ORDINANCE NO. 6557

AN ORDINANCE TO AMEND CHAPTER 4.20, ANIMAL CONTROL, ARTICLE III "REGULATION OF FARM ANIMALS" OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTION 4.20.280 "PERMIT REQUIRED"; ENACTING NEW SECTION 4.20.285 "CONSENT OF PROPERTY OWNER"; AMENDING SECTION 4.20.310 "APPEAL OF REVOCATION"; RETITLING AND AMENDING SECTION 4.20.340 "DISPOSAL OF REFUSE"; AMENDING SECTION 4.20.350 "FENCE REQUIRED"; AMENDED AND RETITLING 4.20.360 "DISTANCE FROM DWELLINGS"; ENACTING NEW SECTION 4.20.365 "ZONING LIMITATIONS AND REQUIRED LOT SIZE FOR FARM ANIMALS" AND AMENDING SECTIONS 4.20.370 "NUMBERS LIMITED"; 4.20.390 "FOOD STORAGE"; AND 4.20.400 "NONAPPLICABILITY".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 4.20, Animal Control, Article III "Regulation of Farm Animals" of the 2020 Municipal Code of Council Bluffs, Iowa be and the same is hereby amended to read as follows:

Article III - Regulation Of Farm Animals

4.20.280 Permit Required
4.20.285 Consent of Property Owner
4.20.290 Permit Fee
4.20.300 Revocation Of Permit
4.20.310 Appeal Of Revocation
4.20.320 Nontransferable
4.20.340 Sanitary Regulations
4.20.350 Fence Required
4.20.360 Distance From Dwellings and Property Lines
4.20.365 Zoning Limitations and Required Lot Size for Farm Animals
4.20.370 Numbers Limited
4.20.390 Food Storage
4.20.400 Nonapplicability
4.20.410 Penalty
4.20.420 Waiver

4.20.280 Permit Required

A. No person, firm, association or corporation in the city of Council Bluffs shall have in their possession or control, or keep or harbor any farm animals, as defined in CBMC 4.20.020, without having first obtained a permit to do so from the administrative authority, which permit shall be issued only after payment of the required fee and after inspection of the premises by the administrative authority for compliance with CBMC 15, "Zoning," and the sanitation requirements of this chapter or any other applicable state or local law. A permit for the keeping of farm animals shall be in effect for three years from the date of its issuance. Application for such permits shall be made upon forms furnished by the city.

B. Upon expiration, such permit may be renewed by any person, firm, association or corporation to whom it has been issued, by filing an application for a renewal thereof with the administrative authority upon forms to be provided by the city. Approval of the application for renewal of a permit shall be made and the permit issued for the succeeding period only after payment of the required fee and after inspection of the premises for compliance with CBMC 15, "Zoning," and the sanitation requirements of this chapter or any other applicable state or local law. Every permit so renewed shall be for a period of three years from and after the date of the renewal, and shall be subject to revocation in the same manner as the original permit.

C. Dangerous animals, per se, as defined in 4.20.020, roosters, peafowl, and guinea fowl are not permitted.

D. Exceptions:

1. In areas where farm animals are kept on property that exceeds five acres in total area, no permits for keeping farm animals shall be required. In addition, no person, firm, association, or corporation keeping or harboring farm animals in such areas shall allow the animals to be closer than one hundred (100) feet from any dwelling other than the dwelling of the owner of such animals.
2. Persons keeping canaries, doves, pigeons, parrots, parakeets, gerbils, hamsters, goldfish, tropical fish, or other similar small animals, caged, or otherwise confined as household pets within a residence, shall be exempt from the permit requirements of this section.
3. Small farm animals, such as chicks, kept within a residence prior to maturity.

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

4.20.285 Consent of Property Owner

A. The property owner must consent to the farm animal permit application. If the property upon which farm type animals are to be kept is a commercial, industrial, or rental residential property, consent of the real property owner of record is required.

