

## SANTAQUIN CITY ORDINANCE 10-03-2021

### AN ORDINANCE AMENDING ANIMAL CONTROL REGULATIONS, 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 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**, animal control regulations serve the public safety, health and welfare of the community by reducing public nuisances, spread of disease, and inhumane treatment of animals; and

**NOW THEREFORE**, be it ordained by the Council of Santaquin City, in the State of Utah, as follows:

#### **SECTION I. Title 5.08 Animal Control Amendments**

**Title 5.08.170 Fancier and Hobby Permits is amended as follows:** (underlined text is added, stricken text is deleted)

~~Where permitted by the zoning ordinances, o~~Owners of dogs and cats may obtain a Conditional Use 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 this 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. The property on which the animals will be kept cComplies 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 SCC 10.64.080 paragraph C~~set through Conditional Use approval by the Planning Commission. The Planning Commission shall use the criteria set forth in 10.24.060 and 10.64.080.C when considering requests under this section.
2. 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.

#### **Section II. Title 10.64 Animal Rights Amendments**

1. Section 10.64.020 Scope is amended as follows: (underlined text is added, stricken text is deleted)

This ~~overlay~~ chapter regulates animal rights in all zones in Santaquin.

2. Section 10.64.080.A Rights Granted by this Chapter is amended as follows: (underlined text is added, stricken text is deleted)
  - A. Legal Nonconforming Animal Rights: Lots containing animal rights which are legally nonconforming, or which hereby become legally nonconforming, with regards to property size or the presence of animal rights shall maintain those rights herefrom in the nature of which they were permitted, unless abandoned or discontinued as provided in SCC ~~10.64.030~~10.28.010.
3. Section 10.64.080.C Rights Granted by this Chapter 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 three (3) dogs ~~per animal control provisions of the same species shall be kept~~, excluding dependent young under six (6) months of age, shall be kept subject to animal control provisions of SCC Title 5. The Planning Commission may grant a conditional use permit to allow more than the above cats and dogs upon an applicant's demonstration that all Title 5 standards applicable to the number and type of animals will be met and there will be compliance with all nuisance regulations. Conditional Use Permits under this part may not be approved for multi-family or attached single family residences.
    3. All pens, coops, and structures shall be kept clean and free from objectionable odor.
4. Section 10.64.150.A Rights Granted by this Chapter is amended as follows: (underlined text is added, stricken text is deleted)
  - A. ~~Misdemeanor Penalty: Any person v~~Violating any provision of this overlay chapter may be charged with a class B misdemeanor and upon conviction thereof shall be punishable by a fine as stipulated in the Utah state code, by imprisonment as stipulated in the Utah state code, or by both such fine and imprisonment as well as those penalties outlined in SCC 1.16.010 and the Uniform Fine Schedule as amended from time to time. Each day that said violation is not mitigated will be considered a separate violation.

### **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 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. 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 VI. Effective Date.**

This ordinance shall become effective at 5:00 p.m. on Wednesday, October 6<sup>th</sup>, 2021. 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 5<sup>th</sup> day of October, 2021.

\_\_\_\_\_  
Kirk Hunsaker, Mayor

Councilmember Nick Miller	Voted ____
Councilmember Elizabeth Montoya	Voted ____
Councilmember Lynn Mecham	Voted ____
Councilmember Jennifer Bowman	Voted ____
Councilmember David Hathaway	Voted ____

ATTEST:

\_\_\_\_\_  
K. Aaron Shirley, City Recorder

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 5<sup>th</sup> day of October 2021, entitled

**“AN ORDINANCE AMENDING ANIMAL CONTROL REGULATIONS, 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 5<sup>th</sup> day of October, 2021.

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

(SEAL)

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 5<sup>th</sup> day of October, 2021.

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.

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K. AARON SHIRLEY  
Santaquin City Recorder

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by K. AARON SHIRLEY.

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Notary Public