

CHAPTER 28

**LINN COUNTY ORDINANCE PROVIDING FOR ANIMAL CONTROL
AND
DOG AND COMPANION CATS RABIES VACCINATION**

Ordinance # 7-7-2011

Repealer: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

28.1	Definitions
28.2	Rabies Vaccination
28.3	Rabies Vaccination Certificates and Tags
28.4	Duty of Owner to Notify
28.5	Veterinarian Requirements
28.6	Duty of Owner to Control Animal
28.6A	Harrassment / Unauthorized Release of Animals Prohibited
28.7	Disposition of Animals
28.8	Disposition of Diseased and Injured Animals
28.9	Report of Bites
28.10	Quarantine of Animals
28.11	Euthanasia
28.12	Jurisdiction
28.13	Enforcement
28.14	Penalties
28.15	Variances

28.1 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.

1. Animal means any animal, other than a dangerous animal as defined in Chapter 29 of the Linn County Code of Ordinances, that is owned by a person.
2. 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.
3. Animal Control Officer means a designated employee of the Animal Control Agency.
4. At Large means off the premises of the owner, unless:
 - a. The animal is on the property of another with permission of the property owner or lessee, or on public lands in accordance with existing laws, or
 - b. The animal is on a leash or similar restraint and is under the control of a responsible person, or is off leash but under the direct supervision of a responsible person and is obedient to that responsible person's command and that person has in their possession a leash or similar restraint, or
 - c. The animal is confined within a secure enclosure, including a motor vehicle, or
 - d. The animal is engaged in sanctioned exhibitions or obedience classes.
5. Board of Health means the Linn County Board of Health.
6. Board of Supervisors means the Linn County Board of Supervisors.
7. Companion Cat means a domesticated cat raised to live in or about the habitation of humans and is dependent on people for food and shelter.
8. Dog means both male and female animals of the canine species.
9. Health Officer means the Director of the Linn County Health Department and his/her designated agent.
10. 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.
11. Owner means any person confining, harboring, maintaining, owning, or sheltering an animal.
12. 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.

13. Reclaimed means notice by the owner to the Animal Control Agency of ownership of an impounded animal.

14. Redeemed means payment by the owner to the Animal Control Agency of the costs of confinement of an impounded animal and any other expenses required by the Animal Control Agency.

28.2 Rabies Vaccination

Every owner of a dog or companion cat shall obtain a rabies vaccination for such animal in accordance with the Compendium of Animals Rabies Control as compiled by the National Association of State Public Health Veterinarians, Inc. It shall be a violation of this chapter for any person to own or have a dog or companion cat in the person's possession, three (3) months of age or over, which has not been vaccinated against rabies. Dogs or cats kept in state or federally licensed kennels and not allowed to run at large shall not be subject to these vaccination requirements.

28.3 Rabies Vaccination Certificates and Tags

1. Every dog or companion cat which is over three (3) months of age shall wear a collar with a valid rabies vaccination tag attached to the collar when outside of the owner's dwelling. The owner shall display the rabies vaccination tag and certificate to the Animal Control Officer or Health Officer upon demand.

2. Every dog or companion cat which is outside of the owner's dwelling and not wearing a collar with a valid rabies vaccination tag attached to the collar shall not be deemed property.

28.4 Duty of Owner to Notify.

1. The owner shall attach a permanent identification device to their dog or companion cat's collar which contains the address and/or telephone number of the dog or companion cat's owner or veterinarian unless the information is engraved on the rabies vaccination tag. Failure to attach such identification device shall not constitute a county infraction but may result in an animal being disposed of as "owner unknown" pursuant to Section 28.7.

2. The owner shall notify the veterinarian which vaccinated their dog or companion cat for rabies of any change of address within five (5) days of moving.

3. When permanent ownership of a dog or companion cat is transferred, the original owner must notify the veterinarian who vaccinated the dog or companion cat for rabies, within five (5) days after the transfer, that they are transferring ownership and the new owner's name, address and telephone number.

28.5 Veterinarian Requirements.

In order for the Animal Control Agency or Health Officer to verify the ownership of an animal, the veterinarian shall, upon request from an Animal Control Officer or the Health Officer, provide to the requesting officer the name, address and telephone number of the owner of any companion cat or dog which the veterinarian has vaccinated for rabies.

28.6 Duty of Owner to Control Animal.

1. It shall be unlawful for an animal to run at large.

2. Any animal running at large may be apprehended by a Law Enforcement Officer or an Animal Control Officer and may be impounded by the Animal Control Agency. Upon impoundment of any animal the Animal Control Agency employees shall make a registration for such animal, entering the species, breed most predominant, color and sex of the animal.

3. It shall be unlawful for the owner of an animal or person having an animal in their possession, care, custody, or control to allow or permit said animal to create a disturbance by engaging in frequent and/or habitual howling, yelping, barking or other vocalizations when such disturbance interferes with the comfortable enjoyment of life or property of another.

This subsection (3) shall not apply to animals kept in kennels or shelters which are properly licensed and/or zoned.

28.6A Harassment / Unauthorized Release of Animals Prohibited

It shall be unlawful for a person to repeatedly or persistently tease, torment, agitate, or attack an animal owned by another person except when such action is deemed necessary to protect persons or their property from the animal.

