

# ORDINANCE No. 03-15

## ROLL CALL

VOTING	YES	NO
STEVE LEIFSON <i>Mayor (votes only in case of tie)</i>		
ROD DART <i>Council member</i>	X	
RICHARD M. DAVIS <i>Council member</i>	X	
BRANDON B. GORDON <i>Council member</i>	X	
MIKE MENDENHALL <i>Council member</i>	X	
KEIR A. SCUBES <i>Council member</i>	X	

I MOVE this ordinance be adopted: Council member Mendenhall  
I SECOND the foregoing motion: Council member Dart

## ORDINANCE No. 03-15

### AN ORDINANCE AMENDING PROVISIONS OF THE MUNICIPAL CODE DEALING WITH ANIMALS

WHEREAS, Spanish Fork City has adopted a municipal code, Title 6 of which deals with animals;  
and

WHEREAS, chapters 04 and 08 are nearly identical, one dealing with dogs and the other with  
animals in general; and

WHEREAS, title 6 of the municipal code would be easier to follow and understand if chapters 04 and  
08 were combined; and

WHEREAS, changes are desired to make certain animal offenses administrative, pursuant to a new  
code section creating an administrative process; and

WHEREAS, other minor changes are desired to add clarification to the animal provisions of the  
municipal code;

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

I.

Spanish Fork Municipal Code, Title 6 is hereby amended by repealing chapters 04 and 08, re-enacting chapter 08, and making other amendments as follows:

TITLE 6                    ANIMALS

Chapter 6.08	<u>General Animal Regulations</u>
Chapter 6.12	<u>Rabies Control</u>
Chapter 6.16	<u>Kennels</u>
Chapter 6.20	<u>Chickens</u>
Chapter 6.24	<u>Pot Bellied Pigs</u>

Chapter 6.08                    General Animal Regulations

6.08.010	<u>Definitions</u>
6.08.020	<u>Premises Confining Animals and Fowl--Neat and Sanitary Condition Required</u>
6.08.030	<u>Abandonment or Destruction of Animals</u>
6.08.040	<u>Disposal of Animals</u>
6.08.050	<u>Cruelty to Animals</u>
6.08.060	<u>Excessive Noise</u>
6.08.070	<u>Animals Running at Large</u>
6.08.080	<u>Impound</u>
6.08.090	<u>Keeping Certain Animals Unlawful</u>
6.08.100	<u>Detention of Animals</u>
6.08.110	<u>Intraseizure of Animals</u>
6.08.120	<u>Animal Bites</u>
6.08.130	<u>Defecation and Urination</u>
6.08.140	<u>Enforcement</u>
6.08.150	<u>Interference with Officer</u>
6.08.160	<u>Animals in Prohibited Areas</u>
6.08.170	<u>Quarantine of Animals</u>
6.08.180	<u>Licensing</u>
6.08.190	<u>Revocation of License</u>
6.08.200	<u>Threatening Passers-By</u>
6.08.210	<u>Penalties</u>

6.08.010                    Definitions

For the purpose of this title, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Animal" means any live, vertebrate creature, domestic or wild.

"Animal at Large" means any animal whether or not licensed, not under restraint.

"Animal Control Officer" means any person designated by the State of Utah, a county government, or a municipal government as a law enforcement officer who is qualified to perform such duties under the laws of this state.

"Animal Shelter" means the facility operated by the South Utah Valley Animal Services Special Service District, a Utah local district, to which City belongs, for the purpose of impounding or caring for

animals held under the authority of this chapter or state law.

**"Animal under Restraint"** means an animal on a leash or lead which is held by a person or attached to a stationary object or confined within a vehicle or confined upon the real property of the owner or custodian.

**"Attack"** means any biting or attempted biting or other action by an animal which places a person or another animal in danger of imminent bodily harm. Actual physical contact shall not be required to constitute an attack. Attack may include jumping upon, chasing, nipping, or otherwise threatening.

