

ORDINANCE 4-2021
HUNTINGTON CITY

AN ORDINANCE AMMENDING TITLE 5 CHAPTER 2 OF THE
HUNTINGTON CITY CODE CONCERNING ANIMAL CONTROL

WHEREAS, the public interest will best be served by having a clear and concise understanding of Animal Control regulations of Huntington City,

WHEREAS, the Huntington City Council finds that it is desirable to promote the health, safety, and welfare of the residents of Huntington City and to promote and maintain property values in the city.

NOW, THEREFORE, be it ordained by the City Council of Huntington City; Title 5 Chapter 2 Animal Control, will be amended as follows:

1. In Section 5-2-1, DEFINITIONS, add the definition of EXCESSIVE NOISE/NUISANCE BARKING to read:

EXCESSIVE NOISE/NUISANCE BARKING: Noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more person's occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept. Factors that the Animal Control Officer may use to determine whether the excessive noise/nuisance barking is excessive may include, but are not limited to the following:

- A. The nature, frequency and volume of the noise, tone and repetitiveness. Continuously barking for 10 minutes or intermittently for 30 minutes in a three-hour period.
- B. The time of day or night.
- C. The distance from the complaining or affected party or parties.
- D. The number of neighbors affected by or complaining about the noise.
- E. Any other relevant evidence demonstrating the barking is unduly disruptive; and whether the dog is being provoked.

2. In Section 5-2-1, DEFINITIONS, add G. to the definition of PUBLIC NUISANCE OR NUISANCE ANIMALS to read:

PUBLIC NUISANCE OR
NUISANCE ANIMALS:

Any animal or animals which:

- A. Molests passersby or passing vehicles by chasing, biting, growling, jumping on, bumping, attacking or threatening to attack the same; provided, however, that mere barking from a distance of ten feet (10') or greater shall not be considered molesting.

- B. Attacks other animals.
- C. Trespasses on school grounds.
- D. Is found at large more than once in a 6-month period (other than cats).
- E. Damages private or public property (including scattering garbage from garbage cans and depositing excreta on such property).
- F. Barks, whines or howls in an excessive or continuously as reported by two (2) or more witnesses; or as is set forth in Title 5-6-2(E).
- G. Animals shall not be allowed in City Parks or any City event; with the exception of "service animals" as defined by Section 5b-102, Utah Code and as defined in U.S.C.12102 of the Americans with Disabilities Act of 1990.
- H. It shall be unlawful for any person to permit any dog or dogs under his or her charge, care, custody or control to emit any excessive noise or excessive barking after the Animal Control Officer has issued a written notice.

3. In Section 5-2-1, DEFINITIONS, amend the definition of KENNEL to read as follows:

KENNEL: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, or any premises used in the keeping of four (4) or more dogs over six (6) months old.

4. In Section 5-2-1, DEFINITIONS, add the definition of KENNEL LICENSE to read as follows:

KENNEL LICENSE: A Kennel license will be required for any premises used in the keeping of four (4) or more dogs over six (6) months old and any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs. Kennel license fees will be established by resolution of the City Council.

5. In Section 5-2-1, DEFINITIONS, add the definition of SERVICE ANIMAL to read:

SERVICE ANIMAL As defined in Utah Code 62A-5b-102 and as defined in U.S.C.12102 of the Americans with Disabilities Act of 1990. "Service Animal" includes any dog that:

- A. Is trained, or is in training, to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.
- B. Performs work or tasks, or is in training to perform work or tasks, that are directly related to the individual's disability, including:

- (1). Assisting an individual who is blind or has low vision with navigation or other tasks.
 - (2). Alerting an individual who is deaf or hard of hearing to the presence of people or sounds.
- C. "Service Animal" does not include:
 - (1). An animal other than a dog, whether wild or domestic, trained or untrained; or
 - (2). An animal used solely to provide:
 - (a). A crime deterrent;
 - (b). Emotional support;
 - (c). Well-being;
 - (d). Comfort or companionship

6. Amend Section 5-2-2: A. to read as follows:

5-2-2: ANIMAL CONTROL OFFICER:

- A. Duties: The following duties shall be imposed on the animal control officer:
 - 1. The Animal Control Officer shall see that all dogs and dog kennels in the incorporated areas of the city be required to have a license or permit and shall comply with this chapter.
 - 2. The Animal Control Officer shall collect the dead carcasses of all domesticated animals from the streets and other public places in the city and deliver them to a place designated by the city council.
 - 3. The Animal Control Officer shall keep a register showing the breed, sex and color of each animal impounded and date and reason for such impounding and the disposition of the animal.
 - 4. The Animal Control Officer shall perform all duties incumbent on him under Utah Code Annotated section 4-25-1 et seq., the Utah agricultural code, as amended; provided, that any contracts with the state department of agriculture shall be approved by the city council prior to becoming effective.

