ORDINANCE NO. 6357

AN ORDINANCE TO AMEND TITLE 4 "HEALTH AND SANITATION" OF THE 2015 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING "CHAPTER 4.20 – ANIMAL CONTROL."

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

SECTION 1. That Title 4 "Health and Sanitation" Chapter 4.20 "Animal Control" of the 2015 Municipal Code of Council Bluffs, Iowa, is hereby amended to read as follows:

Article I. - Humane Animal Treatment and Control

4.20.010 - Administration and enforcement.

(a) The Administrative Authority, under the supervision of the mayor, shall be responsible for the administration of the provisions of this chapter. Those persons charged with enforcing the provisions of this chapter shall have the authority to seize and impound animals pursuant to the provisions of this chapter, and shall have the authority to write and serve enforcement/impoundment fee tickets as provided in this chapter; provided, that the administrative authority and any of his or her assistants may be sworn as officers by the mayor for the purpose of enforcing the provisions of this chapter, and as such, shall have the authority of peace officers, including the authority to issue misdemeanor citations for violations of this chapter.

It shall be the duty of those persons charged with enforcing the provisions of this chapter to impound any animals found running at large in violation of the terms of this chapter. It shall further be the duty of the director or his or her designee to investigate all animal bites reported to the City, and to impound and quarantine the biting animal as provided in this chapter.

References to the administrative authority contained herein shall be deemed to include his or hers duly appointed designee.

(b) Any conduct in this chapter defined as a misdemeanor may, at the discretion of the city attorney, be handled as a municipal infraction pursuant to the terms of Chapter 1.95 of this code. (c) Each separate occurrence of a violation of a particular section shall constitute a separate and distinct violation. If the violation is of a continuing nature, then each and every day that the violation is allowed to exist shall be deemed a separate and distinct violation.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.020 - Definitions.

For use in this chapter, the following terms shall have the following meanings:

(1) “Administrative authority” means the Director of Community Development or his/her designee. The Chief Animal Control Officer or his/her designee, or anyone else duly authorized by the Mayor.

(2) "Animal" means every wild, tame or domestic member of the animal kingdom other than the genus and species Homo sapiens.

(3) "Animal shelter" means the premises and/or building which the mayor or his or her designee may from time to time designate as the location for the impoundment of animals.

(4) "At large," "running at large," or "being at large" means any licensed or unlicensed animal found off the premises of its owner and either: (A) Not on a leash; (B) Not restrained within a vehicle so as to prevent it leaving the vehicle; or (C) Not housed in a veterinary hospital or kennel.

(5) "Bite" means any puncture, laceration, abrasion, scratch or any other break in the skin of a human, caused by an animal.

(6) “Board of Review” shall be an ad hoc board made up of the Mayor or his/her designee, the Police Chief or his/her designee and the Fire Chief or his/her designee. This board will only meet as needed and will conduct its hearings pursuant to Robert’s Rules of Order and in compliance with Iowa’s open meeting law.

(7) "Cat" means both male and female animals of the feline species, whether neutered or not.

(8) "Dangerous animal" or "dangerous animal, per se" means:

(A) Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals and having known tendencies as a species to do so;

(B) Any animals declared to be dangerous by the Board of Review or the mayor or his or her designee;

(C) The following animals which shall be deemed to be dangerous animals, per se:

Artiodactyla of the family Antilocapridae, which includes pronghorns;

Artiodactyla of the family Cervidae, which includes moose and caribou;

Artiodactyla of the family Suidae and the genus and species Sus scrofa (domestic swine and wild boar), which includes all male and female wild boars;

Bovidae—males only (bulls);

Carnivora of the family Canidae, which includes wolves, foxes, and hybrids, but excludes domestic dogs;

Carnivora of the family Felidae, which includes lions, lynx, bobcats, and hybrids, but excludes domestic cats;

Carnivora of the family Mustelidae, which includes badgers, wolverines, weasels and skunks, except ferrets;

Carnivora of the family Procyonidae, which includes raccoons;

Carnivora of the family Ursidae, which includes bears;

Chelonia of the family Chelydridae (snapping turtles);

Crocodilia which includes crocodiles and alligators;

Chiroptera (bats);

Proboscidae (elephants);

Rodentia of the family Cricetidae (mice), except white mice kept as household pets;

Rodentia of the family Muridae (rats), except white rats kept as household pets;

Scorpiones of the family Buthidae (scorpions);

Squamata of the suborder Ophidia (snakes) which are venomous or constrictors, not to include any nonvenomous snake indigenous to the state of Iowa.

(9) (A) "Dangerous dog" means:

(i) Any dog with a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals;

(ii) Any dog that has been cited for running at large three times in one year; or

(iii) Any dog that has attacked another animal once while at large.

(B) A dangerous dog is "unconfined" as the term is used in this section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises which shall be set back at least ten (10) feet from the nearest property line of the person described in Section 4.20.110(b). Such pen or structure must have secure sides and a secure top. The sides must be embedded into the ground no less than one foot or secured into a concrete slap.

(10) "Dart" means the process whereby a drug of a sedative nature is delivered to and injected into an animal by means of a projectile shot from a rifle, gun, or blowgun, or from a bow or crossbow, for the purpose of subduing or rendering unconscious an animal for capture.

(11) "Dog" means both male and female animals of the canine species, whether neutered or not.

(12) "Emergency" means any occurrence or set or circumstances involving actual or imminent physical trauma or property damage or which demands immediate action to protect the public health, safety and/or welfare, or the safety or welfare of an animal.

(13) "Farm animal" means every wild, tame or domestic animal kept or raised for the purpose of meat, milk, breeding, furbearing, work, recreation, sport, hobby, experimentation, or income, excluding domestic dogs and cats; any and all animals of the following orders shall be deemed to be farm animals, per se:

Anseriforms, which includes ducks and geese;

Artiodactyla, which includes all members of the families Suida (swine) and Bovidae (cattle, sheep and goats);

Carnivoras, which includes mink and skunks, but excluding domestic dogs and cats;

Columbiformes, which includes doves and pigeons;

Falconiformes, which includes hawks and falcons;

Galliformes, which includes chickens, turkeys and fowl-like birds;

Lagomorpha, which includes hares and rabbits;

Perissodactyla, which includes all members of the family Equidae (horses, ponies, asses, and mules);

Rodentia, which includes squirrels, rats and mice.

(14) "Hybrid" means any offspring produced by breeding a domestic cat or domestic dog to an animal listed as a "dangerous animal, per se."

(15) "Kennel" means "boarding kennel," "commercial kennel," as defined in Chapter 162 of the Code of Iowa.

(16) "Kennel dogs" means dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint in a kennel pursuant to Chapter 162 of the Code of Iowa.

(17) "Killer trap" or "conibear trap" means a type of trap designed to apprehend and instantaneously kill an animal, but shall not include jaw, leghold or snare-type traps, regardless if set underwater.

(18) "Live trap" means a process whereby an animal is apprehended alive and uninjured by means of a cage-type device, the door or entrance to which closes after the animal enters, preventing escape. Jaw, leghold, or snare-type traps, designed to pinch trap an animal's head or extremities, shall not be considered a live trap.

(19) "Noise disturbance" means any sound which: (A) Endangers or injures the safety or health of humans or animals; (B) Annoys or disturbs a reasonable person of normal sensitivities; or (C) Endangers or damages personal or real property.

(20) "Owner" or "owner of animal" means any person or persons, firm, association, or corporation owning, keeping, sheltering or harboring an animal with a current city pet license.

(21) "Owner" or "person or entity in lawful possession and control of any premises" means the fee title owner of any property or premises, or the person or entity in actual possession or control of such premises under a lease or real estate contract.

(22) "Person" means any individual, association, partnership, or corporation, and includes any officer, employee, agent or agency thereof.

(23) "Service animals" means any animal which is owned by a person who is disabled, and that has been properly trained at a special school to guide its owner in going from place to place.

(24) "Vicious animal" means any animal, except for a dangerous animal, per se, as listed above, which has attacked or bitten any person without provocation or which has attacked or bitten any domestic animal or fowl on more than two occasions within a twelve-month period, any dog or other animal owned or harbored primarily or in part for the purpose of fighting or any dog trained for dog fighting, or which has been found to possess such a propensity by the Board of Review.

