

Dangerous and Vicious Animals Ordinance

1. Purpose

- 1.1 The purpose of this ordinance is to protect human beings and domesticated animals from the perils of dangerous and vicious animals in Greene County, Iowa.

2. Definitions

- 2.1 "Animal" means any member of the animal kingdom except human beings.
- 2.2 "At Large" means off an owner's premises and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
- 2.3 "Board" means the Board of Supervisors for Greene County, Iowa.
- 2.4 "Covered Area" means the unincorporated areas of Greene County and any municipality in Greene County that has not enacted its own municipal ordinance regulating the keeping of dangerous or vicious animals.
- 2.5 "Dangerous Animal" means venomous snakes, snakes that kill their prey by means of constriction, scorpions, black widow spiders, brown recluse spiders, and any member of the following families of animals, unless expressly excluded:
 - 2.5.1 Callithricidae, including marmosets and tamarins;
 - 2.5.2 Canidae, including wolves, wolf-dog hybrids, coyotes, coyote-dog hybrids, foxes, and jackals, but excluding *Canis familiaris*, the domestic dog;
 - 2.5.3 Castoridae (i.e., beavers);
 - 2.5.4 Cebidae, including capuchins and squirrel monkeys;
 - 2.5.5 Cercopithecidae, including baboons and macaques;
 - 2.5.6 Chiroptera (i.e., bats);
 - 2.5.7 Crocodylidae, including crocodiles, alligators, caimans, and gavials;
 - 2.5.8 Didelphidae (i.e., opossums);
 - 2.5.9 Felidae, including lions, tigers, jaguars, leopards, cougars, lynxes, ocelots, and bobcats, but excluding *Felis domestica*, the domestic cat;
 - 2.5.10 Heloderamatidae, including Gila monsters and bearded lizards.
 - 2.5.11 Hyaenidae (i.e., hyaenas);
 - 2.5.12 Lemuridae (i.e., lemurs);
 - 2.5.13 Mustelidae, including badgers, wolverines, weasels, skunks, minks, and otters, but excluding domestic ferrets;



- 2.5.14 Pongidae, including gibbons, orangutans, chimpanzees, and gorillas;
- 2.5.15 Procyonidae, including raccoons, pandas, and kinkajous;
- 2.5.16 Ursidae, including black bears, brown bears, grizzly bears, and polar bears;
- 2.5.17 Viveridae, including civets and mongooses;
- 2.6 “Euthanize” means to kill in a humane manner by an authorized veterinarian.
- 2.7 “Keeping” means confining, harboring, maintaining, owning, or sheltering.
- 2.8 “Owner” means any person keeping an animal.
- 2.9 “Sheriff” means the elected Sheriff of Greene County or his or her designee.
- 2.10 “Vicious Animal” means any animal, except for a dangerous animal, that has either
 - 2.10.1 Attacked or bitten a person [on two separate occasions [within a twelve-month period]] without provocation, [or bitten a person on one or more occasions causing an injury above the person’s shoulders,] [or bitten or attacked a person on one or more occasions without provocation while the animal was running at large,] excluding:
 - 2.10.1.1 A dog used in security or police work if the attack or bite occurred while the dog was actually performing in its capacity as a security or police dog; and
 - 2.10.1.2 An animal that attacked or bit a person who, at the time of the attack or bite, was engaged in a criminal act against the person or property of another; or
 - 2.10.2 Attacked a domestic animal or fowl without provocation:
 - 2.10.2.1 On two separate occasions within a twelve-month period; or
 - 2.10.2.2 On three or more separate occasions within the lifetime of the attacking animal.

3. Dangerous Animals Prohibited

- 3.1 No person shall keep a dangerous animal in the covered area except as provided in Section 3.2.
- 3.2 The prohibition on dangerous animals contained in Section 3.1 shall not apply to the keeping of dangerous animals under any of the following circumstances:
 - 3.2.1 A dangerous animal kept in the covered area prior to the date of passage of this ordinance.

