

ORDINANCE NO. 09-01-2012

AN ORDINANCE AMENDING THE CITY ANIMAL REGULATIONS, CODIFICATION, AND INCLUSION IN THE CODE; ALSO PROVIDING FOR THE CORRECTION OF SCRIVENER'S ERRORS, SEVERABILITY, A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City Council has been given specific authority in Utah Code Annotated, Title 10, Chapter 9a. to adopt land use and subdivision ordinances to regulate the erection, construction, reconstruction, alteration, repair and uses of buildings and structures and the uses of land, which are reasonably and appropriately related to the objectives of providing for the public safety, health, morals, and welfare; and

WHEREAS, Santaquin City has adopted land use regulations in accordance with Utah State Code, Annotated 1953, as amended, Section 10-9a; and

WHEREAS, one of the goals of the General Plan is, "to provide for residential areas in Santaquin that support and complement the unique rural quality and characteristics of the city" including "existing agricultural and animal rights"; and

WHEREAS, a request has been made to amend Santaquin City Code, Title 10 of the Revised Ordinances of Santaquin City to allow animal rights for the enjoyment of city residents while protecting the rights of adjoining property owners and ensuring the peaceful enjoyment of their property ownership; and

WHEREAS, the Santaquin City Planning Commission discussed the proposal at various public meetings held on February 23, 2012; March 8, 2012; and April 12, 2012 and conducted a public hearing on the amendment on May 3, 2012, after which they forwarded a positive recommendation to the City Council for the amendment; and

WHEREAS, the aforementioned public hearing was preceded by the posting of public notice in at least three public places within the City limits of Santaquin City, and which notice of public hearing was published in the Payson Chronicle Newspaper in accordance with Section 10-9a-205 of the Utah State Code; and

WHEREAS, the Santaquin City Council discussed the proposal at various public meetings held on June 20, 2012 and August 15, 2012; and

WHEREAS, procedures have been established by the Land Development Code and Utah Code Ann. where appeals can be heard and decided if it is alleged that there is legislative or administrative error or where a special exception or variance to the ordinance is required.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Santaquin City, State of Utah, as follows:

Section I.

Title 10-2-2 (Definitions) is amended as follows: (underlined text is added, stricken text is deleted)

10-2-2: TERMS DEFINED:

CORRAL: A fenced enclosure, other than a building, used for the confinement of animals or livestock, usually without pasture grass growing on it. The primary source of feed is provided from sources other than grazing or herbage growing on the site.

FARM ANIMALS: Animals other than household pets that may, where permitted, be kept and maintained for commercial production and sale and/or for family food production, education or recreation. Farm animals are identified by two categories, Animals and Fowl. These categories are broken down as follows:

- Large Animals, e.g., horses and cattle;
- Medium Animals, e.g., sheep, goats, llamas; or
- Small Animals, e.g., rabbits, chinchillas;
- Large Fowl, e.g., ostrich, emu, turkey;
- Medium Fowl, e.g. ducks and geese;
- Chickens; or
- Small Fowl, e.g., pigeons, pheasants, finches, and doves.
~~chickens, turkeys, pheasants, geese, ducks and pigeons.~~

HOUSEHOLD PET: A domesticated animal that is traditionally kept in the home for pleasure, such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle, and which are normally stocked and available at State licensed pet stores.

~~LIVESTOCK: The horses, cattle, sheep, and other useful animals kept or raised on a farm or ranch for use and/or profit. This definition does not include household pets which may also be present on a farm.~~

~~LIVESTOCK CORRAL: A place or pen where livestock are kept on a seasonal basis as part of an agricultural operation as distinguished from a feedlot.~~

PASTURE: An fenced area enclosure for animals in which no harvested feed is provided, except that which the animals obtain by grazing as a primary source. the grass product available on the site is the primary source of feed and in which livestock are kept in a loosely controlled environment as opposed to being kept in a pen, corral, or stable.

PEN: An enclosed area typically having less than 500 square feet and intended for occupancy by 1-2 animals.

STABLE, PRIVATE: A detached accessory building for the keeping of animals belonging to or used by the property owner or lessee and not for rent or for the stabling of the same for profit.

