ORDINANCE NO. 6626

AN ORDINANCE TO AMEND CHAPTER 4.20 ANIMAL CONTROL OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTIONS 4.20.030 "CRUEL TREATMENT OF ANIMALS PROHIBITED"; 4.20.112 "PIT BULLS PROHIBITED" AND 4.20.140 "GENERAL PROHIBITIONS AND DUTIES".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 4.20 Animal Control is hereby amended by amending Sections 4.20.030 "Cruel Treatment of Animals Prohibited"; 4.20.112 "Pit Bulls Prohibited" and 4.20.140 "General Prohibitions And Duties", to read as follows:

4.20.030 Cruel Treatment Of Animals Prohibited

A. Physical Abuse. It shall be unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club or other object; mutilate, burn, or scald with any substance, or otherwise cruelly set upon any animal, except that reasonable force may be employed to drive off vicious, trespassing or aggressive animals. It shall further be unlawful for any person to knowingly, intentionally, or carelessly cause or allow any animal to endure unreasonable or unjustifiable pain, suffering, or injury.

B. It shall be unlawful for any person or entity keeping, harboring, or caring for any animal to fail, refuse or neglect to provide such animal with proper food, drink, shade, shelter, physical maintenance and veterinary care. Proper food, drink, shade, shelter, physical maintenance and veterinary care shall require that:

1. Each animal shall, at suitable intervals and at least once every twenty-four (24) hours, receive a quantity of food suitable for the species' physical condition and age, sufficient to maintain an adequate level of nutrition for the animal.

2. Each animal shall have available at all times an adequate supply of clean, fresh, potable water. If water pans or dishes are to be used, such pans or dishes shall have weighted bottoms or be mounted or secured in a manner that prevents tipping.

3. Each animal shall have convenient access to adequate shelter throughout the year. Any shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and shall be of sufficient size to permit the animal to enter, stand, turn around, and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, excessive ammonia levels, or which does not provide adequate ventilation or drainage, shall not comply with this section. Animals kept outdoors for a period of time exceeding thirty (30) minutes must be provided the following:

a. The shelter must be a well-constructed structure with a roof, enclosed sides, one of which must contain an entry way and a solid, level floor raised at least two inches from the ground. The entry way openings shall not comprise an entire side of the structure.

b. The shelter must have no cracks or openings other than the entrance.

c. The shelter must be small enough to allow an animal to warm the interior of the structure and maintain body heat, but large enough to allow the animal to stand, turn and lie down.

d. Between November 1 and March 31 and whenever the real or effective temperature is forty (40) degrees Fahrenheit or lower, the entryway must be protected by a self-closing door, an offset outer door, or a flexible flap, and a sufficient amount of dry bedding material consisting of hay, straw or cedar shavings must be provided to insulate against cold and damp. Blankets, rags and newspapers are prohibited due to their tendency to hold moisture and freeze.

e. The shelter must be placed where it will be adequately shaded in hot weather and protected from the wind in cold weather.

4. Each animal shall receive care and medical treatment for injuries, parasites, and diseases, sufficient to maintain the animal in good health and to minimize suffering.

5. No animals shall be hitched, tied, or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness, not of the choker type, provided that the proper use of choker collars in the training of animals shall not be prohibited. The tying device shall be attached to the animal's collar or harness and shall be at least ten (10) feet in length.

6. Any enclosure in which an animal is kept shall be constructed of material, and in a manner to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition. When a dog is confined outside a residence, the following minimum space requirements shall be used:

Size of Dog	**Pen Size (square feet)**
Extra-large (over 26 inches at withers or over 75 lbs.)	48
Large (over 20 inches and up to 26 inches at withers or not over 75 lbs.)	40

Medium (over 12 inches and up to 20 inches at withers or not over 50 lbs.)	32
Small (12 inches or less at withers or not over 20 lbs.)	24

An additional sixteen (16) square feet shall be required for each dog sharing the pen with another. The minimum pen size includes a shelter.

