

1 **Ordinance No. 09-2022**

2
3 AN ORDINANCE AMENDING PROVIDENCE CITY CODE 5-1-22(B) PUBLIC NUISANCES PROHIBITED
4 & 5-1-29 LOUD OR OFFENSIVE ANIMALS, PENALTY

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6 WHEREAS UCA § 10-3-701 states, "except as otherwise specifically provided, the governing body
7 of each municipality shall exercise its legislative power through ordinances." And

8
9 WHEREAS, Providence City has ordinances in place for the regulation and control of animals
10 with the purpose of regulating, controlling, and protecting animals existing within Providence
11 City, and

12
13 WHEREAS, the City Council desires to comply with House Bill 202 (HB202) which changed animal
14 control laws so as that "a municipality may not impose a criminal penalty greater than an
15 infraction for a violation pertaining to an individual's pet...".

16
17 WHEREAS, PCC 5-1-22(B) AND 5-1-29: currently reads:

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19 *5-1-22(B) - A violation of this subsection shall be a Class C misdemeanor, subject to
20 penalty as provided in Section 1-4-1 of this Code, and such is hereby declared to be a
21 nuisance. Each day a violation is permitted to exist or continue, shall constitute a
22 separate offense.*

23
24 *5-1-29 - No person shall own, keep, or harbor any dog which by loud, continued, or
25 frequent barking, howling, yelping, or by noxious or offensive odors shall annoy, disturb,
26 or endanger the health and welfare of any person or neighborhood. A violation of this
27 subsection shall be a Class C misdemeanor, subject to penalty as provided in Section 1-4-
28 1 of this Code, and such is hereby declared to be a nuisance, and each day a violation is
29 permitted to exist or continue shall constitute a separate offense. The owner of a dog or
30 dogs found in violation of the provisions of this section 5.1 on five (5) or more separate
31 occasions may be required by the court to permanently remove the dog or dogs from the
32 premises. This subsection shall not apply to the City pound, veterinary hospitals, or
33 medical laboratories.*

34
35 WHEREAS, City staff recommends per HB202 the following amendments:

36
37 *5-1-22(B) - A violation of this subsection shall be a Class C misdemeanor infraction,
38 subject to penalty as provided in Section 1-4-1 of this Code, and such is hereby declared
39 to be a nuisance. Each day a violation is permitted to exist or continue, shall constitute a
40 separate offense.*

41
42 *5-1-29 - No person shall own, keep, or harbor any dog which by loud, continued, or
43 frequent barking, howling, yelping, or by noxious or offensive odors shall annoy, disturb,
44 or endanger the health and welfare of any person or neighborhood. A violation of this
45 subsection shall be a Class C misdemeanor, infraction, subject to penalty as provided in
46 Section 1-4-1 of this Code, and such is hereby declared to be a nuisance, and each day a
47 violation is permitted to exist or continue shall constitute a separate offense. The owner
48 of a dog or dogs found in violation of the provisions of this section 5.1 on five (5) or more*

1 *separate occasions may be required by the court to permanently remove the dog or dogs*
2 *from the premises. This subsection shall not apply to the City pound, veterinary hospitals,*
3 *or medical laboratories.*
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6 THEREFORE be it ordained by the Providence City Council

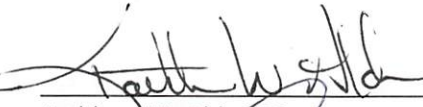
- 7 • The forementioned and stated code amendment shall be approved
- 8 • This ordinance shall become effective immediately upon passage and posting or 30 days
- 9 after final passage, whichever is closer to the date of final passage.

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11 Passed by vote of the Providence City Council this 16th day of Nov. 2022.

12
13 Council Vote:

14 Nebeker, Jeff	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
15 Kirk, Carrie	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
16 Paulsen, Joshua	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
17 Sealy, Jeanell	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
18 Speth, Brent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

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20
21 Providence City

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25 Kathleen W. Alder, Mayor

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28 Attest:

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31 Tyler Cameron, Recorder
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