STABLE, COMMERCIAL: A rentable building for the keeping or stabling of livestock by persons not owning or leasing the property on which the building is located.

Section II.

The Animal Rights Ordinance is amended as follows:

1. Section 10-18-8 is amended as follows: (underlined text is added, stricken text is deleted)

10-18-8: RIGHTS GRANTED BY THIS CHAPTER:

~~A. Lots of Less Than Twelve Thousand Five Hundred Square Feet: Lots of less than twelve thousand five hundred (12,500) square feet shall not contain animal rights as outlined in this chapter. Lots containing animal rights which are legally nonconforming, or which hereby become legally nonconforming, with regards to property size or the presence of animal rights shall maintain those rights here from in the nature of which they were permitted, unless abandoned or discontinued as provided in section 10-18-3 of this chapter.~~

~~B. Lots of Twelve Thousand Five Hundred Square Feet or More: Lots containing twelve thousand five hundred (12,500) square feet or more shall maintain animal rights in all zones. These rights are not subject to forfeiture, abandonment or discontinuance except as outlined in section 10-18-15 of this chapter, or as determined by a court of competent jurisdiction. The rights granted according to this overlay are the pasturing, care, and keeping of domesticated animals (excepting hogs, or other closely related animals) for exclusive use and enjoyment of the residing family.~~

A. Legal Nonconforming Animal Rights. Lots containing animal rights which are legally nonconforming, or which hereby become legally nonconforming, with regards to property size or the presence of animal rights shall maintain those rights herefrom in the nature of which they were permitted, unless abandoned or discontinued as provided in section 10-18-3 of this chapter.

B. General Rights Granted. The rights granted according to this overlay are the pasturing, care, and keeping of domesticated animals (excepting hogs, or other closely related animals) for exclusive use and enjoyment of the residing family. These rights are not subject to forfeiture, abandonment or discontinuance except as outlined in section 10-18-15 of this chapter, the City's Animal Control provisions, or as determined by a court of competent jurisdiction.

C. Household Pets. Small animals and fowl may be kept as household pets in all zones subject to the following conditions:

1. Animals or fowl must be kept in pens, or otherwise secured, unless housed within the dwelling unit.
2. No more than three cats and two dogs per Animal Control Provisions of the same species shall be kept, excluding dependent young under 6 months of age.
3. In no case shall there be more than four small animals or fowl kept as household pets.
4. All pens, coops, and structures shall be kept clean and free from objectionable odor.

D. Farm Animals.

1. Lots of less than Fourteen Thousand Three Hundred Seventy Five square feet (14,375) or one-third (1/3) acre shall not contain animal rights as outlined in this chapter.

2. Lots with Fourteen Thousand Three Hundred Seventy Five square feet (14,375) or one-third (1/3) acre or more shall maintain animal rights in all zones in accordance with the number of animals allowed per paragraph D3 below. However, multi-family dwellings shall be prohibited from having farm animals or fowl on property.

3. Number of Farm Animals Allowed. The number of farm animals or fowl permitted shall be governed by the following schedule except that dependent young may be kept in addition to the following numbers.

Farm Animals		Points	Fowl		Points
Large: Pastured	Horse	100	Large:	Ostrich Emu Turkey	10
Large: Stabled, Corralled or Penned	Horse	30	Medium:	Ducks Geese	5
Medium:	Sheep Goat Llama	10	<u>Household Fowl Permitted in all zones</u>		
Small:	Chinchilla Rabbits	2.5	Chickens:		5
			Small:	Pigeons Pheasants Finches Doves	2
<u>Agricultural Zones Only</u>		<u>Points</u>	<u>Agricultural Zones Only</u>		<u>Points</u>
Pigs		200	Rooster		20
Mink		5			
Cows		50			

- a. Each property is allowed 100 points for farm animals and another 100 points for fowl per acre. Points for farm animals and fowl are given on a prorated basis starting at 1/3 acre. (e.g. 1/2 acre (50 points), 2/3 acre (66 points), 1 Acre (100 points) 1 1/3 acre (133 points, etc.))
- b. Any combination of large, medium and small animals shall be permitted on any lot 1/3 acre or larger as long as the point total is not greater than allotted for that lot size.
- c. Animals shall be considered "pastured" if no humanly constructed animal shelter is provided or supplementary feed provided during the growing season.
- d. One large farm animal may be kept per pastured acre with no more than 1 large farm animal per 1/3 acre if stabled.
- e. Three medium farm animals may be kept per 1/3 acre.

