

Ordinance 5-06-2015

AN ORDINANCE AMENDING CERTAIN PORTIONS OF THE SANTAQUIN CITY CODE . PERTAINING TO COMMERCIAL ANIMAL ESTABLISHMENTS, PROVIDING FOR CODIFICATION, INCLUSION IN THE CODE, CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE.

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

WHEREAS, the City Council finds it is necessary to clarify regulations pertaining to the licensing, operation and maintenance of animal boarding facilities within the city.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SANTAQUIN, UTAH, AS FOLLOWS:

Section I.

1. Santaquin City Code, Title 5-2-1: DEFINITIONS is amended as follows: (Underlined text is added, stricken text is deleted)

As used in this chapter, unless the context otherwise indicates, the following definitions and those found in Title 10-2-2 of this code shall apply:

ADULT ANIMAL: Any animal being more than 6 months old.

ANIMAL BOARDING ESTABLISHMENT: Any establishment that takes in animals for boarding.

ANIMAL CONTROL OFFICER: The person or persons selected by the city council, or the director of public safety, to be responsible for the operation of the pound and/or enforcement of the Santaquin animal control regulations.

ANIMAL GROOMING PARLOR: Any commercial establishment maintained for the purpose of offering cosmetic services for animals for a fee.

ANIMAL SHELTER: Any facility owned, operated or maintained for the care and custody of seized, stray, homeless, quarantined, abandoned, unwanted animals or animals held for the purpose of protective custody under the authority of this title or state law. Such may include a city facility or On Site Impound.

AT LARGE: Off the premises of the owner and not under the immediate control of the owner or a member of the owner's immediate family either by leash, cord, chain or electronic control device.

BREEDER: Anyone who causes or allows the breeding of any household pet identified within this chapter, or makes that household pet available to be bred.

COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, animal grooming parlor, guard dog location or exhibition, riding school or stable, zoological park, circus, rodeo, animal exhibition, cattery, kennel, or animal breeding or boarding establishment.

DOG: Any Adult Canis familiaris over six (6) months of age. Any Canis familiaris under six (6) months of age is a puppy.

ESTRAY: Shall be as defined under Utah state code §4-25-1 as may be amended from time to time
~~Any valuable animal, except dogs or cats, not wild, found wandering from its owner.~~

HOLDING FACILITY: Any pet shop, kennel, animal grooming parlor, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facility used for holding animals.

IMPOUNDED: Having been received into the custody of the city pound or into the custody of any authorized agent or representative of the city.

KENNEL: An commercial establishment having three (3) or more dogs or puppies over four (4) months old on the premises for the purpose of keeping as pets, boarding, breeding, buying, letting for hire, training for fee, or selling. A kennel is only aAllowed for commercial purposes and only in appropriate specified zones.

OWNER: When applied to the proprietorship of a dog, shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.

ON-SITE IMPOUND: The place where an animal under seizure by law enforcement personnel, animal services personnel or an agent thereof, on a property other than an animal services sheltering facility pending transportation or court seizure order.

PET SHOP: Any commercial establishment properly licensed to maintain, keep or display dogs, cats, birds or other household pets for sale. "Pet shop" does not include government animal shelters, humane shelters as defined by statute, or veterinary clinics whose major business is veterinary medicine.

POUND: An animal shelter, lot, premises or building maintained by or authorized or employed by the city for the confinement or care of dogs or other household pets, strays or other valuable animals seized either under the provision of this chapter or otherwise.

RIDING SCHOOL OR STABLE: An establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burro, or which offers the use of such animals for hire.

STRAY: Any animal "at large", as defined herein.

UNLICENSED DOG: A dog for which the license for the current year has not been paid, or to which the tag provided for in this chapter is not attached.

VICIOUS ANIMAL: A dog, or any other animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals.

VICIOUS DOG: A dog that has bitten, clawed, attacked, chased, harassed, pursued, or worried a person without provocation or a dog that has a known propensity to attack or bite human beings. The term worried shall have the same meaning as in section 5-2-6 of this chapter.