(25) Meaning of certain words. Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

(Ord. No. 6304, § 1, 9-25-2017).

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 Section 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.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.040 - Trappings, poisoning and destruction of animals.

(a) The owner or person or entity in lawful possession and control of any premises:

(1) May trap, poison or destroy in otherwise permissible manner any mole or rodent (rat, mouse or gopher) found upon the premises, with the exception of tree squirrels;

(2) May trap, poison or destroy in otherwise permissible manner any pigeons which congregate on such premises in such a manner as to create a hazard to public health or cause damage to property;

(3) May trap or destroy in otherwise permissible manner, any dangerous animal found at large upon the premises and constituting an immediate threat to the safety or health of any person;

(4) May trap, poison, or destroy in otherwise permissible manner, any animal which has entered the occupied portion of any building, or which has entered or nested in the attic, eaves, drainage or plumbing vent piping of any building, thereby creating a nuisance which cannot otherwise be abated, except that animals regulated pursuant to Chapters 456A, 481A and 481B of the Iowa Code may not be trapped, poisoned, or destroyed pursuant hereto unless permission has first been obtained from the Iowa Department of Natural Resources;

(5) May utilize live traps to apprehend animals on any premises, regardless of the zone, if such animals constitute a nuisance due to the destruction of property, and if the method and location of such trapping is done with the concurrence and under the direction of either the Iowa Department of Natural Resources or the department of public health. If such trapping is done with the concurrence of and under the direction of the Iowa Department of Natural Resources, killer traps may be utilized.

(b) The owner, person, or entity in lawful possession and control of any premises may trap, or give permission to trap, game animals or fur-bearing animals utilizing leghold traps, live traps, or killer traps in accordance with the provisions of Chapters 456A, 481A, and 481B of the Iowa Code, upon the following described properties:

(1) A-1/Open space conservation districts and A-2/parks, estates and agricultural districts, but excluding:

(A) City-owned properties in such zones unless permission is obtained therefore pursuant to subsection (C) hereof;

(B) Those portions of such zones which lie within one thousand (1,000) feet of any residential district; and

(C) Those portions of A-1 and A-2 zones adjacent to the Missouri River and the Missouri River levees which lie between the Union Pacific Railroad Bridge on the south and the intersection of North 37th Street extended and the Missouri River on the north and which are not owned by the state of Iowa, or are not under the exclusive jurisdiction and control of the Iowa Department of Natural Resources;

(2) G-M, general manufacturing districts which lie south of West Broadway and East Broadway streets, but excluding:

(A) City-owned properties in such zones unless permission is obtained therefore pursuant to subsection (C) hereof; and

(B) Those portions of such zones which lie within one thousand (1,000) feet of any residential district; and

In the event that the County Board of Health determines that game animal or fur-bearing animal populations pose a significant threat to public health or safety, or property anywhere within the city, the board may authorize trapping by licensed pest control operators or by commercial trappers who do not own the properties to be trapped, provided the written permission of such property owners is first obtained, utilizing leghold traps, live traps, or killer traps in accordance with the provisions of Chapters 456A and 481A of the Iowa Code.

It shall be the duty of every person maintaining a trap pursuant to this provision to plainly label the trap or traps with a metal tag displaying the owner's name and address, and to inspect the trap or traps at least once every twenty-four (24) hours. Failure to do so shall constitute a misdemeanor. All animals trapped pursuant to the provisions of this section shall be promptly disposed of or destroyed in a humane manner. Traps which are placed or used in violation of this provision may be seized by the mayor his or her designee.

(c) The administrative authority may allow any person eighteen (18) years of age or older to trap game animals and/or fur-bearing animals in accordance with Chapters 456A and 481A of the Iowa Code, and under the same terms and conditions as set forth above in subsection (b) upon city-owned property, if the administrative authority determines that such trapping is necessary either to prevent animal over-population of those premises, or to promote the public health, welfare, and safety, or to abate a nuisance caused by such animal population.

(d) Nothing contained herein shall prohibit the operation of a pest control business within the city of Council Bluffs by licensed pest control technicians, provided that the pest control methods used meet with the approval of the United States Environmental Protection Agency. A licensed pest control technician may perform any of the acts set forth in subsections (a)(1) through (5) and (b) above, if done in accordance with the requirements therein set forth and if authorized to do so by the owner or person in possession and control of the premises.

(e) Nothing herein shall limit the authority of the administrative authority to apprehend by any means animals found at large in violation of this chapter, or to apprehend by any means or destroy any animal found at large which constitutes an immediate threat to public health, welfare, or safety.

(f) Nothing herein shall limit the authority of the Iowa Department of Natural Resources to trap, or allow trapping, upon property owned by the state of Iowa or under the exclusive jurisdiction and control of the Iowa Department of Natural Resources.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.045 - Pet shops.

(a) It shall be unlawful for any person who owns, conducts, manages or operates any commercial animal establishment for which a license is required by the state of Iowa, to fail to comply with each of the following conditions:

(1) Every dog and cat offered for sale shall have been vaccinated against distemper. A certificate providing the name of the veterinarian and the date and treatment must be provided to the purchaser at the time of sale.

(2) No animal shall be transported by a pet shop or dealer, whether by private or public means, unless housed in a container appropriate for the size for the animal, and designed for that purpose including provisions for adequate ventilation, food and water.

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

(4) Each animal shall have available at all times an adequate supply of clean, fresh, potable water.

(5) Reasonable precautions shall be used to insure that animals are not teased, abused, mistreated, annoyed, tormented or in a manner made to suffer by any person or means.

(6) Sick animals shall be sufficiently isolated so as not to endanger the health of other animals.

(7) Every building or enclosure wherein animals are maintained, shall be constructed of material easily cleaned, shall be kept in a sanitary condition and shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animal, with sufficient light to allow observation of animals and sanitation.

(8) Any animal shall be taken to a veterinarian for treatment if the animal control officer orders the owner or custodian to do so as necessary to maintain the health of the animal.

(9) All animal rooms, cages, shipping containers, and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept therein. At a minimum, sufficient space must be provided for every animal within an enclosure to separately and together, stand up, lie down, and turn around in a natural position.

(10) No animals bearing evidence of malnutrition, ill health, infectious disease, unhealed injury or having been kept in an unsanitary condition shall be displayed or sold to the public.

(b) Records pertaining to the sale, purchase, transfer and medical treatment, including vaccinations, for all animals shall be open and available for inspection by the administrative authority or his/her designee during reasonable hours. All such records shall be maintained on the premises for a minimum period of twelve (12) months after the date of sale or transfer of any animal. Records shall include the source of the animal sold/transferred, the date of sale/transfer, identification and sex of the animal sold/transferred, and the name and address of the purchaser.

(c) No pet shop shall sell a dangerous animal or dangerous animal, per se, as defined in Section 4.20.020(7) of this code.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.050 - Animals at large.

(a) The owner of any animal shall at all times restrain such animal to prevent it from being or running at large. Failure to do so shall constitute a simple misdemeanor subject to the penalty provisions of Section 8.02.020 of this code. An animal found at large by the administrative authority shall be seized and impounded. If the animal is unable to be apprehended, or if the owner of the animal refuses to relinquish the same, the administrative authority shall serve the owner a ticket requiring payment of an enforcement/impounded fee as set forth in the current schedule fees as adopted by the city council.

(b) An owner of a cat bearing a current rabies vaccination tag and license must restrain such animal from running at large to the extent necessary to prevent it from causing damage to either public or private property. Failure to do so shall constitute a simple misdemeanor. A cat found at large by the administrative authority not bearing current rabies vaccination tag and license, or a cat wearing such vaccination tag and license but causing property damage, may in the discretion of the administrative authority be seized and impounded. If the administrative authority is unable to apprehend such cat, or if the owner of the cat refuses to relinquish same, the administrative authority may serve the owner a ticket requiring payment of an enforcement/impounded fee as set forth in the current schedule of fees as adopted by the city council.

