Ogden City

Ogden City Council Work Session Notice
February 7, 2012 – *immediately following the City Council meeting that begins at 6:00 p.m.*
City Council Work Room – Third Floor
Municipal Building, 2549 Washington Boulevard

Notice is hereby given that the Ogden City Council will meet in a Work Session on Tuesday, February 7, 2012 immediately following the City Council meeting that begins at 6:00 p.m., in the Council Work Room on the third floor of the Municipal Building, 2549 Washington Boulevard, in Ogden City, Weber County, Utah.

The purpose of the Work session is to discuss the FY2011 Carry Forward Budget Adjustments, the Animal Ordinance, and Council Business.

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the Management Services Department at 629-8701 (TDD # 629-8949) or by email: ADACompliance@ci.ogden.ut.us at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the Ogden City limits on this 3rd day of February, 2012. These public places being: 1) City Recorder's Office on the 2nd floor of the Municipal Building; 2) 2nd floor foyer of the Municipal Building; and 3) the Weber County Library. Copy provided to the Standard-Examiner on February 3rd, 2012, and posted to the City web page - www.ogdencity.com.

CINDI MANSELL, MMC/CRM
OGDEN CITY RECORDER

Ogden City Council Agenda Hot Line – 629-8159
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City Council Work Session
COUNCIL STAFF REVIEW

FY2011 CARRY FORWARD BUDGET ADJUSTMENTS ($47,566,756)

PURPOSE OF WORK SESSION: **To Review the FY2011 Carry Forward Budget Adjustments**

Background

June 21, 2011
The Council adopted Ordinance #2011-36 which required a report on the carry forward of encumbrances and capital improvement project balances. The pertinent section of the ordinance reads as follows:

> WHEREAS, capital project balances and City-wide encumbrances will not be known until the financial records are closed for fiscal year 2011, authority is granted for those amounts to be posted to this budget when determined by the audit of the City's financial records for fiscal year 2011, with a schedule of such action provided to the City Council in a City Council meeting.

The budget ordinance also provides that any balance in the business recruitment account "shall become a reservation fund balance and carry over into the next fiscal year."

January 24, 2012
The Administration transmitted a report outlining the FY2011 Carry Forward Budget Adjustments.

February 7, 2012 (Scheduled)
The Council will consider whether to accept for review the report identifying the carry forward budget adjustments for the FY2011 to the FY2012 budget.

A work session has also been scheduled to discuss the carry forward budget items identified in the report.

Proposal

The Administration is submitting the FY2011 Carry Forward Budget Adjustments, as directed by Ordinance 2011-36 which adopted the

FY2012 Budget. These budget items were posted to the FY2012 Budget as authorized by the ordinance, after the audit of the FY2011 Budget was completed.

Question Please review the report and highlight any significant items.

Council Staff Contact: **Janene Eller-Smith, (801)629-8165**

OGDEN CITY TRANSMITTAL

Date:	18 January 2012
To:	Ogden City Council
From:	John Arrington, Finance Manager John
RE:	End of FY 2011 Carryover Budget Adjustments
Staff Contact:	John Arrington, Finance Manager, extension 8710
Recommendation:	Accept for Review per Budget Adoption Ordinance
Documents:	Revenue, Appropriation and Project Carryover schedules

Executive Summary

Encumbrance and project carryover funds from FY 2011 to be added to the FY 2012 Budget. These have already been posted to the City's FY 2012 Budget.

Background

This is notice to the City Council, outlined in the Budget Adoption Ordinance, of action taken posting these encumbrance and project carryover items to the FY 2012 Budget.

Proposal

The adoption Ordinance also indicates this will be presented at a City Council meeting and it is suggested to be a Common Consent item with any discussion necessary in a work session.

