

ORDINANCE NO. 08-01-2013

AN ORDINANCE AMENDING THE NUISANCE PROVISIONS OF THE SANTAQUIN CITY CODE, PROVIDING FOR CODIFICATION, 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, cities in the state of Utah are authorized to enact ordinances in order to promote and protect the health safety and welfare of the community; and

WHEREAS, the Santaquin City Council has previously adopted ordinance regarding the regulation of animals in the City; and

WHEREAS, the Council finds that public health, safety and welfare will be enhanced by amending the City Code to expand, redefine and clarify certain obligations of persons owning or keeping animals in the City and the conduct constituting violation of the City Code.

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

Section I. Amendments. Sections 5-2-1, 5-2-4, 5-2-6 and 5-2-9 of the Santaquin City Code are hereby amended as provided in Exhibit A, which is attached hereto.

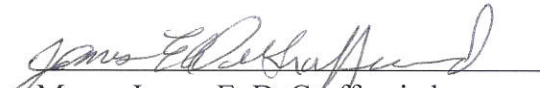
Section II. Contrary Provisions Repealed. Any and all other provisions of the Santaquin City Code that are contrary to the provisions of this Ordinance are hereby repealed.

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.

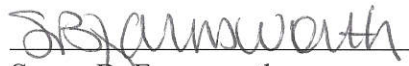
Section V. Posting and Effective Date. Prior to 5:00 p.m. on August 22, 2013, the City Recorder shall: (a) deposit a copy of this ordinance in the official records of the City; and (b) post a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on August 22, 2013.

ADOPTED by the Santaquin City Council on the 21st day of August, 2013.







Mayor James E. DeGraffenried

Attest:



Susan B. Farnsworth
Santaquin City Recorder



Council Member Keith Broadhead	
Council Member Matt Carr	
Council Member Kirk Hunsaker	
Council Member James Linford	
Council Member Rick Steele	

5-2-1: DEFINITIONS:

As used in this chapter, unless the context otherwise indicates, the following ~~words shall~~
~~mean~~definitions shall apply:

ANIMAL CONTROL OFFICER: The ~~custodian person or persons~~ selected by the city council, or the Director of Public Safety, to be responsible for the operation of the ~~dog p~~ound.

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

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

ESTRAY: Any valuable animal, except dogs or cats, not wild, found wandering from its owner.

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 establishment having three (3) or more dogs or puppies over four (4) months old for the purpose of keeping as pets, boarding, breeding, buying, letting for hire, training for fee, or selling. Allowed only in appropriate zone.

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.

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

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-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.

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 shall issue to the owner a license receipt and a numbered metallic tag for each dog so licensed. The tag shall be issued on a one time 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: (Ord. 5-02-2002, 5-15-2002, eff. 5-16-2002)

1. Kennels shall be permitted only as provided in the zoning title. (Ord. 2-1-97, 2-4-1997, eff. 2-5-1997; amd. 1999 Code)

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.

C. 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.

D. 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.

5-2-6: DANGEROUS OR VICIOUS ANIMALS:

A. Dogs Attacking Persons And Animals:

1. Allowing Dog To Attack: It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to bite, claw, attack, chase, harass, pursue or worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. "Worry", as used in this Section, shall mean to harass by tearing, biting or shaking with the teeth.
2. Owner Liability: The owner in violation of subsection A1 of this Section shall be strictly liable for any violation of this Section. The owner of such dog shall also be liable for damages to any person injured or to the owner of any animal injured or destroyed thereby.
3. Defenses: It shall be a defense to any charge under this section that the act was committed within the home or curtilage of the owner of the dog; and the person or animal attacked was not either an occupant, invitee, or a person within an area of the owner's property where a reasonable person would believe he or she would be permitted to enter.
4. The following shall be considered in mitigating the penalties-fines or damages or in dismissing the charge upon conviction of a violation of this section:
 - a. That the dog was properly confined on the premises.

b. That the dog was deliberately or maliciously provoked.

