

**HARRISVILLE CITY  
ORDINANCE NO. 422**

**ANIMALS AND FOWL REVISED**

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, AMENDING THE LAND USE ORDINANCE RELATING TO THE KEEPING OF ANIMALS AND FOWL IN CERTAIN RESIDENTIAL ZONES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Harrisville City is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables municipalities to regulate land use and development;

**WHEREAS**, after publication of the required notice the planning commission held its public hearing on June 9, 2010, to take public comment on this proposed Ordinance, and subsequently gave its recommendation to approve this Ordinance;

**WHEREAS**, the city council received the recommendation from the planning commission and held its public meeting on July 13, 2010, and desires to act on this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of Harrisville City as follows:

**Section 1. Repealer.** This Ordinance repeals any word, phrase, or sentence of the municipal code that conflicts with this Ordinance and vacates reference to the same.

**Section 2. Amendment.** The following sections are hereby amended to read as follows:

**11.10.020. Special regulations.**

4. Animals for family food production means the following:
  - a. Animals kept for the use of the owner for the purpose for food or to be sold to others to be used for food are classified into three groups, "large animals" includes cows, bison, llama and pigs; "medium animals" includes sheep, goats, and pot belly pigs; and "small animals" includes rabbits, chickens, geese, ducks, turkeys, pheasants, and a single beehive not exceeding three (3) feet in height counts as one small animal. Pigeon keeping is exclusively governed by the Animal Welfare Act of 2002 and the American Union for Pigeons National Rules and Regulations. For matters involving an animal that is not specifically identified in this part, said animal may be designated as "large", "medium" or "small" by the city's land use authority.
  - b. For the appropriate applicable setback for structures housing animals and other animal regulations refer to the chapter governing Regulations Applicable to More than One Zone.

5. Points allotted for each type of animals is as follows:
  - a. Large animals = 10 points required for each of this type of animal.
  - b. Medium Animals = 5 points required for each of this type of animal.
  - c. Small Animals = 1 point required for each of this type of animal.
6. Lot size requirements by parcel and zone based upon the points allotted for each type of animal are as follows:
  - a. A-1 = 10 points for the first 25,000 square feet of pasture/open space, 1 point for each additional 2,000 square feet up to five (5) acres. The number of animals allowed on parcels over five (5) acres is governed by standards of sound agricultural practice.
  - b. R-1-20 = 8 points for the first 20,000 square feet, 1 point for each additional 2,000 square feet up to five (5) acres.
  - c. RE-15 = 6 points for the first 15,000 square feet, 1 point for each additional 2,000 square feet up to five (5) acres.
  - d. R-1-10 = 4 points for the first 10,000 square feet, 1 point for each additional 3,000 square feet up to five (5) acres.
  - e. R-1-6 = 2 points for the first 6,000 square feet, 1 point for each additional 3,000 square feet up to five (5) acres.
7. Special regulations applicable to all animals is as follows:
  - a. Owners shall keep animals in such a manner so as to prevent them from reaching onto adjacent property and eating trees and shrubs.
  - b. Owners shall take necessary measures to prevent animals from creating obnoxious or offensive odor and noise, or otherwise create a nuisance affecting the buildings or property of others.
  - c. Roosters are prohibited in R-1-6 and R-1-10 zones.
  - d. Owners shall keep animals in structures that:
    - i. Allow each adult animal adequate living space.
    - ii. Store feed in a manner which prevents rodent infestation or harborage.
    - iii. Maintain animal structures in a clean, sanitary, and orderly condition and kept in good repair.
    - iv. Maintain animals in a healthy, disease-free condition. Those with communicable diseases shall be properly isolated.
    - v. Dispose of dead animals, manure, and all other animal related waste or products as provided by state and local law.

**11.20.110. Animals and fowl.**

1. Setbacks. The following setbacks apply to animals:
  - a. Small animals. Small animal enclosures shall follow the setback standards of an accessory building in the zone where it is located.
  - b. Medium animals. Medium animal enclosures shall follow the setback standards of an accessory building in the zone where it is located, except such enclosures shall be located at least five (5) feet from any property line.
  - c. Large animals. Large animal enclosures shall be kept or maintained at least forty (40) feet from any dwelling and not closer than seventy-five (75) feet from any dwelling on an adjacent lot. Any barn, stable, coop, pen, or other enclosure for housing or keeping animals or fowl shall be kept, constructed, or maintained no less than one-hundred (100) feet from a public street and no less than fifteen (15) feet from any lot line, excluding

pastures and corrals.

- d. Exemption. This part does not apply to the keeping of dogs and cats, nor does it apply to beekeeping.
- 2. Restrictions on Residential Structure. No kennel, cattery, pet shop, or similar facility or business shall be permitted within or attached to any residential structure, or structure used for residential purposes.
- 3. Dog and Cats. All enclosures for the keeping of a dog or cat shall be located in the rear or side yard. Such enclosures shall be set-back five (5) feet from any property line, and shall be either seventy-five (75) feet from any dwelling on an adjacent lot or in the rear one third (1/3) of the rear yard at least three (3) feet from the rear property line, whichever is most feasible.
- 4. Beekeeping. A beehive located in a residential zone shall be kept in the rear yard and set back three (3) feet from the property line. Beehives shall be kept in the rear yard in the A-1 zone where practicable if a home exists on the same parcel and shall be set back one (1) foot from the property line.

**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 4: Effective date.** This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this 10 day of August, 2010.

*Richard Hendrix*  
RICHARD HENDRIX, Mayor

ATTEST:

*Jennifer Maxwell*  
City Recorder

Roll call vote is as follows:		
Mr. Allen	<input checked="" type="radio"/>	no
Mr. Crowther	<input checked="" type="radio"/>	no
Ms. Fowers	<input checked="" type="radio"/>	no
Mr. Richins	<input checked="" type="radio"/>	no
Mr. Wilhelmsen	<input checked="" type="radio"/>	no

RECORDED this 12 day of August, 2010.  
PUBLISHED OR POSTED this 19 day of August, 2010

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) 2150 North and 3) The Cabin on the above referenced dates.

*Jennifer Maxwell* DATE: 8-19-10  
City Recorder  
Harrisville City