- f. Small farm animals shall be considered household pets, unless their numbers exceed more than 4 of any one type of animal on any lot, of which a larger amount may be allowed based on the prorated size of the lot and the points allotted for small farm animals over 1/3 acre.
- g. Large and medium fowl are only permitted on lots 1/3 acre or larger and on a prorated amount based on lot size and points allotted for each fowl type.
- h. Chickens will not be considered as household pets or farm animals. Chickens will be allowed on any residential lot based on the prorated size of the lot and the points allotted for chickens. 1 acre is allotted 100 points.
- i. Small fowl or birds will not be considered as household pets or farm animals. Small birds will be allowed on any residential lot based on the prorated size of the lot and the points allotted for small fowl. There is a maximum limit of 50 small fowl per lot.
- j. A minimum of 2 acres is required for each pig and any associated pens or enclosures must be located at least an additional 20 feet further than required setbacks from neighboring dwellings and properties. Pigs, roosters, cows and mink are only allowed in agriculture zones of the City and based on the allotted points for each animal.

E. Temporary Animal Care

1. Parcels for single family dwelling uses, where persons are engaged in projects involving temporary animal care through state recognized schools or clubs (e.g. 4H, FFA) are temporarily exempt from the minimum parcel size requirement during such pursuits. Size and number of animals allowed shall be in accordance with paragraph D3A. All other standards pertaining to enclosure locations and nuisance regulations shall still apply.

2. If an education sponsored project includes a large farm animal (e.g. hogs, horses, cows, llamas, etc. being kept on a parcel intended for or occupied by a single family dwelling, the person raising such animals must notify all occupied households within 200 feet of the project property prior to commencing project. Such notice must include:

- a. a description of the project duration and animals involved,
- b. the club or education group for which the project is being conducted,
- c. contact information for the education club or program advisor, and,
- d. contact information for the project participant and their responsible parent or guardian where applicable
- e. contact information for the Santaquin City Community Development

3. Applicant must first contact Community Development prior to commencing project with applicable information. Temporary animal care for education sponsored projects may not exceed 10 months. The animal must be removed at the end of the school year. The permit may be renewed annually. A maximum of 2 animals from table D3 per permit.

2. Section 10-18-9 is amended as follows: (underlined text is added, stricken text is deleted)

10-18-9: STRUCTURES:

- A. Animal stables shall have a minimum of 150 square feet of floor area per large farm animal. Other structures, including barns, pens, stables, coops, feeding areas, and corrals, shall be constructed adequately and of sufficient nature to accommodate the total number of animals to be located on the property. All such construction shall be properly inspected and approved by the city building official in accordance to this code.
- B. No barns, pens, stables, shelters, feeding bins, or water bins ~~or corrals~~ shall be constructed closer than forty feet (40') from any existing dwelling.
- C. No barns, pens, stables, shelters, feeding bins, water bins or corrals shall be constructed closer than thirty feet (30') from any public street. Corrals and pasture areas larger than 1 acre may be adjacent to a public street except as indicated in the fencing standards below.
- D. Structures shall not be constructed closer than thirty feet (30') to any open waterway that drains into a natural stream.
- E. All coops or hutches must be in the rear yard of the primary residence and ten feet (10') from any property line.

3. Section 10-18-10 is amended as follows: (underlined text is added, stricken text is deleted)

10-18-10: ~~LOCATION OF BARN:~~ FENCING STANDARDS:

~~No barns, pens, stables, coops, or corrals shall be constructed closer than forty feet (40') from any existing dwelling or public street.~~

Any fencing utilized for the corralling, penning, or holding of animals, including household pets, shall be of sufficient durability, strength, and design so as to prevent any encroachment or damage by such contained animals upon adjacent properties. Fencing shall be setback a minimum of five (5') when fronting a sidewalk. Animal fencing which consists of electrical barriers or barbed strands may not be used except where customary for agricultural animal retention.