5. Any dog that acts in a manner that results in a conviction of Allowing a Dog to Attack an Animal under 5-2-6 A. 1, shall be removed from the City within five (5) calendar days of said conviction.

6. The sentence upon a conviction of Allowing a Dog to Attack a Person under 5-2-6 A. 1 shall include the euthanization of the offending dog within five (5) days of the conviction.

7. Dogs May Be Killed: Any person may kill a dog while it is committing any of the acts specified in subsection A1 of this Section or while such dog is being pursued thereafter.

B. Fierce, Dangerous Or Vicious Animals: It shall be unlawful for any person to own, keep or harbor any fierce, dangerous or vicious animal or vicious dog in the City. For purposes of this subsection, the term vicious dog shall have the meaning set forth in section 5-2-1 and shall also include any dog that is or has ever been the subject of any violation of this section or of any similar law, statute or ordinance of another jurisdiction . Each day that said violation is not mitigated after written notice to the owner's address by the City will be considered a separate violation.

5-2-9: DOGS AT LARGE; PENALTY FOR VIOLATION:

A. Unlawful Acts: It shall be unlawful:

1. For the owner or keeper of any dog to permit such dog to run at large.
2. For an owner of a dog to permit such dog to go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.

B. Violation Regardless Of Precautions: The owner of any dog running at large shall be deemed in violation of this section, regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running at large.

C. Declared Nuisance: Any dog running at large in violation of the provisions of this section is hereby declared to be a nuisance and a menace to the public health and safety, and the dog shall be taken up and impounded as provided in this chapter.

D. Penalties:

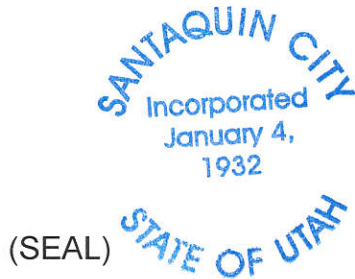
1. Misdemeanor: Any person violating any provision of this section may be charged with a class B misdemeanor and upon conviction thereof shall be punished by a fine as stipulated in the [Utah state code](#) [Santaquin City Ordinance Fine and Bail Schedule](#), by imprisonment as stipulated in the Utah state code, or by both such fine and imprisonment. Each day that said violation is not mitigated will be considered a separate violation.
 2. Impounding: Duly authorized agents of the city may indefinitely impound dogs which are nuisances or which have been treated cruelly. Owners shall be liable for any impounding and/or capture fees.
 3. Loss Of Privilege: In the event that any combination of the owner(s) and/or resident(s) of any dwelling is/are convicted of any violation of this chapter on three (3) or more occasions during any twelve (12) month period, the judge shall order that no dog may be kept on the property so long as any of the aforementioned offending owners or residents resides thereon.
- E. Retrieval Of Dog: Prior to retrieving [the an impounded](#) dog, the owner will also be required to furnish evidence that the dog is licensed and is current on rabies immunizations, in accordance with sections [5-2-4](#) and [5-2-7](#) of this chapter. If the dog does not have a license, or is not properly immunized, a citation will be issued. The owner will then have up to fourteen (14) days to obtain a license and/or have the dog immunized and submit proof of such action to the proper authority.

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 21st day of August, 2013, entitled

“AN ORDINANCE AMENDING THE NUISANCE PROVISIONS OF THE SANTAQUIN CITY CODE, PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY, AND AN EFFECTIVE DATE”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Santaquin City Utah this 21st day of August, 2013.





SUSAN B. FARNSWORTH
Santaquin City Recorder

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 22nd day of August, 2013.

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.

SBFarnsworth
SUSAN B. FARNSWORTH
Santaquin City Recorder

The foregoing instrument was acknowledged before me this 22 day of August 2013 by SUSAN B. FARNSWORTH.

My Commission Expires:
12/01/14

Ann Edington Adams
Notary Public

Residing at: Utah County