2. Santaquin City Code, Title 5-2-3: Dog Pound is hereby renamed "Animal Impoundment" and is amended as follows: (Underlined text is added, stricken text is deleted)

5-2-3: ANIMAL IMPOUNDMENT:

The city may operate and maintain an On-Site Impound and/or Animal Shelter for the purpose of providing suitable premises and facilities to house animals which may temporarily be in the custody of the city. The city may also contract with an adjoining municipality, a private business or with the county for ~~the purpose of providing suitable premises~~ such facilities to be used by the city as the dog pound. Any facilities utilized by the city for the temporary care of animals ~~It shall be maintained in some convenient location and shall be sanitary and so operated as to properly feed, water and protect the dogs from injury~~ any animals therein.

3. Santaquin City Code, Title 5-2-4: LICENSING REQUIREMENTS is hereby amended as follows: (Underlined text is added, stricken text is deleted)

5-2-4: LICENSING REQUIREMENTS:

- A. Licensure And Registration: It is unlawful for any person to keep, harbor, or maintain any dog over the age of six (6) months unless such dog has been registered and licensed in the manner herein provided.
 1. Application:
 - a. Application for registration and licensing shall be made to the city, the district, or other entity approved for licensing by the city. The owner shall state at the time of application his name and address, and the name, sex, breed, and color of each dog owned or kept by him. The owner shall provide proof of the animal's current rabies vaccination and of its reproductive status at time of application.
 - b. The owner of any newly acquired dog over six (6) months of age shall make an application for registration and license within thirty (30) days after such acquisition, or when the dog attains the above stated age.
 2. Annual Renewal: Licenses are to be renewed annually on or before June 1. Exception: New licenses which are purchased after March 1 of any year will expire on June 1 of the following year.
 3. Issuance And Display Of Tag: Upon payment of the license fee, ~~the city~~ a tag shall be issued to the owner a license receipt and a numbered metallic tag for each dog so licensed. The tag shall be issued on a onetime basis and the number recorded for purposes of animal identification. The owner shall provide each dog with a collar to which the license tag shall be affixed and shall assure that the collar and tag are constantly worn. It shall be unlawful to deprive a registered dog of its collar and/or tag.

4. Duplicate Tag: In the event a dog tag is lost or destroyed, a duplicate tag will be issued by the city upon presentation of a receipt, showing the payment of the license fee for the current year, and payment of the replacement fee.

5. Tag Not Transferable: Dog tags shall not be transferable from one dog to another.

~~B. Kennel Regulations: Anyone owning, keeping, harboring or maintaining three (3) or more dogs over four (4) months of age, for whatever purpose, shall be considered operating a dog kennel, and the following regulations will apply:~~

~~1. Kennels shall be permitted only as provided in the zoning title.~~

~~2. Each dog kept in the kennel shall have a minimum seventy two (72) square foot area dog run.~~

~~3. No dogs are to be housed together.~~

~~4. Each dog run must have a shelter to protect the animal from the elements.~~

~~5. The kennel shall be at least ten feet (10') from the property line.~~

~~6. Inspection and approval by the animal control officer shall be required before a kennel license will be issued.~~

CB. License Fees:

1. Fees: All fees for dog licensure are payable to the city prior to issuance of a license. Fees shall be based on the reproductive status of the animal.

2. Kennel Fees: Anyone operating a dog kennel shall be required to pay an annual kennel license fee, which shall be in addition to fees established for licensing of dogs.

3. Established: All fees shall be established by resolution of the city council.

4. Refunds: Refunds shall not be made on any dog license fee because of the death of the animal, or because the owner is leaving the city before expiration of the license period.

DC. Licensing Exemptions:

1. Temporary Residents: The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought to the city for the purpose of participating in any dog show or to board in any kennel.

2. Guide Dogs: Dogs used as guides for blind persons, commonly known as seeing eye dogs, shall be licensed and registered as other dogs hereinabove provided; except that the owner or keeper of such dog shall not be required to pay any fee therefor.

4. Santaquin City Code, Title 5-2-11: IMPOUNDING is hereby amended as follows: (Underlined text is added, stricken text is deleted)

A. ~~Duty Of Official~~ Authorization To Impound: ~~It shall be the duty of e~~ Every police officer or other designated official is authorized to apprehend any ~~dog~~ household pet found running at large, not wearing his tag, or which is in violation of this chapter and to impound such ~~dog~~ household pet in the ~~pond~~ On-Site Impound or other suitable place. The animal control officer, or some other

designated official, upon receiving any ~~dog~~household pet, shall make a complete registry, entering the breed, color and sex of such ~~dog~~household pet and whether licensed. If licensed, he shall enter the name and address of the owner and number of the license.

