

ORDINANCE NO. 6688

AN ORDINANCE TO AMEND CHAPTER 4.20 ANIMAL CONTROL OF THE 2025 COUNCIL BLUFFS MUNICIPAL CODE BY REPEALING SECTION 4.20.128 "SEIZURE/DESTRUCTION OF ANIMAL", BY AMENDING SECTION 4.20.020 "DEFINITIONS-ANIMAL CONTROL" AND BY AMENDING AND RETITLING SECTION 4.20.120 "KEEPING OF VICIOUS ANIMALS PROHIBITED-PROCEEDINGS TO DETERMINE-SEIZURE AND/OR DESTRUCTION AUTHORIZED" TO BE TITLED "KEEPING OF VICIOUS ANIMALS PROHIBITED".

**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 repealing Section 4.20.128 "Seizure/Destruction Of Animal", by amending Section 4.20.020 "Definitions-Animal Control" and by amending and retitling Section 4.20.120 "Keeping of Vicious Animals Prohibited-Proceedings to Determine-Seizure And/Or Destruction Authorized" to be titled "Keeping of Vicious Animals Prohibited" and to read as follows:

4.20.020 Definitions - Animal Control

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

Administrative authority: 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.

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:

- 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.

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:

A. 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).

B. Intermediate Farm Animals:

1. Perissodactyla, specifically miniature horses.

C. Small Farm Animals:

1. Anseriforms, 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:

- 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.

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.

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

4.20.120 Keeping Of Vicious Animals Prohibited

- A. No person shall keep, shelter, or harbor for any reason within the city, a vicious animal as defined herein, except as provided in CBMC 4.20.130.
- B. The administrative authority or the administrative authority's designee may designate any animal to be a vicious animal under any of the following circumstances:
 - 1. Any animal which has attacked or bitten any person without provocation on two occasions;
 - 2. An animal which has attacked and caused significant or catastrophic injury, or death, to any person;
 - 3. Any dog or other animal owned or harbored primarily or in part for the purpose of fighting or any dog trained for dog fighting;
 - 4. Any animal that has been found to be dangerous under Chapter 4 of the CBMC and subsequently:
 - a. Without provocation, bites, attacks or endangers the safety of any person;
 - b. Is found to be at large; or

- c. Attacks or bites any domestic animal or livestock.
- C. Such designation may be appealed to the Board of Review pursuant to CBMC 4.20.132.
- D. Upon notification of the designation of an animal as vicious, the owner shall immediately surrender the animal to Animal Control. If the owner refuses to surrender said animal, animal control officers and/or police officers are authorized to seize said animal.
 - 1. The animal shall not be returned to the owner upon the filing of a written notice of appeal and shall only be returned following a final decision of the Board of Review reversing the designation decision.
 - 2. Failure to surrender the animal shall constitute a misdemeanor subject to the penalty provisions of CBMC 8.02.020.
- E. 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.
- F. A vicious animal shall be placed in quarantine 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.
- G. Upon completion of the ten-day quarantine, the administrative authority shall order the destruction of the vicious animal.
 - 1. Such quarantine period shall be suspended upon the filing of a written notice of appeal pursuant to CBMC 4.20.132(B).
- H. All costs of such impoundment or quarantine shall be paid by the owner, regardless of whether or not the Board of Review affirms the designation.
- I. Notification under this section may be completed by 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)

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

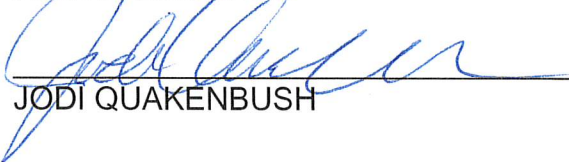
June 22, 2026.



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 6688

Ordinance to amend Chapter 4.20 Animal Control by repealing Section 4.20.128 "Seizure/Destruction Of Animal", by amending Section 4.20.020 "Definitions-Animal Control" and by amending and retitling Section 4.20.120 "Keeping of Vicious Animals Prohibited- Proceedings to Determine-Seizure And/Or Destruction Authorized" to be titled "Keeping of Vicious Animals Prohibited".

Background/Discussion

This ordinance makes modifications to the process of designating and disposing of animals designated as "Vicious".

The process for designating a dog as vicious and disposing of the animal is complicated by confusing and, at times, contradictory code sections. There are multiple definitions of vicious animal, one of which could be designated by animal control and one that could only be designated by the "board of review", an ad hoc board consisting of the mayor, fire chief, and police chief. There are two different procedures for how to handle a vicious animal. Under 4.20.120 the owner is supposed to dispose of the animal and under 4.20.128 the owner is supposed to immediately surrender the animal to Animal Control. These changes make the process the same as for the other designations, "potentially dangerous" and "dangerous", which Animal Control designates and then the owner can appeal to the board of review. It also clears up what is to be done with the animal, making them surrender the animal to Animal Control.