No person, except the owner of an animal or his/her authorized agent shall willfully open any gates, bars, doors, fences, partition, or any portion of a kennel, etc., on any private or public premises for the purpose of enticing or enabling the animal to leave such premises.

28.7 Disposition of Animals.

1. If the owner is unknown an impounded animal shall be kept a minimum of three (3) business days (Monday-Friday except holidays), and thereafter may be adopted or humanely destroyed.

2. If the owner is known or determined, and has not reclaimed and redeemed an impounded animal within three (3) business days, the owner will then be sent notice by registered mail to their last known address that the impounded animal will be put up for adoption or humanely destroyed within fifteen (15) days of the date of the notice. If the owner has not reclaimed and redeemed the animal within said fifteen day period, the animal thereafter may be adopted or humanely destroyed.

3. Upon impoundment an animal shall immediately be put up for adoption but shall not be adopted out until the waiting periods set forth in subsections 1 and 2 expire.

28.8 Disposition of Diseased and Injured Animals

The Animal Control Officer may have a diseased or injured animal found at large euthanized or impounded. Impounded animals that contract a contagious disease or diseases may be euthanized. If the applicable time periods set out in Section 28.7 subsections (1) or (2) have not expired, an animal shall not be euthanized unless it is first examined by a licensed veterinarian and the veterinarian determines that euthanization is required. If the owner of the animal is known or determined every reasonable effort will be made to notify the owner before euthanizing. If contacted the owner's request regarding the disposition of the animal will be honored unless the Animal Control Officer determines it is inhumane to the animal.

28.9 Report of Bites.

1. Every physician or other practitioner shall report in writing to the Health Officer the name and address of any person treated for bites inflicted by an animal with such other information as will assist in the prevention of rabies.
2. Every veterinarian shall report to the Health Officer any diagnosis of rabies. Every veterinarian shall report to the Health Officer the name and address of the owner of any animals treated for bites inflicted by another animal.
3. Anyone, including the owner of the animal, having knowledge of a person being bitten by or receiving a skin abrasion from an animal within Linn County shall promptly report such fact to the Health Officer.

28.10 Quarantine of Animals.

An owner's whose animal is suspected of having rabies or other disease communicable to humans, shall place the animal in isolation under quarantine under the direction of the Health Officer for ten (10) days. In the event the animal has had a current rabies vaccination, the Health Officer may authorize the owner to quarantine the animal at the owner's home. In the event the animal has not had a current rabies vaccination, or if it is unknown whether the vaccination is current and evidence is not produced satisfactory to the Health Officer that the vaccination is current, or for any other reason that the Health Officer so determines, the animal shall be quarantined at the Animal Control Agency or a licensed veterinary hospital. If the animal is quarantined at the Animal Control Agency or a licensed veterinary hospital all costs of such confinement shall be paid by the owner.

28.11 Euthanasia

When an animal that has bitten is suspected of rabies, the Health Officer may order the animal to be euthanized and tested for the presence of rabies virus.

28.12 Jurisdiction

1. 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 animal control or rabies vaccinations of dogs or companion cats.
2. 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.
3. Nothing in this ordinance releases the keeper of an animal from the responsibility of obtaining all federal, state, county or city permits and/or licenses required for keeping such an animal.
4. Nothing in this ordinance allows any person the right to keep any animal in violation of any federal, state, county or city law.

28.13 Enforcement

It shall be the duty of the Health Officer to enforce provisions of this ordinance relating to animal bites and to 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.

28.14 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 constitute a county infraction and shall be enforced in accordance with Chapter 19, Linn County Code of Ordinances. The following specific penalties shall apply:

1. Any person convicted of committing a county infraction based upon Section 28.6(1) or Section 28.6(3) shall pay a civil penalty as follows:

First offense: \$50

Second offense: \$100

Third and subsequent offense: \$200

2. Any person convicted of committing a county infraction based upon Section 28.6A shall pay a civil penalty as follows:

First offense: \$50

Second offense: \$100

Third and subsequent offense: \$200

3. A complaint issued for a violation of Sections 28.6(1), 28.6(3) or 28.6A shall clearly state on the face of the complaint the enhanced penalties for subsequent violations. Complaints issued against minors shall be issued against the parent or guardian of the minor.

4. In addition to any civil penalty imposed for violation of this ordinance, the court may grant appropriate relief to abate or halt the violation, which may include surrender of the animal(s) to the Animal Control Agency or restraining orders against persons harassing animals.

5. The complaint for a county infraction may be served by personal service or by certified mail return receipt requested. A copy of the complaint shall be retained by the County Attorney's Office and one copy shall be sent to the Clerk of the District Court.

6. A person found guilty of a county infraction is liable for the court costs and fees.

7. If a violator willfully fails to pay the civil penalty or violates the terms of any other order imposed by the court, such failure shall constitute contempt.

8. The provisions of this Ordinance shall not preclude the bringing of a civil action by ordinary proceedings to enjoin or abate any nuisance.

28.15 Variances

Variances to the requirements of this ordinance may be granted by the Board of Supervisors provided sufficient information is submitted to substantiate the need for such action. Applications for variances and justification shall be in writing and copies filed with the Linn County Board of Supervisors.