**"Bite"** means an actual puncture, tear, bruise, or abrasion of the skin inflicted by the teeth of an animal.

**"Cat"** means any age feline of the domesticated types.

**"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.

**"Custodian"** means any person having the charge, care, custody or control of an animal which he/she does not own.

**"Dog"** means any canine of the domesticated types.

**"Domesticated Animal"** means any animal accustomed to live in or about the habitation of humans, including, but not limited to, cats, dogs, fowl, horses, swine, cattle, sheep and goats.

**"Euthanize"** means humane killing of an animal.

**"Guard Dog"** means a dog used for the purpose of deterring crime.

**"Household Pet"** means any animal or fowl ordinarily permitted in a house and kept for company or pleasure and not for profit, such as: dogs, cats, canaries, fish, hamsters, mice, and other animals associated with human environments. Household pets shall not include wildlife, livestock, poultry or any animals which are capable of inflicting harm or discomfort or endangering the health, safety or welfare of any person or property.

**"Kennel"** means any premises where more than two dogs or cats are raised, kept, housed, or boarded; or any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.

**"Leash" or "Lead"** means any chain, rope, or device used to restrain an animal.

**"Owner"** means any person, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

**"Pet Shop"** means any establishment, not part of a kennel, containing cages or exhibition pens wherein dogs, cats, birds, or other pets for sale are kept or displayed.

**"Quarantine"** means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

**"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.

**"UCA"** means Utah Code Annotated.

**"Veterinary Clinic"** means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, or treatment of diseases and injuries of animals.

**"Vicious Animal"** is an animal 1) 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; 2) which attacks a human being or other domestic animal without provocation; or 3) which is trained or used to fight or to attack humans, except that this provision shall not apply to a dog owned or used by a government entity; 4) Feeding an animal to a snake or lizard shall not make the snake a vicious animal.

**"Wild Animal"** means all animals commonly accepted as being "wild" and includes, but is not limited

to, the following, no matter how domesticated they may be:

1. Alligators and crocodiles.
2. Bears (ursidae).
3. Cat family (felidae), except the commonly accepted domesticated cats.
4. Coyotes, foxes and wolves.
5. Porcupine (ercthizontiade)
6. Nonhuman primates (hominidae).
7. Raccoon (prosynnidae).
8. Skunks.
9. Venomous snakes or venomous lizards.
10. Weasels (mustelidae).
11. Ferrets.

**6.08.020 Premises Confining Animals and Fowl--Neat and Sanitary Condition Required**

- A. Wherever animals, including fowl and pigeons, may be tethered, corralled, confined and sheltered or fed, the premises shall be maintained in a neat and sanitary condition so that no nuisance due to unsightliness, odor or pest breeding or harborage shall be caused by such animals or premises.
- B. All barns or stables intended for or presently used to shelter livestock which are now erected and maintained or may be erected, constructed, altered or repaired within the city shall conform to the requirements of the applicable zoning ordinance, the building code and all other applicable laws of the city.

**6.08.030 Abandonment or Destruction of Animals.**

- A. It shall be unlawful for any owner or custodian of an animal to abandon such animal within the City. If an owner or custodian of an animal no longer desires to keep the animal as a pet, the owner or custodian shall transfer the animal to a new owner or custodian.
- B. When it becomes necessary to destroy any domestic animal because of age, sickness, or other cause which renders the destruction of the animal necessary or desirable, it shall be the responsibility of the owner or custodian of such animal to humanely dispose of the animal or cause the animal to be destroyed by a licensed veterinarian or delivered to an animal control officer or other animal shelter for adoption or destruction..
- C. The Spanish Fork City animal control officer shall take custody of an animal for release to the Animal Shelter when a release form is signed by the owner or custodian and the required fee paid. The fee shall be set from time to time by a resolution of the City Council, or in the annual budget.

**6.08.040 Disposal of Animals**

It is unlawful for the owner of any animal or fowl that die or are killed within the limits of this city, to fail to remove or bury the carcass of such animal within ten hours after its death; provided that no horse, cow, ox, pig, sheep, goat, ostrich, llama, emu, any wildlife or other animal shall be buried within the limits of the city.