(c) It is lawful for any person who finds an animal at large to seize and hold the animal. Any person seizing and holding an animal may confine it within a fenced yard, house, garage or other structure owned by them, or by physically restraining such animal on a harness, collar or leash. The person seizing and holding the animal shall be responsible for the humane treatment of the animal while it is under that person's custody, and shall notify the division of animal control within forty-eight (48) hours that the animal is in their custody. An animal control officer shall scan the dog for the presence of a microchip. Should a microchip be found, the last known owner shall be contacted and arrangements be made for the dog's return. Should a microchip not be found, the person harboring the dog may maintain custody until an owner is identified or for a period of thirty (30) days. Upon holding the animal for thirty (30)days, the finder may acquire ownership of the animal by purchasing a pet license for said animal. The provisions of this chapter shall not infringe upon any right or duty created by Section 351.25 or Section 351.27 of the Iowa Code.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.060 - Impoundment.

(a) Animals which are impounded shall be placed in the Animal shelter, licensed kennel, or other suitable place as directed by the administrative authority. The City shall register every impounded animal, noting the species, breed, color and sex of such animal, and whether or not it is wearing a license tag.

(b) When an animal has been apprehended and impounded, the administrative authority shall give notice of such impoundment to the owner, if known, within two days. If an impounded animal is not claimed within three days, excluding legal holidays, of the giving of notice, or if the owner of the animal cannot be determined within three days of the date of impoundment, the animal may be disposed of as provided in this chapter; provided, however, that an animal which is being held under quarantine shall not be released for ten (10) days. The cost of impoundment, board and keep, and any other related costs, shall be billed to the owner, if known or later identified.

(c) Redemption. Any animal held or impounded at the Animal shelter may be redeemed to the owner thereof upon:

(1) Proof of ownership;

(2) Payment of the board and keep fee, enforcement/impoundment fee, and any other related costs incurred;

(3) Presentation of the city license for the current year, if required by law, or by purchasing such license, which shall not be issued until proof of a current rabies vaccination is presented;

(4) Showing proof in the form of a certificate issued and signed by a licensed veterinarian that such animal has been properly vaccinated for rabies, if required by law;

(5) Any dog or cat that has been impounded shall have an identifying microchip inserted under its skin at its owner's expense prior to being released to the owner. The fee for this procedure shall be at current pricing as set forth by the Animal shelter.

(d) For purposes of this section, the administrative authority may give notice to the owner either orally, or by posting a notice at the owner's residence, or by mail. Any animal not redeemed under the provisions of this section shall become property of the city of Council Bluffs.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.070 - Disposition of impounded animals.

After the expiration of the applicable three-day impoundment period, or ten (10) days quarantine, except as otherwise provided, an unredeemed animal, whether licensed or unlicensed may, at the discretion of the administrative authority, transfer the city's interest of ownership to that of the Animal shelter.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.080 - Injured animals at large.

(a) In the event that an injured animal, licensed pursuant to the provisions of this title, is found at large, the administrative authority shall impound such animal. Upon impounding an injured animal, the administrative authority shall attempt as soon as practicable to notify the owner of the animal's location and condition. Upon being so notified, the owner of such animal shall either immediately take custody of such animal or cause said animal to be transported to a veterinarian, or authorize its destruction in a humane manner.

(b) In the event an injured animal at large cannot be apprehended, or if it displays vicious tendencies which would make its capture unduly hazardous, or in the event that an animal is found at large so seriously injured as to make its recovery improbable, or its condition deteriorates to that point, the administrative authority may immediately destroy such animal in a humane manner in the interest of humane treatment.

(c) In the event an animal regulated by Chapters 481A or 481B of the Iowa Code is found injured at large, the administrative authority shall, if practicable, consult with an officer of the Department of Natural Resources before destroying such animal.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.082 - Dangerous animal designation.

The administrative authority or his or her designee may designate an animal to be a dangerous animal under any of the following conditions:

(1) Any animal which is not naturally tame or gentle and which is of a wild nature or disposition and capable of killing, inflicting serious injury, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so;

(2) Any animal which has attacked another animal while at large.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.084 - Dangerous animal/dog designation.

(a) The administrative authority or the administrative authority's designee may designate any animal/dog to be a dangerous animal/dog under any of the following circumstances:

(1) An animal/dog with a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals;

(2) An animal/dog that the administrative authority or the administrative authority's designee makes a finding that said animal/dog has been running at large or was at large on three occasions in a twelve-month period; or

(3) An animal/dog, while not at large, that without provocation bites or attacks a human being or domestic animal.

(b) An animal deemed to be dangerous, per se, shall by operation of law be designated a dangerous animal by the administrative authority or the administrative authority's designee.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.086 - Appeal of dangerous animal/dog designation.

The decision of the administrative authority or the administrative authority's designee declaring an animal/dog as dangerous may be appealed by the owner to the Board of Review under the provisions of this chapter; provided, that there shall be no appeal to the board of the dangerous, per se, designation.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.088 - Irresponsible animal ownership.

(a) Any animal owner that has been convicted of any violation of this chapter on two occasions in a twelve-month period shall be designated an irresponsible animal owner.

If an animal owner is convicted of a third violation of this chapter in a twelve-month period, all animals may be confiscated and disposed of at the discretion of the administrative authority, and no animal licenses shall be issued to anyone at the irresponsible animal owner's residence for a period of thirty-six (36) months.

(b) Any animal owner that has been convicted of a violation of Section 4.20.030 or 4.20.140(j) on one occasion in a twelve-month period shall be designated an irresponsible animal owner.

If an animal owner is convicted of a violation of Section 4.20.030 or 4.20.140(j) on a second occasion in a twelve-month period, all animals may be confiscated and disposed of, at the discretion of the administrative authority, and no animal licenses shall be issued to the irresponsible animal owner for a period of thirty-six (36) months.

(c) No person designated as an irresponsible animal owner shall sell or otherwise transfer ownership of any animal to another person residing at the same address.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.089 - Irresponsible animal owner—Designation removed.

Any person designated as an irresponsible animal owner who is not convicted of another violation of this chapter for a period of thirty-six (36) months shall have the irresponsible animal owner designation removed. Any further violations of this chapter may result in immediate confiscation and disposal of any animals, at the discretion of the administrative authority.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.090 - Keeping of dangerous animals prohibited.

No person shall keep, shelter, or harbor as a pet, guardian, or for any other purpose within the city, a dangerous animal as defined herein except as provided by this code.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.100 - Exceptions.

The prohibition contained in Section 4.20.090 shall not apply to the keeping of dangerous animals in the following circumstances:

(1) The keeping of bulls of any of the family Bovidae, or domestic swine of the family Suidae for farm purposes in a Class A-2, agricultural district;

(2) The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, museum or other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study;

(3) The keeping of dangerous animals for exhibition to the public by a circus, carnival, exhibit, show, or licensed pet shop;

(4) The keeping of dangerous animals in a bona fide, licensed veterinary hospital for treatment;

(5) Any dangerous animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A or 481B of the Iowa Code.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.110 - Regulation of keeping of dangerous animals.

(a) Every person, firm, or corporation owning, keeping, sheltering or harboring a dangerous animal pursuant to Section 4.20.100 shall report such fact to the department of public health, together with the following information:

(1) The species name of each animal;

(2) The number of such animals of each such species kept on the premises;

(3) A physical description of each such animal, including any pet names to which it might respond;

(4) The location of such animal or animals within the city, including the location of the cage or place of confinement upon or in the premises wherein the animal or animals are kept;

(5) In the case of poisonous dangerous animals, the location of the nearest source of anti-venom for that species.

(b) Every person, firm or corporation keeping, sheltering or harboring a dangerous animal shall at all times keep such animal securely confined within a cage or other enclosure.

(c) Every person, firm, or corporation keeping, sheltering or harboring a poisonous dangerous animal shall be required to keep ten (10) doses of anti-venom on hand and current at all times.

(d) No person, firm, or corporation owning, keeping, sheltering or harboring a dangerous animal shall permit or allow such animal to enter upon or traverse any public property, park property, public right-of-way, or the property of another, except when such animal is being transported while caged or confined. The administrative authority may authorize the display or exhibit of dangerous animals upon public property, park property, or public right-of-way, provided it is determined that such display or exhibit will not be contrary to the public interest. The authorization to display or exhibit such animals may be conditioned upon the provision of adequate public liability insurance and the execution of an indemnity and hold harmless agreement in favor of the city of Council Bluffs by the party seeking such authorization.

(e) In the event that a dangerous animal 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 life or property, such animal may, in the discretion of the administrative authority, or the chief of police, be destroyed if it cannot be confined or captured. The city of Council Bluffs shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, and shall have no duty to notify the owner of such animal prior to its destruction.

(f) No person owning, harboring, or having the care of a dangerous dog shall suffer or permit such animal to go unconfined on the premises of such person.

(1) Said dangerous dog shall be confined in a securely enclosed and locked pen or structure upon the premises which shall be set back at least ten (10) feet from the nearest property line of said premises. Such pen or structure must have secure sides at least six feet in height, embedded into the ground no less than one foot or secured into a concrete slab, and a secure top. Said pen or structure must be constructed of materials which will prevent the dangerous dog from biting or otherwise attacking a person wholly outside of the pen or structure.

(2) No person owning, harboring, or having care of a dangerous dog shall suffer or permit such dog to be beyond the premises of such person unless such dog is securely leashed and muzzled by a responsible adult, or otherwise securely restrained in a kennel or other enclosure.

(3) No owner or other person shall sell, give away, or trade any dangerous dog without first giving written notification as to the name, address, and telephone number of the potential purchaser to the administrative authority. Said notice to the administrative authority shall include a copy of written notification signed by the potential purchaser, that the dog has been declared dangerous, and the restrictions of this chapter which shall apply.

(g) Order to Remove. In the event that the administrative authority determines that a dangerous animal is being kept, sheltered, or harbored by any individual or entity in violation of the provisions of this chapter, the administrative authority may in his or her discretion have such individual or entity prosecuted for such violation, and/or he or she may order such individual or entity to remove such dangerous animal from the city or destroy it. Such order shall be contained in a notice to remove dangerous animal, which notice shall be given in writing, directed to such individual or entity, and delivered personally or by certified mail. Such order of the administrative authority may be appealed as set forth in Section 4.20.132.

(h) If the Board of Review affirms the action of the administrative authority, the board shall also order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the city or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the order is not complied with within seven days of its issuance, the administrative authority is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the Board of Review was issued has not petitioned the Pottawattamie County District Court for a review of the order, the administrative authority shall cause the animal to be disposed of by sale or destroyed in a humane manner. Failure to comply with an order

of the Board of Review issued pursuant hereto shall constitute a misdemeanor and shall be subject to the penalty provisions of Section 8.02.020 of this code.

(i) Every order of the Board of Review issued pursuant to the provisions of this section shall set forth the language of subsection (h) of this section.

(Ord. No. 6304, § 1, 9-25-2017).

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:

(1) An "owner" is defined as any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.

(2) A "pit bull" is defined as 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.

(3) "Muzzled" means that the jaws of the pit bull are confined by a device that prevents the pit bull from biting.

(4) A "secure temporary enclosure" is 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. Failure by the owner to comply and remain in compliance with any of the terms of any applicable exception shall subject the pit bull to immediate impoundment and disposal pursuant to subsection (e) of this section, and shall operate to prevent the owner from asserting such exception as a defense in any prosecution under subsection (a).

(1) The owner of a pit bull currently licensed as of the date of publication of the ordinance codified in this section and who maintains the pit bull at all times in compliance with the requirements of subsection (d) of this section and all other applicable requirements of this chapter, may keep a pit bull within the city.

(2) The city animal shelter may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this chapter.

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

(4) 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 subsection (b)(4).

(d) The owner of any pit bull, currently licensed as of the date of publication of the ordinance codified in this section, shall be allowed to keep such pit bull within the city only if the owner complies with and provides sufficient evidence that the owner is in compliance with all of the following regulations:

(1) The owner of the pit bull shall keep current the license for such pit bull through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by a member of the immediate family of such licensee who is at least eighteen (18) years of age.

(2) The owner of a pit bull must be at least eighteen (18) years of age.

(3) The owner shall present to the administrative authority proof that the owner has procured liability insurance in the amount of at least one hundred thousand dollars ($100,000.00), covering any damage or injury that may be caused by a pit bull during the duration of its license. The policy shall contain a provision requiring the insurance company to provide written notice to the administrative authority not less than fifteen (15) days prior to any cancellation, termination or expiration of the policy.

(4) The owner shall, at the owner's own expense, have the pit bull spayed or neutered and shall present to the administrative authority written proof from a licensed veterinarian that this sterilization has been performed.

(5) The owner shall bring the pit bull to the Council Bluffs Animal Shelter, where a person authorized by the administrative authority shall cause an identifying microchip to be inserted beneath the skin of the pit bull. The administrative authority shall maintain a file containing the registration numbers and names of the pit bulls and the names and addresses of the owners. The owner shall notify the administrative authority of any change of address.

(6) At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull "confined" as that term is defined in Section 4.20.110(f)(1). At all times when a pit bull is away from the property of the owner the owner shall keep the pit bull, either securely leashed with a leash of a fixed length no longer than four feet, and muzzled, or in a "secure temporary enclosure," as that term is defined in subsection (b)(4) of this section.

(7) The owner shall not sell or otherwise transfer the pit bull to any person except a member of the owner's immediate family who is at least eighteen (18) years of age, who will then become the owner and will be subject to all of the provisions of this section. The owner shall notify the administrative authority within five days in the event that the pit bull is lost, stolen, dies, or has a litter. In the event of a litter, the owner must deliver the puppies to the Animal shelter for destruction or permanently remove the puppies from Council Bluffs and provide sufficient evidence of such removal by the time the puppies are weaned, but in no event shall the owner be allowed to keep in Council Bluffs a pit bull puppy born after the date of publication of the ordinance codified in this section, that is more

than eight weeks old. Any pit bull puppies kept contrary to the provisions of this section are subject to immediate impoundment and disposal pursuant to subsection (e) of this section.

(8) The owner shall have posted at each possible entrance to the owner's property where the pit bull is kept, a conspicuous and clearly legible pit bull sign. Such pit bull sign must be at least eight inches by ten (10) inches in rectangular dimensions and shall contain only the words "PIT BULL DOG" in lettering not less than two inches in height.

(e) 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 subsection (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 subsection (f) below otherwise require.

(f) 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 subsection (b)(2) of this section. Such final determination shall be considered a final order of the administrative authority subject to review as provided in Section 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 subsection 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 Section 4.20.120.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.120 - Keeping of vicious animals prohibited—Proceedings to determine—Seizure and/or destruction authorized.

(a) No person shall keep, shelter, or harbor for any reason within the city, a vicious animal as defined herein, except as provided in Section 4.20.130.

(b) Any animal which has attacked or bitten any person without provocation on one occasion, or which has attacked or bitten any domestic animal or fowl on two or more occasions shall be deemed a vicious animal without necessity for hearing by the Board of Review. This decision may, however, be appealed to the Board of Review, by presenting a written notice of appeal to the administrative authority within ten (10) days after receiving written notice of said decision. If the decision of the Board of Review is appealed to the District Court of Iowa, an appeal bond in an amount set forth in the current schedule of fees shall be paid to and held by the Animal shelter pending the outcome of the appeal.

(c) The administrative authority, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal may, when said animal does not meet the criteria set out in subsection (b) of this section, initiate proceedings to declare such animal a vicious animal as defined in Section 4.20.020(25). Said proceeding shall be conducted by the Board of Review. The person, firm, or corporation owning, keeping, sheltering, or harboring the animal in question shall be given not less than twenty-four (24) hours written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question, and the basis for the allegation of viciousness, and shall also indicate that if the animal is determined to be vicious, the owner shall have three days to have the animal destroyed and present proof thereof. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on the premises if no adult is present to accept service.

(d) If an animal meets the criteria set forth in subsection (b) above or, if after hearing, the board determines that an animal is vicious, the administrative authority shall order the person, firm, or corporation owning, sheltering, harboring or keeping the animal to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the administrative authority shall cause the animal to be destroyed.