4. Section 10-18-11 is amended as follows: (underlined text is added, stricken text is deleted)

10-18-11: DRAINAGE:

~~Structures shall not be constructed closer than thirty feet (30') to any open waterway that drains into a natural stream. Surface drainage from corrals or coops shall not be permitted to drain into a waterway that drains into a natural stream, onto roads, or adjoining property.~~

Animal waste runoff from paddocks, stables, pasture, or other enclosures must be contained by the animal owner so not to contaminate residential water resources, public right of ways, adjacent property, nor drain into a waterway, including irrigation ditches, that drain into a natural stream, onto roads, or to adjoining property.

Section III. Codification, Inclusion in the Code, and Scrivener's Errors

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word ordinance may be changed to section, chapter, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished, sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do no affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

Section IV. Severability

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

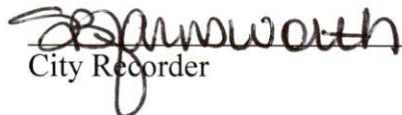
Section V. Effective Date

The City Recorder shall deposit a copy of this ordinance in the official records of the City on September 6, 2012, and before 5:00 p.m. on that same day, shall place a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on September 6, 2012.

PASSED AND APPROVED this 5th day of September 2012.

ATTEST:


James E. DeGraffenried, Mayor


City Recorder

Councilmember Keith Broadhead	Voted <u>Aye</u>
Councilmember Matt Carr	Voted <u>Aye</u>
Councilmember James F. Linford	Voted <u>Aye</u>
Councilmember Kirk Hunsaker	Voted <u>Aye</u>
Councilmember Rick Steele	Voted <u>Aye</u>

Santaquin City Animal Rights

Title 10-2-2

Select Definitions for Animal Rights

10-2-2: TERMS DEFINED:

The following terms, as defined, shall apply as such throughout this title:

ACCESSORY BUILDING: An incidental, subordinate building customarily subordinate to and located upon the same lot occupied by the main use or building, including detached garages.

ACCESSORY USE: A use conducted on the same lot as the primary use to which it is related or a use which is clearly incidental to and customarily found in connection with such primary use.

AGRIBUSINESS: Agriculturally related businesses that supply farm inputs (such as fertilizer or equipment) or are involved in the marketing of farm products (such as warehouses, processors, wholesalers, transporters, and retailers). Agribusiness does not include a farm.

AGRICULTURE: The growing of soil crops in a customary manner in the open or within greenhouses. It shall also include livestock raising activities with the exception of feedlots. Agriculture shall not include retailing of products on the premises.

AGRICULTURE BUILDING: All buildings, other than dwellings, which are incidental to a farming operation including, but not limited to, buildings for the storage of materials, equipment, machinery with associated parts, or the keeping of livestock, other farm animals and necessary feed. This does not include buildings for the processing of crops for consumption as may be associated with an agribusiness.

AGRICULTURE PROTECTION AREA: A geographic area created and granted the specific legal protections under the authority of Utah Code Annotated (1953, as amended) title 17, chapter 41, agriculture protection area, and this title.

BOARDING FACILITY: A private or commercially operated series of stables, barns, paddocks, and/or other shelters and exercising facilities in which large or medium farm animals are fed, exercised and/or cared for on a short or long term basis for a fee. This definition does not include kennels.

BUILDING: Any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.

Accessory Building: A subordinate building, the use of which is incidental to that of the main building. See definition of Dwelling, Accessory Apartment.

Building Line: A line designating the minimum distance which buildings must be set back from a street or lot line.

Main Building: One or more principal buildings upon a lot.

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CONDITIONAL USE: A use which requires approval of the planning commission prior to the issuance of a permit for construction or commencement of use. A use which requires individual consideration of surrounding conditions and circumstances prior to approval. Approval by the planning commission may be given with conditions.

CORRAL: A fenced enclosure, other than a building, used for the confinement of animals or livestock, usually without pasture grass growing on it. The primary source of feed is provided from sources other than grazing or herbage growing on the site.

FAMILY FARM: A farm that: a) is operated by a person who owns or leases and resides on the property (the operator); b) has a substantial amount of labor provided by the operator and the operator's family; and c) may use seasonal labor during peak periods and a reasonable amount of full time hired labor.

