice and opportunity for hearing, the Animal Control Officer shall take such animal or reptiles into protective custody pending appropriate disposition.

1. Bears, large cats, and wolves shall not be permitted unless the animal or reptile was being kept prior to the effective date of this ordinance and the animal or reptile is kept under conditions, which meet the security and space requirements of this ordinance.
2. Imported mammals shall not be permitted unless the owner shows documentation of entry through a licensed quarantine station and shows an official certification of health.
3. Wild species which are hazards of rabies or plague transmission, e.g. skunks, raccoons, foxes, bats, and mongooses, and rodents captured in plague endemic areas, shall not be permitted unless there is produced certification by a state or federal regulatory agency that the animal or reptile was born and maintained continuously in captivity in accordance with all applicable regulations.

Section 11. **SECURITY STANDARDS**

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

1. A sign to identify the species being kept, by its common name, shall be displayed on the holding pen.
2. Mammals shall be kept in locked holding pens or locked cages at all times, except that wild canine and dog crosses may be walked for exercise or transported outside their locked pens or cages only when all of the following conditions are met:
 - a. The animal is muzzled with a properly fitted muzzle in good repair, designed for fit and condition by animal or reptile control staff;
 - b. The animal is restrained with both a leash and a harness which are in good condition and of sufficient strength to control its actions;
 - c. The animal is accompanied by its adult owner who has demonstrated sufficient strength and handling skills to control the animal or reptile;
 - d. The animal shall not have contact with other animal or reptiles, or with persons other than its owner

- e. Animals which have not attained one (1) year of age by the date this ordinance takes affect, must be neutered;
 - f. The owner shall submit to inspection at least annually by Animal Control staff of muzzles, leashes, housing facilities and handling skills for the animal.
3. The following pen and fence requirements apply to mammalian orders as stated. A "C" means that a ceiling is required on the pen. 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 primary holding pen, and shall be at least five (5) feet high. A "N" means that no perimeter fence is required:
- a. Chiroptera-wood frame cage with ¼" mesh hardware cloth or 3/16" plate glass; or large aquarium with fitted wood frame and ¼" mesh hardware cloth top; N,C.
 - b. Primates-wire cage or chain link fence and concrete floor; P,C.
 - c. Canidae-chain link fence and concrete floor; P,C.
 - d. Mustelidae-chain link fence and concrete floor or strong metal cage; for small weasels-aquarium with fitted wood frame and ¼" mesh hardware cloth top or strong metal cage; P,C.
 - e. Ursidae-chain link fence and concrete floor; P,C.
 - f. Felidae (bobcat and ocelot or smaller)- chain link fence and concrete floor; P,C.
4. The perimeter fence is not required if there is a primary holding pen that is located entirely within an enclosed building.

Section 12

SPACE REQUIREMENTS

The following states the total required combined measurements for holding and exercise enclosures, for which substantial compliance shall be required. For each additional animal, add 25% of the stated amount. Infant animals in pet stores shall be exempt for not more than two weeks.

Section 13

SPACE REQUIREMENTS FOR REPTILES

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

1. Helodermatidae: A cage as wide as and twice as long as the lizard's total length and twelve (12) inches high. For each additional lizard in the same cage, take the floor area needed by the largest occupant and increase it by 25%.

2. Snakes: Half a square foot of floor space per foot of length for a snake up to four (4) feet long. No snake may exceed four (4) feet in length. For each additional snake in the same cage, take the floor area needed by the largest occupant and increase it by 25%.

Section 14 **PROHIBITED REPTILES**

No person shall be permitted to keep venomous reptiles, including reptiles that had duct ligation surgery, reticulated pythons, African Rock pythons, or anacondas.

Section 15 **TRAVELING WILDLIFE MENAGERIES, SHOWS, AND PETTING ZOOS**

Non-resident persons, itinerant shows, traveling menageries, traveling petting zoos, and similar displays of wildlife that travel from place to place, shall not bring any dangerous wild animal or reptile, as defined herein, into the County without a permit from the county animal or control officer. To obtain that permit an application shall be made in writing to the Animal Control Officer stating the number and species of animals or reptiles, anticipated itinerary, scheduled stops, and the purposes for bringing the animals or reptiles into the county. The permit shall be issued provided the applicant can demonstrate advance compliance with the standards of this ordinance, or alternative, meeting the federal standards set out in CFR Title 9, Part 3, Animal and Animal Products, including those standards governing the transportation of animals or reptiles, while the applicant's animals or reptiles are within the county. The permit shall be valid for one (1) year, but the Animal Control Officer shall be notified of the time, date and place of each and every exhibition not less than twenty-four (24) hours in advance thereof. Fees shall be differentiated between reasonable classifications and categories of exhibitors when there is a significant difference in costs of administration with respect to each classification.

Section 16 **PENALTIES**

A violation of this ordinance shall be classified as a simple misdemeanor.

Section 17 **REPEALER CLAUSE**

That all ordinances in conflict herewith are hereby repealed. They are:
None.

Section 18 **SEVERABILITY CLAUSE**

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

Section 19 **WHEN EFFECTIVE**

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


The first reading of proposed Ordinance #36 Dangerous & Vicious Animals & Reptiles was held at 11:00 a.m. on May 30, 2001. No written or oral comments were received. Moved by Sorensen, second by Reed to approve the first reading of Ordinance #36. NO: None; YES: Reed, Sorensen. Motion carried.

The second reading of proposed Ordinance #36 Dangerous & Vicious Animals & Reptiles was held at 10:00 a.m. on June 6, 2001. No written or oral comments were received. Moved by Sorensen, Olson stepped down to second the motion to approve the second reading of Ordinance #36. NO: None; YES: Olson, Sorensen. Motion carried.

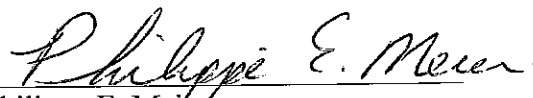
The third reading of Ordinance #36 Dangerous & Vicious Animals & Reptiles was held at 10:00 a.m. on June 11, 2001. No written or oral comments were received. Moved by Reed, second by Sorensen to approve the third reading and adopt Ordinance #36.

NO: None; YES: Sorensen, Olson, Reed. Motion carried.
Passed and adopted this 11th day of June 2001.

ATTEST:



Donovan Olson, Chairman
Boone County Board of Supervisor



Philippe E. Meier
Boone County Auditor