- 3.2.2 A dangerous animal kept at a state licensed veterinary hospital, humane society, or licensed rehabilitator or animal control pound for treatment or impoundment purposes.
 - 3.2.3 A dangerous animal kept by a federal, state, county, or municipal authority or its designee pursuant to the enforcement of an animal control ordinance.
 - 3.2.4 A dangerous animal kept by a governmental agency, bona fide educational institution, bona fide medical institution, or bona fide research laboratory for instructional or research purposes.
 - 3.2.5 A dangerous animal kept in a publicly owned zoo.
 - 3.2.6 A dangerous animal kept for a fur pelting business on properly zoned land.
 - 3.2.7 A dangerous animal kept by an individual meeting United States Department of Agriculture permit requirements.
 - 3.2.8 A dangerous animal commercially exhibited for ten days or less.
 - 3.2.9 A dangerous animal being commercially transported through Greene County.
- 3.3 The owner of a dangerous animal shall display a warning sign in a conspicuous manner on each entrance of the facility in which the dangerous animal is kept informing the public of the type of animal kept therein.
- 3.3.1 The sign shall be at least five inches high by seven inches wide.
 - 3.3.2 The sign shall state “(NAME OF SPECIES) ON THESE PREMISES” and shall list the common name of the type of dangerous animal kept in the facility.
 - 3.3.3 The sign shall have a yellow background with black block capital letters not less than ½ inch in height.
- 3.4 The owner of a dangerous animal shall immediately notify the Greene County Sheriff’s Office if the animal escapes or in any way harms a human being.

4. Seizure, Impoundment, and Disposition of Dangerous Animals

- 4.1 In the event that a dangerous animal is found at large in the covered area, such animal may, in the discretion of the Sheriff, be destroyed; the Sheriff shall have no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall the Sheriff have a duty to notify the owner prior to the animal’s destruction.

- 4.2 Except as provided in Section 4.6 below, if the Sheriff determines that an owner is keeping a dangerous animal in the covered area in violation of this ordinance, the Sheriff shall issue the owner of the dangerous animal a written removal order.
- 4.3 The removal order shall direct the owner of a dangerous animal within seven calendar days to safely remove the dangerous animal from the covered area, to permanently place the dangerous animal with an individual or organization allowed to keep a dangerous animal under Section 3.2 of this ordinance, or to destroy the dangerous animal.
- 4.4 The removal order shall be served personally or by certified mail.
- 4.5 If the owner of a dangerous animal does not comply with a removal order, the Sheriff may seize, remove, and – in the absence of an appeal, after the ninety-six-hour appeal period has expired – euthanize the dangerous animal, and the owner of the dangerous animal may be assessed for any costs incurred in the capturing, maintaining, and euthanizing of the dangerous animal.
- 4.6 In the event that any dangerous animal kills or causes serious injury to a human being, the animal shall be immediately surrendered to the Sheriff for euthanasia.
 - 4.6.1 Unless written authorization for euthanasia is signed by the animal's owner at the time of the animal's surrender, the Sheriff shall hold the animal for ninety-six hours, and the cost of maintaining the animal shall be assessed to the owner.
 - 4.6.2 If the owner of the animal does not appeal the Sheriff's determination that the animal is a dangerous animal that has killed or caused serious injury to a human being within ninety-six hours of the animal's surrender, the Sheriff may euthanize the animal, and the owner shall be assessed the cost incurred in euthanizing the animal.

5. Seizure, Impoundment, and Disposition of Vicious Animals

- 5.1 No person shall keep a vicious animal in the covered area.
- 5.2 If the Sheriff determines that an owner is keeping a vicious animal in the covered area, the Sheriff shall personally serve the owner written notice of the Sheriff's determination, and the owner shall immediately surrender the vicious animal to the Sheriff.

- 5.3 Unless written authorization for euthanasia is signed by the owner of a vicious animal at the time of the vicious animal's surrender, the Sheriff shall hold the vicious animal for ninety-six hours, and the cost of maintaining the animal shall be assessed to the owner.
- 5.4 If the owner of the animal does not appeal the Sheriff's determination within ninety-six hours of the vicious animal's surrender, the Sheriff may euthanize the vicious animal, and the owner shall be assessed the cost incurred in euthanizing the animal.

