

ORDINANCE 16-02

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 6.08 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WHEREAS, Title 6 was repealed and readopted on March 17, 2016 under Ordinance 16-01;

WHEREAS, two sections were inadvertently left out of Ordinance 16-01 that governed animals disturbing the peace; and animals attacking, chasing, or worrying people.

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

AN ORDINANCE AMENDING CHAPTER 6.08 UNLAWFUL ACTS OF TITLE 6 (ANIMALS) OF THE HYRUM CITY MUNICIPAL CODE BY ADDING SECTIONS 16.08.100 DISTURBING THE PEACE PROHIBITED, AND 16.08.110 ATTACKING, CHASING OR WORRYING.

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

1. Section 6.08.100 is hereby added to Chapter 6.08 of the Hyrum City Municipal as follows:

6.08.100 Disturbing the peace prohibited.

No person, persons, firm or corporation shall own, keep or harbor any dog which by loud, continued or frequent barking, howling, yelping or by noxious or offensive odors shall annoy, disturb or endanger the health and welfare of any person or neighborhood, nor any dog which molests passersby, chases vehicles, habitually attacks or destroys other domestic animals or trespasses upon school grounds or upon private property in such a manner as to damage property. A violation of this section shall be a class C misdemeanor and such is declared to be a nui-

sance, and each day a violation is permitted to exist or continue constitutes a separate offense. This section shall not apply to the municipal dog pound, veterinary hospitals or medical laboratories.

2. Section 6.08.110 is hereby added to Chapter 6.08 of the Hyrum City Municipal as follows:

6.08.110 Attacking, chasing or worrying.

- A. Attacking Dogs. It is unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase or worry any person, any domestic animal, any species of hoofed protected wildlife or domestic fowl. "Worry," as used in this section, means to harass by tearing, snapping, chasing, biting, shaking with the teeth, or other similar threatening actions.
- B. Owner Liability. The owner in violation of subsection A of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A of this section, the owner of such dog shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.
- C. Defense. The following shall be considered in mitigating the penalties or damages or in dismissing the charge:
 - 1. That the dog was properly confined on the premises;
 - 2. That the dog was deliberately or maliciously provoked.
- D. Dogs May be Killed. Any person may kill a dog while it is committing any of the acts specified in subsection A of this section or while such dog is being pursued thereafter.

3. 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.

4. 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.

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

6. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 21st day of April, 2016.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder