

ORDINANCE 12-05

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 17 of the Hyrum City Municipal Code is known as the Zoning Ordinance of Hyrum City and sets forth regulations governing land use within the municipal limits; and

WHEREAS, the City Council has determined there is a need to amend Title 17 in order to more fully comply with state law and to further clarify those regulations governing zoning and other regulations controlling land use and development within Hyrum City.

NOW, THEREFORE, following a public hearing held by the Planning Commission, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING SECTIONS 17.85.010 AND 17.85.020 OF CHAPTER 17.85 RAISING AND KEEPING OF ANIMALS OF TITLE 17 ZONING ORDINANCE OF THE HYRUM CITY MUNICIPAL CODE TO ALLOW RABBITS AS HOUSEHOLD PETS; DEFINING ANIMAL CONDITIONS THAT WOULD BE DEEMED A PUBLIC NUISANCE; AND TO REQUIRE ADEQUATE FENCING FOR LIVESTOCK.

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

1. Section 17.85.010 of Title 17 of the Hyrum City Municipal Code be amended to read as follow:

**17.85.010 Family food production and recreation animals.**

"Family food production" means the keeping of animals and fowl for family food production and recreation.

A. Where permitted under the provisions of this title, animals and fowl are to be fed and corralled at least forty-five feet (45') from the owner's dwelling and ninety feet (90') from any neighbor's dwellings as measured from the closest point of the corral or enclosure to the closest point of the dwelling.

1. These restrictions only apply to the permanent corral, stable, shed, barn or other protected or

restricted/ area wherein the animal is fed and housed and not to the temporary grazing of livestock in pastures that are separate from a residential lot.

2. For purposes of grazing down a pasture, animals may be brought in for a period not to exceed sixty (60) days per year per piece of property, and the number of animals permitted to graze may be up to twice the number allowed on a permanent basis. Grazing includes only the vegetation native to the pasture and does not permit the supplemental feeding of hay or grain.
  3. The owner or handler of livestock or other animals shall construct adequate fencing and shall maintain such fencing to prevent the escape of livestock or other animals from the owner's or handler's premises.
- B. The number of animals or fowl permitted for the first twenty-two thousand (22,000) square feet of lot area shall be one (1) animal unit. Animals units are determined by the schedule set out in Exhibit 17.85.020. (Ord. 98-07; Ord. 95-07) One (1) additional animal unit will be permitted for each additional ten thousand (10,000) square feet of lot area.
- C. The raising of fur-bearing animals, except rabbits, will not be permitted within the City limits.
- D. Pigs will not be permitted within the City limits.
- E. Dairies, feedlots or other nonconforming livestock operations may continue under the provisions of Sections 17.04.030(C).
- F. Lots in major platted subdivisions are not eligible for animal rights allowed in this chapter unless approved by the City Council and indicated on the plat and in the Covenants, Conditions, and Restrictions.
- G. Beekeeping shall be permitted with the following restrictions:
1. Three (3) hives permitted for the first minimum of twenty-two thousand (22,000) square feet of lot area. One (1) additional hive per additional minimum of ten thousand (10,000) square feet of lot area. No more than six (6) hives allowed in a city block (the full area of the block not linear).
  2. Hives must be kept a minimum distance of forty-five (45) feet from the owner's dwelling, ninety (90) feet from any neighbor's dwelling, and

forty-five (45) feet from any property line as measured from the closet part of the hive to the closest point of the dwelling or property line.

3. Major platted subdivisions are not eligible for the keeping of beehives.

H. All persons having custody of animals shall exercise proper care and control of his/her animal(s) in order to prevent them from becoming a public nuisance. Nuisances abated as per Chapter 8.16). An animal shall be deemed to be a public nuisance if the animal:

1. Causes damage to the property of anyone other than its owner.

2. Causes unreasonable odors.

3. Causes unsanitary conditions.

4. Makes disturbing noises in an excessive, continuous or untimely manner.

5. Repeatedly molests or intimidates neighbors, pedestrians, or passersby by lunging at fences, chasing, or acting aggressively towards such person or persons unless provoked by such person or persons.

2. Section 17.85.020 of Title 17 of the Hyrum City Municipal Code be amended to read as follow:

**Exhibit 17.85.020 Schedule of Animal Unit Equivalent**

<b>Type of Animal</b>	<b>Animal Unit Equivalent</b>
Cow, with calf under 6 months of age	1.00
Calf, without cow, up to 6 months of age	.30
Cattle, 6 months to 1 year of age	.60
Cattle, mature	1.00
Horse, mature	1.00
Sheep, mature	.30
Lamb, up to 1 year of age	.20
Goat, mature	.30
Kid, up to 1 year of age	.20
Buffalo, mature	1.00
Llama	.50
Ostrich	.50
Chicken	.08
Rabbit <u>(Up to six are allowed as household pets).</u>	.08
Duck	.08
Goose	.12
Pigeon	.08

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 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 19<sup>th</sup> day of July, 2012.

HYRUM CITY

BY: \_\_\_\_\_  
W. Dean Howard  
Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Fricke  
City Recorder

Posted: \_\_\_\_\_