(e) Failure to comply with an order issued pursuant hereto shall constitute a misdemeanor and shall be subject to the penalty provisions of Section 8.02.020 of this code.

(f) Every order issued pursuant to the provisions of this section shall include a copy of Section 4.20.120.
(g) Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the administrative authority shall immediately destroy it, or unless its ownership is not ascertainable, in which case the administrative authority shall destroy it after three days impoundment.

(h) Any animal which is alleged to be vicious and which is under impoundment or quarantine at the Animal shelter or a veterinary facility 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.

(i) All costs of such impoundment or quarantine shall be paid by the owner, regardless of whether or not the animal is determined to be vicious.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.128 - Seizure/destruction of animal.

Upon declaration of a vicious animal, the owner shall immediately surrender the animal to the animal control division of Community Development. If the owner refuses to surrender said animal, animal control officers and/or police officers are authorized to seize said animal.

A vicious animal shall be placed in quarantine by the animal control division of Community Development for a period of ten (10) calendar days. Said quarantine may be at the Animal shelter, a veterinarian's office, or other place approved by the administrative authority.

Upon completion of the ten-day quarantine, the administrative authority may order the destruction of said animal.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.130 - Exceptions: Guard dogs.

The prohibition contained in Section 4.20.120 shall not apply to the keeping of guard dogs. However, guard dogs must be kept within a structure or a fenced enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 4.20.120. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog," "vicious dog," or words of similar import, and the owner of such premises shall inform the department of health that a guard dog is on duty at the premises.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.132 - Administrative appeal procedure.

The following process shall apply to the appeal of any actions or declarations of the Community Development or his/her designee pursuant to this chapter.

Appeal. Any individual or entity desiring to appeal an order issued by the director of Community Development to the Board of Review may do so by filing a written notice of appeal with the Director of Community Development within ten (10) days after notification of the director’s order. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the director of Community Development.

(1) Within ten (10) days of receiving the written notice of appeal, the administrative authority shall set the date for the hearing of the appeal. Said hearing shall be not less than five days nor more than thirty-six (36) days from the date that the hearing date is set.

(2) Notice of the hearing may be personally served on the owner, a duly designated representative, the owner's attorney, or an adult member of the owner's household. Notice may also be served by first-class U.S. mail to the address listed on the notice of appeal at least five days prior to the hearing date.

(3) The hearing on appeal shall be open to the public and conducted informally. The rules of evidence shall not strictly apply.

(4) The city may be represented before the board by the city attorney's office or the Director of Community Development. The owner may represent him or herself or may be represented by an attorney.

(5) The city shall have the burden to prove by a preponderance of the evidence that the action of the administrative authority or his or her designee should be affirmed.

(6) Each party will be given the opportunity to present their side of the matter, including the presentation of witnesses and exhibits. Any exhibits given to the board members to examine shall become part of the permanent record and will not be returned to the party submitting the same. At the conclusion of the parties' presentations, the board may make a determination or may take the matter under advisement. Ultimately, the Board of Review, by majority vote of those present and voting, may affirm, modify or reverse the determination of the administrative authority.

(7) The proceedings before the board shall be recorded by one of the following methods: Electronic audio or video recording, certified court reporter, or extensive notes of the testimony kept by a person designated by the board.

(8) The decision of the board shall be deemed final upon the announcement of the vote of the board at an open meeting of the board. The decision does not have to be reduced to writing, but shall be noted in the minutes of the board's meeting. If the order is reduced to writing, it shall still be deemed to have been the final order of the board at the time of announcement.

(9) The final decision of the board may be appealed in the district court of Iowa in accordance with the provisions of the Iowa Administrative Code. If such an appeal is undertaken, and the animal is being held in the custody of the city, then an appeal bond in the amount set forth in the current schedule of fees shall be paid to and held by the Council Bluffs animal control division pending the outcome of the appeal.

(10) Upon finalization of the appeal, the animal control division shall utilize the appeal bond to pay the Animal shelter for costs associated with boarding and care of the animal(s) in question. Remaining funds, if any, shall be returned to the owner. The owner shall be responsible for all remaining fees and costs associated with board and keep that is in excess of the amount of the appeal bond.

(Ord. No. 6304, § 1, 9-25-2017).

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 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 subsection (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 Section 4.20.082 and Section 4.20.084;

(B) Dogs deemed to be a "pit bull" pursuant to Section 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 Chapter 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 Section 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 subsection (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) It is unlawful for any person owning, controlling or caring for any animal to fail to keep in a clean and sanitary condition the premises and any pen, kennel, shelter, house or the person's dwelling or other structure where the animal is at any time kept. 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 Chapter 4.12 of this code. 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).

4.20.150 - Fees.

(a) In the event that an animal is observed at large but cannot be captured for impoundment, or in the event its owner refuses to relinquish possession of such animal for impoundment, an enforcement/impoundment fee ticket may be issued to its owner requiring the payment of a fee for the city's cost in attempting to impound the animal and enforce the provisions of Section 4.20.050.

(b) In the event that an animal required to be licensed pursuant to Section 4.20.230 is not licensed, or does not display the license tag as required by Section 4.20.170, an enforcement/impoundment ticket may be issued to its owner requiring the payment of a fee for the city's cost in enforcing said provisions.

(c) In the event that an animal required to be vaccinated for rabies pursuant to Section 4.20.160 is not vaccinated as required, or does not display a rabies vaccination tab as required by Section 4.20.170, an enforcement/impoundment fee ticket may be issued to its owner requiring the payment of a fee for the city's cost in enforcing said provisions.

(d) In the event the owner of an animal has been served a ticket for the payment of the enforcement/impoundment fee and fails to pay the required amount due to the city treasurer within thirty (30) days of the date of issuance of the ticket, the amount of the enforcement/impoundment fee shall double from its original amount, and the individual who issued the enforcement/impoundment fee ticket shall cause a criminal complaint to be filed in the Iowa District Court for a violation of the appropriate section of this chapter. For purposes of this subsection, an enforcement/impoundment fee ticket may be served by either delivering the ticket personally to the owner, or posting the ticket at the residence of the owner.

(e) The enforcement/impoundment fees shall be as provided in the current schedule of fees adopted by the city council.

(f) The fee for boarding and keeping any animal, for removing a dead animal from any premises, for disposing of a dead animal, for humanely destroying an animal, for taking custody of unwanted animals, for trap rental, or for pest control shall be as provided in the current schedule of fees adopted by the city council.

(Ord. No. 6304, § 1, 9-25-2017).

Article II. - Rabies Control and Licensing

4.20.160 - Vaccination for rabies.

The owners of all dogs and cats, six months of age or older, and other animals required by state law to be licensed, which are permanently or temporarily within the corporate limits of the city, are required to have a vaccination against rabies for such animals. It is unlawful for any person to keep or harbor an animal which is not vaccinated as required. The rabies vaccination shall be administered in accordance with Chapter 351, Code of Iowa. A current certificate of vaccination for rabies signed by a licensed veterinarian administering the vaccine shall be required for all animals for which the vaccination is required by this chapter.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.170 - Display of rabies tag and license.

The owner of an animal shall at all times cause the current rabies vaccination tag, and current license tag if a license is required pursuant to Section 4.20.230, to be displayed on a collar, harness or chain attached to the dog, cat, or other animal. Failure to do so shall constitute a misdemeanor.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.180 - Rabies control—Emergency.

If the local Board of Review believes rabies to be epidemic, or believes there is threat of epidemic, within the city of Council Bluffs, it may declare a quarantine in all or part of the city and such declaration shall be reported to the city council and the Iowa Department of Health. During the period of quarantine, any person owning or having a dog in his or her possession in the quarantined area shall keep such animal securely enclosed or on a lease for the duration of the quarantine period. Any animal or dog running at large during the time of his or her declaration shall be seized and impounded unless noticeably infected with rabies. All animals or dogs so noticeably infected with rabies, and in the opinion of the administrative authority, are displaying vicious propensities, may be killed by the administrative authority without notice to the owner. Dogs or other animals impounded during this declaration shall be disposed of as provided in this chapter.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.190 - Reporting of bites, attacks and diseases.

