

Council Bluffs, Iowa

Chapter 4.20 ANIMAL CONTROL

Article I Humane Animal Treatment and Control

4.20.110 Regulation of keeping of dangerous animals.

(a) Every person, firm, or corporation owning, keeping, sheltering or harboring a dangerous animal pursuant to Section 4.20.100 shall report such fact to the department of public health, together with the following information:

(1) The species name of each animal;

(2) The number of such animals of each such species kept on the premises;

(3) A physical description of each such animal, including any pet names to which it might respond;

(4) The location of such animal or animals within the city, including the location of the cage or place of confinement upon or in the premises wherein the animal or animals are kept;

(5) In the case of poisonous dangerous animals, the location of the nearest source of anti-venom for that species.

(b) Every person, firm or corporation keeping, sheltering or harboring a dangerous animal shall at all times keep such animal securely confined within a cage or other enclosure.

(c) Every person, firm, or corporation keeping, sheltering or harboring a poisonous dangerous animal shall be required to keep ten (10) doses of anti-venom on hand and current at all times.

(d) No person, firm, or corporation owning, keeping, sheltering or harboring a dangerous animal shall permit or allow such animal to enter upon or traverse any public property, park property, public right-of-way, or the property of another, except when such animal is being transported while caged or confined. The director may authorize the display or exhibit of dangerous animals upon public property, park property, or public right-of-way, provided it is determined that such display or exhibit will not be contrary to the public interest. The authorization to display or exhibit such animals may be conditioned upon the provision of adequate public liability insurance and the execution of an indemnity and hold harmless agreement in favor of the city of Council Bluffs by the party seeking such authorization.

(e) In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to life or property, such animal may, in the discretion of the director, or the chief of police, be destroyed if it cannot be confined or captured. The city of Council Bluffs shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, and shall have no duty to notify the owner of such animal prior to its destruction.

(f) No person owning, harboring, or having the care of a dangerous dog shall suffer or permit such animal to go unconfined on the premises of such person.

(1) Said dangerous dog shall be confined in a securely enclosed and locked pen or structure upon the premises which shall be set back at least ten (10) feet from the nearest property line of said premises. Such pen or structure must have secure sides at least six feet in height, embedded into the ground no less than one foot or secured into a concrete slab, and a secure

top. Said pen or structure must be constructed of materials which will prevent the dangerous dog from biting or otherwise attacking a person wholly outside of the pen or structure.

(2) No person owning, harboring, or having care of a dangerous dog shall suffer or permit such dog to be beyond the premises of such person unless such dog is securely leashed and muzzled by a responsible adult, or otherwise securely restrained in a kennel or other enclosure.

(3) No owner or other person shall sell, give away, or trade any dangerous dog without first giving written notification as to the name, address, and telephone number of the potential purchaser to the director. Said notice to the director shall include a copy of written notification signed by the potential purchaser, that the dog has been declared dangerous, and the restrictions of this chapter which shall apply.

(g) Order to Remove. In the event that the director determines that a dangerous animal is being kept, sheltered, or harbored by any individual or entity in violation of the provisions of this chapter, the director may in his or her discretion have such individual or entity prosecuted for such violation, and/or he or she may order such individual or entity to remove such dangerous animal from the city or destroy it. Such order shall be contained in a notice to remove dangerous animal, which notice shall be given in writing, directed to such individual or entity, and delivered personally or by certified mail. Such order of the director may be appealed as set forth in Section 4.20.132.

(h) If the board of health affirms the action of the director, the board shall also order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such dangerous animal, remove such animal from the city or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the order is not complied with within seven days of its issuance, the director is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the board of health was issued has not petitioned the Pottawattamie County District Court for a review of the order, the director shall cause the animal to be disposed of by sale or destroyed in a humane manner. Failure to comply with an order of the board of health issued pursuant hereto shall constitute a misdemeanor and shall be subject to the penalty provisions of Section 8.02.020 of this code.

(i) Every order of the board of health issued pursuant to the provisions of this section shall set forth the language of subsection (h) of this section. (Ord. 5809 § 1, 2004).

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:

(1) An "owner" is defined as any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.

(2) A "pit bull" is defined as 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 director of public health.

(3) "Muzzled" means that the jaws of the pit bull are confined by a device that prevents the pit bull from biting.