**6.08.050 Cruelty to Animals**

- A. Except as authorized by law, it shall be unlawful for any person to willfully or maliciously kill, injure, maim, disfigure, torture, beat, mutilate, burn or scald, overdrive or otherwise cruelly set upon any animal. Each such act shall constitute a separate violation and shall be guilty of a class B misdemeanor.

- B. It shall be unlawful for any person to hobble livestock in such a way as to cause injury or damage to the animal.
- C. It shall be unlawful for any person to carry or to confine any animal in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such animal without adequate ventilation or to leave any animal confined in a vehicle unattended in excessively hot or cold weather.
- D. Every operator of a motor vehicle or self-propelled vehicle within the city shall, immediately upon injuring, striking, maiming or running down any animal, contact an officer to report the incident.
- E. Fights. It is unlawful for any person within the limits of the city to, in any manner whatsoever, encourage or urge any animal to fight or urge them on after they commence to fight.
- F. It is unlawful for any person within the limits of the city to intentionally or carelessly administer or apply any poisonous or toxic substance or any material injurious to tissues or organs to any animal or livestock, or procures or permits the same to be done, whether the animal is his own property or that of another. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of public health when applied in such a manner as to reasonably prohibit access to other animals.
- G. It is unlawful for any person within the limits of the city to administer or apply, procure or allow the administration or application of any trapping mechanism for domestic animals, other than a live capture trap or to expose such a trapping mechanism to domestic animals or livestock, with the intent to harm or take the animal whether the animal is his or her own property or that of another. All set live capture traps shall be checked and emptied daily. All traps must have owner identification permanently affixed to them.
- H. It is unlawful for any person within the limits of the city to neglect or fail to supply any domestic animal with necessary and adequate exercise, care, rest, food, drink, air, light, space, shelter, protection from the elements, and/or medical care.

**6.08.060 Excessive Noise**

It is unlawful for any person to harbor, keep, or own within the limits of the city any animal which barks, whines, howls, or makes other disturbing noises in an excessive, continuous, or untimely fashion day or night. Any police officer or animal control officer may apprehend such animal and may cause it to be impounded in the animal shelter. A second conviction of this section by the same animal within a twelve month period shall be grounds for removal of the animal from the city, which animal will not be allowed to return.

**6.08.070 Animals Running at Large**

It shall be unlawful for any animal to be at large at any time within the corporate limits of the city. The owner or custodian of any animal which is at large shall be in violation of this section, regardless of the precautions taken to prevent the escape of the animal and regardless of lack of knowledge of the offense at the time it occurs.

**6.08.080**      **Impound**

- A. The animal control officer may apprehend and impound any animal found at large within the city. Any person apprehending any animal running at large on his/her property may deliver the same to any city police officer or animal control officer, which animal may then be impounded in the animal shelter. Any animal placed in the Animal Shelter shall be handled by the policies and regulations of the Animal Shelter.
- B. Any domesticated animal impounded at an animal shelter shall be held according to the policies of the Animal Shelter.
- C. Any animal voluntarily relinquished to the animal control officer or an animal shelter by the owner or custodian thereof for destruction or other disposition need not be kept for the minimum holding period, but shall be handled by the policies and regulations of the Animal Shelter.
- D. The animal control officer or police officer shall have the sole discretion to determine serious injury or disease that will require euthanasia prior to five (5) working days.
- E. Any wild animal placed in the Animal Shelter may be disposed of immediately.

**6.08.090**      **Keeping Certain Animals Unlawful**

It shall be unlawful for any person to keep or harbor any animal which is prohibited to be kept or harbored by UCA §§23-13-4, 23-20-3 or 23-20-4.

**6.08.100**      **Detention of Animals**

It is unlawful for any person to detain or hold the animal of another without notifying the animal control officer or law enforcement agency.

