

ORDINANCE NO.

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING SUBSECTION 13-2-2.B PERTAINING TO LICENSING PROVISIONS; AMENDING SUBSECTION 13-2-6.F PERTAINING TO LIABILITY FOR UNLAWFUL ATTACKS; AMENDING SUBSECTION 13-2-8.C INCREASING THE INSURANCE REQUIREMENT FOR DANGEROUS DOGS; ADOPTING SECTION 13-2-11 TO ENACT ADDITIONAL REGULATIONS FOR PIT BULLS MAINTAINED IN THE CITY, AND TO ENACT A GRANDFATHER CLAUSE; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

The Council of Ogden City hereby ordains:

SECTION 1. Subsection amended. Subsection 13-2-2.B of the Ogden Municipal

Code is hereby amended to read and provide as follows:

- B. **[Application; Forms:]** The owner shall state at the time application is made for such license, and upon printed forms provided for such purpose, the owner's name, ~~[and]~~ address and telephone number,~~[and]~~ the name, breed, color, sex and age of each dog, ferret or cat owned or kept, and the address where such animal is usually kept if different from the address of the owner. The owner shall provide written proof that the owner is at least eighteen (18) years of age, or at least sixty (60) years of age, if applying for a discount. The provisions of this section are not to apply to dogs or cats whose owners are temporarily within the city, nor to dogs or cats brought into the city for the purpose of participating in any dog or cat show, nor to commercial kennels or catteries licensed as a business within the city. However, any dog or cat residing on the premises of a commercial kennel or cattery must be individually licensed by the owner of the kennel, unless the animal is being temporarily housed or boarded.

SECTION 2. Subsection amended. Subsection 13-2-6.F of the Ogden Municipal

Code is hereby amended to read and provide as follows:

13-2-6: [RESTRAINT; RULES AND REGULATIONS:]

- F. **[Unlawful Attacks:]** The owner, keeper, or harbinger of any animal that ~~[It shall be unlawful for any animal to]~~ attacks, bites, chases, or threatens any person,

any domestic animal or any species of wildlife, shall be guilty of a class B misdemeanor.

SECTION 3. Subsection amended. Subsection 13-2-8.C of the Ogden Municipal Code is hereby amended to read and provide as follows:

13-2-8: [DANGEROUS DOGS:]

C. [Registration:]

1. Required: It is unlawful for an owner to have a dangerous dog within the limits of the city without a certificate of registration issued by the animal services manager. This action shall not apply to dogs used by law enforcement officials for police work.
2. Requirements: A dangerous dog shall not be registered by the animal services manager unless the owner shall meet the following requirements:
 - a. The owner shall, on or prior to the effective date of such registration, have an enclosure, as described in subsection D1 of this section, for the dangerous dog on the property where the dangerous dog will be kept or maintained.
 - b. The owner shall display a sign on the premises warning that there is a dangerous or vicious dog on the premises. The sign shall be clearly visible and capable of being read from the closest public thoroughfare or highway. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog.
 - c. The owner shall, at his own expense, have the licensing number assigned by the city to such dangerous dog permanently tattooed upon the dog by a licensed veterinarian or person trained by profession as a tattooist. The tattoo shall be placed on the upper left rear thigh of the dog. The animal services manager may otherwise designate the particular location of the tattoo.
 - d. The owner shall at all times cause the dangerous dog to wear a collar with a tag of a color and type designated by the animal services manager so that the dog is readily identifiable as a dangerous dog.
 - e. The owner shall, at his own expense, have the dangerous dog spayed or neutered by a licensed veterinarian.
 - f. The owner shall sign a statement attesting that:

- (1) The owner shall abide by the requirements of registration and the ordinances as they pertain to the control of dangerous dogs within the limits of the city;
 - (2) The owner or keeper shall notify the division immediately if a dangerous dog is on the loose, is unconfined, or has attacked another animal or a human being. If the dangerous dog has died, been sold or given away, the owner or keeper shall notify the animal services manager by the end of the next business day and shall also provide the division with name, address and telephone number of the new owner of the dangerous dog;
 - (3) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by subsection C2i of this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the dangerous dog prior to expiration of such license; and
 - (4) The owner shall agree to inspection of the premises in order to ensure compliance with the ordinance controlling dangerous dogs.
- g. The owner shall pay an annual registration fee as specified in subsection 13-2-3C7 of this chapter. Said fee shall be over and above regular license fees.
 - h. Any dangerous animal must be implanted with microchip identification at the owner's expense as a requirement of registration or relocation.
 - i. The owner or keeper shall present to the division proof that the owner or keeper has procured liability insurance in the amount of at least ~~twenty-five~~ fifty thousand dollars (~~[\$25,000.00]~~ \$50,000.00), covering any damage or injury that may be caused by such dangerous dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the city to be named as an additional insured for the sole purpose that the city shall be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy. Such proof of insurance shall be in such form as approved by the city's risk manager or city attorney.
3. Inspections And Seizure; Authority: The animal services manager is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions regarding dangerous dogs, including inspection of premises in which a dangerous dog is kept, and any animal control officer or peace officer is hereby authorized to seize and impound any dangerous dog whose owner fails to comply with the provisions hereof.
 4. Minors; Parent Responsible: If the actual owner of the dangerous dog is under the age of eighteen (18), the parent or guardian of that minor shall be responsible for compliance with requirements of this chapter regarding registration and control of dangerous dogs.