(a) It shall be the duty of the owner of any dog, cat or other animal which has bitten or attacked a person, or any other person having knowledge of such bite or attack, including physicians, nurses, and veterinarians, to report such act to the city health department.

(b) It shall be the duty of physicians, veterinarians, and the owner of any animal, to report to the administrative authority the existence of any animal known or suspected to be suffering from rabies.

(c) Any report required by this section to the administrative authority shall be considered to be a report to the Board of Review, as required by Section 351.38 of the Iowa Code.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.200 - Procedure when person bitten by animal—Quarantine.

(a) Whenever an animal bites any person, it shall be the duty of the administrative authority to have such animal immediately removed from the owner's premises and either taken to the Animal shelter or a veterinary hospital for quarantine, or destroyed for examination if the animal appears to be diseased. If not destroyed, such animal must be placed under quarantine for a period of ten (10) days. It is the duty of the owner of the animal that has bitten any person to deliver or surrender the possession of such animal to the city for a quarantine when so ordered by the administrative authority. Any confinement of an animal under quarantine shall be at the expense of the owner of such animal.

If an animal is held by a veterinarian, it may not be released until the expiration of the ten-day quarantine period without express written permission of the administrative authority. If for any reason a veterinarian determines that he or she may no longer continue to hold the animal, it may be surrendered only to the Animal shelter to be held for the remainder of the ten-day quarantine period.

(b) If any animal that has bitten any person is suspected of having rabies, the administrative authority may destroy the animal and have the carcass examined in lieu of quarantine. A wild or stray animal that has bitten any person may be destroyed immediately by the administrative authority.

(c) The owner of any animal that has bitten a person may apply to the administrative authority to release the animal for the purpose of allowing quarantine at the home of the owner for a period of ten

(10) days. The application may be made at any time during the quarantine period and shall be on a form supplied by the department of public health. Home quarantine shall not be permitted unless all of the following conditions have been fully met:

(1) The animal must have been vaccinated against rabies at least three weeks prior to the bite, and such vaccination must be valid for at least one month after the bite. A certification of rabies vaccination shall be produced by the owner of the animal. This vaccination certificate must bear the description of the animal, the type of vaccine used, the expiration of the vaccine, and the signature of the veterinarian administering the vaccination. The animal must also have a current city license, if required by Section 4.20.230, at the time of the bite.

(2) The animal was not running at large at the time of the bite.

(3) Prior to approval of home quarantine, the owner shall have the animal examined by an animal control officer that is an employee of the city of Council Bluffs or a veterinarian, licensed in the state of Iowa, who shall certify that the animal appears to be free of rabies or any other zoonosis. If an animal cannot be immediately examined, it shall be quarantined at the Animal shelter until the owner can make arrangements for such examination.

(4) The person bitten or, if a minor, that person's parents or guardians, must sign the application indicating that they have been advised of the risks of rabies, and that if the animal disappears during the home quarantine, the person bitten may have to undergo anti-rabies treatment, that they do not object to home quarantine, and relieving the City of Council Bluffs, and the localBoard of Review, from any liability if the animal disappears during the quarantine period.

(5) The owner of the animal must demonstrate to the satisfaction of the administrative authority or his or her designee that they have the proper facilities and the ability to adequately and properly confine the animal to their home or property during the quarantine period.

(6) The owner shall agree to immediately notify the department of public health of any changes in the animal's health or disposition, to allow representatives of the department of public health or its agents to enter upon their property and to examine the animal at any time and to immediately take the animal to a licensed veterinarian for examination at any time when directed by personnel of the department of public health or its agents.

(7) At the end of the quarantine period, the owner shall have the animal examined by an animal control officer that is employed by the city of Council Bluffs or a licensed veterinarian who shall certify that the animal still appears to be free of rabies or other zoonosis, and the quarantine should be terminated.

(8) The owner shall pay all costs of impoundment, board and quarantine to the Animal shelter before it is released, and shall agree to pay all costs of examination by a veterinarian during the quarantine period.

(9) The owner shall further agree to immediately surrender the animal at any time the administrative authority or his or her designee determines the home quarantine should be terminated, or any at time that any provisions or conditions of the home quarantine are violated, and the animal

shall be returned to the custody of the department of public health, its agents, or a licensed veterinarian in the state of Iowa.

(10) The local Board of Review may establish additional rules pertaining to home quarantine.

(d) In the event any person is bitten by an animal other than a dog or cat, exposure management shall follow recommendations as put forth by the Iowa Department of Public Health.

(e) In the event the circumstances of the squirrel bite are such that the offending squirrel cannot be readily captured, the person bitten or, in the case of a minor, the parent or guardian thereof, shall have the right to use whatever methods deemed necessary to secure the squirrel having bitten, and the person shall then take or cause to be taken the squirrel to a veterinarian for observation or investigation. In the event of the circumstances occurring in this subsection, the cost of such observation or investigation shall be borne by the person taking or causing the squirrel to be taken to the veterinarian.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.210 - Report of condition during quarantine.

(a) It shall be the duty of any veterinarian or owner of other place at which an animal is placed under quarantine for any reason to report at once any noticeable change in the physical condition of such animal and to report at once if such animal should die.

(b) It shall be the duty of the administrative authority to cause at least one examination at the end of the quarantine period and such other examinations as may be deemed necessary to insure that the animal is alive and well and not apparently infected with rabies. If deemed necessary, the administrative authority may order such examinations done by a licensed veterinarian, and the owner of the animal shall pay all costs of such examinations.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.220 - Payment of quarantine and examination costs.

(a) The owner of any animal quarantined may redeem such animal after any quarantine period upon the payment in full of all costs of confinement, including reasonable costs of food and care of such animal, and medical examination before the animal is released. If the animal is not claimed after the ten-day quarantine period, whether the owner is known or unknown, the animal may be disposed of pursuant to this chapter.

(b) When an animal dies during quarantine, the owner, if known, shall be billed for all costs of confinement to date of death and for all examinations including post mortem or laboratory tests for rabies.

(c) If the owner of an animal or any other person or organization specifically requests a post mortem or laboratory examination of an animal for rabies, then the person making such request shall pay all examination costs.

(d) If the owner of an animal elects to surrender ownership prior to or after completion of the quarantine period, the owner shall be responsible for all costs of confinement, including reasonable costs of food and care of such animal, and any medical examination associated with quarantine.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.230 - License required—Exception.

All dogs or cats six months old or older kept, harbored or maintained by the owners in the city of Council Bluffs, Iowa, shall be licensed annually by their owners as provided in this chapter, and it is unlawful for the owner of any dog or cat to fail to properly license the animal, except that the following dogs or cats need not be licensed, provided they are properly immunized against rabies:

(1) Service animals owned by disabled person;

(2) Dogs or cats that are under the control of the owner or handlers, and which are in transit or are to be exhibited if they are to be within the city for less than thirty (30) days.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.235 - Animal owners—Minimum age.

(a) No dog or cat may be licensed unless at least one of the registered owners of said animal is at least eighteen (18) years of age. All registered owners eighteen (18) years of age or older shall be personally, jointly and severally liable for compliance with all of the provisions of this chapter.

(b) In regard to an unlicensed dog, cat or other animal, whether or not a license is required, all residents of the premise eighteen (18) years of age or older shall be presumed to be the joint owners of said animals and shall be jointly and severally liable for compliance with the provisions of this chapter.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.240 - License application—Procedure and fees.

(a) The owner of a dog or cat for which a license is required shall on or before January 1st of each year apply to the animal control division, or designee, for a license for each dog and/or cat owned by him/her.

(b) Such application shall be in writing on forms provided by the city, and shall state the breed, sex, age, color, markings and name, if any, of the dog and/or cat, and the name, address and telephone number of the owner, and be signed by the owner.

(c) Before a license is issued for any dog and/or cat, the owner must present evidence with the application that the dog and/or cat has been vaccinated against rabies. Such evidence shall be a certificate of vaccination signed by a licensed veterinarian, and the certificate shall show that the vaccination is valid for a minimum of thirty (30) days from the date the license is purchased.

(d) The annual license fee for each dog and cat shall be as provided by the current schedule of fees adopted by the city council.

(e) All licenses shall expire on December 31st of each calendar year.