**6.08.110**      **Intraseizure of Animals**

- A. Whenever a police officer or an animal control officer shall have probable cause to believe that an animal has been abandoned, although confined upon private property, that is in violation of any of the provisions of this Chapter of the Spanish Fork Municipal Code, or is a vicious animal, the officer shall be authorized to immediately seize the animal and may impound the same at the Animal Shelter and such officer shall have the right to enter upon whatever premises the animal may be kept for such purpose.
- B. If an animal is summarily impounded without the knowledge of the owner or custodian, a notice that the animal has been impounded shall be given to the owner or custodian of the animal, if the same is known, by attaching the notice to the door at the residence thereof, or by mailing a notice to the last known address of the owner or custodian.
- C. An animal summarily impounded as provided in this section may be recovered by the owner complying with the regulations of the animal shelter. If, in a subsequent court proceeding, the animal is determined not to be abandoned, vicious or a nuisance, the animal shall be released to the owner or custodian without any charge.

**6.08.120**      **Animal Bites**

- A. Humans. It shall be unlawful for any domestic animal to bite or attack any person. It is no defense that the animal is chained or confined if the chaining or confining is on public or private property where the public has access to be on such property.

- B. Domestic Animals. It shall be unlawful for any domestic animal to bite or attack any domestic animal. It is no defense that the animal is chained or confined if the chaining or confining is on public or private property where the public has access to be on such property.
- C. It is unlawful for any person to keep, own, harbor, or have the control of any fierce or dangerous animal. It is prima facie evidence that an animal is a fierce or dangerous animal if it bites or attacks a person or domestic animal. Any police officer or animal control officer may apprehend such animal and may cause it to be impounded at the Animal Shelter. The owner or custodian of any animal is in violation of this section regardless of the precautions taken to prevent the bite or attack and regardless of the lack of knowledge of the offense at the time it occurs.

**6.08.130      Defecation and Urination**

- A. It is unlawful to allow an animal to defecate or urinate upon private property not owned by the person owning or in control of such animal. The owner or custodian of any animal shall be responsible for the removal of any defecation deposited by such animal on public property, recreation areas, or private property not owned by the person owning or in control of such animal.
- B. Kennels and Runs. It is unlawful for the owner or occupant of any premises on which a kennel, run, or other structure or area for housing or keeping of domestic animals is situated, to allow such kennel, run, or other structure or area of the premises to become unsanitary, unclean, or to emit undue stench or odor. The owner or occupant of any premises permitting any such condition to exist that does not abate such condition within 24 hours after notice shall be issued a citation. If such a notice is given, the condition must remain abated on a permanent basis. Additional notices shall not be necessary prior to the issuance of a citation.

**6.08.140      Enforcement**

In the enforcement of any provision of this chapter, any police officer or animal control officer is authorized to enter the premises of any person to take possession of a fierce, dangerous, or vicious animal or animals running at large, when in fresh pursuit of such animal at the time the animal goes onto the private property.

**6.08.150      Interference with Officer**

- A. It shall be unlawful for any person to interfere with, molest, hinder or prevent any police officer or animal control officer in the discharge of their duties as herein prescribed.
- B. Any person who shall hinder, delay, interfere with or obstruct any police officer or animal control officer while engaged in capturing, securing or taking to the animal shelter any animal or animals liable to be impounded, or who shall break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal control vehicle or other vehicle used for the collecting of any such animals shall be deemed guilty of a class B misdemeanor.

**6.08.160      Animals in Prohibited Areas**

- A. It shall be unlawful for any person to take or to permit any domestic animal, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets, food or vegetable stores; and it shall be unlawful for any person to allow any animal to enter or be in any place of worship during public services; and it shall be unlawful for any person

to allow any animal to enter in or be upon any public park or cemetery where it is posted that no animal/dogs are allowed.

B. An exception to this section shall be for any animal trained and used as a service animal.

#### **6.08.170 Quarantine of Animals**

Whenever any animal attacks or bites a person, the owner of the animal shall immediately notify the police department, which shall cause the animal to be impounded or otherwise quarantined for a period of ten days. At the end of the ten-day quarantine period, the animal may be released from quarantine, upon examination by a veterinarian or qualified staff of the Animal Shelter that such animal is free from rabies. The expenses incurred in the inspection of such animal shall be paid by the owner or person in control of such animal, in addition to any other fines or charges due. Such expenses shall be paid prior to the release of the animal. If the animal dies within the ten-day quarantine period, its brain shall be sent to the State Department of Health for examination for rabies.

