

ORDINANCE 05-06

ROLL CALL

VOTING	YES	NO
MAYOR JOE L THOMAS <i>(votes only in case of tie)</i>	absent	
G. WAYNE ANDERSEN <i>Councilmember</i>	X	
MATTHEW D. BARBER <i>Councilmember</i>	X	
STEVE LEIFSON <i>Councilmember</i>	X	
SETH V. SORENSEN <i>Councilmember</i>	X	
CHRIS C. WADSWORTH <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilman Sorensen

I SECOND the foregoing motion: Councilman Leifson

ORDINANCE NO. 05-06

ORDINANCE AMENDING THE MUNICIPAL CODE CONCERNING KENNEL PERMITS

WHEREAS, Spanish Fork City recognizes that pets contribute favorably to the quality of life; and

WHEREAS, Spanish Fork wishes to encourage responsible pet ownership; and

WHEREAS, Spanish Fork recognizes that responsible ownership depends less on the number of pets than on the care and attention given those pets; and

WHEREAS Spanish Fork ordinances currently provide regulations, and associated penalties as needed, for neat and sanitary conditions of animal living areas; handling of sick, diseased or disabled animals; disposal of animals; cruelty to animals; excessive noise caused by animals; animals running at large; impound of animals; detentions of animals; intraseizure of

animals; animal bites; defecation and urination; quarantine of animals; licensing and registration of animals; revocation of licenses; female dogs/cats in heat running at large; threatening animals; rabies control and vaccination; and various other animal control and enforcement issues; and

WHEREAS, the previous issues are far more dependent on responsible pet ownership than on the number of pets owned; and

WHEREAS, residents have communicated a request to the Spanish Fork City Council to modify current animal regulations to permit the maintenance of up to four dogs and cats, or a combination thereof; and

WHEREAS, residents recognize that law enforcement receives numerous complaints regarding residents who maintain excessive dogs and cats in residential areas and residents wish to help remedy these problems through improved ordinances and through encouraging responsible pet ownership;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Spanish Fork City Municipal Code §6.04.010 is hereby amended to repeal the definition of “Kennel” and to create two new definitions of “Commercial Kennel” and Residential Kennel” as follows:

6.04.010. Definitions.

“**Commercial Kennel**” means any premises wherein any person or entity engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats. Commercial Kennels must be located in Industrial Zones, pursuant to the requirements of Title 15.

“Residential Kennel” means any premises located within a residential zone where more than two dogs or cats, or combination thereof, are raised, kept, housed, or boarded. Residential kennels may be permitted for a maximum of four animals.

II.

Spanish Fork City Municipal Code §6.08.010(D) is hereby amended to read as follows:

6.08.010. Licensing.

D. Removal of Collar and Registration Tag. It is unlawful for any person other than the owner, a veterinarian, or an animal control officer, to remove the collar from any dog to which collar has been attached the metallic registration tag herein required, or to remove said metallic registration tag from the collar to which it has been attached.

III.

Spanish Fork City Municipal Code §§6.16.010, .020, and .030 are hereby amended to read as follows:

6.16.010 Allowable Number of Dogs and Cats

Except as otherwise provided in this chapter, no more than two (2) dogs or cats, or combination thereof, which are three (3) months of age or older shall be kept at any residence or commercial establishment at any time. This provision shall not apply to permitted commercial or residential kennels, grooming parlors, or veterinary clinics.

6.16.020 Residential and Commercial Kennel Permits.

(1) Permit required. No person shall operate or maintain a residential or commercial kennel without first obtaining a permit from the division of animal control. Commercial kennels must also maintain a current business license pursuant to the requirements of Title 5.

(2) Application. All applications for permits to operate or maintain a commercial or residential kennel, shall be submitted in writing upon printed forms provided for such purposes

by the city. The application shall first be referred to the city animal control officer. Upon approval, the city shall issue the permit upon payment of the fee herein provided.

(3) Before a commercial kennel permit can be issued the following conditions concerning the location of the kennel must be met.

a. The location where the dogs or cats are kept, raised, housed, or boarded must be 200 feet away from any neighboring house, and;

b. Must be 150 feet from any road.

(4) The following minimum standards shall be complied with to obtain and maintain a residential or commercial kennel permit.

a. Enclosure must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an appropriate material as required by the specific breed of animal and also to permit proper cleaning and disinfecting.

b. Adequate ventilation shall be maintained and an appropriate temperature provided as required by the specific breed of animal housed therein.

c. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.

d. Runs shall provide an adequate exercise area and protection from the weather.

e. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.

f. The food shall be free of contamination, palatable and of sufficient nutritive value as to meet the normal daily requirements for the condition and size of the animal.

g. Fresh water is to be available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.

(5) Holders of existing commercial kennel permits which do not meet the distance requirements required in this chapter shall be exempt from the distance requirements for their existing animals. As animals die, are sold, given away, or are otherwise removed from the property, they may not be replaced unless all of the conditions of this chapter are met.

(6) After a residential kennel permit has been issued, the person or persons responsible for operation of the residential kennel shall submit to the animal control officer within thirty (30) days a proof of spay or neuter of any dog or cat beyond two (2) in number that are kept at the residential kennel. This proof shall come in the form of verification by a licensed veterinarian. Failure to submit this proof of spay/neuter within thirty (30) days will result in the immediate forfeiture of the residential kennel license and associated fees. As dogs and cats residing at the residential kennel die, are sold, given away, or are otherwise removed from the property, and other dogs or cats are obtained, no more than two (2) such animals may remain intact at any time. All others must be spayed or neutered and proof of such shall be submitted to the animal control officer within thirty (30) days of acquisition of the animal(s) or the residential kennel license shall be forfeited.

(7) All dogs and cats residing at a residential kennel must be kept current with licenses and vaccinations as required by other sections of this title or the residential kennel license and associated fees will be forfeited.

(8) Persons currently housing more than two (2) dogs or cats, or combination thereof, which are three (3) months of age or older at the time of passage of the residential kennel regulations shall have three (3) months to apply for a residential kennel permit or reduce the number of dogs and cats to be in accordance with other sections of this title.

(9) The city shall have the power to revoke residential or commercial kennel permits in the event that the permit holder is convicted of any violation of the provisions of this title.

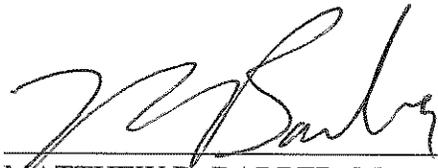
6.16.030. Fees.

Any person conducting, operating or maintaining a residential or commercial kennel shall pay to the city for the privilege of conducting, operating or maintaining such kennel an annual permit fee of twenty-five dollars (\$25.00) for each calendar year.

IV.

This ordinance shall become effective July 1, 2006.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL
OF SPANISH FORK, UTAH, this 20th day of June, 2006.



MATTHEW D. BARBER, Mayor Pro Tem

ATTEST:



KENT R. CLARK, City Recorder

