

ORDINANCE NO. 6686

AN ORDINANCE TO AMEND CHAPTER 4.20 ANIMAL CONTROL OF THE 2025 COUNCIL BLUFFS MUNICIPAL CODE BY AMENDING SECTIONS 4.20.010 "ADMINISTRATION AND ENFORCEMENT", 4.20.020 "DEFINITIONS-ANIMAL CONTROL" AND 4.20.132 "ADMINISTRATIVE APPEAL PROCEDURE".

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

SECTION 1. That Chapter 4.20 Animal Control of the 2025 Council Bluffs Municipal Code is hereby amended by amending Sections 4.20.010 "Administration And Enforcement", 4.20.020 "Definitions-Animal Control" and 4.20.132 "Administrative Appeal Procedure" to read as follows:

4.20.010 Administration And Enforcement

- A. The administrative authority shall be responsible for the administration and enforcement of the provisions of this chapter. The administrative authority 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.
 - B. It shall be the duty of the administrative authority to impound any animals found running at large in violation of the terms of this chapter. It shall further be the duty of the administrative authority to investigate all animal bites reported to the City, and to impound and quarantine the biting animal as provided in this chapter.
 - C. 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 CBMC 1.95.
 - D. 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; Ord. No. 6357, § 1, 10-22-2018)

4.20.020 Definitions - Animal Control

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

Administrative authority: The Chief Animal Control Officer or his/her designee, or anyone else duly authorized by the mayor.

Animal: Every wild, tame or domestic member of the animal kingdom other than the genus and species *Homo sapiens*.

Animal shelter: 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. At large, running at large, or being at large: Any licensed or unlicensed animal found off the premises of its owner and either:

1. Not on a leash;
2. Not restrained within a vehicle so as to prevent it leaving the vehicle; or
3. Not housed in a veterinary hospital or kennel.

Bite: Any puncture, laceration, abrasion, scratch or any other break in the skin of a human, caused by an animal.

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.

Cat: Both male and female animals of the feline species, whether neutered or not.

Dangerous animal, per se: 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);

Crocodylia 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.

Dart: 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.

Dog: Both male and female animals of the canine species, whether neutered or not.

Emergency: Any occurrence or set of 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.

Farm animal: 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:

1. Large Farm Animals:

1. Artiodactyla, which includes all members of the family Bovidae (cattle, sheep, and goats);
2. Perissodactyla, which includes all members of the family Equidae (horses, ponies, asses, and mules).

2. Intermediate Farm Animals:

1. Perissodactyla, specifically miniature horses.

3. Small Farm Animals:

1. Anseriformes, which includes ducks and geese;
2. Artiodactyla, specifically Pygmy goats;
3. Columbiformes, which includes doves and pigeons;

4. Galliformes, which includes chickens, turkeys, and fowl-like birds;
5. Lagomorpha, which includes hares and rabbits.

Hybrid: Any offspring produced by breeding a domestic cat or domestic dog to an animal listed as a "dangerous animal, per se."

Kennel: "Boarding kennel," "commercial kennel," as defined in Iowa Code Chapter 162.

Kennel dogs: 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 Iowa Code Chapter 162.

Killer trap or conibear trap: 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.

Live trap: 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.

Noise disturbance: Any sound which:

1. Endangers or injures the safety or health of humans or animals;
2. Annoys or disturbs a reasonable person of normal sensitivities; or
3. Endangers or damages personal or real property.

Owner or owner of animal: Any person or persons, firm, association, or corporation owning, keeping, sheltering or harboring an animal with a current city pet license. Owner or person or entity in lawful possession and control of any premises: 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.

Person: Any individual, association, partnership, or corporation, and includes any officer, employee, agent or agency thereof.

Service animals: 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.

Vicious animal: 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.

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; Ord. No. 6357, § 1, 10-22-2018)

HISTORY

Amended by Ord. 6437 on 12/14/2020

Amended by Ord. 6556 on 4/24/2023

4.20.132 Administrative Appeal Procedure

The following process shall apply to the appeal of any actions or declarations of the Chief Animal Control Officer or his/her designee pursuant to this chapter.

- A. Any individual or entity desiring to appeal an order issued by the Chief Animal Control Officer or his/her designee to the board of review may do so by filing a written notice of appeal with the Chief Animal Control Officer within ten (10) days after notification of the order. The notice of appeal shall state the grounds for such appeal, shall be delivered personally or by certified mail to the Chief Animal Control Officer, and shall include a \$100 nonrefundable processing fee.
- B. Any deadline resulting from the appealed order shall be suspended from the date the Chief Animal Control Officer receives the notice of appeal until the date of the final decision of the board.
- C. 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.
- D. 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.
- E. The hearing on appeal shall be open to the public and conducted informally. The rules of evidence shall not strictly apply.
- F. The city may be represented before the board by the city attorney's office or the Chief Animal Control Officer. The owner may represent him or herself or may be represented by an attorney.
- G. 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.
- H. 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.
- I. The proceedings before the board shall be recorded by one of the following methods:
 - 1. Electronic audio or video recording, certified court reporter, or extensive notes of the testimony kept by a person designated by the board.
- J. 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.