6. Right of Appeal

- 6.1 The Sheriff shall in writing inform every owner of an animal seized by, or surrendered to, the Sheriff in the effectuation of the provisions of this ordinance of the owner's right to appeal the Sheriff's determination that the animal is a dangerous or vicious animal being kept in violation of this ordinance.
- 6.2 The Sheriff shall inform the animal's owner of both the method by which an appeal may be taken and the owner's right to represent him- or herself or to be represented by another person in the appeal.
- 6.3 The Sheriff shall also inform the animal's owner that the owner has ninety-six hours from the time of the animal's seizure or surrender to appeal the Sheriff's determination that the owner's animal is a dangerous or vicious animal being kept in violation of this ordinance.
- 6.4 Any appeal must be made in writing and must be received by the Sheriff within ninety-six hours of the animal's seizure or surrender.
- 6.5 Any written appeal timely received by the Sheriff shall be immediately placed on the agenda for the next regular Board meeting in accordance with Chapter 21 of the Code of Iowa, provided that such appeal shall not be heard sooner than five days after the appeal is taken.
- 6.6 The appellant shall be informed by certified mail of the date and time of the hearing before the Board and shall be granted access to any records in the possession of the Sheriff relevant to the Sheriff's determination.
- 6.7 During the pendency of the appeal, the Sheriff shall maintain the allegedly dangerous or vicious animal, and if the Sheriff's initial decision is ultimately upheld, the costs incurred in maintaining the animal may be assessed to the owner making the appeal.

7. Appeal Hearing

- 7.1 On appeal, the Board shall review the Sheriff's decision de novo at the time scheduled for the appeal, unless a continuance is requested by the appellant.
- 7.2 The appellant shall be permitted to present whatever evidence is desired in support of his or her appeal, including his or her own testimony, the testimony of other witnesses, and documentary evidence.
- 7.3 At the appeal hearing, the technical rules of evidence shall not apply, and the Board may set reasonable time limits for the parties to present their evidence.
- 7.4 The Board may question the appellant, and the Sheriff shall present the Board with the grounds for his or her determination.
- 7.5 The appeal hearing shall be tape-recorded.
- 7.6 When the Board deliberates on the appeal, no parties shall be present.
- 7.7 The Board's decision shall be based solely on the evidence submitted to the Board at the hearing
- 7.8 Within five days of the appeal hearing, the Board shall mail the appellant its decision in writing by certified mail.
- 7.9 The Board's written decision shall include the reasons for its decision, as well as the method by which the appellant may appeal the Board's decision.
- 7.10 A person aggrieved by the Board's decision may appeal the decision as if it were a contested case before an agency and as if the person had exhausted administrative remedies in accordance with the procedures and standards in Section 17A.19 and 17A.20 of the Code of Iowa.
- 7.11 An appeal of the Board's decision must be made within seven days of receipt of the Board's decision.

8. Liability

- 8.1 Nothing in this ordinance absolves the owner of an animal that inflicts injury to a person or property from financial responsibility for the animal's actions.

9. Penalties

- 9.1 A violation of this ordinance shall constitute a [County civil infraction] [a simple misdemeanor] [and is subject to a civil penalty of \$750 for the first violation and a civil penalty of \$1,000 for each subsequent violation].

10. Repealer Clause

10.1 All ordinances or parts thereof that are in conflict with this ordinance are hereby repealed.

11. Severability

11.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

12. Variances

12.1 Variances to this ordinance with respect to the keeping of dangerous or vicious animals may be granted by the Board provided that the application for the variance is submitted in writing to the Board, the request is consistent with the purpose of this ordinance, and the application contains sufficient information to substantiate the need and propriety for such action.

12.2 A request for a variance shall be heard by the Board at a regularly scheduled meeting.

12.3 In ruling on a variance request the Board is entitled to consider the applicant's experience with regard to the handling and keeping of similar animals, the type and quality of the facilities provided for the confinement of the animal, and any prior documented complaints or problems concerning the animal for which the variance is being requested.

13. Effective Date

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