SECTION 4. Section adopted. Section 13-2-11 of the Ogden Municipal Code is

hereby adopted to read and provide as follows:

13-2-11: [PIT BULL TERRIERS:]

A. [Definitions:]

PIT BULL TERRIER: "Pit bull terrier," or "pit bull," as used in this section, means any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, "Red Nose" Pit, "Blue Nose" Pit, or any dog of mixed breed displaying the majority of physical traits of any one (1) or more of the above breeds; any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds; or any dog identifiable as having those traits and or characteristics by a licensed veterinarian, Ogden City Animal Control officer, or other knowledgeable person whose identification is deemed credible by Ogden City Animal Control Services. The standards for the above breeds are available from the Ogden City Animal Control Services office. Excepted from this definition is any dog with proof by written certification or written notice from a veterinarian licensed in the state of Utah that the dog does not contain in its lineage any American Pit Bull Terrier, American Staffordshire Terrier, or Staffordshire Bull Terrier.

B. [Requirements for Pit Bull Terriers:]

1. The owner of a pit bull, or the owner of the premises on which the pit bull is usually kept, shall obtain and maintain liability insurance in the amount of twenty-five thousand dollars (\$25,000.00), proof of which shall be furnished to the City at the time of licensing.
2. In the event the pit bull is usually kept on premises owned by someone other than the owner of the pit bull, the owner of the pit bull must obtain written permission from the landlord or property owner to keep the pit bull on such premises, which shall be filed with the City at the time of licensing.
3. The owner, keeper, or harbinger of a pit bull shall agree to inspection of the pit bull and the premises where such pit bull is being kept to ensure compliance with this section.
4. The owner, keeper, or harbinger of a pit bull shall notify the division immediately if such dog is loose, is unconfined, or has attacked another animal or a human being. If the pit bull has died, been sold or given away, the owner shall notify the division by the end of the next business day and shall also provide the division with the name, address and telephone number of the new owner of the pit bull.
5. A pit bull shall be implanted with microchip identification at the owner's expense as a requirement of licensing.
6. A pit bull shall be confined securely indoors, or if outdoors, shall be confined in a secure kennel of adequate dimensions, or in a yard completely enclosed by proper fence materials, with secured gates, and of sufficient height and condition to restrain any dog contained therein. When not confined indoors, or in a secure kennel or yard, a pit bull shall at all times be under the control of a person capable of restraining the dog, and shall be restrained by a chain or leash adequate for the breed and behavior of the dog.

7. Signs shall be displayed in prominent places where the pit bull is owned, kept, or harbored, with a minimum size of ten (10) inches high by fourteen (14) inches wide, using the words "Beware of Dog."
8. Any owner, keeper, or harborer of a pit bull who violates any requirement of this section shall be guilty of a class B misdemeanor subject to penalty as provided in Title 1, Chapter 4 of this Code.

C. [Grandfather Provision:]

The requirements enacted for pit bulls in section 13-2-11 shall not be applicable to any pit bull licensed in Ogden City as of [insert the date of passage of this ordinance] if such pit bull is continuously licensed in accordance with the provisions of this title for the lifetime of the pit bull, and there are no violations of the provisions of this title involving such pit bull.

SECTION 4. Effective date. This ordinance shall be effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City,

Utah this _____ day of _____, 2010.

CHAIR

ATTEST:

CITY RECORDER

TRANSMITTED TO THE MAYOR ON: _____

MAYOR'S ACTION: Approved Vetoed

MAYOR

ATTEST:

CITY RECORDER

PUBLICATION DATE: _____

EFFECTIVE DATE: _____

APPROVED AS TO FORM: _____
Legal Date

- * **The headings, catchlines or catchwords suggested for use in the Ogden Municipal Code and which are bracketed at the beginning of sections or subsections, shall not be considered to be a part of the ordinance adopted herein.**