- B. Interference With Impounding Prohibited: It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the animal control officer or any of his assistants while engaging in capturing, securing, or taking ~~to the dog pound~~ any ~~dog~~household pet or ~~dog~~household pet liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any ~~dog pound~~impoundment container or ~~other~~ vehicle used for the collecting or conveying of ~~dogs to the dog pound~~animals to an animal shelter or on-site impound.
- C. Records Maintained By Animal Control Officer: The animal control officer shall keep a record of each animal impounded by him, the date of receipt of such animal, the date and manner of its disposal and if redeemed, reclaimed, or sold, the name of the person by whom redeemed, reclaimed, or purchased, the address of such person, the amounts of all fees received or collected for or because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and the date of any tag exhibited or issued upon the redemption or sale of such animal.
- D. Redemption Of Impounded ~~Dogs~~Household Pets: Any ~~dog~~household pet impounded as a licensed or unlicensed ~~dog~~household pet may be redeemed and taken from the on-site impound or ~~pound~~ animal shelter by the owner or any authorized person, upon exhibiting proper licensure and vaccination of the household pet or upon signing a citation promising to appear for failure to license or vaccinate as appropriate the household pet being redeemed.~~to the animal control officer or person having charge of said pound, a receipt showing that the license imposed by this chapter has been paid for such dog and upon paying the person in charge of the pound the impounding fee, in addition to a fee for each and every day such dog shall have been impounded; provided, however, that the dog shall remain impounded until the charge against the owner of said dog for violation of section 5-2-9 of this chapter has been disposed of and the fine, if any, has been paid. If a dog that has been running at large has no apparent owner or has not been claimed within five (5) days of its impoundment, it may be destroyed in a humane manner.~~
- E. Disposition Of Unclaimed Or Infected ~~Dogs~~Household Pets: All impounded ~~dog~~household pets not redeemed within five (5) days of the date of impounding may be destroyed or sold to the person first making written request for purchase at such price as may be deemed agreeable. In the case of ~~dog~~household pets severely injured or having contagious disease other than rabies and which in the animal control officer's judgment are suffering and recovery is doubtful, the animal control officer may destroy the ~~dog~~household pet without awaiting the five (5) day period.
5. Santaquin City Code, Title 5-2-13: COMMERCIAL ANIMAL ESTABLISHMENT PERMITTING is hereby created and shall read as follows:
- A. Required Permit. It is unlawful for any person to operate or maintain a commercial animal establishment facility or any similar establishment, except a licensed veterinary hospital or clinic, unless such person first obtains a regulatory permit from the city business license administrator, in addition to all other required licenses.
- B. Permit Procedures. All applications for permits to operate Commercial Animal Establishments shall be submitted, together with the required permit fee, on a printed form provided by the city. Before the permit is issued, applicants must demonstrate compliance with all applicable regulations of this title to the animal control officer and appropriate zoning authority.
- C. Permit Renewal. Permits must be renewed on an annual basis in accordance with Santaquin Business License regulations. All Commercial Animal Establishments shall be inspected by the

animal control officer and found in compliance with all applicable laws before a permit will be renewed.

