

ORDINANCE NO. 6687

AN ORDINANCE TO AMEND CHAPTER 4.20 ANIMAL CONTROL OF THE 2025 COUNCIL BLUFFS MUNICIPAL CODE BY AMENDING SECTIONS 4.20.083 "POTENTIALLY DANGEROUS DOG DESIGNATION" AND 4.20.084 "DANGEROUS DOG DESIGNATION".

**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 4.20.083 "Potentially Dangerous Dog Designation" and 4.20.084 "Dangerous Dog Designation" to read as follows:

4.20.083 Potentially Dangerous Dog Designation

- 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:
 - 1. The dog 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;
 - 2. The dog, when unprovoked, and not at large, inflicts minor injury to a person that does not require medical care;
 - 3. 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;
 - 4. The dog causes injury, without causing death, to another domestic animal or livestock, with the following exceptions:
 - 1. This paragraph shall not apply to feral animals that may be attacked, or;
 - 2. 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 within 30 days.
- 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, and such application shall be approved, if two years have passed and the Chief Animal Control Officer finds sufficient evidence that the owner has met the following conditions:
 - 1. The dog has received no subsequent violations of Chapter 4 of the CBMC; and
 - 2. The owner has complied with all requirements of Chapter 4 of the CBMC.

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.

G. Notification under this section may be completed by either personal service upon the owner or through certified mail to the owner's home address.

1. Notification by mail shall be completed on the 4th day following the date of mailing.

HISTORY

Adopted by Ord. 6429 on 10/12/2020

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. The dog has a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals;
2. The dog has been found to be potentially dangerous under Chapter 4 of the CBMC and subsequently:
 - a. without provocation, bites, attacks or endangers the safety of any person; or
 - b. is found to be at large
3. The dog, without provocation, bites or attacks a human being resulting in the need for medical attention;
4. The dog, within a 12-month continuous period, caused injury to a domestic animal or livestock on more than one occasion, without causing death; or
5. The dog, 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:

1. If the dog is not currently spayed or neutered, require the dog to receive the procedure;
2. If the dog is not microchipped under the CBMC, require such dog to be microchipped;
3. 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;
4. Allow for Council Bluffs Animal Control to photograph the dog for identification purposes;
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;
6. If the dog is to be left unattended outside, 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 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 CBMC.
- 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 restrained by a fixed length leash no longer than four feet that is being held by an individual eighteen (18) years of age or older who is physically capable of maintaining control of the dog.
1. It shall be the responsibility of the owner to notify any individual supervising the dog of the dangerous dog designation and its resulting conditions and restrictions.
 2. For the purposes of this subsection, a leash shall be deemed to be "held" only when it is physically controlled by such person and not merely attached to a fixed object, another animal, or a person under eighteen (18) years of age.
- 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.
1. Any person removing the dog from the private property of the owner must be an individual 18 years of age or older.
 2. It shall be the responsibility of the owner to notify any person removing the dog from their property of the dangerous dog designation and its resulting conditions and restrictions.
- G. The owner of a dangerous dog may apply to the Chief Animal Control Officer to have the declaration removed, and such application shall be approved, if three years have passed and the Chief Animal Control Officer finds sufficient evidence that the owner has met the following conditions:
1. The dog has received no subsequent violations of Chapter 4 of the CBMC;
 2. The owner has complied with all requirements of Chapter 4 of the CBMC; and
 3. 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).

H. 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.

I. Notification under this section may be completed by either personal service upon the owner or through certified mail to the owner's home address.

1. Notification by mail shall be completed on the 4th day following the date of mailing.

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

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

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

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

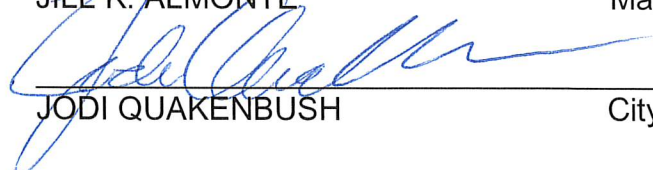
PASSED
AND
APPROVED

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 6687

Ordinance to amend Chapter 4.20 Animal Control by amending Sections 4.20.083 "Potentially Dangerous Dog Designation" and 4.20.084 "Dangerous Dog Designation".