#### **6.08.180 Licensing**

Any person owning a dog within the city limits shall license the dog pursuant to the following provisions:

##### **A. Licensing, Fees, and Registration.**

1. Registration--Required--Dogs only. It is unlawful for any person to own, keep or harbor a dog over the age of three months within the limits of this city without making application to the city or South Utah Valley Animal Shelter for that purpose and paying an annual registration fee.
2. All license fees required by this chapter shall be in the amounts established by South Utah Valley Animal Shelter Special Service District.
3. Such registration receipt and metallic registration tag shall be valid and in force from the date issued until the expiration date.
4. The provisions of this section shall not apply to dogs whose owners are nonresidents temporarily within the city for thirty (30) days or less, nor to dogs brought into the city for the purpose of participating in any show.

B. Information Required for Registration. Before receiving a registration receipt and metallic registration tag, each owner must state at the time of application for such a permit, the name and address of the owner and sex, breed, age and color of each dog to be registered. The owner must also present a certificate from a veterinarian stating that the dog has been vaccinated for the prevention of rabies. Such certificate must give the last date of vaccination and the number of the vaccination tag used by the veterinarian at the time of vaccination. It is unlawful for the owner to misrepresent the age of any dog for the purpose of avoiding the payment of the license required by this chapter.

C. Collar-Tag Attachment. It shall be the duty of the owner or keeper of any dog so registered to provide a suitable collar for such dog to wear and to attach thereto the metallic registration tag having a number corresponding with the certificate of registry inscribed thereon. All dogs not so registered and collared as prescribed by this chapter may be impounded by the animal control officer or any police officer or other designated official of the city.

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.

E. The owner of any dog of registration age shall make application for permit and obtain a permit tag for such dog within ten (10) days after acquisition or age attainment.

F. Licensing and Fee Exemptions.

1. The licensing and fee provisions of this section shall not apply to dogs specifically trained to assist officials of governmental agencies in the performance of their duties and which are owned by or under contract to such agencies.

2. Nothing in this section (F)(1) shall be construed to exempt any dog from having a current rabies vaccination.

#### **6.08.190      Revocation of License**

If the owner of any animal is convicted of a violation of this chapter on two or more different occasions during any twelve (12) month period involving the same animal, the license of the animal involved shall be revoked. The animal control officer or other police officer shall be authorized to immediately impound and pick up any animal whose license has been revoked. Any animal impounded following revocation of its license shall be dealt with in accordance with the provisions of city ordinances for impounded animals. Under no conditions shall the animal be allowed to be brought back into the city.

#### **6.08.200      Threatening Passers-By**

It shall be unlawful for any animal to threaten passers-by by nipping, chasing, jumping upon, attacking, or chasing any person, bicycle, or motor vehicle.

#### **6.08.210      Penalties**

A person whose animal violates any provision of this Chapter is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an animal owner wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Animal violations referred to court are class C misdemeanors. Owners of animals are responsible for the acts of their animals in violation of this chapter, whether handled administratively or through the courts.

### **Chapter 6.12      Rabies Control**

#### **6.12.010      Rabies Control**

#### **6.12.020      Vaccination Required**

#### **6.12.030      Penalties**

#### **6.12.010      Rabies Control**

A. A Report of Bites. All persons bitten and the parents or guardians of minor children bitten by a dog, cat, skunk, fox, bat, coyote, bobcat, or other animal known to constitute a serious threat of rabies shall notify the animal control officer immediately thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.

B. Report of Suspected Rabid Animals. Any person who observes or has knowledge of an animal

which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion that it may have rabies shall notify the animal control officer and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the state or city-county health departments.