- K. The final decision of the board may be appealed to an Iowa district court in accordance with the provisions of the Iowa Administrative Procedure Act. 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 Animal Control pending the outcome of the appeal.
- L. Upon finalization of the appeal, Animal Control 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; Ord. No. 6357, § 1, 10-22-2018)

HISTORY

Amended by Ord. 6429 on 10/12/2020

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

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

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

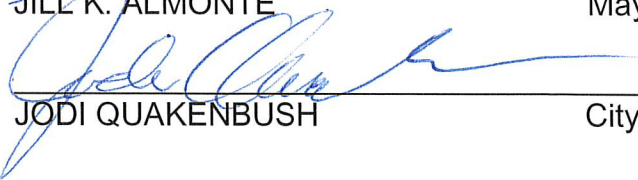
PASSED
AND
APPROVED

June 22, 2026.



JILL K. ALMONTE Mayor

Attest:



JODI QUAKENBUSH City Clerk

First Consideration: 6-8-26
Second Consideration: 6-22-26
Public Hearing: N/A
Third Consideration: Waived

Council Communication

Department: Legal

Case/Project No.:

Subject/Title

Ordinance 6686

Ordinance to amend Chapter 4.20 Animal Control of the 2025 Council Bluffs Municipal Code by amending Sections 4.20.010 "Administration and Enforcement", 4.20.020 "Definitions-Animal Control", and 4.20.132 "Administrative Appeal Procedure".

Background/Discussion

The move of Animal Control into the police department has resulted in some necessary changes to our ordinances. This batch of changes are administrative and procedural related changes.

The first code section being modified is 4.20.010. The change to subsection A removes "under the supervision of the mayor". They remain under the supervision of the mayor in a general sense but with the move to PD, there are some levels of supervision between them and the mayor now. The other changes unify the references to individuals charged with administration and enforcement of the Animal Control chapter under one term "administrative authority", instead of having a mixture of "persons" "director" and "administrative authority".

The second code section being modified is 4.20.020. The only change here is the definition of "administrative authority". The modification removes the director of community development from the definition.

The final code section being modified is 4.20.132 Administrative Appeal Procedure. All of the references to the director of community development are changed to the Chief Animal Control Officer. Subsection B is a new subsection, as this subsection did not previously say what happens to compliance deadlines if someone appeals an order. The changes to subsection K and L are just grammar modifications and correcting the references to Iowa law regarding appealing an administrative decision to District Court.

Staff Recommendation

Approval is recommended.

Attachments

[Chapter 4.20 Appeal Procedures-Redline combined.pdf](#)
[6686.docx](#)

Prepared by: Jake Schorlemmer

7.B

Approved by: Whitney Jacque

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4.20.010 Administration And Enforcement

- A. The administrative authority shall be responsible for the administration and enforcement of the provisions of this chapter. The administrative authority 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.
- B. It shall be the duty of the administrative authority to impound any animals found running at large in violation of the terms of this chapter. It shall further be the duty of the administrative authority to investigate all animal bites reported to the City, and to impound and quarantine the biting animal as provided in this chapter.
- C. 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 CBMC 1.95.
- D. 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.

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Deleted: Those persons charged with enforcing the provisions of this chapter

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

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

4.20.020 Definitions - Animal Control

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

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Crocodylia which includes crocodiles and alligators;

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- B. Annoys or disturbs a reasonable person of normal sensitivities; or
- C. Endangers or damages personal or real property.

Owner or owner of animal: Any person or persons, firm, association, or corporation owning, keeping, sheltering or harboring an animal with a current city pet license. Owner or person or entity in lawful possession and control of any premises: 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.

Person: Any individual, association, partnership, or corporation, and includes any officer, employee, agent or agency thereof.

Service animals: 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.

Vicious animal: 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.

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; Ord. No. 6357, § 1, 10-22-2018)

HISTORY

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4.20.132 Administrative Appeal Procedure

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Deleted: community development

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- B. Any deadline resulting from the appealed order shall be suspended from the date the **Chief Animal Control Officer** receives the notice of appeal until the date of the final decision of the board.

- C. 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.

- D. 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.

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

- F. The city may be represented before the board by the city attorney's office or the **Chief Animal Control Officer**. The owner may represent him or herself or may be represented by an attorney.

Deleted: director of community development

- G. 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.

- H. 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.

- I. The proceedings before the board shall be recorded by one of the following methods:

1. Electronic audio or video recording, certified court reporter, or extensive notes of the testimony kept by a person designated by the board.

- J. 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.

- K. The final decision of the board may be appealed to ~~an Iowa~~ district court in accordance with the provisions of the Iowa Administrative ~~Procedure Act~~. 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 ~~Animal Control~~ pending the outcome of the appeal.
- L. Upon finalization of the appeal, ~~Animal Control~~ 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.

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

HISTORY

Amended by Ord. [6429](#) on 10/12/2020