

# Box Elder County Land Use Management & Development Code

## Article 5: Regulations of General Applicability

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### **Chapter 5-8 – Kennels**

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#### **5-8-010. Purpose.**

The purpose of this chapter is to establish and set forth rules and regulations pertaining to the keeping of dogs and cats within the county. It is in the best interest of the county and its residents to establish certain rules and regulations concerning the rights and responsibilities of persons within the county having dogs and cats. The purposes of the kennel standards of this code are to:

- A. Allow opportunities for property owners to board, keep, breed, buy, groom, let for hire, train for profit, or sell dogs or cats to provide social, mental, or personal support for county residents.
- B. Preserve the character of the county, in accordance with the General Plan, by providing standards governing kennels and their establishment.
- C. To establish clear standards for the humane keeping of dogs and cats in Box Elder County.
- D. To promote and protect the public health, safety and general welfare of Box Elder County residents.

#### **5-8-020. General Regulations.**

- A. Except as provided in this Code, no kennel shall be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the regulations herein specified.
- B. All kennels hereafter erected in Box Elder County shall comply with the current standards of this chapter, and all other codes and ordinances adopted by Box Elder County.
- C. All kennels shall be maintained in good condition.
- D. No owner may engage in the operation of any kennel for profit without a valid County business license.
- E. All kennel owners or custodians having custody of dogs shall exercise proper care and control of his or her dog(s) in order to prevent them from becoming a nuisance. It shall be unlawful for any kennel owner or custodian to keep a nuisance dog.

A dog shall be deemed to be a nuisance if the dog:

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1. Causes damage to the property of anyone other than its owner or custodian;
2. Causes unreasonable fouling of the air by odors;
3. Causes unsanitary conditions in its being or habitat;
4. Has a communicable disease that could affect other dogs, animals, or humans;
5. Is in heat and uncontrolled;
6. Makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other noise which causes unreasonable annoyance, disturbance, or discomfort to neighbors or others, that occurs between the hours of 10:00 p.m. and 7:00 a.m., or occurs non-stop for thirty minutes or more, regardless of time of day;
7. Chases vehicles, people, or livestock;
8. Is a dog which on more than one occasion has been documented for being at large or its owner or custodian has been convicted for the dog being at large;
9. Is found by a court to be a public nuisance under state law;
10. Repeatedly molests or intimidates neighbors, pedestrians, or passersby by lunging at fences, chasing, or acting aggressively towards such person or persons unless provoked by such person or persons.
11. On more than one occasion, bites a human or animal, or kills another animal unprovoked; and
12. Cannot be effectively controlled by its owner or custodian while the dog is on public property or private property without permission of the property owner.

### **5-8-030. Definitions.**

**Adult Cat:** Any cat six (6) months of age or older.

**Adult Dog:** Any dog six (6) months of age or older.

**Commercial Kennel:** An establishment having eleven (11) or more adult dogs or adult cats for the purpose of boarding, breeding, buying, grooming, letting for hire, training for profit, or selling.

**Dog Run:** Any enclosed area (by fencing or solid structure) designed for the secure containment and exercise of any off-leash dog(s).

**Home-Based Kennel:** An establishment having five (5) but not more than ten (10) adult dogs or adult cats for the purpose of boarding, keeping, breeding, buying, grooming, letting for hire, training for profit, or selling.

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**Owner:** Any person who alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, executor or trustee) has legal or equitable title to any property.

### **5-8-040. Conditional Use Permit and/or Site Plan Required.**

A kennel meeting the regulations and standards, as specified in this chapter, may be allowed in any unzoned areas and zoned areas as set forth in the use tables after approval of a conditional use permit (§2-2-100) and/or site plan (§2-2-120).

### **5-8-050. Development Standards.**

- A. **Kennel Location.** Before a permit can be issued, the following location standards must be met:
1. The location where the dogs or cats are kept, raised, housed or boarded must be at least two hundred feet (200') away from any neighboring house; and
  2. Must be at least one hundred fifty feet (150') from any road right-of-way line.
- B. **Minimum Standards.** The following minimum standards shall be met to obtain and maintain a kennel permit:
1. Adequate ventilation shall be maintained and an appropriate temperature provided as required by the specific breed of animal housed therein.
  2. Each animal enclosure shall have sufficient space for the animal to stand up, lie down and turn around without touching the sides or tops.
  3. Dog runs shall provide an adequate exercise area and protection from the weather. A securely fenced backyard is acceptable as a dog run.
  4. All animal kennels and dog runs are to be kept clean, dry and in a sanitary condition. Animal waste is to be disposed of properly.
  5. Food shall be free of contamination, palatable and of sufficient nutritive value as to meet the normal daily requirements for the condition and size of the animal.
  6. Fresh water is to be available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.
  7. Animals will be kept in an insulated, enclosed building between the hours of 10 PM and 6 AM.
  8. Only one (1) kennel may be created per lot or parcel.
  9. The minimum lot size required for construction of a kennel in all zones where permitted shall be 1 acre.
  10. The design and size of the kennel shall conform to all standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes.
  11. All kennels shall have a posted sign which will include the kennel name and operating contact number. Signs shall be no larger than six (6) square feet in size.
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12. The Land Use Authority may place other appropriate or more stringent conditions deemed necessary in approving kennels as per the standards found in Section 2-2-100, Conditional Use Permit and/or Section 2-2-120, Site Plan Review.

### **5-8-060. Inspections and Enforcement.**

**Inspections.** Prior to the issuance of a conditional use permit and/or site plan, the Zoning Administrator of Box Elder County shall meet with the proposed kennel owner and inspect the proposed kennel to ensure that all required improvements meet the provisions of this chapter, the conditions of the conditional use permit, and/or site plan.

**Enforcement.** Upon receipt of a complaint or to ensure compliance with this chapter, the Zoning Administrator may investigate reported violations of this chapter and regulations, including failure to obtain a conditional use permit and/or site plan as a kennel operator, as required under this chapter and impose any enforcement action pursuant to Chapter 2-4 (Enforcement) of the Box Elder County Land Use Management and Development Code.