

**ORDINANCE NO 235**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY  
OF AFTON, IOWA, 1998, BY AMENDING, ADDING AND REPEALING PROVISIONS PERTAINING  
TO LIVESTOCK REGULATIONS**

Be it enacted by the City Council of the City of Afton, Iowa:

**SECTION 1. SUBSECTION MODIFIED.** Subsection 85.01 (4) of the Code of Ordinances of the City of Afton, Iowa, 1998 is repealed and the following adopted in lieu thereof:

**85.01 (4).** "Livestock" means an animal belonging to the bovine, caprine, equine, ovine, or porcine species, ostriches, rheas, and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.

**SECTION 2. NEW SECTION.** The Code of Ordinances of the City of Afton, Iowa, 1998 is amended by adding a new Section in Chapter 85, number 85.20, entitled LIVESTOCK, which is hereby adopted to read as follows:

**85.20 LIVESTOCK:** It is unlawful for a person to keep livestock on residential and mobile home zoned properties within the city except by written consent of the Council. Permit application required with consent of the Council depending on:

1. Property location
2. Number & type of animal(s)
3. Size & location of enclosure(s)
4. Sheltering accommodations
5. Proximity to neighbors
6. Waste management methods

**SECTION 3. NEW SECTION.** The Code of Ordinance of the City of Afton, Iowa, 1998 is amended by adding a new Section in Chapter 85, number 85.21, entitled LIVESTOCK PERMIT, which is hereby adopted to read as follows:

**85.21 LIVESTOCK PERMIT:** If the City Council concludes as a result of the permit application that the requirements for a permit have been met, then a permit is issued. The City Council may deny, suspend, revoke or decline to renew any permit issued for any of the following grounds:

1. False statements on any application or other information or report required by this section to be given by the applicant.
2. Failure to correct deficiencies noted in any notice of violation in the time specified in the notice.
3. Failure to comply with the provisions of an approved mitigation or remediation plan by the City Council.

4. Changes made to original approved permit.
5. Failure to comply with any provision of this chapter.

A decision to revoke, suspend or deny a permit shall be in writing, delivered by certified mail or in person to the address indicated on the application. The notification shall specify reasons for action. The application may request a hearing with the City Council within 10 days of receipt of the notice. The applicant or permit holder will be given the opportunity for a hearing. The decision of the City Council hearing the appeal, or any decision by the Council which is not appealed in accordance to this chapter shall be deemed final action.

**SECTION 4. SUBSECTION REPEALED.** The Code of Ordinances of the City of Afton, Iowa, 1998, is hereby amended by repealing Chapter 1.07.03, Section C, Subsection 2 pertaining to: Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle or horses is prohibited except on premises containing one-half (1/2) acre or more and except within an enclosure at least one hundred fifty (150) feet from any residence now existing or hereafter erected.

**SECTION 5. SUBSECTION REPEALED.** The Code of Ordinances of the City of Afton, Iowa, 1998, is hereby amended by repealing Chapter 1.07.04, Section C, Subsection 3 pertaining to: Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle or horses is prohibited except on premises containing one-half (1/2) acre or more and except within an enclosure at least one hundred fifty (150) feet from any residence now existing or hereafter erected.

**SECTION 6. SUBSECTION REPEALED.** The Code of Ordinances of the City of Afton, Iowa, 1998, is hereby amended by repealing Chapter 1.07.05, Section C, Subsection 2 pertaining to: Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle or horses is prohibited except on premises containing one-half (1/2) acre or more and except within an enclosure at least one hundred fifty (150) feet from any residence now existing or hereafter erected.

**SECTION 7. REPEALER.** All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

**SECTION 8. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 9. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 14<sup>th</sup> day of November, 2017, and approved the 14<sup>th</sup> day of November, 2017.

Michelle Burger

Michelle Burger, Mayor

ATTEST: Toni Landers

Toni Landers, City Clerk

First Reading: October 10, 2017

Second Reading: November 14, 2017

Third Reading: waived

I certify that the foregoing was published as Ordinance No. 235 on the 23<sup>rd</sup> day of November, 2017.

Toni Landers

Toni Landers, City Clerk