



Supreme Court of Utah.

Kate **GREENWOOD** and Andrew **Greenwood**, personally, and Ralph **Greenwood**, both personally and as president and members of American Dog Breeders' Association, Inc., Plaintiffs and Appellants,

v.

CITY OF **NORTH SALT LAKE**, an incorporated municipality, Defendant and Appellee.

No. 890355.

Sept. 10, 1991.

Owners and breeders of American pit bull terriers brought action challenging constitutionality of city animal control ordinance. The District Court, Davis County, [Rodney S. Page](#), J., upheld ordinance, and plaintiffs appealed. The Supreme Court, [Stewart](#), J., held that: (1) ordinance was not unconstitutionally vague as applied to plaintiffs, and (2) ordinance did not violate equal protection.

Affirmed.

West Headnotes

[11](#) Appeal and Error [30](#) [842\(2\)](#)

[30](#) Appeal and Error

[30XVI](#) Review

[30XVI\(A\)](#) Scope, Standards, and Extent, in General

[30k838](#) Questions Considered

[30k842](#) Review Dependent on Whether Questions Are of Law or of Fact

[30k842\(2\)](#) k. Findings of Fact and Conclusions of Law. [Most Cited Cases](#)

Supreme Court reviews trial court's rulings for correctness, giving no deference to its conclusions of law. [Rules Civ.Proc., Rule 52\(a\)](#).

[12](#) Appeal and Error [30](#) [1008.1\(5\)](#)

[30](#) Appeal and Error

[30XVI](#) Review

[30XVI\(I\)](#) Questions of Fact, Verdicts, and Findings

[30XVI\(I\)3](#) Findings of Court

[30k1008](#) Conclusiveness in General

[30k1008.1](#) In General

[30k1008.1\(5\)](#) k. Clearly Erroneous Findings. [Most Cited Cases](#)

Supreme Court will not set aside trial court's findings of fact unless those findings are clearly erroneous. [Rules Civ.Proc., Rule 52\(a\)](#).

[13](#) Constitutional Law [92](#) [1030](#)

[92](#) Constitutional Law

[92VI](#) Enforcement of Constitutional Provisions

[92VI\(C\)](#) Determination of Constitutional Questions

[92VI\(C\)4](#) Burden of Proof

[92k1030](#) k. In General. [Most Cited Cases](#)

(Formerly 92k48(1))

[Municipal Corporations 268](#) [122.1\(2\)](#)

[268](#) Municipal Corporations

[268IV](#) Proceedings of Council or Other Governing Body

[268IV\(B\)](#) Ordinances and By-Laws in General

[268k122.1](#) Evidence

[268k122.1\(2\)](#) k. Presumptions and Burden of Proof. [Most Cited Cases](#)

(Formerly 268k122(2))

Because legislative enactments are presumed to be constitutional, those who challenge statute or ordinance as unconstitutional bear burden of demonstrating its unconstitutionality.

[14](#) Criminal Law [110](#) [13.1](#)

[110](#) Criminal Law

[110I](#) Nature and Elements of Crime

[110k12](#) Statutory Provisions

[110k13.1](#) k. Certainty and Definiteness. [Most Cited Cases](#)

(Formerly 110k13.1(1))