4.20.020 Definitions – Animal Control is being modified to remove the definition of vicious animal. This is the definition that the board of review can find an animal to be vicious under. Everything will be moved under the Animal Control designation definition in 4.20.120(B).

4.20.120 has the most modifications. First, subsection (B) is being modified to add the two things that were included in the board of review definition but not the animal control definition, attacking domestic animals or livestock and being trained for fighting. Subsection (C) currently has a long paragraph that is already laid out in the Appeal Procedures code section, so this ordinance simply removes that paragraph and references 4.20.132. Subsection (D) is moving from its own section, 4.20.128, to this section. The owner will be required to surrender the animal to Animal Control, failure to do so will be a misdemeanor. This also moves what would now be (D)(1), not allowing the owner to get the animal back if they appeal, from (F). Subsection (G)(1) is just saying the 10 day period will be paused while the appeal is ongoing. Finally subsection (I) clarifies what notification means.

4.20.128 will be repealed as it would now be under 4.20.120(D).

Staff Recommendation

Approval is recommended.

Attachments

[Chapter 4.20 Vicious Dog-Redline combined.pdf](#)
[6688.docx](#)

Prepared by: Jake Schorlemmer
Approved by: Whitney Jacque

7.D

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4.20.020 Definitions - Animal Control

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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:

- 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.

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.

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Dangerous animal, per se: The following animals which shall be deemed to be dangerous animals, per se:

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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;

Chelonian of the family Chelydridae (snapping turtles);

Crocodylia which includes crocodiles and alligators;

Chiroptera (bats);

Proboscidea 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.

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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:

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B. Intermediate Farm Animals:

1. Perissodactyla, specifically miniature horses.

C. Small Farm Animals:

1. Anseriforms, 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:

- 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.

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.

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

Deleted: 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.¶¶

4.20.120 Keeping Of Vicious Animals Prohibited.

- A. No person shall keep, shelter, or harbor for any reason within the city, a vicious animal as defined herein, except as provided in CBMC 4.20.130.
- B. The administrative authority or the administrative authority's designee may designate any animal to be a vicious animal under any of the following circumstances:
1. Any animal which has attacked or bitten any person without provocation on two occasions;
 2. An animal which has attacked and caused significant or catastrophic injury, or death, to any person;
 3. ~~Any animal that has been found to be dangerous under Chapter 4 of the CBMC and subsequently:~~
 - a. ~~Without provocation, bites, attacks or endangers the safety of any person;~~
 - b. ~~Is found to be at large; or~~
 - c. ~~Attacks or bites any domestic animal or livestock;~~
 4. ~~Any dog or other animal owned or harbored primarily or in part for the purpose of fighting or any dog trained for dog fighting.~~
- C. ~~Such designation may be appealed to the Board of Review pursuant to CBMC 4.20.132.~~
- D. Upon notification of the designation of an animal as vicious, the owner shall immediately surrender the animal to Animal Control. If the owner refuses to surrender said animal, animal control officers and/or police officers are authorized to seize said animal.
1. The animal shall not be returned to the owner upon the filing of a written notice of appeal and shall only be returned following a final decision of the Board of Review reversing the designation decision.
 2. Failure to surrender the animal shall constitute misdemeanor subject to the penalty provisions of CBMC 8.02.020
- E. ~~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.~~
- F. ~~A vicious animal shall be placed in quarantine 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.~~
- G. Upon completion of the ten-day quarantine, the administrative authority shall order the destruction of the vicious animal
1. Such quarantine period shall be suspended upon the filing of a written notice of appeal pursuant to CBMC 4.20.132(B).
- H. All costs of such impoundment or quarantine shall be paid by the owner, regardless of whether or not ~~the Board of Review affirms the designation.~~
- I. Notification under this section may be completed by 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)

HISTORY

Amended by Ord. 6429 on 10/12/2020

Deleted: - Proceedings To Determine - Seizure And/Or Destruction Authorized

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Deleted: that, after the owner has received notice or personal knowledge of the animal's dangerous designation

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Deleted: or

Deleted: 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.

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Deleted: <#>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 paragraph B of this section, initiate proceedings to declare such animal a vicious animal as defined in CBMC 4.20.020 Paragraph Y. 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.¶

If an animal meets the criteria set forth in paragraph 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 ...

Deleted: 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 ...

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Deleted: the animal is determined to be vicious.

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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; Ord. No. 6357, § 1, 10-22-2018)~~