

ORDINANCE 19-12

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 5 of the Hyrum City Municipal Code sets forth those regulations and conditions governing Business License including Dog Kennel Licenses; and

WHEREAS, Chapter Title 5 of the Hyrum City Municipal Code includes specific provisions and conditions regulating kennel licenses for 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 CHAPTER 5.20 DOG KENNELS OF THE HYRUM CITY MUNICIPAL CODE TO DEFINE "DOG BOARDING BUSINESS" AND ALLOWING DOG BOARDING BUSINESSES IN THE MANUFACTURING M-2 ZONE, AND SETTING A KENNEL FEE FOR DOG BOARDING BUSINESSES AND OTHER MISCELLANEOUS ITEMS.

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

1. Section 5.20.010 of Title 17 of the Hyrum City Municipal Code is hereby amended to read as follows:

5.20.010 Zoning

Dog kennels will be allowed only in areas designated by the current municipal zoning ordinance and as per 5.20.020. (Ord. 85-05 1 (part): prior code 13-281 (A))

2. Section 5.20.015 of Title 17 of the Hyrum City Municipal Code is hereby added to read as follows:

5.20.015 Definition

Dog Boarding. "Dog boarding" means a business that charges a fee to temporary house and care for dogs. This service is generally provided for dogs while owners are on vacation, at work, etc. Dogs under 24 hours-a-day care are limited to a maximum of 30 days of continuous boarding.

3. Section 5.20.020 of Title 17 of the Hyrum City Municipal Code is hereby amended to read as follows:

5.20.020 Fees

Any person conducting, operating, or maintaining a dog kennel shall pay to the city for the privilege of conducting, operating, or maintaining such dog kennel an annual kennel fee in addition to the individual registration fees for each dog as follows:

Three to five dogs: \$30.00;

Six to twelve dogs: \$100.00;

Thirteen to thirty dogs: \$200.00 - More than twelve dogs will only be allowed as part of an approved commercial dog boarding business in the M-2 zone. Number of dogs allowed, up to thirty, as recommended by Planning Commission and approved by the City Council after review of proposed dog boarding plan. City Council may require yearly review of kennel license.

The annual kennel permit fees may be changed from time to time by resolution of the city council. (Ord. 85-05 1 (part): prior code 13-281 (B), (C))

4. Section 5.20.080 of Title 17 of the Hyrum City Municipal Code is hereby amended to read as follows:

5.20.080 Violation-Penalty-Abatement

Any person who is found guilty of violating any provisions of this chapter, either by failing to conform to the requirements and regulations found herein, or by engaging in a prohibited activity, shall be guilty of ~~a class B misdemeanor.~~ an infraction.

In all instances where the violation of this chapter is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

The city attorney, or county attorney where appropriate, may initiate legal action, civil or criminal, requested by

the poundmaster to abate any condition that exists in violation of these rules and regulations.

In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating any of these regulations shall be liable for all expenses incurred by the poundmaster or his deputy in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation. (Ord. 85-05 ' 1 (part): prior code ' 13-286)

5. 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.

6. 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.

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

8. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 21st day of November, 2019.

HYRUM CITY

BY: _____

Stephanie Miller

Mayor

ATTEST:

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Stephanie Fricke

City Recorder

Posted: _____