

ORDINANCE NO. 15-01

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on November 11, 2015; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code;

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

AN ORDINANCE AMENDING THE SMITHFIELD CITY ANIMAL REGULATIONS, TITLE 6: 6.04.010 "DEFINITIONS" AND ZONING REGULATIONS, TITLE 17: 17.04.070: "DEFINITIONS"; 17.32.100 "SPECIAL PROVISIONS FOR KENNEL/CATTERY CONDITIONAL USE"

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

1. The following sections shall be amended as indicated. Those portions which are struck out shall be deleted and those that are highlighted shall be added.

6.04.010 DEFINITIONS

ANIMAL SHELTER: A facility designated or recognized by Smithfield City for the ~~purpose of impounding and caring for domestic animals.~~ purposes of: impounding, caring or other temporary housing needs for domestic animals.

CATTERY: any lot, building, structure, enclosure or pen meant to contain five (5) or more cats over the age of four (4) months are kept for any purpose including, but not limited to: boarding, breeding, buying, grooming, training for fee, selling or animal shelter and regulated by a conditional use permit.

COMPANION ANIMAL: an animal kept for pleasure rather than for utility. It shall have the same definition as Utah Code Ann. 76-9-30`1(c). (Any animal that is a domestic canine or a domestic cat).

~~**KENNEL/CATTERY:** An establishment of three (3) or more dogs or five (5) or more cats and regulated by a "conditional use permit".~~

KENNEL: any lot, building, structure, enclosure or pen meant to contain three (3) or more dogs over the age of four (4) months are kept for any purpose including but not limited to: boarding, breeding, buying, grooming, training for fee, selling or animal shelter and regulated by a conditional use permit.

17.04.070 DEFINITIONS

ANIMAL SHELTER: A facility designated or recognized by Smithfield City for the purposes of: impounding, caring or other temporary housing needs for domestic animals.

CATTERY: any lot, building, structure, enclosure or pen meant to contain five (5) or more cats over the age of four (4) months are kept for any purpose including, but not limited to: boarding, breeding, buying, grooming, training for fee, selling or animal shelter and regulated by a conditional use permit.

COMPANION ANIMAL: an animal kept for pleasure rather than for utility. It shall have the same definition as Utah Code Ann. 76-9-30`1)(c). (Any animal that is a domestic canine or a domestic cat).

~~KENNEL/CATTERY, COMMERCIAL: The keeping of three (3) or more dogs or five (5) or more cats for a fee.~~

~~KENNEL/CATTERY, NONCOMMERCIAL: An establishment of three (3) or more dogs or five (5) or more cats and regulated by a "conditional use permit"~~

KENNEL: any lot, building, structure, enclosure or pen meant to contain three (3) or more dogs over the age of four (4) months are kept for any purpose including but not limited to: boarding, breeding, buying, grooming, training for fee, selling or animal shelter and regulated by a conditional use permit.

17.32.100 SPECIAL PROVISIONS FOR KENNEL/CATTERY AND COMPANION ANIMAL(S) CONDITIONAL USE PERMITS

- A. In considering each application for a conditional use permit relating to a kennel/cattery and companion animal(s), a land use authority appointed by the city council, other than the planning commission, may issue an original conditional use permit if each of the following conditions are satisfied:
1. The size of the kennel does not exceed four (4) dogs. The size of the cattery does not exceed five (5) or more cats.
 2. The size of lot involved is greater than ten thousand (10,000) square feet.
 - ~~3. The breed of one or more of the dogs to be contained in the kennel is not: pit bull, Rottweiler, German shepherd, husky, Alaskan malamute, Doberman pinscher or wolf hybrid.~~
- B. In considering each application for a conditional use permit relating to a kennel/cattery and companion animal(s), the designated land use authority shall proceed as required in this subsection, and in imposing such regulations and conditions as are necessary to protect the public welfare in this regard, the designated land use authority shall consider, among other things, the zone in which the conditional use is proposed, the size of lot involved, the proximity of a proposed fixed dog run to neighbors, the proposed size of the fixed dog run, its placement on the property and the proposed number of dogs or cats. Together with anything else stated in an approved permit, each permit shall clearly state the maximum number of dogs or cats to be allowed.
- C. Conditional use permits for a kennel and companion animal establishment(s) may be issued only if a fixed dog run is provided for the dogs on a lot that is not fenced. ~~The following breeds: pit bull, Rottweiler, German shepherd, husky, Alaskan malamute and Doberman pinscher or wolf hybrid.~~
- D. All kennel/cattery and companion animal conditional use permits shall run with the property identified on the application and be valid in the name of the applicant only.

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the ordinance as a whole, or any other part thereof.
3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.
4. This ordinance shall become effective after the required public hearings and upon the posting of three (3) copies at three (3) public places within the corporate limits of Smithfield or by notice on the Smithfield City official website as a substitute for physical posting of notice at three physical locations.

THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above referred to.

Approved and signed this 9th day of November, 2016.

SMITHFIELD CITY CORPORATION

Darrell G. Simmons, Mayor

ATTEST:

Justin B. Lewis, City Recorder