B. Consent of adjacent property owners is required for initial applications. Proof of applicant's notification to adjacent property owners is required for renewals. Properties separated by rights-of-way are not considered adjacent. Exception: when the residence of an adjacent property is more than one hundred fifty (150) feet from the farm animal enclosure, consent and notification are not required.

C. Inspection of the property by Animal Control shall occur upon the submission of the initial application and any subsequent renewals, and may reoccur upon reasonable suspicion of the Animal Control Officer that violations of this code exist on the property.

D. When an applicant cannot obtain a signature indicating proof of notification during the renewal process, the applicant may seek administrative approval by the Chief Animal Control Officer. The Chief Animal Control Officer's decision may be appealed to the board of review as set out in CBMC 4.20.132.

4.20.290 Permit Fee

The fee for the initial issuance and any renewal of a permit for the keeping of farm animals shall be as provided in the city's prevailing schedule of fees as adopted by the city council. The fee shall not be refundable if the permit is denied or revoked, or if the farm animals are removed or die.

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

4.20.300 Revocation Of Permit

The administrative authority may revoke a permit for the keeping of farm animals for any violation of the provisions of this chapter, or any other pertinent sections of this municipal code, or any statute of the state of Iowa pertaining to the keeping of farm animals. Notice of revocation shall be given in writing, delivered personally or by certified mail to the holder of such permit. The notice shall state the grounds upon which the permit has been revoked, and shall state that the holder of the permit is required to remove all farm animals from the premises concerned within fifteen (15) days after receipt of notice of revocation. The notice shall also inform the permit holder of the right to appeal such revocation.

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

4.20.310 Appeal Of Revocation

A. Any person, firm, association, or corporation whose permit for the keeping of farm animals has been revoked pursuant to the provisions of CBMC 4.20.030 may appeal such revocation as set forth in CBMC 4.20.132.
B. If the board of review affirms the revocation of a permit for the keeping of farm animals, the board shall also order in its written decision that the person, firm, association or corporation owning, sheltering, harboring, or keeping such farm animals remove them from the city, or to other premises covered by a proper permit hereunder. If such farm animals are diseased, ill, or injured, the board may order their destruction in the interests of humane treatment. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as a notice of revocation. If the order is not complied with within seven days of its issuance, the administrative authority is authorized to seize and impound such farm animal or animals. 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 review was issued has not petitioned the Pottawattamie County district court for review of the order, the administrative authority 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 public health issued pursuant hereto shall constitute a misdemeanor and shall be subject to the penalty provisions of CBMC 8.02.020.
C. Every order of the board of review issued pursuant to the provisions of this section shall set forth the language of paragraph B of this section.
D. All costs incurred by the city in impounding animals pursuant to this section, shall be paid by the owner of such animals, regardless whether such animals are returned or destroyed.
E. No permit for keeping farm type animals will be issued to an individual or address to which a farm permit has been revoked until a period of two years has elapsed from the date of revocation.

   Exception: if the household that received the revocation of farm animal permit no longer resides at the address, a farm animal permit may be pursued.

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

4.20.320 Nontransferable

Any permit issued pursuant to this chapter shall not be sold, assigned, or transferred, and shall apply only to the premises designated and the person, firm, association or corporation to whom issued. A violation of this provision shall be cause for revocation of any such permit.

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

4.20.340 Sanitary Regulations

The owner shall keep all pens, enclosures, and shelter structures wherein such farm animals are kept in a clean and sanitary condition so as not to give off offensive odors which are a source of discomfort to persons residing in the vicinity thereof. The owner shall not allow manure and waste material of such animal to accumulate or remain in the pens, enclosures, and shelter areas, excluding pastureland of two acres or more, upon which such farm animal resides or is confined in any manner which is conducive to the breeding or attraction of flies, mosquitoes, or other noxious insects or in any manner which endangers the public health or safety or which creates an unhealthy environment. The foregoing conditions on any such lot or parcel of ground is hereby declared to be a public nuisance. The owner of any farm animal shall in a sanitary manner remove, compost mix, or dispose of all manure and waste material accumulating from such farm animal at least once every seven days.