- C. Isolation of Biting or Suspected Rabid Animals. Upon the reasonable order of the animal control or public health officer, a biting or suspected rabid animal shall be isolated, at the owner's expense if owned, in strict confinement under proper care and under the observation of a licensed veterinarian in an animal shelter or veterinary hospital in a manner approved by the animal control officer.
- D. Examination of Head. Any biting or suspected rabid animal may be humanely euthanized immediately, and such animal's undamaged and properly packaged and properly refrigerated head shall be delivered promptly to an approved medical facility having the capability of performing tests to demonstrate the presence of rabies.
- E. Release. Ten (10) days after the day of infliction of a bite by an animal, such animal may be released to its owner after a licensed veterinarian has examined that animal and in his/her opinion found it not to have had rabies in a transmittable stage on the day of infliction of the bite. Non-immunized animals shall be vaccinated for rabies before release.
- F. Animals Possibly Exposed to Rabies. Any animal of a species subject to rabies which has been bitten by a known rabid animal, or which has been in intimate contact with such an animal, shall be isolated, at the owner's expense if owned, in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of six (6) months, or euthanized. Notwithstanding the foregoing, the following alternative is permitted in case of dogs and cats. If the dog or cat has been vaccinated against rabies at least thirty (30) days prior to the suspected exposure with a type of vaccine produced under U.S.D.A. license and within the time period approved by the state veterinarian, the dog or cat may be re-vaccinated and isolated in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of thirty (30) days.

#### 6.12.020 Vaccination Required

- A. Dog and cat owners shall obtain a rabies vaccination for each dog or cat they own, keep, harbor or have custody of, within ten (10) days after it becomes three months of age, or within ten (10) days after obtaining any dog or cat over three months of age. It shall be unlawful for any person or persons to own, keep, harbor or possess or to have in his or her care, charge or custody, any dog or cat three months of age or over unless such dog or cat has a current and valid rabies vaccination administered by any duly qualified and licensed veterinarian, with a rabies vaccine approved by the State Department of Health for use in dogs and cats. Such vaccination shall be repeated at intervals specified by the State Department of Health in order to maintain adequate immunity.
- B. In addition to the current year's license, the vaccination tag shall be attached to or otherwise worn by the dog or cat. It shall be unlawful for any person or persons to remove or cause to be removed the vaccination tag from any dog or cat without the consent of the owner, keeper, or harbinger thereof. The vaccination tag shall not be transferrable from one dog or cat to another.

**6.12.030 Penalties**

A person whose animal violates any provision of this Chapter is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an animal owner wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Animal violations referred to court are class C misdemeanors. Owners of animals are responsible for the acts of their animals in violation of this chapter, whether handled administratively or through the courts.

**Chapter 6.16 Kennels**

6.16.010	<u>Allowable Number of Dogs and Cats</u>
6.16.020	<u>Permit Required</u>
6.16.030	<u>Fees</u>
6.16.040	<u>Violations - Permit Revocation</u>
6.16.050	<u>Inspection</u>
6.16.060	<u>Definition - Exception for Puppies/Kittens</u>
6.16.070	<u>Penalties</u>

**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 Permit Required**

- A. 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.
- B. 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.
- C. Before a commercial kennel permit can be issued the following conditions concerning the location of the kennel must be met.
  - 1. The location where the dogs or cats are kept, raised, housed, or boarded must be 200 feet away from any neighboring house, and;
  - 2. Must be 150 feet from any road.
- D. The following minimum standards shall be complied with to obtain and maintain a residential or commercial kennel permit.
  - 1. 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.
2. Adequate ventilation shall be maintained and an appropriate temperature provided as required by the specific breed of animal housed therein.
  3. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.
  4. Runs shall provide an adequate exercise area and protection from the weather.
  5. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
  6. 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.
  7. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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.

#### **6.16.040      Violations - Permit Revocation**

Whenever the animal control officer or police officer finds or discovers any violations of any rule or regulation promulgated as herein provided by the city-county health department, it shall, upon receipt of such notice, immediately notify the owner or custodian of such kennel, to appear before the city council at a day and time certain to show cause why the permit should not be revoked for such violation.

