

ORDINANCE NO. 2021 - 01

AN ORDINANCE OF HONEYVILLE, UTAH, REVISING AND AMENDING THE CITY CODE; MAKING CERTAIN CHANGES TO SECTIONS OF THE ANIMAL CONTROL ORDINANCE; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.

Section 1. Recitals:

WHEREAS, Honeyville (herein "City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, in conformance with UCA § 10-3-707, the governing body of the city may revise, codify and compile from time to time and to publish in book, pamphlet or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions as it may deem best; and,

WHEREAS, in conformance with Title 10, Section 9a – the Municipal Land Use, Development and Management Act, the governing body of the city may pass ordinances defining zoning and what are acceptable uses within each zone and within the city; and,

WHEREAS, Honeyville has adopted and promulgated city ordinances and rules and have passed animal control measures; and,

WHEREAS, the City Council finds that certain changes and amendments to the Honeyville City Code for Animal Control regarding the animal licensing requirements in Section 5-1-4 should be made; and,

WHEREAS, the City Council finds that the public convenience and necessity, public safety, health and welfare is at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HONEYVILLE, UTAH that Honeyville City Code, Section 5-1-4 Licensing Requirements be, and the same is, changed and amended to read as follows:

Those portions of Section 5-1-4 Licensing Requirements that are amended as shown on the attached Exhibit A.

All other portions of Section 5-1-4 Licensing Requirements shall remain the same.

Section 2. Repealer of Conflicting Enactments:

All orders, ordinances and resolutions with respect to the changes herein enacted and adopted which have heretofore been adopted by the City, or parts thereof, which are in conflict with any of the provisions of this Ordinance, are, to the extent of such conflict, hereby repealed, except that this repeal shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 3. Prior Ordinances and Resolutions:

The body and substance of any and all prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

Section 4 - Savings Clause:

If any provision of this Ordinance shall be held or deemed to be or shall, in fact, be invalid, inoperative or unenforceable for any reason, such reason shall not have the effect of rendering any other provision or provisions hereof invalid, inoperative or unenforceable to any extent whatever, this Ordinance and the provisions of this Ordinance being deemed to be the separate independent and severable act of the City Council of Honeyville.

Section 5. Date of Effect

This Ordinance shall be effective on the ____ day of July, 2021, and after publication or posting as required by law.

DATED this ____ day of July, 2021.

Honeyville City, a municipal corporation

by: _____
Honeyville Mayor

Attested and recorded

Honeyville City Recorder

5-1-4: LICENSING REQUIREMENTS

1. License Required; Fee For License: All dogs which ~~have been weaned or which have attained the age of two (2) months and which~~ are kept, harbored or maintained by any person in the city shall be licensed and registered. The city recorder or animal control officer upon payment of a license fee in such amount as established by resolution of the city council shall issue dog licenses.
2. Kennels:
 1. License Required; Fee For License: Any premises where ~~three (3)~~four (4) or more dogs ~~over the age of four (4) months are owned,~~are kept, harbored or maintained shall be considered to be operating a dog kennel and shall be required to obtain a kennel license and pay an annual kennel license fee in such amount as established by resolution of the city council.
 2. Conditional Use Permit: In order to obtain a kennel license, the owner responsible for such kennel shall first obtain a conditional use permit in accordance with the city's planning and zoning ordinances. The owner shall state at the time application is made for such license, his name and address and the sex, breed and color of each dog owned or kept by him. The license fee shall cover the calendar year in which the license was issued, expiring on December 31 of the year of issuance, regardless of the date when issued.
- ~~3. Exceptions:~~
 - ~~1. Temporary Nonresidents: The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought to the city for the purpose of participating in any dog show.~~
 - ~~2. Specially Trained Dogs: Dogs used as guides for blind persons and commonly known as seeing eye dogs shall be licensed and registered as other dogs hereinabove provided, except that the owner or keeper of such dog shall not be required to pay any fee therefor.~~
4. License Tag:
 1. Issuance: Upon payment of the license fee, the city recorder shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every dog owner, ~~except those operating a kennel,~~ shall provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. It shall be unlawful to deprive a registered dog of its collar and/or tag.
 2. Duplicate Tag: In case a dog tag is lost or destroyed, a duplicate will be issued by the city recorder upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a fee in such amount as established by resolution of the city council.
 3. Tag Not Transferable Or Refundable: Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner leaving the city before expiration of the license period.