(4) A "secure temporary enclosure" is 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 subsection (e) of this section, and shall operate to prevent the owner from asserting such exception as a defense in any prosecution under subsection (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 subsection (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 pit bull 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 director of public health, 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 subsection (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 director of public health proof that the owner has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000), 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 director of public health 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 director of public health 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 director of public health shall cause an identifying microchip to be inserted beneath the skin of the pit bull. The director of public health 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 director of public health 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 Section 4.20.110(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 subsection (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 director of public health 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 Council Bluffs 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 subsection (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 director of public health is authorized to immediately impound any pit bull found in the city of Council Bluffs which does not fall within the exceptions listed in subsection (c) above, and the Council Bluffs Animal Shelter may house or dispose of such pit bull in such manner as the director of public health may deem appropriate, except as the procedures in subsection (f) below otherwise require.

(f) When the director of public health 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 director of public health 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 director of public health 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 director of public health within seven days of impoundment, the pit bull shall be humanely destroyed.

The hearing, if any, will be held before the director of public health or a hearing officer designated by the director. 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 director of public health or hearing officer shall make a final determination whether the dog is a pit bull as defined in subsection (b)(2) of this section. Such final determination shall be considered a final order of the director of public health subject to review as provided in Section 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 director of public health 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 subsection 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 Section 4.20.120. (Ord. 5821 § 1, 2004).

4.20.120 Keeping of vicious animals prohibited—Proceedings to determine—Seizure and/or destruction authorized.

(a) No person shall keep, shelter, or harbor for any reason within the city, a vicious animal as defined herein, except as provided in Section 4.20.130.

(b) Any animal which has attacked or bitten any person without provocation on one occasion, or which has attacked or bitten any domestic animal or fowl on two or more occasions shall be deemed a vicious animal without necessity for hearing by the board of health. This decision may, however, be appealed to the board of health, by presenting a written notice of appeal to the director within ten (10) days after receiving written notice of said decision. If the decision of the board of health 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 Council Bluffs Animal Shelter pending the outcome of the appeal.

(c) The director, 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 subsection (b) of this section, initiate proceedings to declare such animal a vicious animal as defined in Section 4.20.020(25). Said proceeding shall be conducted by the board of health. 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.

(d) If an animal meets the criteria set forth in subsection (b) above or, if after hearing, the board determines that an animal is vicious, the director 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 director shall cause the animal to be destroyed.

(e) Failure to comply with an order issued pursuant hereto shall constitute a misdemeanor and shall be subject to the penalty provisions of Section 8.02.020 of this code.

(f) Every order issued pursuant to the provisions of this section shall include a copy of Section 4.20.120.

(g) 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 director shall immediately destroy it, or unless its ownership is not ascertainable, in which case the director shall destroy it after three days impoundment.

(h) 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 owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing.

(i) All costs of such impoundment or quarantine shall be paid by the owner, regardless of whether or not the animal is determined to be vicious. (Ord. 5606 § 15, 2001).

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 the Department of Public Health. 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 the Department of Public Health 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 director.

Upon completion of the ten (10) day quarantine, the director may order the destruction of said animal. (Ord. 5606 § 16, 2001).

4.20.130 Exceptions: Guard dogs.

The prohibition contained in Section 4.20.120 shall not apply to the keeping of guard dogs. However, guard dogs must be kept within a structure or a fenced enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of Section 4.20.120. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "guard dog," "vicious dog," or words of similar import, and the owner of such premises shall inform the department of health that a guard dog is on duty at the premises. (Ord. 4418 § 2 (part), 1982).

4.20.132 Administrative appeal procedure.

The following process shall apply to the appeal of any actions or declarations of the director of public health or his/her designee pursuant to this chapter.

Appeal. Any individual or entity desiring to appeal an order issued by the director of public health to the board of health may do so by filing a written notice of appeal with the director of public health within ten (10) days after notification of the director's order. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the director of public health.

(1) Within ten (10) days of receiving the written notice of appeal, the director 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.

(2) 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.

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

(4) The city may be represented before the board by the city attorney's office or the director of the department of public health. The owner may represent him or herself or may be represented by an attorney.

(5) The city shall have the burden to prove by a preponderance of the evidence that the action of the director or his or her designee should be affirmed.

(6) 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 health, by majority vote of those present and voting, may affirm, modify or reverse the determination of the director.

(7) The proceedings before the board shall be recorded by one of the following methods: electronic audio or video recording, certified court reporter, or extensive notes of the testimony kept by a person designated by the board.

(8) 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.