FARM ANIMALS: Animals other than household pets that may, where permitted, be kept and maintained for commercial production and sale and/or for family food production, education or recreation. Farm animals are identified by two categories, **Animals and Fowl**. These categories are broken down as follows:

- Large Animals, e.g., horses and cattle;
 - Medium Animals, e.g., sheep, goats, llamas; or
 - Small Animals, e.g., rabbits, chinchillas;
 - Large Fowl, e.g., ostrich, emu, turkey;
 - Medium Fowl, e.g. ducks and geese;
 - Chickens; or
 - Small Fowl, e.g., pigeons, pheasants, finches, and doves.
- ~~chickens, turkeys, pheasants, geese, ducks and pigeons.~~

FARMS: Any place that has, or has the potential to produce, one thousand dollars (\$1,000.00) or more in annual gross sales of farm products via cultivating of soil, managing croplands, producing and harvesting crops, and/or raising or breeding of livestock.

FEEDLOT: A lot or building or combination of lots and buildings that are used for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of this definition, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures or corrals and shelters on small farms shall not be considered animal feedlots under these rules. Manure storage areas off the site of the feedlot will be considered as a feedlot. This definition does not include slaughterhouses.

HOME OCCUPATION: An occupation or business activity conducted within a dwelling or on the premises of a residential property which is clearly secondary in importance to the dwelling as a home or place to live and carried on by persons residing in the dwelling. Home occupation shall not be construed to mean a family farm or an employee, working in his/her home in the service of an employer whose principal place of business is licensed at another location (e.g.,

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telecommuters). For purposes of this title, home occupation does not include the agricultural operations of family farms.

HOUSEHOLD PET: A domesticated animal that is traditionally kept in the home for pleasure, such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle, **and which are normally stocked and available at a State licensed pet stores.**

KENNEL: Any lot, building, structure, enclosure, or premises whereupon or wherein three (3) or more dogs, over four (4) months of age are kept or maintained for the purpose(s) of boarding, breeding, buying, grooming, selling, letting for hire, or training for a fee.

~~LIVESTOCK: The horses, cattle, sheep, and other useful animals kept or raised on a farm or ranch for use and/or profit. This definition does not include household pets which may also be present on a farm.~~

~~LIVESTOCK CORRAL: A place or pen where livestock are kept on a seasonal basis as part of an agricultural operation as distinguished from a feedlot.~~

NONCONFORMING USE: A use of premises which does not conform to the regulation of this title, but which was in existence on the effective date hereof.

PASTURE: ~~An fenced area enclosure for animals in which no harvested feed is provided, except that which the animals obtain by grazing as a primary source.~~ the grass product available on the site is the primary source of feed and in which livestock are kept in a loosely controlled environment as opposed to being kept in a pen, corral, or stable.

PEN: An enclosed area typically having less than 500 square feet and intended for occupancy by 1-2 animals.

SETBACK: The minimum distance allowed between the property line and the foundation, wall, or main frame of the building.

SLAUGHTERHOUSE: A building or place where animals are butchered for food and may or may not be processed and/or packaged for sale and consumption off premises. This does not include those buildings or places in which a farm owner or household may butcher animals for self-consumption.

STABLE, PRIVATE: A detached accessory building for the keeping of animals belonging to or used by the property owner or lessee and not for rent or for the stabling of the same for profit.

STABLE, COMMERCIAL: A rentable building for the keeping or stabling of livestock by persons not owning or leasing the property on which the building is located.

VETERINARY HOSPITAL, LARGE ANIMAL: A facility where veterinary medicine, including the medical or surgical treatment of large animals (i.e., livestock) by licensed professionals occurs. These facilities may also provide veterinary medicine on small animals.

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VETERINARY HOSPITAL, SMALL ANIMAL: A facility where veterinary medicine, including the medical or surgical treatment of small animals (e.g., household pets) by licensed professionals occurs.