7. It shall be unlawful for any person to place or confine or allow an animal to be confined in such a manner that it remain in a motor vehicle or trailer under such conditions or for such periods of time as may endanger the health or well-being of the animal due to heat, lack of food or water, or any circumstances which may cause suffering, disability, or death. Any animal control officer or police officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears that its health is endangered after making reasonable attempt to contact the owner. The animal will be impounded and may be taken to a veterinarian for any care needed and then placed at the animal shelter. A written notice will be left attached to the vehicle with the time, date, location of where the animal is being held and a contact number to call. Any person violating this section shall bear the full cost and expense incurred by the city in the care, medical treatment, and impound, including any repairs to vehicle or removal costs.

8. It shall be unlawful for any person to abandon any animal within the city. Abandonment shall mean leaving an animal for a period in excess of twenty-four (24) hours without appropriate provisions having been made for the feeding, watering, and care of such animal. If an animal is restrained or confined out of doors without food, water or proper care, the administrative authority or his designee may enter upon any such property where the animal is restrained or confined and supply it with the necessary food, water and care so long as it remains there.

9. Except as hereinafter provided in CBMC 4.20.040, it shall be prohibited and a misdemeanor for any person, firm, or corporation to trap, poison, shoot, harm, treat cruelly, injure, torture, or destroy any animal within the city of Council Bluffs, Iowa.

10. Any person or persons violating this section shall bear full cost and expenses incurred by the city of Council Bluffs, Iowa, in the care, medical treatment, impoundment cost, and disposal of said animals.

11. Failure to perform any of these duties shall constitute a misdemeanor.

12. The administrative authority or his designee shall promptly investigate all reported cases of neglect, injury, or cruelty, and shall take the following actions as necessary, provided a violation of this section is present:

    a. If said animal is located outside the residence, it shall be removed and impounded at the animal shelter or veterinarian if in imminent danger or further injury may occur. Notification of impound shall be given to the caretaker in person or in writing upon removing said animal.

b. If said animal is located outside the residence, but is not in imminent danger or further injury will not occur to the animal, corrective measures may be placed upon the caretaker. Failure to comply with said corrective measures shall result in the animal being removed from the residence and impounded at the animal shelter or veterinarian. Notification of impound shall be given to the caretaker in person or in writing upon removing said animal.

c. If said animal is located within the residence, a search warrant shall be obtained to gain legal entry of the residence and said animal shall be removed and impounded at the animal shelter or veterinarian if in imminent danger or further injury may occur. Notification of impound shall be given to the caretaker in person or in writing upon removing said animal.

d. If said animal is located within the residence, a search warrant shall be obtained to gain legal entry of the residence. If said animal is found not to be in imminent danger or further injury will not occur to the animal, corrective measures may be placed upon the caretaker. Failure to comply with said corrective measures shall result in the animal being removed from the residence and impounded at the animal shelter or veterinarian upon service of an additional search warrant. Notification of impound shall be given to the caretaker in person or in writing upon removing said animal.

e. Any person who owns, keeps, harbors, maintains or controls any animal impounded in accordance with this section, shall pay a bond in the amount set forth in the schedule of fees (two hundred fifty dollars ($250.00)) prior to the expiration of five calendar days after the date of impoundment. If said payment is not made prior to the expiration of this five-day period, the animal shall become the property of the city of Council Bluffs, Iowa, to be disposed of as deemed appropriate by the administrative authority, or his/her designee.

13. It shall be unlawful for any person owning or caring for any animal to fail to keep in a clean and sanitary condition the person's dwelling or other structure where the animal is kept at any time.

(Ord. No. 6304, § 1, 9-25-2017; Ord. No. 6357, § 1, 10-22-2018)

4.20.112 Pit Bulls Prohibited

A. It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the city of Council Bluffs, Iowa, any pit bull.

B. Definitions. For the purposes of this section:

Owner: Any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.

Pit bull: Any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or

more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. The A.K.C. and U.K.C. standards for the above breeds are on file in the office of the administrative authority.

Muzzled: The jaws of the pit bull are confined by a device that prevents the pit bull from biting.

