

## ORDINANCE NO. 08-01-2020

**AN ORDINANCE CREATING SANTAQUIN CITY CODE WHICH ENACTS RULES FOR DOG PARKS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.**

**WHEREAS**, the City of Santaquin is a fourth class city of the state of Utah; and

**WHEREAS**, the City Council has specific authority pursuant to Title 10, Chapter 9a Utah Code Ann. (1953 as amended) to adopt a zoning plan including an ordinance and map which divide the municipality into districts or zones and within such districts to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land; and

**WHEREAS**, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the city to pass ordinances which are reasonably and appropriately related to the objectives of that power, i.e. providing for the public safety, health, morals, and welfare; and

**WHEREAS**, the City Council desires to create Santaquin City Code Title 5 Chapter 2 Section 18 to formalize rules for dog parks.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Santaquin City, State of Utah, as follows:

### **Section I. Amendments**

**Title 5 Chapter 2 Section 18 is created as follows:** (underlined text is added, stricken text is deleted)

#### **5-2-18: DOG PARKS:**

A. A person with a dog(s) who enters a dog park which has been designated and approved as such by the City Council shall be subject to the following rules and regulations;

1. Owners are legally responsible for the behavior of their dog(s) including any injury or loss caused;
2. Patrons are limited to three (3) dogs;
3. Dog waste must be cleaned up by their dog handlers immediately;
4. Dog handlers must be within the dog park and supervising their dog with leash readily available;
5. Children under the age of 13 must be accompanied by an adult and supervised at all times;

6. Dogs that display aggression towards other handlers or dogs must be removed from the dog park immediately;

7. Dogs should be under voice control;

8. Dogs must be licensed and vaccinated;

B. The following are prohibited in a dog park:

1. Human and dog food/treats;

2. Glass containers;

3. Dogs in heat;

4. Sick dogs;

5. Aggressive dogs;

6. Puppies (under 4 months)

7. Digging;

8. Smoking and Alcohol; and

9. Any animal that isn't a dog.

C. Any person that violates the rules and regulations of this section is guilty of an infraction and subject to penalty as provided in Section 1-4-1 of this Code.

### **Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

### **Section III. Contrary Provisions Repealed**

Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

### **Section IV. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the Santaquin City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, and that the word ordinance may be changed to section, chapter, or other such appropriate word or

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )


I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the City Council of Santaquin City, Utah, on the 18<sup>th</sup> day of August, 2020, entitled

**“AN ORDINANCE CREATING SANTAQUIN CITY CODE WHICH ENACTS RULES FOR DOG PARKS, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.”**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 18<sup>th</sup> day of August, 2020.



(SEAL)

  
\_\_\_\_\_  
K. AARON SHIRLEY  
Santaquin City Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH                    )  
  ) ss.  
COUNTY OF UTAH                )

I, K. AARON SHIRLEY, City Recorder of Santaquin City, Utah, do hereby certify and declare that I posted in three (3) public places the ordinance, which is attached hereto on the 18<sup>th</sup> day of August, 2020.

The three places are as follows:

- 1.     Zions Bank
- 2.     Post Office
- 3.     City Office

I further certify that copies of the ordinance so posted were true and correct copies of said ordinance.

  K. Aaron Shirley    
K. AARON SHIRLEY  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 18 day of August, 2020, by K. AARON SHIRLEY.

  Jenna O. Worthen    
Notary Public

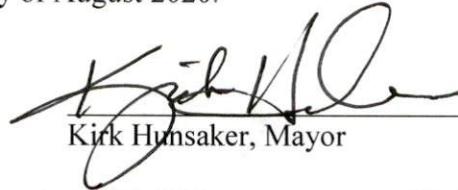


phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

**Section V. Posting and Effective Date**


This ordinance shall become effective at 5:00 p.m. on Wednesday, August 19<sup>th</sup>, 2020. Prior to that time, the City Recorder shall deposit a copy of this ordinance in the official records of the City and place a copy of this ordinance in three places within the City.

PASSED AND ADOPTED this 18<sup>th</sup> day of August 2020.

  
Kirk Hunsaker, Mayor

|                                 |                     |
|---------------------------------|---------------------|
| Councilmember Nick Miller       | Voted <u>No</u>     |
| Councilmember Elizabeth Montoya | Voted <u>Yes</u>    |
| Councilmember Lynn Mecham       | Voted <u>Yes</u>    |
| Councilmember Jennifer Bowman   | Voted <u>Absent</u> |
| Councilmember David Hathaway    | Voted <u>No</u>     |
| Mayor Hunsaker                  | Voted <u>Yes</u>    |

ATTEST:

  
K. Aaron Shirley, City Recorder