Title 10 Chapter 18 Animal Rights

10-18-1: OBJECTIVES AND CHARACTERISTICS:

The purpose of this chapter is to provide animal rights for the enjoyment of city residents while protecting the rights of adjoining property owners and ensuring the peaceful enjoyment of their property ownership. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

10-18-2: SCOPE:

This overlay regulates animal rights in all zones in Santaquin. (Ord. 11-02-2003, 11-19-2003, eff. 11-20-2003)

10-18-3: EXISTING RIGHTS:

Existing nonconforming animal rights shall remain valid until such time as the rights are abandoned for twelve (12) consecutive months. If and when this occurs, the rights associated with such properties are removed and the property is again subject to the provisions of this chapter. (Ord. 11-02-2003, 11-19-2003, eff. 11-20-2003)

10-18-4: LEASH LAW:

(Rep. by Ord. 08-01-2007, 8-15-2007, eff. 8-16-2007)

10-18-5: NUISANCE:

Any animal which does any of the following shall be deemed a nuisance:

- A. Causes damage to property.
- B. Causes unreasonable fouling of the air by odors.
- C. Is vicious or wild.
- D. Makes disturbing noises excessively.
- E. Molests, bites, or attacks other animals or people.
- F. Is sick due to neglect, abuse, or similar condition. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

10-18-6: MITIGATION OF NUISANCE:

In addition to any of the remedies and/or penalties provided in this code, a duly authorized agent of the city may take any of the following actions as deemed appropriate under existing conditions:

- A. Summarily abate such nuisance.
- B. Impound.
- C. Reduce or eliminate the nuisance as necessary. (Ord. 08-01-2007, 8-15-2007, eff. 8-16-2007)

10-18-7: CARE, CLEANLINESS, AND IMMUNIZATIONS:

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(Rep. by Ord. 08-01-2007, 8-15-2007, eff. 8-16-2007)

10-18-8: RIGHTS GRANTED BY THIS CHAPTER:

- A. Legal Nonconforming Animal Rights. Lots containing animal rights which are legally nonconforming, or which hereby become legally nonconforming, with regards to property size or the presence of animal rights shall maintain those rights herefrom in the nature of which they were permitted, unless abandoned or discontinued as provided in section 10-18-3 of this chapter.
- B. General Rights Granted. The rights granted according to this overlay are the pasturing, care, and keeping of domesticated animals (excepting hogs, or other closely related animals) for exclusive use and enjoyment of the residing family. These rights are not subject to forfeiture, abandonment or discontinuance except as outlined in section 10-18-15 of this chapter, the City's Animal Control provisions, or as determined by a court of competent jurisdiction.
- C. Household Pets. Small animals and fowl may be kept as household pets in all zones subject to the following conditions:
1. Animals or fowl must be kept in pens, or otherwise secured, unless housed within the dwelling unit.
 2. No more than three cats and two dogs per Animal Control Provisions of the same species shall be kept, excluding dependent young under 6 months of age.
 3. In no case shall there be more than four small animals or fowl kept as household pets.
 4. All pens, coops, and structures shall be kept clean and free from objectionable odor.
 - ~~5. Animals or fowl allowed shall be those species normally stocked and available at a State licensed pet store.~~
- D. Farm Animals.
1. Lots of less than Fourteen Thousand Three Hundred Seventy Five square feet (14,375) or one-third (1/3) acre shall not contain animal rights as outlined in this chapter.
 2. Lots with Fourteen Thousand Three Hundred Seventy Five square feet (14,375) or one-third (1/3) acre or more shall maintain animal rights in all zones in accordance with the number of animals allowed per paragraph D3 below. However, multi-family dwellings shall be prohibited from having farm animals or fowl on property.
 3. Number of Farm Animals Allowed. The number of farm animals or fowl permitted shall be governed by the following schedule except that dependent young may be kept in addition to the following numbers.

