

SECTION 1, SECTION MODIFIED. Chapter 7-1 of the Code of Ordinances of the City of Linden, Iowa, 1996, is repealed and renamed ANIMAL PROTECTION AND CONTROL and the following adopted in lieu thereof:

7-1, 01 DEFINITIONS. The following terms are defined for use in the chapters of this Code of Ordinances pertaining to Animal Protection and Control:

1. "Animal" means any nonhuman vertebrate.
2. "At large" means off the premises of the animal's owner and not under the control of a competent person, retrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Dangerous dog or other dangerous animal" means any dog or animal that meets on or more of the following conditions:
 - a. Attacks or bites a human being or other domestic animal one or more times without provocation.
 - b. Has a history, tendency or disposition to attack, to cause injury or to other wise endanger the safety of human beings or other domestic animals.
 - c. Snaps, bites or manifests a disposition to snap or bite.
4. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.
5. "Owner" means any person owning, keeping, sheltering or harboring an animal.

7-1, 02 CRUELTY TO ANIMALS. It is unlawful for a person who impounds or confines, in any place, any domestic animal, or fowl, or dog or cat, excluding livestock to fail to supply such animal during confinement with a sufficient quantity of food and water, or to fail to provide the dog or cat with adequate shelter, or shall torture, torment, deprive of necessary sustenance, mutilate, beat or kill any such animal by any means with cause unjustified pain, distress or suffering, whether intentionally or negligently.

7-1, 03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means with cause pain or suffering in a manner inconsistent with customary animal husbandry practices.

7-1, 04 ABANDONMENT OF CATS AND DOGS. A person who has ownership of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound.

7-1, 05 LIVESTOCK. It is unlawful for a person to keep livestock within the city on property of less than 1 ½ acre, except by written consent of the council.

7-1, 06 AT LARGE PROHIBITED. It is unlawful for any owner to allow an animal to run a large within the corporate limits of the City.

7-1, 07 SUMMONS ISSUED. The owner of any dog or other animal shall be issued a summons to appear before a proper court to answer charges of permitting such dog or animal to be at large in violation of this chapter.

7-1, 08 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to or interference with the premises.

7-1, 09 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog, cat or other animal to allow or permit such animal 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.

7-1, 10 RABIES VACCINATIONS. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large are not subject to these vaccination requirements.

7-1, 11 OWNER'S DUTY. It is the duty of the owner of any dog, cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

7-1, 12 CONFINEMENT. When a local board of health receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of the impoundment.

7-1, 13 IMPOUNDMENT DURING PROCEEDINGS. If there is reasonable cause shown that an offending dog, cat or other animal under any sections of this chapter may constitute a hazard to the safety of the public, during the pendency of any action commenced thereunder, the court may order such dog, cat or other animal impounded pending the outcome of such proceedings. Any person who owns, keeps, harbors, maintains or controls any dog, cat or other animal involved in impoundment and is found guilty of violating any of the sections of this chapter shall pay all expenses, including shelter, food, veterinary expenses. Boarding and all other expenses necessitated by the seizure of any dog, cat or other animal for the protection of the public and such other expenses as may be required.

7-1, 14 DANGEROUS ANIMALS. No person shall own, keep or harbor or allow to be in or upon any premises occupied by said person or under his or her charge or control any dangerous dog or other dangerous animal unless said dog or other animal is confined so as to protect the public from injury, in accordance with the following:

1. Confinement, NO person owning or harboring or having the care of a dangerous dog or other animal shall permit such animal to go unconfined on the premises of such person.

A dangerous dog or other animal is confined, as the term is used in this section, if such dog or other animal is not:

- a. Confined indoors or
 - b. Confined outdoors in an enclosed and locked pen or structure upon the premises of the person described above, provided the existence of such pen or structure is permitted in areas where such structures or pens are not authorized by zoning regulations. If permitted, such pen or structure shall be at least two lengths of the dog or other animal wide, four lengths of dog or other animal long, and two lengths of the dog or other animal height and must be constructed with chain link fencing for all four sides and top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than one foot or have a concrete pad for the bottom. The pen or structure shall be set back at least ten feet from the nearest property line.
2. Leashing and Muzzling. No person owning, harboring or having the care of a dangerous dog or other dangerous animal shall permit such dog or other animal to go beyond the premises of such person unless such dog or other animal is securely leashed, with a leash no longer than four feet in length, and muzzled by a muzzling device sufficient to prevent such dog or other animal from biting persons or other animals. NO person shall permit a dangerous dog or other dangerous animal to be kept on a chain, rope or other type of leash outside the premises of the owner or person harboring or having the care of the animal unless such person is in physical control of the leash. Such dogs or other animals may not be leashed to inanimate objects such as trees, posts, buildings, etc.
 3. Destruction of Dangerous Animals. In the event that a dog or other animal that has been determined to be dangerous is found at large and unattended upon public property, park property, public right-of-way or upon 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 or Peace Office, 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 dog or other animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

Upon conviction for any offense under this section, the court may, in addition to any other fine or judgement, order a Peace Officer or the Mayor to forthwith put the dog or other animal to death by removing the same to any animal facility for such purpose. A person found guilty of violating this section shall pay all expenses, including shelter, food, immunization, veterinary expenses for identification or certification of the dog or other animal, boarding and veterinary expenses necessitated by the seizure of any dog or other animal for the protection of the public and such other expenses as may be required for the destruction of any such dog or other animal.

SECTION 2, 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 the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Passed 5-6-96