

ORDINANCE 21-02

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 Title 6 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, the Hyrum City Council has concluded, upon the recommendations of animal control personnel and court staff, there is a need to update Title 6 to reflect changes in state laws and city procedures.

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

AN ORDINANCE AMENDING SECTION 6.04.010 OF TITLE 6 (ANIMALS) OF THE HYRUM CITY MUNICIPAL CODE TO REDEFINE SERVICE ANIMALS.

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

1. Section 6.04.010 of Title 17 of the Hyrum City Municipal Code is hereby amended to read as follows:

6.04.010 Definitions.

As used in this title, unless the context otherwise indicates, the following terms mean:

- A. **Animal Control Officer:** The person or persons designated to enforce this title.
- B. **Animal Establishment:** Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel/cattery or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by

government agencies, or licensed animal dealers.

- C. **Animal Shelter:** A facility designated or recognized by Hyrum City for the purpose of impounding and caring for domestic animals. A veterinarian facility may be designated as an animal shelter.
- D. **At Large:** A domestic animal shall be deemed to be at large when off the property of the owner and not under restraint.
- E. **Dangerous Animal:** An animal that without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals.
- F. **Domestic Animal:** Any animal commonly kept as a pet in family households in the United States, including, but not limited to, dogs, cats, guinea pigs, rabbits, and hamsters; and any animals commonly kept for companion or commercial purposes. Pigs including pot belly pigs are not allowed within Hyrum City limits.
- G. **Estray:** Any valuable animal, except dogs and cats, not wild, found running at large.
- H. **Feral Cat:** Any unowned cat.
- I. **Field Cat:** A cat kept primarily out of doors, not as a pet, but instead kept for the control of rodents.
- J. **Fixed Dog Run:** A fenced in and/or covered structure used to house or contain a dog(s) in a relatively limited area. Not meant to include merely keeping a dog attached to a line or keeping a dog in a fenced yard. A fixed dog run must be closer to the owner's residence than the adjoining neighbors' residence. Locations of fixed runs shall be located according to the following setbacks:
 - 1. Front setback - thirty feet (30');
 - 2. Side setback - ten feet (10');
 - 3. Side setback adjoining street - twenty feet (20');
 - 4. Rear setback - ten feet (10'); and
 - 5. Setback from neighbors' residences (any residence on adjacent property) - thirty feet (30').
- K. **Foster Care Provider:** A person or persons designated by a "rescue agency" and approved by Hyrum City and the animal control officer to provide care for a maximum of two (2) impounded animals.
- L. **Humane Manner:** Care of a domestic animal including, but not limited to, adequate heat, ventilation, sanitary shelter, and wholesome food and water,

consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

- M. **Kennel:** An establishment of three (3) or more dogs.
- N. **Licensing Authority:** The agency or department of Hyrum City or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this title.
- O. **Livestock Guarding Dogs:** Dogs kept for the primary purpose of protecting livestock from predatory attacks.
- P. **Neutered or Spayed:** To be rendered permanently incapable of reproduction.
- Q. **Nuisance:** A domestic animal which damages, soils, defiles, or defecates on property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on property other than the owner's or on public property.
- R. **Owner:** A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person.
- S. **Person:** Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.
- T. **Pet Shop:** An establishment engaged in the business of buying or selling, at retail, animals for profit making purposes.
- U. **Rescue Agency:** A nonprofit organization (such as Cache Humane Society) whose purpose is the rescue of homeless animals and require humane treatment and medical care including immunizations and prevention of reproduction. Rescue agencies select and approve "foster care providers" who care for homeless animals under their direction and supervision.
- V. **Restraint:** An animal which is within the real property limits of its owner or secured by a leash or lead.
- W. **Service Animal:** Includes any dog that:
 - 1. Is trained, or is in training, to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental

- disability;
- 2. Performs works or tasks, or is in training to perform work or tasks, that are directly related to the individual's disability including:
 - a. Assisting an individual who is blind or has slow vision with navigation or other tasks;
 - b. Alerting an individual who is deaf or hard of hearing to the presence of people or sounds;
 - c. Providing non-violent protection or rescue work;
 - d. Pulling a wheelchair;
 - e. Assisting an individual to the presence of an allergan;
 - f. Alerting ad individual to the presence of an allergen;
 - g. Retrieving an item for the individual;
 - h. Providing physical support and assistance with balance and stability to an individual with a mobility disability; or
 - I. Helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors.
- 3. Service animal does not include: ~~includes any dog that~~
 - a. An animal other than a dog, whether wild or domestic, trained or untrained; or
 - b. An animal used solely to provide:
 - (I) A crime deterrent;
 - (II) Emotional support;
 - (III) Well-being;
 - (IV) Comfort; or
 - (V) Companionship.

X. **Wild Animal:** Any animal of a species that in natural life is wild. (Prior Code 18-03)

2. **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.

3. **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.

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

9. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 18th day of March, 2021.

HYRUM CITY

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: _____