7. Add E. to 5-2-2: to read the following:

- E. The following duties shall not be imposed on the animal control officer:
 - 1. The Animal Control Officer is not responsible and shall not remove dead animals from private property.
 - 2. The Animal Control Officer will not collect or remove dead carcasses of livestock or wild game from public or private property.

8. Amend Section 5-2-3: to read as follows:

5-2-3: DOG LICENSING REQUIREMENTS:

- A. License Required: Any person owning, keeping, harboring or having custody of any dog over six (6) months within the city must obtain a license as herein provided. Anyone owning 4 or more dogs whether spayed, neutered, altered or intact will be required to obtain a kennel license.
- B. Application For License:
1. Filing; Contents: Written application for license shall be made to the Huntington City Office Staff. Said application shall include the name and address of the applicant, phone number, description of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or rabies clinic.
 2. Time for Filing: Application for a license must be made within thirty (30) days after obtaining a dog over six (6) months of age.
- C. Term Of License:
1. If not revoked, licenses for the keeping of dogs shall be for a period of up to one year.
 2. The licensing period shall begin with the calendar year and shall run for one year. Application for a renewal license may be made thirty (30) days before, and up to sixty (60) days after, the start of the calendar year.
- D. License Fees:
1. Fees Established: A license shall be issued after payment of the applicable fee. Fees will be established by resolution of the city council
 2. Duplicate License; Fee: A duplicate license may be obtained upon payment of the fee established by resolution of the city council.
- E. Tag And Collar:
1. Issuance of Tag: Upon acceptance of the license application and fee, the Huntington City Office Staff shall issue a durable tag stamped with an identifying number. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.
 2. Tags Required on Dogs: Dogs must wear identification tags or collars at all times when off the premises of the owners.
 3. Record of Tags Maintained:-The Huntington City Office Staff shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.
- F. Failure To Obtain License; Fine: Persons who fail to obtain a license as required within the time period specified in this section will be subject to a fine established by resolution of the city council.
- G. Using License for Another Animal: No person may use any license for any animal other than the animal for which it was issued.
- H. Citation For Unlicensed Dog; Fine: If a citation for an unlicensed dog is issued, the fine will be established by resolution of the city council, with a reduction allowable only for the amount of the license fee, if said license has been obtained before court appearance. If a license has not been obtained, the license fee shall be in addition to the fine, and a license must be obtained within seven (7) days of court appearance.

9. Amend Section 5-2-4: G. to read:

G. Kennels For Breeding; Licensing of Dogs and Cats: Persons operating kennels for the breeding of dogs or cats must obtain a kennel license.

10. Amend Section 5-2-7 to read as follows:

5-2-7 IMPOUNDMENT AND VIOLATION; NOTICE:

A. Right To Impound: Unrestrained dogs and nuisance animals shall be impounded and taken by the animal control officer, who therefore, gives custody of the animal to the county animal shelter.

B. Notification Of Owner: If by license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall, immediately upon impoundment, notify the owner by telephone, mail or personal contact.

C. Impound Fees: An owner reclaiming an impounded dog shall pay Huntington City a fee established by resolution of the city council. Impounded animals shall be reclaimed at the Emery County Animal shelter, after showing proof of impound fee payment provided by Huntington City.

D. Issuance Of Citation: In addition to, or in lieu of, impounding an animal found at large, the animal control officer or the sheriff's office may issue to the known owner of such animal a citation for ordinance violation.

E. Livestock and Wild Game Excepted: Livestock and Wild Game shall not be governed by this chapter to the extent they are under the regulation and control of the State Department of Agriculture or fall under provisions of the Utah Department of Wild Life Resources.

11. Amend Section 5-2-11 to read as follows:

5-2-11: REMOVAL OF ANIMAL WASTE:

The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal on public walks, recreation areas or private property.

12. Remove Section 5-2-12: STERILATION OF DOGS AND CATS

13. Renumber 5-2-13 ISOLATION OF BITING ANIMALS: To be 5-2-12 ISOLATION OF BITING ANIMALS

14. Renumber 5-2-14 PENALTY: To be 5-2-13 PENALTY

BE IT FURTHER RESOLVED, this ordinance shall become effective immediately upon adoption and replaces any resolution in conflict therewith.

PASSED AND APPROVED this 15 day of September, 2021.

HUNTINGTON CITY

(SEAL)

ATTEST:

Mayor, Leonard Norton

Jenene Hansen, City Recorder

COUNCIL MEMBERS

David Emery AYE _____ NAY _____

Tom Kay AYE _____ NAY _____

Jerry Livingston AYE _____ NAY _____

Lesa Miller AYE _____ NAY _____

Gloria Wilson AYE _____ NAY _____