

ORDINANCE 18-03

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the Hyrum City Municipal Code, a recodification of municipal ordinances encompassing the Revised Ordinances of Hyrum City and ordinances adopted through July 15, 1993; and

WHEREAS, Title 6 of the Hyrum City Municipal Code sets forth those regulations and conditions governing the keeping and use of certain kinds of animals within the limits of Hyrum City; and

WHEREAS, Chapter Title 6 of the Hyrum City Municipal Code includes specific provisions and conditions regulating the harboring, keeping, and licensing of dogs within the limits of Hyrum City; and

WHEREAS, the Hyrum City Council has concluded, upon the recommendations of animal control personnel and court staff, there is a need to update Title 6 to reflect changes in state laws and city procedures.

NOW, THEREFORE, the City Council hereby adopts, passes and publishes the following:

AN ORDINANCE AMENDING TITLE 6 (ANIMALS) OF THE HYRUM CITY MUNICIPAL CODE TO FURTHER DEFINE SERVICE ANIMALS AND OTHER MISCELLANEOUS ITEMS.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Section 6.04.010 of Title 17 of the Hyrum City Municipal Code is hereby amended to read as follows:

6.04.010 Definitions.

As used in this title, unless the context otherwise indicates, the following terms mean:

- A. **Animal Control Officer:** The person or persons designated to enforce this title.
- B. **Animal Establishment:** Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel/cattery or animal shelter, except this term shall not include veterinary medical facilities,

licensed research facilities, facilities operated by government agencies, or licensed animal dealers.

- C. **Animal Shelter:** A facility designated or recognized by Hyrum City for the purpose of impounding and caring for domestic animals. A veterinarian facility may be designated as an animal shelter.
- D. **At Large:** A domestic animal shall be deemed to be at large when off the property of the owner and not under restraint.
- E. **Dangerous Animal:** An animal that without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals.
- F. **Domestic Animal:** Any animal commonly kept as a pet in family households in the United States, including, but not limited to, dogs, cats, guinea pigs, rabbits, and hamsters; and any animals commonly kept for companion or commercial purposes. Pigs including pot belly pigs are not allowed within Hyrum City limits.
- G. **Estray:** Any valuable animal, except dogs and cats, not wild, found running at large.
- H. **Feral Cat:** Any unowned cat.
- I. **Field Cat:** A cat kept primarily out of doors, not as a pet, but instead kept for the control of rodents.
- J. **Fixed Dog Run:** A fenced in and/or covered structure used to house or contain a dog(s) in a relatively limited area. Not meant to include merely keeping a dog attached to a line or keeping a dog in a fenced yard. A fixed dog run must be closer to the owner's residence than the adjoining neighbors' residence. Locations of fixed runs shall be located according to the following setbacks:
 - 1. Front setback - thirty feet (30');
 - 2. Side setback - ten feet (10');
 - 3. Side setback adjoining street - twenty feet (20');
 - 4. Rear setback - ten feet (10'); and
 - 5. Setback from neighbors' residences (any residence on adjacent property) - thirty feet (30').
- K. **Foster Care Provider:** A person or persons designated by a "rescue agency" and approved by Hyrum City and the animal control officer to provide care for a maximum of two (2) impounded animals.
- L. **Humane Manner:** Care of a domestic animal including, but not limited to, adequate heat, ventilation,

sanitary shelter, and wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

- M. **Kennel:** An establishment of three (3) or more dogs.
- N. **Licensing Authority:** The agency or department of Hyrum City or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this title.
- O. **Livestock Guarding Dogs:** Dogs kept for the primary purpose of protecting livestock from predatory attacks.
- P. **Neutered or Spayed:** To be rendered permanently incapable of reproduction.
- Q. **Nuisance:** A domestic animal which damages, soils, defiles, or defecates on property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on property other than the owner's or on public property.
- R. **Owner:** A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person.
- S. **Person:** Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.
- T. **Pet Shop:** An establishment engaged in the business of buying or selling, at retail, animals for profit making purposes.
- U. **Rescue Agency:** A nonprofit organization (such as Cache Humane Society) whose purpose is the rescue of homeless animals and require humane treatment and medical care including immunizations and prevention of reproduction. Rescue agencies select and approve "foster care providers" who care for homeless animals under their direction and supervision.
- V. **Restraint:** An animal which is within the real property limits of its owner or secured by a leash or lead.
- W. **Service Animal:** Includes any dog that:
 - 1. Is trained, or is in training, to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory,