**6.16.050**      Inspection

It shall be the duty of the animal control officer or police officer to periodically inspect all registered kennels, to see that the provisions of this chapter pertaining to the sanitation and care of such places are being observed.

**6.16.060**      Definition - Exception for Puppies/Kittens

A. Kennel as defined in 6.08.010 shall be applicable to this chapter.

B. This chapter shall not apply to the birth of puppies or kittens in a situation which is not an intentional commercial breeding business so long as the number of dogs or cats is reduced down to two (2) or less within three (3) months from the birth of the puppies or kittens.

**6.16.070**      Penalties

A person whose animal violates any provision of this Chapter is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an animal owner wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Animal violations referred to court are class C misdemeanors. Owners of animals are responsible for the acts of their animals in violation of this chapter, whether handled administratively or through the courts.

**Chapter 6.20**      Chickens

- 6.20.010      Keeping of Chickens
- 6.20.020      Coops and Enclosures Required
- 6.20.030      Food Dispensers
- 6.20.035      Permit Required
- 6.20.040      Violation

**6.20.010**      Keeping of Chickens

Subject to the requirements of this chapter and any other applicable provisions of Title 6, Chapter 1, hen chickens (and no roosters) regardless of age, in the numbers set forth below, may be kept on a lot or parcel of land in any residential zone. The following applies:

- A. The number of hen chickens which may be kept shall be limited based on the size of the lot or parcel as follows:
  - 1. five thousand (5,000) square feet and larger: up to six (6).
  - 2. less than five thousand (5,000) square feet: none.
  
- B. The principal use on the lot or parcel shall be a single family dwelling, duplex (minimum square footage per dwelling unit), or twin home.

- C. Chickens may be kept on a non-nuisance basis strictly for familial gain from the production and consumption of eggs only and there shall be no sale or income resulting from the keeping of chickens.
- D. All enclosures, pens and coops shall be located in the rear yard of the main dwelling or in an interior side yard provided all of the requirements of this chapter are met.
- E. Enclosures, pens, and coops shall not be located in a corner side yard unless the side yard shall be completely fenced using site-obscuring fencing or vegetative screening, so as to prevent sight of such areas from the street or neighboring properties to the greatest degree possible.
- F. Dead birds and unused eggs shall be removed within 24 hours or less and shall be properly discarded.  
(Ord. No. 11-12, Amended 09/04/2012)

**6.20.020      Coops and Enclosures Required**

To keep chickens, an enclosure, including a coop, is required, in accordance with the regulations established in this section.

- A. The coop shall meet the following construction standards:
  - 1. with solid walls on all sides, exclusive of openings for animals and access to animals;
  - 2. with a solid roof;
  - 3. so as to prevent intrusion, including by burrowing, from all types of rodents, vermin, and predatory animals; and
  - 4. such that they resemble typical accessory buildings and are not unsightly.
- B. The coop shall have a minimum floor area of at least two and one-half square feet per chicken.
- C. If chickens are not allowed to roam within an enclosure outside the coop, the coop shall have a minimum floor area of six square feet per chicken.
- D. The coop shall be structurally sound and located in a rear yard at least twenty-five feet from any neighboring residential structures and at least six feet from the primary residential structure on the property. The coop shall meet the minimum setback requirements for accessory structures within the zoning district. The coop and enclosure shall be hidden from the public view through the use of opaque fencing materials or vegetative screening. Because a corner lot technically does not include a rear yard, the owner of a corner lot may choose one of the "side" yards to function as a rear yard for the purposes of keeping chickens and locating the coop.
- E. The rear yard of the residence may act as the enclosure if it is fully fenced by a sight obstructing fence at least six feet in height and anchored on the bottom to prevent chickens from getting out or potential predators from getting in through or under the fence. If the rear yard is not used as an enclosure, the enclosure must be attached to the coop, which may act as one side of the enclosure, and shall be constructed on the other sides and top with mesh wire or other similar materials and in such a manner that the chickens cannot get out, nor potential predators get in. Such an enclosure shall contain a minimum of three square feet per bird.