(9) The final decision of the board may be appealed in the district court of Iowa in accordance with the provisions of the Iowa Administrative Code. 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 the Council Bluffs animal shelter pending the outcome of the appeal. (Ord 5810 § 1, 2004).

4.20.140 General prohibitions and duties.

(a) No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such persons' property or that of another, by opening any gate, door, or window, by making an opening in any fence, enclosure, or structure, or by unleashing such animal.

(b) It shall be the duty of every person owning or having the custody or control of an animal to clean up, remove, and dispose of the feces deposited by such animal upon public property, park property, public right-of-way, or the property of another, as provided in subsection (i) of this section. Failure to do so shall constitute a misdemeanor.

(c) It shall be the duty of every person owning or having the custody or control of an animal to physically restrain the animal within an enclosure or upon a leash when such animal is left unattended outside. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another. Failure to restrain an animal pursuant to the foregoing shall constitute a misdemeanor.

(d) No person owning or having an animal under his or her control or within his or her care or custody, shall permit such animal to create a noise disturbance as defined in Chapter 4.50, "Noise Control," or to bark or make any loud or unusual noises during times which such owner knows or should expect that such noise will disturb one or more neighbors, or otherwise disturb the peace. Kennels, veterinary clinics, animal hospitals, and animal shelters located within properly zoned areas shall be eligible for a variance from this requirement pursuant to the provisions of Section 4.50.070.

(e) It shall be prohibited for any person in any manner to interfere with any employee or designated representative of the city, so as to hinder, delay, or prevent his or her executing his or her duties in relation to the matters and things contained in this chapter.

(f) It is unlawful for any person owning, controlling, or caring for any animal that has died from any cause to allow the carcass to lie about the owner's premises or upon the premises of another person or upon any public property or right-of-way. It shall be the duty of such person to cause such carcass to be removed and properly disposed of by burying it in an approved animal cemetery, cremating in an approved incinerator, desiccation, removal by a licensed animal disposal company, or by delivering to a licensed veterinarian, or the city animal shelter, within twenty-four (24) hours after the death of the animal. It is unlawful for any person to bury an animal on private premises within the city, or for the owner of any property to allow an animal to be buried thereon, except in time of emergency as declared by the board of health when such action is necessary to protect the public health. The owner, possessor and all persons having knowledge of any dead animal in the city shall report the same to the department of public health, giving the name of the person who owned or had possession or control of the animal prior to its death, and the place where the animal may be found. The department of public health shall immediately notify the person who owned or had possession and control of such animal to cause the same to be removed and properly disposed of as herein provided.

(g) Regardless of the provisions of subsection (f) of this section, it shall be unlawful for any owner or other person to dispose of any dead animal or allow it to be collected for disposal by any person except authorized representatives of the city if such animal has attacked, bitten, or caused

a skin abrasion on any person, or if the animal is suspected of being infected with rabies, until permission for disposal has been given by the director of public health or his or her designee.

(h) It is unlawful for any person owning, controlling or caring for any animal to fail to keep in a clean and sanitary condition the premises and any pen, kennel, shelter, house or the person's dwelling or other structure where the animal is at any time kept. At least once every twenty-four (24) hours or more often if odors or health problems arise, such person shall pick up any and all feces so as to prevent its accumulation and same shall be properly disposed of. Feces shall be held in watertight and fly-tight containers pending disposal and shall be disposed of at least once weekly. Feces shall be disposed of by depositing same in a proper receptacle for disposal as solid waste by a licensed private refuse hauler pursuant to the requirements of Chapter 4.12 of this code. The animal and place where the animal is maintained shall also be kept free of obnoxious odors and shall be maintained so as not to attract or permit the harborage or breeding of flies and other insects or rodents or other vermin. All animal food and water shall be stored and placed for the animal's consumption in such a manner so that it will not become food for rodents and other vermin.

(i) It is unlawful for any owner or other person to abandon, turn loose, or leave any animal within the corporate limits of the city or so that the animal may find its way into the corporate limits of the city, or to abandon or leave any animal upon or in any premises unattended for a period in excess of twenty-four (24) hours.

(j) It is unlawful for any person to willfully allow animals to bite, fight, purposely scare or attack other animals or humans. (Ord. 5811 § 1, 2004).

4.20.140 General prohibitions and duties.

(a) No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon such persons' property or that of another, by opening any gate, door, or window, by making an opening in any fence, enclosure, or structure, or by unleashing such animal.