psychiatric, intellectual, or other mental disability;

2. Performs works or tasks, or is in training to perform work or tasks, that are directly related to the individual's disability including:

a. Assisting an individual who is blind or has slow vision with navigation or other tasks;

b. Alerting an individual who is deaf or hard of hearing to the presence of people or sounds;

c. Providing non-violent protection or rescue work;

d. Pulling a wheelchair;

e. Assisting an individual to the presence of an allergan;

f. Alerting ad individual to the presence of an allergen;

g. Retrieving an item for the individual;

h. Providing physical support and assistance with balance and stability to an individual with a mobility disability; or

I. Helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors.

3. Service animal includes any dog that

a. An animal other than a dog, whether wild or domestic, trained or untrained; or

b. An animal used solely to provide:

(I) A crime deterrent;

(II) Emotional support;

(III) Well-being;

(IV) Comfort; or

(V) Companionship.

WX. Wild Animal: Any animal of a species that in natural life is wild.

2. Section 6.12.010 of Title 17 of the Hyrum City Municipal Code is hereby amended to read as follows:

6.12.010 Licensing and rabies vaccinations.

Except as provided in this section, no person shall own, keep, or harbor any dog over four (4) months of age within Hyrum City unless such dog is vaccinated and licensed. All dogs shall be vaccinated against rabies. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or a licensed government

operated animal shelter, a rescue agency or authorized foster care provider.

- A. Application for a license must be made within thirty (30) days after obtaining a dog over four (4) months of age, except that this requirement will not apply to a nonresident keeping a dog within Hyrum City for no longer than thirty (30) calendar days. Temporary dogs must have a valid rabies certificate and are subject to all other ordinances, rules and regulations while in Hyrum City, pursuant to the provisions of this title. The city shall provide applications for a dog license and shall include the name and address of the owner and the name, breed, color, age, and sex of the dog. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.
- B. The licensing period shall begin the first day of the calendar year and shall run for one year. License renewal may be applied for within sixty (60) days prior to the expiration date. New residents must apply for a license within thirty (30) days of establishing residency.
- C. A license shall be issued after payment of a fee according to the prevailing fee schedule for each dog. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a late fee as set forth in the prevailing fee schedule.
- D. Evidence of license for the previous year may be required of all persons desiring to relicense a dog under the provisions of this section. Any person attempting to license a dog that was not properly licensed during the previous year, had passed the age of four (4) months, and had been in the city more than thirty (30) days prior to January 1 of the current year, shall be required to pay:
 1. The appropriate license fee for the previous year;
 2. The appropriate license for the current year; and
 3. The late fee as provided by subsection D of this section.
- E. License fees shall be waived for trained service dogs serving the disabled or government owned dogs used for law enforcement. All other licensing provisions shall apply.