- D. Nontransferable Permit: Permits issued pursuant to this code are nontransferable.
- E. Display of Permit Required: A permit issued under this chapter shall be prominently displayed in the business office of the commercial animal establishment or animal shelter.
- F. Permit Inspections: The Animal Control Officer or other authorized employee of the city may, during business hours, or at any time upon reasonable notice, inspect a permitted establishment for compliance with the regulations contained herein. If an inspection reveals a violation of this chapter, the inspector shall notify the permit holder or operator of such violation and/or issue a citation.
- G. Permit Denial, Suspension or Revocation
 - 1. Grounds: A permit may be suspended or revoked, or a permit application rejected, on any one or more of the following grounds:
 - a. Falsification of facts in a permit application;
 - b. Material change in the conditions upon which the permit was granted;
 - c. Upon a third conviction, within any 12 month period, of violation of any provisions of this chapter or any other law or regulation governing the permittee's establishment, including, but not limited to, noise and/or building and zoning ordinances; or
 - d. Upon any conviction on a charge of cruelty to animals.
 - 2. Appeal Procedure: A permittee aggrieved by the suspension or revocation of his permit may file a written petition with the Land Use Appeal Authority within twenty (20) days of a decision for review or revocation of said permit.
 - 3. Emergency Suspension: Emergency Suspension: Notwithstanding any other provisions of this chapter, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, animal grooming parlors, riding stables, pet shops, or any similar establishments, or premises of the holder of a permit obtained under this chapter, which in his judgment constitute an immediate and substantial hazard to public health or the health and safety of any animal, he may order the immediate seizure of any animals whose health and safety are at risk and order the owner or operator of the establishment to immediately cease operations.
 - 4. Notice of Suspension of Permits; Service Procedures: Notice shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the Business License Administrator.
- 6. Santaquin City Code, Title 5-2-14: GENERAL STANDARDS FOR COMMERCIAL ANIMAL ESTABLISHMENTS is hereby created and shall read as follows:
 - A. The following standards of operation shall apply to all Commercial Animal Establishments.
 - 1. All Commercial Animal Establishments shall be operated in such a manner as not to constitute a nuisance under Title 4 of the Santaquin City Code.
 - 2. An isolation area shall be provided for any animals which are sick or diseased, to be sufficiently removed so as not to endanger the health of other animals.

3. Animals shall be caged or under control of the owner or operator at all times while in custody of the Commercial Animal Establishment.
 4. Care for all animals, whether or not owned by the establishment, shall comply with all the requirements of this chapter for the general care of animals as well as all applicable federal Standards and Specifications for the Humane Handling, Care, Treatment and Transportation of specified animals, as well as any state and local laws or regulations which are adopted from time to time. Where a conflict is found between federal, state or local provisions for animal care or sheltering, the stricter shall apply.
 5. All animals shall be supplied with sufficient good and wholesome food and fresh water as the feeding habits of such animals require.
 6. All areas of the Commercial Animal Establishment runs, yards, food storage, and auxiliary buildings shall be subject to inspection by authorized persons, in accordance with Section 5-2-13.F.
7. Santaquin City Code, Title 5-2-15: KENNELS is hereby created and shall read as follows:

In addition to obtaining the permit required by 5-2-13 and compliance with the general standards of 5-2-14, all kennels within the city shall comply with all zoning requirements and shall comply with the following standards:

A. Indoor Facilities.

1. Cages shall have a length and width that exceed the animal's length from the base of the tail to the tip of the nose by at least six inches (6"). Cage height shall exceed the animal's height by at least four inches (4"). Small animals may be caged together using their combined length according to the above formula. Cages shall be so constructed and be of such material as to be maintained in a sanitary condition.
2. The animal or cage room walls and floors shall be of material easily cleaned and kept in a sanitary condition.
3. Indoor rooms shall be properly screened, insect and vermin proof, properly ventilated to prevent drafts and remove odors. Heating and cooling should be provided as required, with sufficient light (preferably natural) to allow observation of animals, and sanitation.
4. Indoor shelter areas should be supplemented with exercise yards for animals which are maintained for extended periods.

B. Outdoor Facilities:

1. Animals shall be removed from indoor cages and be provided with an exercise yard for their use for such periods as determined by the size, age, and condition of the animal.
2. Outdoor areas shall be provided with windbreaks, roofing, and shelter adequate to protect the animals from the weather. They shall be adequately drained and maintained in a sanitary manner.
3. Adequate and sanitary means of disposing of droppings shall be provided.

4. All kennel runs shall be fenced (chainlink or welded wire); such fence to be separate and apart from property boundary fence by a minimum of 10 feet. Kennel runs shall have a minimum free and clear area of ten (10) square feet per animal.

C. Kennels shall not be left unattended for a period in excess of twenty four (24) hours. An emergency name, address, and phone number must be posted in a conspicuous place at the front of the property for use by city authorities.

8. Santaquin City Code, Title 5-2-16: PET SHOPS is hereby created and shall read as follows:

In addition to obtaining the permit required by 5-2-13 and compliance with the general standards of 5-2-14, Pet Shops within the city shall comply with all zoning requirements and shall comply with the following standards:

A. Pet Shops shall not sell animals which are unweaned or so young or weak that their sale poses a serious risk of death or inadequate development to them.

