

**ORDINANCE NO. 2018-08-34**

**AN ORDINANCE AMENDING SECTION 6.04.180 OF THE AMERICAN FORK MUNICIPAL CODE RELATING TO DISTURBING THE PEACE CAUSED BY NUISANCE ANIMALS.**

WHEREAS, the City of American Fork desires to promote uniform enforcement of its ordinance governing the noise caused by nuisance animals which disturb the public's peace and tranquility; and

WHEREAS, Utah Code § 10-8-84(1) grants the City of American Fork the power "to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants."

NOW THEREFORE BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF AMERICAN FORK CITY, UTAH, THAT SECTION 6.04.180 OF THE MUNICIPAL CODE BE REPEALED AND REPLACED AS FOLLOWS:

**6.04.180. Disturbing the Peace Prohibited.**

- A. "Animal" means any livestock, domesticated animal, or pet.
- B. Any owner or person having charge, care, custody, or control of an animal which disturbs the peace, as defined below, shall be in violation of this Section and subject to the penalties provided herein.
- C. Any animal which disturbs the peace is deemed a nuisance animal.
- D. Animals disturb the peace by:
  - 1. Making disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, crowing, or other noise which causes unreasonable annoyance, disturbance, or discomfort to neighbors or others; or
  - 2. Causing damage to property of anyone other than the owner; or
  - 3. Defecating on any public or private property without the consent of owner, unless the animal's custodian promptly removes the animal waste to a proper trash receptacle.
- D. A violation of this Section is punishable by a Class "C" misdemeanor with penalties provided under state law.

**SEVERABILITY.** If any provision or clause of this Chapter or its application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or

applications which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this chapter are declared to be severable.

**EFFECTIVE DATE.** This ordinance shall take effect immediately upon its passage and publication as prescribed by law.

Passed by the American Fork City Council this 28 day of August, 2018.

  
BRADLEY J. FROST  
Mayor

ATTEST:

  
TERILYN LURKER  
Recorder