Secure temporary enclosure: An enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a "door" for removal of the pit bull. Such enclosure must be constructed so that the pit bull cannot exit the enclosure on its own.

C. Exceptions.

1. The city animal shelter may temporarily harbor and transport any pitbull for purposes of enforcing the provisions of this chapter.

2. A licensed veterinarian may temporarily harbor any pit bull for the purpose of care and treatment of the animal.

3. A person may temporarily transport into and hold in the city a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the administrative authority, must obtain any other permits or licenses required by city ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public at least seven days prior to said exhibition, contest or show. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the city to and from the place of exhibition, contest, or show, keep the pit bull confined in a "secure temporary enclosure" as defined in paragraph B,4.

D. Notwithstanding any provisions to the contrary, the administrative authority is authorized to immediately impound any pit bull found in the city of Council Bluffs which does not fall within the exceptions listed in paragraph C above, and the animal shelter may house or dispose of such pit bull in such manner as the administrative authority may deem appropriate, except as the procedures in paragraph F below otherwise require.

E. When the administrative authority has impounded any pit bull dog pursuant to this section, and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may file a written petition with the administrative authority for a hearing concerning such classification no later than seven days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The administrative authority will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing. When no written request from the owner for a hearing is received by the administrative authority within seven days of impoundment, the pit bull shall be humanely destroyed.

The hearing, if any, will be held before the administrative authority or a hearing officer designated by the administrative authority. The appellant-owner of such dog shall bear the burden of proof. Any facts that the petitioner wishes to be considered shall be submitted under oath or affirmation, either in writing or orally at the hearing. The administrative authority or hearing officer shall make a final determination whether the dog is a pit bull as defined in paragraph B,2 of this section. Such final determination shall be considered a final order of the administrative authority subject to review as provided in CBMC 4.20.132.

If the dog is found to be a pit bull, it shall be humanely destroyed, unless the owner produces evidence deemed sufficient by the administrative authority that the pit bull is to be permanently taken out of Council Bluffs, and the owner pays the cost of impoundment. If the dog is found not to be a pit bull, the dog shall be released to the owner.

The procedures in this paragraph shall not apply, and the owner is not entitled to such a hearing with respect to any dog that was impounded as the immediate result of an attack or bite. In those instances, the dog shall be handled, and the procedures governed by the provisions of CBMC 4.20.120.

(Ord. No. 6304, § 1, 9-25-2017; Ord. No. 6357, § 1, 10-22-2018)

4.20.140 General Prohibitions And Duties

A. No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such persons' property or that of another, by opening any gate, door, or window, by making an opening in any fence, enclosure, or structure, or by unleashing such animal.

B. It shall be the duty of every person owning or having the custody or control of an animal to immediately clean up, remove, and dispose of the feces deposited by such animal upon public property, park property, public right-of-way, or the property or another, as provided in paragraph I of this section. Failure to do so shall constitute a misdemeanor.

C. It shall be the duty of every person owning or having the custody or control of an animal to physically restrain the animal within an enclosure or upon a leash when such animal is left unattended outside. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another. Failure to restrain an animal pursuant to the foregoing shall constitute a misdemeanor.

    1. The use of underground electric fencing systems shall satisfy physical restraint so long as the owner is present with his/her dog and assures:

        a. The underground electric fence system is in working order;

        b. The dog is trained in accordance with the fencing system;

        c. The dog is wearing a functional fence collar;

        d. The property is clearly and prominently marked indicating the existence of the underground electronic fencing system with a minimum of two signs on each side of the property to which the fence is applied.

2. The underground electronic fencing system shall not allow the dog to progress beyond a line parallel to the front of the residential structure. Residential structures on corner lots shall not allow the dog to progress beyond a line parallel to both the front and the side (street side) of the residential structure.

3. Any dog found to be at-large while being restrained by underground electronic fencing shall no longer be allowed to be restrained in such manner.

4. Underground electronic fencing is prohibited for:

   a. Dogs deemed to be dangerous pursuant to CBMC 4.20.082 and CBMC 4.20.084;

   b. Dogs deemed to be a "pit bull" pursuant to CBMC 4.20.112.