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

4.20.350 Fence Required

Any person keeping farm animals within the city of Council Bluffs shall keep the premises upon which the same are kept so fenced as to keep such animals from leaving the premises and as to restrain such animals from being or running at large upon the public streets or ways or upon the property of other persons. Failure to do so shall constitute a misdemeanor. Fencing must comply with Title 15 Zoning.

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

4.20.360 Distance from Dwellings and Property Lines

A. Enclosures, structures, and shelters for farm animals shall be located in the rear yard as defined by the zoning district and all such enclosures, structures, and shelters shall adhere to setbacks required for accessory buildings as outlined in Title 15, regardless of size.
B. Under no circumstances will Large and Intermediate Farm Animals be permitted to be kept within twenty-five (25) feet of any dwelling.
C. Under no circumstances will Small Farm Animals be permitted to be kept within ten (10) feet of any dwelling.

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

4.20.365 Zoning Limitations and Required Lot Size for Farm Animals

Keeping of farm animals is not permitted as a principal use on a lot in any zoning district unless animal production is listed as one of the principal uses of the district.

For purposes of this section, Farm Animals, as defined in 4.20.020, shall be further designated as provided herein to comport with the following minimum lot size:

A. Large Farm Animals may be permitted on properties over two acres in size.
B. Intermediate Farm Animals may be permitted on properties over 0.5 acres in size.
C. Small Farm Animals may be permitted on any property subject to the requirements of CBMC 4.20.

4.20.370 Numbers Limited

A. Large Farm Animals shall be limited in density to a maximum of two per acre, and one if there is less than one acre of pasture ground.
B. The following types of Small and Intermediate Farm Animals shall be limited in quantity based off of species, not to exceed a maximum quantity of 10 animals total:
    1. Chickens, maximum of 10;
    2. Ducks, maximum of 4;
    3. Turkey, maximum of 2;
    4. Geese, maximum of 2;
    5. Pygmy goats, maximum of 2;
    6. Rabbits, maximum of 10;
    7. Miniature horse, maximum of 1.
C. All animals housed under this section shall be housed in animal shelters of sufficient size to ensure that the animal has shelter from the weather and sufficient room for the animal to be housed, stand, lie down, turn around freely, and fed in a humane manner in accordance with best management practices for the species. If the shelter or structure is 120 square feet or larger, a building permit is required.

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

4.20.390 Food Storage

A. All grains and grain supplements intended for use as food for farm animals shall be kept and stored in a rodent-tight building or container.
B. All hay and straw must be stored at least sixteen (16) inches off the ground. However, this paragraph shall not apply for lots larger than five acres.
C. Ensilage or silage may be kept and stored outside of a rodent-tight building or container in areas larger than five acres, but only if stored on a concrete or asphalt slab.
D. Butchering or meat preparation of farm animals are not allowed outdoors.

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

4.20.400 Nonapplicability

The provisions of CBMC 4.20.280 through and including CBMC 4.20.390 shall not be applicable to circuses, carnivals, agricultural shows or exhibits and other such enterprises which are operated only for less than seven days once each six months or for work done by or contracted by the City.

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

4.20.410 Penalty

Any person firm, partnership, corporation or any legal entity found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of CBMC 8.02.020. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95 in lieu of criminal prosecution.

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

4.20.420 Waiver

Any educational or research institution located or operating within the city of Council Bluffs, Iowa, may apply to the administrative authority for a waiver in regard to any of the provisions of this chapter. The administrative authority, in his or her discretion is authorized to waive any provisions of CBMC 4.20 in regard to educational or research institutions upon such conditions, terms, and provisions as the administrative authority deems appropriate or necessary. Any education or research institution making such an application may appeal the administrative authority's ruling to the board of review. The board of review may affirm, reverse, remand or modify the administrative authority's ruling.

(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 final passage and publication, as by law provided.

PASSED
AND April 24, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 4-10-23
Second Consideration: 4-24-23
Public Hearing:
Third Consideration: _____