(b) It shall be prohibited for any person to permit or allow an animal owned by the person or under that person's custody or control to defecate upon public property, park property, public right-of-way, or the property of another.

(c) It shall be the duty of every person owning or having the custody or control of an animal to clean up, remove, and dispose of the feces deposited by such animal upon public property, park property, public right-of-way, or the property of another, as provided in subsection (i) hereof. Failure to do so shall constitute a misdemeanor.

(d) It shall be the duty of every person owning or having the custody or control of an animal to physically restrain the animal within an enclosure or upon a leash when such animal is left unattended outside. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another. Failure to restrain an animal pursuant to the foregoing shall constitute a misdemeanor.

(e) No person owning or having an animal under his or her control or within his or her care or custody, shall permit such animal to create a noise disturbance as defined in Chapter 4.50, "Noise Control," or to bark or make any loud or unusual noises during times which such owner knows or should expect that such noise will disturb one or more neighbors, or otherwise disturb the peace. Kennels, veterinary clinics, animal hospitals, and animal shelters located within properly zoned areas shall be eligible for a variance from this requirement pursuant to the provisions of Section 4.50.070.

(f) It shall be prohibited for any person in any manner to interfere with any employee or designated representative of the city, so as to hinder, delay, or prevent his or her executing his or her duties in relation to the matters and things contained in this chapter.

(g) It is unlawful for any person owning, controlling, or caring for any animal that has died from any cause to allow the carcass to lie about the owner's premises or upon the premises of another person or upon any public property or right-of-way. It shall be the duty of such person to cause such carcass to be removed and properly disposed of by burying it in an approved animal cemetery, cremating in an approved incinerator, desiccation, removal by a licensed animal disposal company, or by delivering to a licensed veterinarian, or the city animal shelter, within twenty-four hours after the death of the animal. It is unlawful for any person to bury an animal on private premises within the city, or for the owner of any property to allow an animal to be buried thereon, except in time of emergency as declared by the board of health when such action is necessary to protect the public health. The owner, possessor and all persons having knowledge of any dead animal in the city shall report the same to the department of public health, giving the name of the person who owned or had possession or control of the animal prior to its death, and the place where the animal may be found. The department of public health shall immediately notify the person who owned or had possession and control of such animal to cause the same to be removed and properly disposed of as herein provided.

(h) Regardless of the provisions of subsection (g) above, it shall be unlawful for any owner or other person to dispose of any dead animal or allow it to be collected for disposal by any person except authorized representatives of the city if such animal has attacked, bitten, or caused a skin abrasion on any person, or if the animal is suspected of being infected with rabies, until permission for disposal has been given by the director of public health or his or her designee.

(i) It is unlawful for any person owning, controlling or caring for any animal to fail to keep in a clean and sanitary condition the premises and any pen, kennel, shelter, house or the person's dwelling or other structure where the animal is at any time kept. At least once every twenty-four (24) hours or more often if odors or health problems arise, such person shall pick up any and all feces so as to prevent its accumulation and same shall be properly disposed of. Feces shall be held in watertight and fly-tight containers pending disposal and shall be disposed of at least once weekly. Feces shall be disposed of only by depositing same in a sanitary sewer receptacle, or by depositing same in a proper receptacle for disposal as solid waste by a licensed private refuse hauler pursuant to the requirements of Chapter 4.12 of this code. The animal and place where the animal is maintained shall also be kept free of obnoxious odors and shall be maintained so as not to attract or permit the harborage or breeding of flies and other insects or rodents or other vermin. All animal food and water shall be stored and placed for the animal's consumption in such a manner so that it will not become food for rodents and other vermin.

(j) It is unlawful for any owner or other person to abandon, turn loose, or leave any animal within the corporate limits of the city or so that the animal may find its way into the corporate limits of the city, or to abandon or leave any animal upon or in any premises unattended for a period in excess of three days. (Ord. 5606 § 18, 2001).

4.20.145 Pet cremation services.

The Council Bluffs animal shelter is hereby authorized to offer pet cremation services and charge fees as set forth in the current schedule of fees adopted by the city council. (Ord. 5606 § 19, 2001).

4.20.150 Fees.

(a) In the event that an animal is observed at large but cannot be captured for impoundment, or in the event its owner refuses to relinquish possession of such animal for impoundment, an enforcement/impoundment fee ticket may be issued to its owner requiring the payment of a fee for the city's cost in attempting to impound the animal and enforce the provisions of Section 4.20.050.