D. No person owning or having an animal under his or her control or within his or her care or custody, shall permit such animal to create a noise disturbance as defined in CBMC 4.50 "Noise Control," or to bark or make any loud or unusual noises during times which such owner knows or should expect that such noise will disturb one or more neighbors, or otherwise disturb the peace. Kennels, veterinary clinics, animal hospitals, and animal shelters located within properly zoned areas shall be eligible for a variance from this requirement pursuant to the provisions of CBMC 4.50.070.

E. It shall be prohibited for any person in any manner to interfere with any employee or designated representative of the city, so as to hinder, delay, or prevent his or her executing his or her duties in relation to the matters and things contained in this chapter.

F. It is unlawful for any person owning, controlling, or caring for any animal that has died from any cause to allow the carcass to lie about the owner's premises or upon the premises of another person or upon any public property or right-of-way. It shall be the duty of such person to cause such carcass to be removed and properly disposed of by burying it in an approved animal cemetery, cremating in an approved incinerator, desiccation, removal by a licensed animal disposal company, or by delivering to a licensed veterinarian, or the city animal shelter, within twenty-four (24) hours after the death of the animal. It is unlawful for any person to bury an animal on private premises within the city, or for the owner of any property to allow an animal to be buried thereon, except in time of emergency as declared by the Board of Review when such action is necessary to protect the public health. The owner, possessor and all persons having knowledge of any dead animal in the city shall report the same to the department of public health, giving the name of the person who owned or had possession or control of the animal prior to its death, and the place where the animal may be found. The administrative authority shall immediately notify the person who owned or had possession and control of such animal to cause the same to be removed and properly disposed of as herein provided.

G. Regardless of the provisions of paragraph F of this section, it shall be unlawful for any owner or other person to dispose of any dead animal or allow it to be collected for disposal by any person except authorized representatives of the city if such animal has attacked, bitten, or caused a skin abrasion on any person, or if the animal is suspected of being infected with

rabies, until permission for disposal has been given by the administrative authority or his or her designee.

H. At least once every twenty-four (24) hours or more often if odors or health problems arise, such person shall pick up any and all feces so as to prevent its accumulation and same shall be properly disposed of. Feces shall be held in watertight and fly-tight containers pending disposal and shall be disposed of at least once weekly. Feces shall be disposed of by depositing same in a proper receptacle for disposal as solid waste by a licensed private refuse hauler pursuant to the requirements of CBMC 4.12. The animal and place where the animal is maintained shall also be kept free of obnoxious odors and shall be maintained so as not to attract or permit the harborage or breeding of flies and other insects or rodents or other vermin. All animal food and water shall be stored and placed for the animal's consumption in such a manner so that it will not become food for rodents and other vermin.

I. It is unlawful for any owner or other person to abandon, turn loose, or leave any animal within the corporate limits of the city or so that the animal may find its way into the corporate limits of the city, or to abandon or leave any animal upon or in any premises unattended for a period in excess of twenty-four (24) hours.

J. It is unlawful for any person to willfully allow animals to bite, fight, purposely scare or attack other animals or humans.

K. No person driving a motor vehicle shall transport any animal in the back of the vehicle in a space intended for any load, including, but not limited to, the cargo bed of a truck or the trunk of an automobile, except an animal may be transported in the cargo bed of a truck if the space is enclosed, or the vehicle has installed means of preventing the animal from being discharged, or the animal is cross tethered to the vehicle, or is protected by a secured container or cage, in a manner which will prevent the animal from being thrown, falling, or jumping from the vehicle. This section shall not apply to the transportation of livestock.

(Ord. No. 6304, § 1, 9-25-2017; Ord. No. 6357, § 1, 10-22-2018)

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its publication, as by law provided.

PASSED
AND February 10, 2025.
APPROVED

_____

MATTHEW J. WALSH Mayor

Attest: _____

JODI QUAKENBUSH City Clerk

First Consideration: 1-27-25
Second Consideration: 2-10-25
Public Hearing: n/a
Third Consideration: _____