

Council Bluffs, Iowa

Chapter 4.20 ANIMAL CONTROL

Article I Humane Animal Treatment and Control

4.20.112 Pit Bulls Prohibited.

A. It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the city of Council Bluffs, Iowa, any pit bull.

B. Definitions. For the purposes of this section:

Owner: Any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.

Pit bull: Any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. The A.K.C. and U.K.C. standards for the above breeds are on file in the office of the administrative authority.

Muzzled: The jaws of the pit bull are confined by a device that prevents the pit bull from biting.

Secure temporary enclosure: An enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a "door" for removal of the pit bull. Such enclosure must be constructed so that the pit bull cannot exit the enclosure on its own.

C. Exceptions. Failure by the owner to comply and remain in compliance with any of the terms of any applicable exception shall subject the pit bull to immediate impoundment and disposal pursuant to paragraph E of this section, and shall operate to prevent the owner from asserting such exception as a defense in any prosecution under paragraph A.

1. The owner of a pit bull currently licensed as of the date of publication of the ordinance codified in this section and who maintains the pit bull at all times in compliance with the requirements of paragraph D of this section and all other applicable requirements of this chapter, may keep a pit bull within the city.

2. The city animal shelter may temporarily harbor and transport any pitbull for purposes of enforcing the provisions of this chapter.

3. A licensed veterinarian may temporarily harbor any pit bull for the purpose of care and treatment of the animal.

4. A person may temporarily transport into and hold in the city a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization. However, the sponsor of the exhibition, contest, or show must receive written permission from the administrative authority, must obtain any other permits or licenses required by city ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public at least seven days prior to said exhibition, contest or show. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the city to and from the place of exhibition, contest, or show, keep the pit bull confined in a "secure temporary enclosure" as defined in paragraph B,4.

D. The owner of any pit bull, currently licensed as of the date of publication of the ordinance codified in this section, shall be allowed to keep such pit bull within the city only if the owner complies with and provides sufficient evidence that the owner is in compliance with all of the following regulations:

1. The owner of the pit bull shall keep current the license for such pit bull through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by a member of the immediate family of such licensee who is at least eighteen (18) years of age.

2. The owner of a pit bull must be at least eighteen (18) years of age.

3. The owner shall present to the administrative authority proof that the owner has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury that may be caused by a pit bull during the duration of its license. The policy shall contain a provision requiring the insurance company to provide written notice to the administrative authority not less than fifteen (15) days prior to any cancellation, termination or expiration of the policy.

4. The owner shall, at the owner's own expense, have the pit bull spayed or neutered and shall present to the administrative authority written proof from a licensed veterinarian that this sterilization has been performed.

5. The owner shall bring the pit bull to the Council Bluffs Animal Shelter, where a person authorized by the administrative authority shall cause an identifying microchip to be inserted beneath the skin of the pit bull. The administrative authority shall maintain a file containing the registration numbers and names of the pit bulls and the names and addresses of the owners. The owner shall notify the administrative authority of any change of address.

6. At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull "confined" as that term is defined in CBMC 4.20.110 Paragraph F,1. At all times when a pit bull is away from the property of the owner the owner shall keep the pit bull, either securely leashed with a leash of a fixed length no longer than four feet, and muzzled, or in a "secure temporary enclosure," as that term is defined in paragraph B,4 of this section.

7. The owner shall not sell or otherwise transfer the pit bull to any person except a member of the owner's immediate family who is at least eighteen (18) years of age, who will then become the owner and will be subject to all of the provisions of this section. The owner shall notify the administrative authority within five days in the event that the pit bull is lost, stolen, dies, or has a litter. In the event of a litter, the owner must deliver the puppies to the animal shelter for destruction or permanently remove the puppies from Council Bluffs and provide sufficient evidence of such removal by the time the puppies are weaned, but in no event shall the owner be allowed to keep in Council Bluffs a pit bull puppy born after the date of publication of the ordinance codified in this section, that is more than eight weeks old. Any pit bull puppies kept contrary to the provisions of this section are subject to immediate impoundment and disposal pursuant to paragraph E of this section.

8. The owner shall have posted at each possible entrance to the owner's property where the pit bull is kept, a conspicuous and clearly legible pit bull sign. Such pit bull sign must be at least eight inches by ten (10) inches in rectangular dimensions and shall contain only the words "PIT BULL DOG" in lettering not less than two inches in height.

E. Notwithstanding any provisions to the contrary, the administrative authority is authorized to immediately impound any pit bull found in the city of Council Bluffs which does not fall within the exceptions listed in paragraph C above, and the animal shelter may house or dispose of such pit bull in such manner as the administrative authority may deem appropriate, except as the procedures in paragraph F below otherwise require.

F. When the administrative authority has impounded any pit bull dog pursuant to this section, and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may file a written petition with the administrative authority for a hearing concerning such classification no later than seven days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The administrative authority will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing. When no written request from the owner for a hearing is received by the administrative authority within seven days of impoundment, the pit bull shall be humanely destroyed.

The hearing, if any, will be held before the administrative authority or a hearing officer designated by the administrative authority. The appellant-owner of such dog shall bear the burden of proof. Any facts that the petitioner wishes to be considered shall be submitted under oath or affirmation, either in writing or orally at the hearing. The administrative authority or hearing officer shall make a final determination whether the dog is a pit bull as defined in paragraph B,2 of this section. Such final determination shall be considered a final order of the administrative authority subject to review as provided in CBMC 4.20.132.

If the dog is found to be a pit bull, it shall be humanely destroyed, unless the owner produces evidence deemed sufficient by the administrative authority that the pit bull is to

be permanently taken out of Council Bluffs, and the owner pays the cost of impoundment. If the dog is found not to be a pit bull, the dog shall be released to the owner.

The procedures in this paragraph shall not apply, and the owner is not entitled to such a hearing with respect to any dog that was impounded as the immediate result of an attack or bite. In those instances, the dog shall be handled, and the procedures governed by the provisions of CBMC 4.20.120.

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

4.20.140 General Prohibitions And Duties.

4. Underground electronic fencing is prohibited for:

a. Dogs deemed to be dangerous pursuant to CBMC 4.20.082 and CBMC 4.20.084;

b. Dogs deemed to be a "pitbull" pursuant to CBMC 4.20.112.

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

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