(b) In the event that an animal required to be licensed pursuant to Section 4.20.230 is not licensed, or does not display the license tag as required by Section 4.20.170, an

enforcement/impoundment ticket may be issued to its owner requiring the payment of a fee for the city's cost in enforcing said provisions.

(c) In the event that an animal required to be vaccinated for rabies pursuant to Section 4.20.160 is not vaccinated as required, or does not display a rabies vaccination tab as required by Section 4.20.170, an enforcement/impoundment fee ticket may be issued to its owner requiring the payment of a fee for the city's cost in enforcing said provisions.

(d) In the event the owner of an animal has been served a ticket for the payment of the enforcement/impoundment fee and fails to pay the required amount due to the city treasurer within thirty (30) days of the date of issuance of the ticket, the amount of the enforcement/impoundment fee shall double from its original amount, and the individual who issued the enforcement/impoundment fee ticket shall cause a criminal complaint to be filed in the Iowa District Court for a violation of the appropriate section of this chapter. For purposes of this subsection, an enforcement/impoundment fee ticket may be served by either delivering the ticket personally to the owner, or posting the ticket at the residence of the owner.

(e) The enforcement/impoundment fees shall be as provided in the current schedule of fees adopted by the city council.

(f) The fee for boarding and keeping any animal, for removing a dead animal from any premises, for disposing of a dead animal, for humanely destroying an animal, for taking custody of unwanted animals, for trap rental, or for pest control shall be as provided in the current schedule of fees adopted by the city council. (Ord. 5606 § 20, 2001).

Article II Rabies Control and Licensing

4.20.160 Vaccination for rabies.

The owners of all dogs and cats, six months of age or older, and other animals required by state law to be licensed, which are permanently or temporarily within the corporate limits of the city, are required to have a vaccination against rabies for such animals. It is unlawful for any person to keep or harbor an animal which is not vaccinated as required. The rabies vaccination shall be administered in accordance with Chapter 351, Code of Iowa. A current certificate of vaccination for rabies signed by a licensed veterinarian administering the vaccine shall be required for all animals for which the vaccination is required by this chapter. Each veterinarian within the city limits shall forward to the administrative authority on April 1, July 1, October 1, and January 1, a copy of each certificate of vaccination issued by the veterinarian for the preceding calendar quarter. (Ord. 5606 § 21, 2001).

4.20.170 Display of rabies tag and license.

The owner of an animal shall at all times cause the current rabies vaccination tag, and current license tag if a license is required pursuant to Section 4.20.230, to be displayed on a collar, harness or chain attached to the dog, cat, or other animal. Failure to do so shall constitute a misdemeanor. (Ord. 4418 § 2 (part), 1982).

4.20.180 Rabies control--Emergency.

If the local board of health believes rabies to be epidemic, or believes there is threat of epidemic, within the city of Council Bluffs, it may declare a quarantine in all or part of the city and such declaration shall be reported to the city council and the Iowa Department of Health. During the period of quarantine, any person owning or having a dog in his or her possession in the quarantined area shall keep such animal securely enclosed or on a lease for the duration of the quarantine period. Any animal or dog running at large during the time of his or her declaration shall be seized and impounded unless noticeably infected with rabies. All animals or dogs so noticeably infected with rabies, and in the opinion of the director, are displaying vicious propensities, may be killed by the director without notice to the owner. Dogs or other animals

impounded during this declaration shall be disposed of as provided in this chapter. (Ord. 5606 § 22, 2001).

4.20.190 Reporting of bites, attacks and diseases.

(a) It shall be the duty of the owner of any dog, cat or other animal which has bitten or attacked a person, or any other person having knowledge of such bite or attack, including physicians, nurses, and veterinarians, to report such act to the city health department.

(b) It shall be the duty of physicians, veterinarians, and the owner of any animal, to report to the city health department the existence of any animal known or suspected to be suffering from rabies.

(c) Any report required by this section to the city health department shall be considered to be a report to the local board of health, as required by Section 351.38 of the Iowa Code. (Ord. 4418 § 2 (part), 1982).

4.20.200 Procedure when person bitten by animal--Quarantine.

(a) Whenever an animal bites any person, it shall be the duty of the director to have such animal immediately removed from the owner's premises and either taken to the animal shelter or a veterinary hospital for quarantine, or destroyed for examination if the animal appears to be diseased. If not destroyed, such animal must be placed under quarantine for a period of ten (10) days. It is the duty of the owner of the animal that has bitten any person to deliver or surrender the possession of such animal to the city for a quarantine when so ordered by the director. Any confinement of an animal under quarantine shall be at the expense of the owner of such animal.