(f) The annual license fee shall become delinquent on March 15th of the year in which the same is due and payable, and a penalty as provided in the current schedule of fees shall be added to each unpaid license fee on and after such date. All licenses due for a dog or cat which has come into the possession or ownership of the applicant, or reached six months of age after March 15th, as required in this section, shall be considered delinquent thirty (30) days after such animal has come into the possession of the owner or reached six months of age; and a penalty, as provided in the current schedule of fees, shall be added to the cost of each unpaid license fee on and after such date.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.250 - Transfer or change of ownership.

When the permanent ownership of a dog or cat is transferred, the new owner shall within ten (10) working days from the date of change of ownership make application for a new license as provided under the provisions of this section, and shall pay the annual fee. It is unlawful for the new owner of any dog or cat to fail to make application for a new license within the time herein specified.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.260 - Tags displayed.

Upon an application and payment of the license fee a license tag shall be issued to the owner. Said license tag shall be used year after year in perpetuity. The tag shall have stamped thereon a unique number specific to each pet. Every owner shall be required to provide each dog with a substantial collar or harness to which the license tag shall be affixed, and the owner shall see that collar or harness bearing the license tag is constantly worn. It is unlawful for an owner to fail to insure that the license tag is at all times worn by the dog and any dog found not wearing a license tag shall be deemed not to be licensed and not have a current rabies vaccination and shall be treated as unlicensed and unvaccinated under the terms of the city and state laws.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.270 - Duplicate tag.

Upon the filing of an affidavit with the animal control division, or designee, that a license tag has been lost or destroyed, the owner may obtain another tag upon the payment of a fee as provided in the prevailing schedule of fees.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.272 - Stray cats.

No person shall allow any stray cat to habitually remain or to be lodged or fed within his or her house, store, yard or enclosure, but shall turn such cat over to the animal control division or Animal shelter.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.273 - Number restricted.

It is unlawful for any person to own, keep, or harbor at any time more than four cats or four dogs or any combination of more than six animals over the age of six months per dwelling unit in the city; provided,

however, this section shall not apply to catteries or kennels as licensed under this chapter. Noncommercial catteries/kennels shall be limited to a maximum of six animals per dwelling. All currently licensed, noncommercial catteries/kennels shall be allowed to keep the current number of animals, as depicted in the license. Through attrition, the total number of animals will be reduced to the maximum number of six animals per dwelling. No new animals shall be allowed to replace any deceased animals until the number of animals kept falls below the maximum of six.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.274 - Cattery/kennel license—Required.

(a) Any person engaged in the commercial business of buying, selling, breeding or boarding more than four cats shall be classified as a commercial cattery and shall obtain a commercial cattery license from the city. All pet shops and boarding facilities shall be exempt from license fees, but shall be subject to yearly inspections by the Council Bluffs Animal Control Division.

Any person not engaged in the commercial business of breeding, buying, selling or boarding cats, but who keeps, owns, harbors or breeds more than four cats shall obtain a noncommercial cattery license from the city.

(b) Any person engaged in the commercial business of buying, selling breeding or boarding more than four dogs shall obtain a commercial kennel license from the city.

There shall be no number limitations regulating commercial catteries/kennels that are located within the appropriate zoning designation. Commercial catteries/kennels located in a residential zone shall abide by the same regulations set out in Section 4.20.273; provided the activities of the commercial cattery/kennel be conducted within the dwelling itself, as outlined in Section 15.03.340, entitled "Home occupation."

Commercial catteries/kennels that are located in a residential zone, in which the activities of such an establishment are conducted outside the dwelling shall not be allowed.

Any person not engaged in the commercial business of breeding, buying, selling or boarding dogs, but who keeps, owns, harbors, or breeds more than four dogs shall obtain a noncommercial kennel license from the city.

(c) All adult animals (six months of age or older) that are owned by the proprietors of a cattery or kennel must be licensed by the city of Council Bluffs.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.275 - Cattery/kennel license—Application.

Written application for a commercial or noncommercial cattery and/or kennel license shall be made to the animal control division. The application shall contain the following information:

(1) Verification that each cat or dog is currently licensed with the city of Council Bluffs;

(2) The name and address of the owner;

(3) The name, breed, color, age and sex of the cats and/or dogs;

(4) Whether such cats and/or dogs are neutered, spayed, or intact;

(5) Such other information as may identify the cats and/or dogs;

(6) Rabies immunization that is valid for a period of not less than thirty (30) days from the date of application;

(7) Certification from the city's planning division and health department or animal control division that the proposed cattery or kennel complies with all applicable laws, chapters, and regulations.

The applicant shall certify that the information contained in the application is true, under penalty of law for the willful making of false statements.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.276 - Cattery/kennel license—Inspection.

Applicants for and holders of, cattery or kennel licenses shall permit inspection of the cattery or kennel by representatives of the health department, animal control division and planning department to determine compliance with all applicable laws, chapters and regulations. All catteries and kennels shall be maintained in a clean and sanitary manner. Kennels shall comply with the most recently adopted rules of the Iowa Agriculture and Land Stewardship Department regarding animal welfare, as set out in the Iowa Administrative Code.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.277 - Cattery/kennel license—Denial or revocation.

(a) An application for a cattery or kennel license may be denied for failure to meet any of the requirements of this chapter, or for creating excessive noise, odor, unsanitary conditions or nuisance. An applicant may appeal a denial of a license by filing written notice of appeal with the Board of Review within seven days of the denial. The Board of Review shall notify the applicant of the time and place of the hearing either by personal service or by certified mail.

(b) A cattery or kennel license may be revoked for failure to meet any of the requirements of this chapter, or for creating excessive noise, odor, unsanitary conditions or nuisances. The license holder may appeal any revocation by filing written appeal with the Board of Review within seven days of receipt of revocation notice. The Board of Review shall notify the licensee of the time and place of the revocation hearing, either by personal service, certified mail return receipt requested or by posting notice on the premises if service is not otherwise possible.

(c) The Board of Review may affirm, modify or overturn a decision to deny or revoke a license. The board may order seizure, impoundment or humane destruction of any animals as otherwise provided in this chapter.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.278 - Cattery/kennel license—When due.

(a) A cattery/kennel license shall be procured on or before the fifteenth (15) day of March of the license year; provided: (1) If a dog or cat is acquired by an owner after that date, the license shall be acquired

within thirty (30) days after the date of the acquisition of such dog or cat; (2) If the owner moves to the city after March 15th, the owner shall acquire the license within thirty (30) days after moving to the city.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.279 - Hobby breeder.

"Hobby breeder" means any person who owns more than four intact purebred dogs or cats over the age of six months that are habitually boarded and lodged within the person's domicile or ancillary structure located upon the same property as the domicile; and who, furthermore, provides a fenced and/or totally enclosed exercise area; and provided, furthermore, that such animals are at all times kept in the fenced or enclosed area, except when under the personal and immediate control of the owner. To be considered a hobby breeder, a person must be a member in good standing of any recognized AKC club/association or cat fancier's club/association; and provided, furthermore, that the purpose and intent of breeding the animals is as a hobby and for the sole improvement of the breed. The hobby breeder shall be limited to a maximum of fifteen (15) animals.

In order to qualify for the hobby breeder license, a resident must comply with the following:

(1) License every animal with the Council Bluffs Animal Control Division on an annual basis;

(2) Apply for a hobby breeder's license with the Council Bluffs Animal Control Division:

(A) Pay the annual fee as set out in the schedule of fees; and

(B) Submit to annual inspection of domicile by the Council Bluffs Animal Control Division;

(3) Provide a current copy of the state of Iowa commercial breeder's license;

(4) Provide a current copy of state of Iowa inspection; and

(5) Provide a list of recognized AKC club/association or cat fancier's club/association of which the hobby breeder is a member in good standing.

(Ord. No. 6304, § 1, 9-25-2017).

Article III. - Regulation of Farm Animals

4.20.280 - Permit required.

