

4.20.084 Dangerous Dog Designation

- A. The administrative authority or the administrative authority's designee may designate any dog to be a dangerous dog under any of the following circumstances:
 - 1. A 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. A dog that the administrative authority or the administrative authority's designee makes a finding that said dog has been running at large or was at large on three occasions in a twelve-month period; or
 - 3. Any animal that has been found to be potentially dangerous under Chapter 4 of the Code that, after the owner has received notice or personal knowledge of the animal's potentially dangerous designation, the animal, without provocation, bites, attacks or endangers the safety of any person or is found to be at large..
 - 4. A dog that, without provocation, bites or attacks a human being resulting in the need for medical attention.
 - 5. A dog that has, within a 12 month continuous period, caused injury to a domestic animal or livestock on more than one occasion, without causing death.
 - 6. A dog, that while at large, attacks and kills any domestic animal or livestock.
- B. Upon notification of a dangerous dog designation, the owner shall be required to do the following within 30 days of receiving such designation:
 - a. If the dog is not currently spayed or neutered, require the dog to receive such procedure.
 - b. If the dog is not microchipped under the Code, require such dog to be microchipped.
 - c. Designate all public entrances to the property where the dog resides to be marked with "dangerous dog" signs or other similar signage with a minimum signage dimension of 10 inches by 8 inches, and lettering no less than 2 inches in height.
 - d. Allow for Council Bluffs Animal Control to photograph the dog for identification purposes.
 - e. 5. Proof of a minimum \$500,000 dangerous animal liability insurance policy covering the residing property of the animal, with such proof to be sent directly from the insurance company to Council Bluffs Animal Control and a requirement on the part of the policyholder to immediately notify Council Bluffs Animal Control if there is any lapse or discontinuation of the policy;
 - f. Construction of an outdoor kennel area on the residing property of the animal that meets the following requirements:
 - a. Setback of at least 10 feet from the property line;
 - b. Minimum of 32 square feet total space;
 - c. Sides of at least 6 feet in height imbedded into the ground no less than 12 inches or secured to a concrete slab;
 - d. Secure, attached an enclosed top;
 - e. Door capable of being locked;
 - f. All material used for enclosure to be constructed of a minimum 11 gauge wire, with openings in the enclosure not to exceed 2 inches.
- C. Such designation of "dangerous" may be appealed to the Board of Review pursuant to Chapter 4.20.132 of the Council Bluffs Municipal Code.
- D. The annual license fee for a dog designated as dangerous shall be equal to twice the amount of the fee for a dog with no designation as outlined in the Schedule of Fees.

- E. No dog designated as dangerous by this ordinance shall be allowed to roam upon the property of the owner without being tethered or leashed and under the supervision of an individual 18 years of age or older.
- F. In the event that a dog designated as dangerous by this ordinance is transported, walked, exercised or otherwise taken off the private property of the owner, such dog shall be tethered by a fixed length leash no longer than four feet and be appropriately muzzled to prevent any bite or shall be transported in a secure transportation container or kennel.
- G. The owner of a dangerous dog may apply to the Chief Animal Control Officer to have the declaration removed after three years have passed and the owner has met the following conditions:
 - a. The dog has received no subsequent violations of Chapter 4 of the Code;
 - b. The owner has complied with all requirements of Chapter 4 of the Code; and
 - c. The owner provides proof of successful completion of a behavior modification program administered by a Certified Pet Dog Trainer (CPDT), Certified Dog Behavior Consultant (CDBC), or Veterinary Behaviorist certified through the American College of Veterinary Behaviorists (ACVB).

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 dangerous declaration shall be approved.

Exceptions – A dog shall not be considered 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.