F. The coop and enclosure shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line. At a minimum the coop and enclosed area shall be cleaned weekly, although waste may be composted so long as the composting area meets the setback requirements that apply to the coop and prevent any odor detectable at the property line.

G. No chicken shall be permitted to roam outside the coop or enclosure.

**6.20.030      Food Dispensers**

Chicken feed shall be stored in rodent- and predator-proof containers. Water shall be available to the chickens at all times.

**6.20.035      Permit Required**

A permit to keep chickens in residential zones pursuant to the terms of this ordinance is required. A person desiring to have chickens shall obtain a permit for the location where the chickens are to be kept. Permits may be obtained from the animal control officer. A permit application shall be accompanied by a drawing showing where, at the desired location, chickens will be kept. The price of the permit shall be established by resolution of the City Council, or in the annual budget.

Two violations of this chapter within a twelve month period shall cause the chicken owner to lose their permit. The permit may be re-instated after one year, if there has been compliance with the animal laws of the City during that time. The animal control officer will notify an owner of a second violation, which notice will require the owner to remove their chickens from the premises and will notify them the date they can again have chickens on the premises, if compliance is met.

**6.20.040      Penalties**

A person whose animal violates any provision of this Chapter is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an animal owner wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Animal violations referred to court are class C misdemeanors. Owners of animals are responsible for the acts of their animals in violation of this chapter, whether handled administratively or through the courts. A second violation within twelve months will be required to be handled through the courts.

**Chapter    6.24      Pot Bellied Pigs**

**6.24.010      Keeping of Pot Bellied Pigs**

**6.24.020      Requirements**

**6.24.030      Permit Required**

**6.24.040      Violation**

**6.24.010      Keeping of Pot Bellied Pigs**

Subject to the requirements of this chapter and any other applicable provisions of Title 6, Chapter 8, one purebred pig commonly known as a Vietnamese, Chinese, or Asian potbellied pig, but no other kind of swine, may kept as a pet within the City. A potbellied pig kept on residential property within the

City shall be kept as a pet for personal enjoyment, and not kept or raised for breeding, sale, or human consumption.

**6.24.020 Requirements**

To keep a potbellied pig in a residential area within the City, the following requirements shall be met:

1. The pig may be no more than twenty-two (22) inches high at the shoulder;
2. The pig may weigh no more than 150 pounds;
3. Any pig over four months of age shall be spayed or neutered;
4. Any pig over four months of age shall be vaccinated by a licensed veterinarian;
5. Any pig allowed to leave the owner's premises shall be on a leash and accompanied by a responsible person.

**6.24.030 Permit Required**

A permit to keep a potbellied pig in residential zones pursuant to the terms of this ordinance is required. A person desiring to have a potbellied pig shall obtain a permit for the location where the pig is to be kept. Permits may be obtained from the animal control officer. A tag, indicating the permit has been issued, is to be attached to a collar, shoulder harness, or other means to be worn by the pig at all times. The price of the permit shall be established by resolution of the City Council, or in the annual budget.

Two violations of this chapter within a twelve month period shall cause the pot-bellied pig owner to lose their license. The license may be re-instated after one year, if there has been compliance with the animal laws of the City during that time. The animal control officer will notify an owner of a second violation, which notice will require the owner to remove their pot-bellied pigs from the premises and will notify them the date they can again have pot-bellied pigs on the premises, if compliance is met.

**6.24.040 Penalties**

A person whose animal violates any provision of this Chapter is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an animal owner wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Animal violations referred to court are class C misdemeanors. Owners of animals are responsible for the acts of their animals in violation of this chapter, whether handled administratively or through the courts. A second violation within twelve months will be required to be handled through the courts.

II.

This ordinance shall become effective on the 1<sup>st</sup> day of March, 2015.

DATED this 3<sup>rd</sup> day of February, 2015



STEVE LEIFSON, Mayor

Attest:

  
Kent R. Clark, City Recorder