(a) No person, firm, association or corporation in the city of Council Bluffs shall have in their possession or control, or keep or harbor any farm animals, as defined in Section 4.20.020, without having first obtained a permit to do so from the administrative authority, which permit shall be issued only after payment of the required fee and after inspection of the premises by the administrative authority for compliance with Title 15, "Zoning," and the sanitation requirements of this chapter or any other applicable state or local law. A permit for the keeping of farm animals shall be in effect for one year from the date of its issuance. Application for such permits shall be made upon forms furnished by the city.

(b) Upon expiration, such permit may be renewed by any person, firm, association or corporation to whom it has been issued, by filing an application for a renewal thereof with the administrative authority

upon forms to be provided by the city. Approval of the application for renewal of a permit shall be made and the permit issued for the succeeding annual period only after payment of the required fee and after inspection of the premises for compliance with Title 15, "Zoning," and the sanitation requirements of this chapter or any other applicable state or local law. Every permit so renewed shall be for a period of one year from and after the date of the renewal, and shall be subject to revocation in the same manner as the original permit.

(c) Persons keeping canaries, doves, pigeons, parrots, parakeets, gerbils, hamsters, goldfish, tropical fish, or other similar small animals, caged, or otherwise confined as household pets within a residence, shall be exempt from the permit requirements of this section.

(d) Exception: In areas zoned A-1 or A-2, where farm animals are kept on property that exceeds five acres in total area, no permits for keeping farm animals shall be required. However, no person, firm, association or corporation keeping or harboring farm animals in such areas shall allow the animals to be closer than seventy-five (75) feet from any dwelling other than the dwelling of the owner of such animals.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.290 - Permit fee.

The fee for the initial issuance and any renewal of a permit for the keeping of farm animals shall be as provided in the city's prevailing schedule of fees as adopted by the city council. The fee shall not be refundable if the permit is denied or revoked, or if the farm animals are removed or die.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.300 - Revocation of permit.

The administrative authority may revoke a permit for the keeping of farm animals for any violation of the provisions of this chapter, or any other pertinent sections of this municipal code, or any statute of the state of Iowa pertaining to the keeping of farm animals. Notice of revocation shall be given in writing, delivered personally or by certified mail to the holder of such permit. The notice shall state the grounds upon which the permit has been revoked, and shall state that the holder of the permit is required to remove all farm animals from the premises concerned within fifteen (15) days after receipt of notice of revocation. The notice shall also inform the permit holder of the right to appeal such revocation.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.310 - Appeal of revocation.

(a) Any person, firm, association, or corporation whose permit for the keeping of farm animals has been revoked pursuant to the provisions of Section 4.20.030 may appeal such revocation as set forth in Section 4.20.132.

(b) If the board of public health affirms the revocation of a permit for the keeping of farm animals, the board shall also order in its written decision that the person, firm, association or corporation owning, sheltering, harboring, or keeping such farm animals remove them from the city, or to other premises covered by a proper permit hereunder. If such farm animals are diseased, ill, or injured, the board may

order their destruction in the interests of humane treatment. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as a notice of revocation. If the order is not complied with within seven days of its issuance, the administrative authority is authorized to seize and impound such farm animal or animals. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the Board of Review was issued has not petitioned the Pottawattamie County district court for review of the order, the administrative authority shall cause the animal to be disposed of by sale or destroyed in a humane manner. Failure to comply with an order of the board of public health issued pursuant hereto shall constitute a misdemeanor and shall be subject to the penalty provisions of Section 8.02.020 of this code.

(c) Every order of the board of public health issued pursuant to the provisions of this section shall set forth the language of subsection (b) of this section.

(d) All costs incurred by the city in impounding animals pursuant to this section, shall be paid by the owner of such animals, regardless whether such animals are returned or destroyed.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.320 - Nontransferable.

Any permit issued pursuant to this chapter shall not be sold, assigned, or transferred, and shall apply only to the premises designated and the person, firm, association or corporation to whom issued. A violation of this provision shall be cause for revocation of any such permit.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.340 - Disposal of refuse.

(a) All manure and spilled grain shall be removed from the premises, or any enclosure or structure thereon, at least once every twenty-four (24) hours, and shall be placed in suitable watertight and fly-tight containers until disposed of. Such materials shall be disposed of by causing same to be picked up by a licensed private refuse hauler in accordance with the requirements of Chapter 4.12.

(b) This section will not apply to pastureland of two acres or more in areas zoned A-1 or A-2.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.350 - Fence required.

Any person keeping farm animals within the city of Council Bluffs shall keep the premises upon which the same are kept so fenced as to keep such animals from leaving the premises and as to restrain such animals from being or running at large upon the public streets or ways or upon the property of other persons. Failure to do so shall constitute a misdemeanor.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.360 - Distance from dwellings.

(a) No person within the city of Council Bluffs, Iowa, shall keep any farm animals within one hundred fifty (150) feet of any dwelling, other than the dwelling of the owner of such animals.

(b) If the owner of the farm animals is able to obtain the written consent of the owner and occupant of a dwelling, the one hundred fifty (150) foot requirement may be waived as to that dwelling, so long as the owner and occupant of said dwelling continues to consent to said waiver.

(c) (1) Under no circumstances will farm animals from the following orders be permitted to be kept within twenty-five (25) feet of any dwelling:

(A) Artiodactoila, which includes all members of the families Suida (swine) and Bovidae (cattle, sheep and goats);

(B) Perissodactyla, which includes all members of the family Equidae (horses, ponies, asses and mules).

(2) Under no circumstances will farm animals from the following orders be permitted to be kept within ten (10) feet of any dwelling:

(A) Anseriforms, which includes ducks and geese;

(B) Carnivoras, which includes mink and skunks, but excluding domestic dogs and cats;

(C) Columiformes, which includes doves and pigeons;

(D) Falconiformes, which includes hawks and falcons;

(E) Galliformes, which includes chicks, turkeys and fowl-like birds;

(F) Lagomorpha, which includes hares and rabbits;

(G) Rodentia, which includes squirrels, rats and guinea pigs.

(d) Exception. In areas zoned A-1 or A-2, no person shall keep any farm animal within seventy-five (75) feet of any dwelling other than the dwelling of the owner of such animal.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.370 - Numbers limited.

The following types of farm animals shall be limited in density to a maximum of two per acre, and one if there is less than one acre of ground:

(1) Artiodactyla, which includes all members of the families Suida (swine) and Bovidae (cattle, sheep, and goats);

(2) Perissodactyla, which includes all members of the family Equidae (horses, ponies, asses, and mules).

(Ord. No. 6304, § 1, 9-25-2017).

4.20.390 - Food storage.

(a) All grains and grain supplements intended for use as food for farm animals shall be kept and stored in a rodent-tight building or container.

(b) All hay and straw must be stored at least sixteen (16) inches off the ground. However, this subsection shall not apply in areas zoned as A-1 or A-2.

(c) Insilage or silage may be kept and stored outside of a rodent-tight building or container in areas zoned A-1 or A-2, but only if stored on a concrete or asphalt slab.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.400 - Nonapplicability.

The provisions of Sections 4.20.280 through and including 4.20.390 shall not be applicable to circuses, carnivals, agricultural shows or exhibits and other such enterprises which are operated only for less than seven days once each six months.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.410 - Penalty.

Any person firm, partnership, corporation or any legal entity found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of Section 8.02.020 of this code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of Chapter 1.95 in lieu of criminal prosecution.

(Ord. No. 6304, § 1, 9-25-2017).

4.20.420 - Waiver.

Any educational or research institution located or operating within the city of Council Bluffs, Iowa, may apply to the administrative authority for a waiver in regard to any of the provisions of this chapter. The administrative authority, in his or her discretion is authorized to waive any provisions of Chapter 4.20 in regard to educational or research institutions upon such conditions, terms, and provisions as the administrative authority deems appropriate or necessary. Any education or research institution making such an application may appeal the administrative authority's ruling to the Board of Review. The Board of Review may affirm, reverse, remand or modify the administrative authority's ruling.

(Ord. No. 6304, § 1, 9-25-2017).

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 final passage and publication, as by law provided.

PASSED
AND October 22, 2018.
APPROVED

_____

MATTHEW J. WALSH Mayor

Attest: _____

JODI QUAKENBUSH City Clerk

First Consideration: 10-8-18
Second Consideration: 10-22-18
Public Hearing: N/A
Third Consideration: _____