If an animal is held by a veterinarian, it may not be released until the expiration of the ten-day quarantine period without express written permission of the director. If for any reason a veterinarian determines that he or she may no longer continue to hold the animal, it may be surrendered only to the city animal shelter to be held for the remainder of the ten-day quarantine period.

(b) If any animal that has bitten any person is suspected of having rabies, the director may destroy the animal and have the carcass examined in lieu of quarantine. A wild or stray animal that has bitten any person may be destroyed immediately by the director.

(c) The owner of any animal that has bitten a person may apply to the director to release the animal for the purpose of allowing quarantine at the home of the owner for a period of ten (10) days. The application may be made at any time during the quarantine period and shall be on a form supplied by the department of public health. Home quarantine shall not be permitted unless all of the following conditions have been fully met:

(1) The animal must have been vaccinated against rabies at least three weeks prior to the bite, and such vaccination must be valid for at least one month after the bite. A certification of rabies vaccination shall be produced by the owner of the animal. This vaccination certificate must bear the description of the animal, the type of vaccine used, the expiration of the vaccine, and the signature of the veterinarian administering the vaccination. The animal must also have a current city license, if required by Section 4.20.230, at the time of the bite.

(2) The animal was not running at large at the time of the bite.

(3) Prior to approval of home quarantine, the owner shall have the animal examined by an animal control officer that is an employee of the city of Council Bluffs or a veterinarian, licensed in the state of Iowa, who shall certify that the animal appears to be free of rabies or any other zoonosis. If an animal cannot be immediately examined, it shall be quarantined at the city animal shelter until the owner can make arrangements for such examination.

(4) The person bitten or, if a minor, that person's parents or guardians, must sign the application indicating that they have been advised of the risks of rabies, and that if the animal disappears during the home quarantine, the person bitten may have to undergo anti-rabies treatment, that they do not object to home quarantine, and relieving the city of Council Bluffs, the board of health, the department of public health, and its agents from any liability if the animal disappears during the quarantine period.

(5) The owner of the animal must demonstrate to the satisfaction of the director of public health or his or her designee that they have the proper facilities and the ability to adequately and properly confine the animal to their home or property during the quarantine period.

(6) The owner shall agree to immediately notify the department of public health of any changes in the animal's health or disposition, to allow representatives of the department of public health or its agents to enter upon their property and to examine the animal at any time and to immediately take the animal to a licensed veterinarian for examination at any time when directed by personnel of the department of public health or its agents.

(7) At the end of the quarantine period, the owner shall have the animal examined by an animal control officer that is employed by the city of Council Bluffs or a licensed veterinarian who shall certify that the animal still appears to be free of rabies or other zoonosis, and the quarantine should be terminated.

(8) The owner shall pay all costs of impoundment, board and quarantine to the city before it is released, and shall agree to pay all costs of examination by a veterinarian during the quarantine period.

(9) The owner shall further agree to immediately surrender the animal at any time the director of public health or his or her designee determines the home quarantine should be terminated, or any at time that any provisions or conditions of the home quarantine are violated, and the animal shall be returned to the custody of the department of public health, its agents, or a licensed veterinarian in the state of Iowa.

(10) The Council Bluffs board of health may establish additional rules pertaining to home quarantine.

(d) In the event any person is bitten by a black squirrel, such person shall immediately contact the city health department, whose representatives shall immediately go to the location of the squirrel bite, and capture the squirrel, using whatever means appropriate to do so. The squirrel shall then be taken by the representative of the health department to a local veterinarian where the squirrel shall be placed under observation for a period of not less than ten (10) days. If at the end of the period the squirrel is found by the veterinarian to be free of disease, same shall be released to the representative of the city health department, who shall release the squirrel at an appropriate location.

(e) In the event the circumstances of the squirrel bite are such that the offending squirrel cannot be readily captured, the person bitten or, in the case of a minor, the parent or guardian thereof, shall have the right to use whatever methods deemed necessary to secure the squirrel having bitten, and the person shall then take or cause to be taken the squirrel to a veterinarian for observation or investigation. In the event of the circumstances occurring in this subsection, the cost of such observation or investigation shall be borne by the person taking or causing the squirrel to be taken to the veterinarian. (Ord. 5606 § 23, 2001).