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Farm Animals		Points
Large: Pastured	Horse	100
Large: Stabled, Corralled or Penned	Horse	30
Medium:	Sheep Goat Llama	10
Small:	Chinchilla Rabbits	2.5
Agricultural Zones Only		Points
Pigs		200
Mink		5
Cows		50

Fowl		Points
Large:	Ostrich Emu Turkey	10
Medium:	Ducks Geese	5
Household Fowl Permitted in all zones		
Chickens:		5
Small:	Pigeons Pheasants Finches Doves	2
Agricultural Zones Only		Points
Rooster		20

- a. Each property is allowed 100 points for farm animals and another 100 points for fowl per acre. Points for farm animals and fowl are given on a prorated basis starting at 1/3 acre. (e.g. 1/2 acre (50 points), 2/3 acre (66 points), 1 Acre (100 points) 1 1/3 acre (133 points, etc.))
- b. Any combination of large, medium and small animals shall be permitted on any lot 1/3 acre or larger as long as the point total is not greater than allotted for that lot size.
- c. Animals shall be considered “pastured” if no humanly constructed animal shelter is provided or supplementary feed provided during the growing season.
- d. One large farm animal may be kept per pastured acre with no more than 1 large farm animal per 1/3 acre if stabled.
- e. Three medium farm animals may be kept per 1/3 acre.
- f. Small farm animals shall be considered household pets, unless their numbers exceed more than 4 of any one type of animal on any lot, of which a larger amount may be allowed based on the prorated size of the lot and the points allotted for small farm animals over 1/3 acre.
- g. Large and medium fowl are only permitted on lots 1/3 acre or larger and on a prorated amount based on lot size and points allotted for each fowl type.
- h. Chickens will not be considered as household pets or farm animals. Chickens will be allowed on any residential lot based on the prorated size of the lot and the points allotted for chickens. 1 acre is allotted 100 points.

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- i. Small fowl or birds will not be considered as household pets or farm animals. Small birds will be allowed on any residential lot based on the prorated size of the lot and the points allotted for small fowl. There is a maximum limit of 50 small fowl per lot.
- j. A minimum of 2 acres is required for each pig and any associated pens or enclosures must be located at least an additional 20 feet further than required setbacks from neighboring dwellings and properties. Pigs, roosters, cows and mink are only allowed in agriculture zones of the City and based on the allotted points for each animal.

E. Temporary Animal Care

1. Parcels for single family dwelling uses, where persons are engaged in projects involving temporary animal care through state recognized schools or clubs (e.g. 4H, FFA) are temporarily exempt from the minimum parcel size requirement during such pursuits. Size and number of animals allowed shall be in accordance with paragraph D3A. All other standards pertaining to enclosure locations and nuisance regulations shall still apply.
2. If an education sponsored project includes a large farm animal (e.g. hogs, horses, cows, llamas, etc. being kept on a parcel intended for or occupied by a single family dwelling, the person raising such animals must notify all occupied households within 200 feet of the project property prior to commencing project. Such notice must include:
 - a. a description of the project duration and animals involved,
 - b. the club or education group for which the project is being conducted,
 - c. contact information for the education club or program advisor, and,
 - d. contact information for the project participant and their responsible parent or guardian where applicable
 - e. contact information for the Santaquin City Community Development
3. Applicant must first contact Community Development prior to commencing project with applicable information. Temporary animal care for education sponsored projects may not exceed 10 months. The animal must be removed at the end of the school year. The permit may be renewed annually. A maximum of 2 animals from table D3 per permit.

~~A. Lots of Less Than Twelve Thousand Five Hundred Square Feet: Lots of less than twelve thousand five hundred (12,500) square feet shall not contain animal rights as outlined in this chapter. Lots containing animal rights which are legally nonconforming, or which hereby become legally nonconforming, with regards to property size or the presence of animal rights shall maintain those rights here from in the nature of which they were permitted, unless abandoned or discontinued as provided in section 10-18-3 of this chapter.~~

~~B. Lots of Twelve Thousand Five Hundred Square Feet or More: Lots containing twelve thousand five hundred (12,500) square feet or more shall maintain animal rights in all zones. These rights are not subject to forfeiture, abandonment or discontinuance except as outlined in section 10-18-15 of this chapter, or as determined by a court of competent jurisdiction. The rights granted according to this overlay are the pasturing, care, and keeping of domesticated~~

EXHIBIT A

animals (excepting hogs, or other closely related animals) for exclusive use and enjoyment of the residing family. (Ord. 11-02-2003, 11-19-2003, eff. 11-20-2003)

10-18-9: STRUCTURES:

