

#### **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:

- A. 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;
- B. Any animal which has attacked another animal while at large.
- C. 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; Ord. No. 6357, § 1, 10-22-2018)

#### **4.20.083 Potentially Dangerous Dog Designation**

- a. A. The administrative authority, or the administrative authority's designee, may designate any dog to be a potentially dangerous dog under any of the following circumstances:
  - Chases or approaches a person upon the streets, sidewalks or any other public grounds in a menacing way or with an apparent attitude of attack;
  - b. When unprovoked, and not at large, inflicts minor injury to a person that does not require medical care;
  - c. Causes injury, without causing death, to another domestic animal or livestock, with the following exceptions:
    - a. This paragraph shall not apply to feral animals that may be attacked, or;
    - b. This paragraph shall not apply to any dog that attacks another domestic animal that intrudes onto the property where the dog is peaceably located, or any other domestic animal that either torments or attacks the dog causing the dog to defend itself.
- B. Upon notification of a potentially dangerous dog designation, the owner shall make the dog available to Council Bluffs Animal Control to be photographed for identification purposes.
- C. Such designation of “potentially dangerous” may be appealed to the Board of Review pursuant to Chapter 4.20.132 of the CBMC.
- D. The annual license fee for a dog designated as potentially dangerous shall be equal to the fee for a dog with no designation as outlined in the Schedule of Fees.
- E. The owner of a potentially dangerous dog may apply to the Chief Animal Control Officer to have the declaration removed after two years have passed and the owner has met the following conditions:
  - 1. The dog has received no subsequent violations of Chapter 4 of CBMC; and
  - 2. The owner has complied with all requirements of Chapter 4 of CBMC;

If the Chief Animal Control Officer finds sufficient evidence that the owner has complied with all requirements of this ordinance, then the application to remove the potentially dangerous declaration shall be approved.

F. Exceptions – A dog shall not be considered potentially dangerous if, at the discretion of the Chief Animal Control Officer, it is found that:

1. The threat, injury or damage was sustained by a person who was, at the time, committing a willful trespass or other tort upon the premises occupied by the owner of the dog;
2. The dog was tormented, abused, assaulted or otherwise provoked into causing such threat, injury or damage to a person or domestic animal; or
3. The dog was being utilized as part of lawful activity by a law enforcement officer.