B. A Pet Shop shall provide any purchaser, residing within the city, of any animal with an application for animal license, the form of which is prescribed by the city.

C. Pet Shops shall provide written instructions to any purchasing customer for the proper care and control of the species purchased.

9. Santaquin City Code, Title 5-2-17: FANCIER AND HOBBY PERMITS is hereby created and shall read as follows:

A. Where permitted by the zoning ordinances, owners of dogs and cats may obtain a permit to keep more than three (3) dogs or cats in a residential area, provided:

1. All Household pets on the premises are individually licensed if required by city code;

2. All Adult Household pets used for breeding are registered with a national registry, such as, but not limited to, the AKC, UKC or Field Dog;

3. Complies with zoning requirements, the health department and the applicable regulations for kennels;

4. All other provisions of this chapter are complied with, and no pet or premises is deemed to be a nuisance.

5. The maximum number of Household Pets allowed on the premises shall be the same as outlined under paragraph C of Title 10-18-8.

B. The holder of a permit issued under this section may keep one litter intact until the animals reach six (6) months of age; one animal from the litter may be retained until it reaches twelve (12) months of age. At no time may the holder of a permit retain more animals than is indicated on the permit.

10. Santaquin City Code, Title 2-2-1: APPEAL AUTHORITY ESTABLISHED, is amended as follows: (Underlined text is added, stricken text is deleted)

The Santaquin appeal authority is hereby established and as such shall hear and decide requests for variances from the terms of Santaquin's land use ordinances and appeals from decisions applying the land use ordinances or other regulations as authorized by the City Council.

- 11. Santaquin City Code, Title 2-2-2: ADDITIONAL RESPONSIBILITIES, is amended as follows:**
(Underlined text is added, stricken text is deleted)

The appeal authority shall act in a quasi-judicial manner; shall serve as the final arbiter of issues involving the interpretation or application of land use ordinances or other City Council designated codes; and may not entertain an appeal of a matter in which the appeal authority, or any participating member, had first acted as the land use authority or authorized enforcement officer.

- 12. Santaquin City Code, Title 10-18-8 paragraph C is amended as follows:**
(Underlined text is added, stricken text is deleted)

C. Household Pets: Small animals and fowl may be kept as household pets in all zones subject to the following conditions:

1. Animals or fowl must be kept in pens, or otherwise secured, unless housed within the dwelling unit.
2. No more than three (3) cats and no more than two (2) three (3) dogs per animal control provisions of the same species shall be kept, excluding dependent young under six (6) months of age.
- ~~3. In no case shall there be more than four (4) small animals or fowl kept as household pets.~~
43. All pens, coops, and structures shall be kept clean and free from objectionable odor.

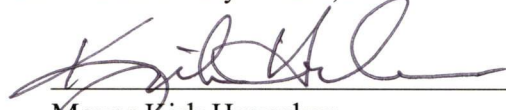
Section II. Contrary Provisions Repealed. Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

Section III. 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 phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished. Sections of the ordinance may be re-numbered or re-lettered. 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 IV. Severability. If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.


Section V. Posting and Effective Date. Prior to 5:00 p.m. on, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City; and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on June 4, 2015

ADOPTED by the Santaquin City Council on the 3rd day of June, 2015.



Mayor Kirk Hunsaker

Attest:



Susan B. Farnsworth
Santaquin City Recorder

Council Member Keith Broadhead
Council Member Matt Carr
Council Member David Hathaway
Council Member Amanda Jeffs
Council Member Nick Miller

Aye
Aye
Aye
Aye
Aye




STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, 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 3rd day of June, 2015, entitled

“AN ORDINANCE AMENDING CERTAIN PORTIONS OF THE SANTAQUIN CITY CODE PERTAINING TO COMMERCIAL ANIMAL ESTABLISHMENTS”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 3rd day of June, 2015.



SUSAN B. FARNSWORTH
Santaquin City Recorder

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, SUSAN B. FARNSWORTH, 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 4th day of June, 2015.

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.

Susan B. Farnsworth
SUSAN B. FARNSWORTH
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 4th day of June, 2015, by SUSAN B. FARNSWORTH.

My Commission Expires: *September 10, 2018*

Jenna O. Worthen
Notary Public

Residing at: Utah County