Background/Discussion

This ordinance revises the "Potentially Dangerous" and "Dangerous" dog designation procedures and resulting requirements on the owners.

The first code section being modified by the ordinance is 4.20.083, "Potentially Dangerous Dog Designation." The changes to subsections (A)(1), (2), and (4) are grammatical. Subsection (A)(3) is being moved from a reason to designate a dog as "Dangerous" to this section. Discussions with Animal Control led to a determination that it was more fitting for a dog that had been found at large 3 times in a 12-month period to be designated as "Potentially Dangerous" with a subsequent at large incident resulting in an upgrade to "Dangerous" rather than just starting at "Dangerous". Subsection B is being amended to include a deadline by which the owner has to make the dog available for photographs. The changes to subsection (E) clean up the formatting of the subsection but make no substantive changes. Subsection (G) is being added to clarify what "notification" means and ensure that the city is able to document the date of notification.

The other section being changed by this ordinance is 4.20.084, "Dangerous Dog Designation." The changes to subsection (A) are mostly just cleaning up the grammar and formatting it to make it cleaner to read, except for the removal of the running at large reason for designation which has been moved to "Potentially Dangerous" as described in the preceding paragraph. Subsection (B)(6) is being modified in order to address pet owners who live in apartments or other locations that don't have anywhere to build the required kennel. Subsection (E) has several modifications and additions. First, Animal Control officers recommended that dangerous dogs only be allowed to roam if they are being held by a leash rather than also allowing them to be tethered. The second modification is to make it a requirement that the person over the age of 18 is required to be holding the leash instead of the dog just being "under the supervision of" someone over the age of 18. Finally, subsection (E)(1) makes it the responsibility of the owner to notify any person supervising the dog of the requirements. This allows us to cite the owner if the person supervising says they didn't know about the requirements. The changes to subsection (F) add an age requirement and the same notification requirement on the owner. The changes to subsection (G) clean up the formatting but make no substantive changes. Finally, the new subsection (I) clarifies what "notification" means in the same way as the changes to the potentially dangerous section did.

Staff Recommendation

Approval is recommended.

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Attachments

Chapter 4.20 Potential Dangerous and Dang Dog-Redline combined.pdf
6687.docx

Prepared by: Jake Schorlemmer

Approved by: Whitney Jacque

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4.20.083 Potentially Dangerous Dog Designation

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2. ~~The dog, when unprovoked, and not at large, inflicts minor injury to a person that does not require medical care;~~
3. ~~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;~~
4. ~~The dog causes injury, without causing death, to another domestic animal or livestock, with the following exceptions:~~
 1. This paragraph shall not apply to feral animals that may be attacked, or;
 2. 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.

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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 ~~within 30 days~~.

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, ~~and such application shall be approved, if two years have passed and the Chief Animal Control Officer finds sufficient evidence that~~ the owner has met the following conditions:

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1. The dog has received no subsequent violations of Chapter 4 of the CBMC; and

2. The owner has complied with all requirements of Chapter 4 of the CBMC.

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

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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.

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.

G. Notification under this section may be completed by either personal service upon the owner or through certified mail to the owner's home address.

1. Notification by mail shall be completed on the 4th day following the date of mailing.

HISTORY

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

4.20.084 Dangerous Dog Designation

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2. ~~The dog has~~ been found to be potentially dangerous under Chapter 4 of the CBMC and subsequently:
 - a. ~~without~~ provocation, bites, attacks or endangers the safety of any person; or
 - b. ~~is found to be at large,~~
3. ~~The dog,~~ without provocation, bites or attacks a human being resulting in the need for medical attention;
4. ~~The dog,~~ within a ~~12-month~~ continuous period, caused injury to a domestic animal or livestock on more than one occasion, without causing death; or
5. ~~The dog,~~ while at large, attacks and kills any domestic animal or livestock.

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4. Allow for Council Bluffs Animal Control to photograph the dog for identification purposes;
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;
6. ~~If the dog is to be left unattended outside,~~ 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 enclosed top;
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2. For the purposes of this subsection, a leash shall be deemed to be "held" only when it is physically controlled by such person and not merely attached to a fixed object, another animal, or a person under eighteen (18) years of age.
- 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.
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