- A. Animal stables shall have a minimum of 150 square feet of floor area per large farm animal. Other structures, including barns, pens, stables, coops, feeding areas, and corrals, shall be constructed adequately and of sufficient nature to accommodate the total number of animals to be located on the property. All such construction shall be properly inspected and approved by the city building official in accordance to this code. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)
- B. No barns, pens, stables, shelters, feeding bins, or water bins ~~or corrals~~ shall be constructed closer than forty feet (40') from any existing dwelling.
- C. No barns, pens, stables, shelters, feeding bins, water bins or corrals shall be constructed closer than thirty feet (30') from any public street. Corrals and pasture areas larger than 1 acre may be adjacent to a public street except as indicated in the fencing standards below
- D. Structures shall not be constructed closer than thirty feet (30') to any open waterway that drains into a natural stream.
- E. All coops or hutches must be in the rear yard of the primary residence and ten feet (10') from any property line.

10-18-10: LOCATION OF BARNs:

No barns, pens, stables, coops, or corrals shall be constructed closer than forty feet (40') from any existing dwelling or public street. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

10-18-10: FENCING STANDARDS:

Any fencing utilized for the corralling, penning, or holding of animals, including household pets, shall be of sufficient durability, strength, and design so as to prevent any encroachment or damage by such contained animals upon adjacent properties. Fencing shall be setback a minimum of five (5') when fronting a sidewalk. Animal fencing which consists of electrical barriers or barbed strands may not be used except where customary for agricultural animal retention.

10-18-11: DRAINAGE:

Animal waste runoff from paddocks, stables, pasture, or other enclosures must be contained by the animal owner so not to contaminate residential water resources, public right of ways, adjacent property, nor drain into a waterway, including irrigation ditches, that drain into a natural stream, onto roads, or to adjoining property.

Structures shall not be constructed closer than thirty feet (30') to any open waterway that drains into a natural stream. Surface drainage from corrals or coops shall not be permitted to drain into a waterway that drains into a natural stream, onto roads, or adjoining property. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

EXHIBIT A

10-18-12: KENNELS:

A. Objectives of Kennels: The purpose of this section is to provide guidelines and regulations to govern the occurrence of kennels within the city. (Ord. 11-02-2003, 11-19-2003, eff. 11-20-2003)

B. Inspections, Fees, Permits, and Revocations:

1. Duly authorized agents of the city may inspect animal habitats and restraints to ensure compliance with this overlay.
2. Kennels may not operate without first obtaining a city business license, and all necessary permits, approved by the city council.
3. License fees shall be established by resolution of the city council.
4. Violation of any provision of this overlay shall result in immediate suspension of license and permits, as applicable, and the city council shall consider action to revoke such license and permits. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

10-18-13: FORBIDDEN USES:

A. The following animals are not permitted in any applicable zone: (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

1. No "vicious animal", as such is defined in this code, shall be kept or possessed in any nonagricultural zone, however, this subsection shall not apply to any animal kept or possessed in the city as part of any rodeo, circus, etc., for less than ten (10) days. (Ord. 08-01-2007, 8-15-2007, eff. 8-16-2007)

B. Processing and rendering, unless specifically permitted within the applicable zoning classification, are not permitted. (Ord. 11-02-2003, 11-19-2003, eff. 11-20-2003)

10-18-14: RESTRAINTS:

(Rep. by Ord. 08-01-2007, 8-15-2007, eff. 8-16-2007)

10-18-15: PENALTY:

A. Misdemeanor: Any person violating any provision of this overlay may be charged with a class B misdemeanor and upon conviction thereof shall be punished by a fine as stipulated in the Utah state code, by imprisonment as stipulated in the Utah state code, or by both such fine and imprisonment. Each day that said violation is not mitigated will be considered a separate violation.

B. Impounding: Duly authorized agents of the city may indefinitely impound animals which are nuisances or which have been treated cruelly. Owners shall be liable for any impounding and/or capture fees. (Ord. 2-01-2002, 2-5-2002, eff. 2-5-2002)

C. Loss Of Privilege: Any and all of the rights conferred on the owners of property by this chapter shall be forfeited upon the third conviction and/or violation of: 1) any provision of this chapter; or 2) any violation of title 5 of this code; within any twelve (12) month period. A forfeiture of right pursuant to this section shall not run with the property. (Ord. 08-01-2007, 8-15-2007, eff. 8-16-2007)