- F. Upon acceptance of the license application and fee, Hyrum City shall issue a durable license tag including an identifying number, year of issuance, city, county, and state, which must be attached to the collar of the dog. Tags must be worn at all times. Hyrum City shall maintain a record of all licenses issued, and such records shall be available to the animal control officer.
- G. When a resident purchases or otherwise acquires a dog already licensed with Hyrum City for the current year, the new owner may transfer the existing license for a fee in an amount set by resolution of the City Council. This transfer must take place within thirty (30) days from the date of purchase or acquisition or the dog must be re-licensed according to the provisions of this chapter. If the newly acquired dog comes from outside Hyrum City, or its owner has moved into Hyrum City and brought the dog with him, and the dog carries a valid license from another jurisdiction, the new owner may obtain a Hyrum City license by offering proof of rabies vaccination and paying a transfer fee in an amount set by resolution of the City Council. This transfer must take place within thirty (30) days from the date the dog is brought into Hyrum City or the dog must be relicensed according to the provisions of this chapter. (Ord. 92-10 § 1 (part): prior code § 13-242 (O); Ord. 08-06)
- H. Each household may own, keep, harbor or maintain no more than two (2) dogs over the age of four (4) months unless they are operating a commercial kennel (see Chapter 20). Other than single family dwellings all other residential buildings will be permitted one (1) dog per dwelling unit, (e.g. Duplex - two (2) dogs total, Fourplex - four (4) dogs total).

3. Section 6.12.060 of Title 17 of the Hyrum City Municipal Code is hereby amended to read as follows:

6.12.060 Redemption.

- A. Any dog impounded may be redeemed by the owner/caregiver thereof within ~~three (3)~~ five (5) working days upon payment of a mandatory impound fee as listed in the prevailing fee schedule plus any additional costs incurred in caring for the impounded animal. If any such dog has been previously impounded within the past twenty-four (24) months, the impoundment fee shall be increased as listed in the

prevailing fee schedule. Payment of impoundment fees is not considered to be in lieu of any fine, penalty, or license fees.

- B. The owner/caregiver of an impounded dog may redeem their animal by the following procedure:
 - 1. Owner/caregiver will report to the Hyrum City Animal Control Office to request the redemption of the animal.
 - 2. An animal control officer will locate the proper impound record and calculate the daily board charges incurred as per the prevailing fee schedule. (The city employee may also call the impound facility to obtain the current daily boarding charges.)
 - 3. The owner/caregiver will pay Hyrum City for all impound fees, fines, and daily board charges. The city will then issue the owner/caregiver an itemized paid receipt listing all charges paid for.
 - 4. Owner/caregiver will then present the paid receipt at the impound facility and request the redemption of the dog. Owner will pay the impound facility for all expenses incurred for any veterinarian care, vaccinations, spaying, neutering, or other charges.
 - 5. The impound facility will then release the animal to the owner/caregiver and bill Hyrum City for the daily board charges incurred for the dog.
- C. Any dog confined for rabies, quarantine, evidence or other purposes may be redeemed by the owner, following the confinement period, and upon payment of all costs incurred in caring for the animal as specified in HCC B of this section.
- D. No dog required to be licensed or vaccinated under this title may be redeemed until provisions for such licensing and vaccinations have been fulfilled.

4. Section 6.12.090 of Title 17 of the Hyrum City Municipal Code is hereby amended to read as follows:

6.12.090 Euthanization.

Any animal not redeemed, adopted or rescued within ~~three~~ five (5) working days may be euthanized. Any animal deemed by the animal control officer to be feral, dangerous, sick, injured or suffering may be euthanized immediately.

5. Section 6.12.095 of Title 17 of the Hyrum City Municipal Code is hereby amended to read as follows:

6.12.095 Violation, Penalty, Abatement.

Any person who is found guilty of violating any provisions of this chapter, either by failing to conform to the requirements and regulations found herein, or by engaging in a prohibited activity, shall be guilty of an infraction. ~~class C misdemeanor.~~

- A. In all instances where the violation of this chapter is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.
- B. The city attorney may initiate legal action, civil or criminal, requested by the animal control officer to abate any condition that exists in violation of these rules and regulations.
- C. In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating any of these regulations shall be liable for all expenses incurred by the animal control officer or his deputy in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation.

6. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

7. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance, the zoning map, or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

8. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

9. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 5th day of April, 2018.

HYRUM CITY

BY: _____

Stephanie Miller

Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: _____