Fiscal Impact

Increases the City's budget by $47,566,756

OGDEN CITY

SCHEDULE OF ENCUMBRANCE AND PROJECT CARRYOVER

REVENUE

			SCHEDULE "A"
General Fund			
Fund Balance Encumbrance Reserve	1000-1-83001	B	$ 807,814
Fund Balance Business Develop Res	1000-1-83003	B	$ 158,100
SUB TOTAL GENERAL FUND			**$ 965,914**
Capital Improvements Fund			
Fund Balance Encumbrance Reserve	4100-1-83002	B	$ 394,446
Fund Balance Project Carryover	4100-1-83001	C	$ 3,434,721
SUB TOTAL CIP FUND			**$ 3,829,167**
Water Utility Fund			
Retained Earnings - Encumbrance	5100-1-83001	B	$ 117,831
Retained Earnings - Project Carryover	5100-1-83002	C	$ 31,400,120
SUB TOTAL WATER FUND			**$ 31,517,951**
Sewer Utility Fund			
Retained Earnings - Encumbrance	5110-1-83002	B	$ 146,151
Retained Earnings - Project Carryover	5110-1-83001	C	$ 5,939,657
SUB TOTAL SEWER FUND			**$ 6,085,808**
Hinckley Airport Fund			
Retained Earnings	5130-1-84004	C	$ 367,132
Federal Airport Grants	5130-1-32000	C	$ 691,500
State Airport Grants	5130-1-34001	C	$ 484,584
SUB TOTAL AIRPORT FUND			**$ 1,543,216**
Medical Services			
Retained Earnings	5200-1-83001	B	$ 27,557
SUB TOTAL MEDICAL FUND			**$ 27,557**
Facilities/Fleet/Communications/Stores			
Retained Earnings - Carryover	6100-1-83001	B	$ 56,994
Retained Earnings - Carryover	6100-1-83001	C	$ 2,163,667
SUB TOTAL INFORMATION TECHNOLOGY			**$ 2,220,661**

REVENUE
PAGE 2

Information Technology Fund			
Retained Earnings - Encumbrance	6120-1-84002	B	$ 312,709
SUB TOTAL INFORMATION TECHNOLOGY			**$ 312,709**
Miscellaneous Grants Fund			
Federal Grants - Fire	7120-1-32003	B	$ 399,852
Federal Crossroads of the West	7120-1-32005	B	$ 73,050
EPA Brownsfield Grant	7120-1-32009	B	$ 329,908
Federal Stimulus Grants	7120-1-32010	B	$ 260,963
SUB TOTAL MISCELLANEOUS GRANTS			**$ 1,063,773**
TOTAL REVENUE			**$ 47,566,756**

OGDEN CITY

SCHEDULE OF ENCUMBRANCE AND PROJECT CARRYOVER

APPROPRIATIONS	ENCUMBRANCES		SCHEDULE "B"
General Fund			
City Council			
Professional & Technical	1000-1-01-150000-13406	$	45,050
Management Services			
Administration			
Professional & Technical	1000-1-01-200100-13406	$	15,000
Human Resources			
Public Notices	1000-1-01-200200-14404	$	350
Comptroller			
Travel	1000-1-01-200300-13301	$	7,500
Education	1000-1-01-200300-13302	$	3,450
Professional & Technical	1000-1-01-200300-13406	$	29,250
Outside Temporaries	1000-1-01-200300-13407	$	900
Other Services & Charges	1000-1-01-200300-14601	$	1,400
Fiscal Operations			
Professional & Technical	1000-1-01-200400-13406	$	3,075
Office Supplies	1000-1-01-200500-12102	$	394
Small Tools & Equipment	1000-1-01-200500-12210	$	48
Travel	1000-1-01-200500-13301	$	727
Education	1000-1-01-200500-13302	$	165
Memberships	1000-1-01-200500-14401	$	100
City Recorder			
Public Notices	1000-1-01-200600-14404	$	200
Non Departmental			
Professional & Technical Lobbying	1000-1-01-300300-13406	$	55,000
Technical Equipment	1000-1-01-300300-34000	$	24,583
Recreation Master Plan	1000-1-01-300300-13418	$	38,500
Art Program Support	1000-1-01-300300-14609	$	2,500
Community and Economic Development			
Administration			
Compensation Adjustments	1000-1-01-550101-11199	$	55,000
Professional & Technical	1000-1-01-550101-13406	$	15,553
Business Promotion - General	1000-1-01-550101-14605	$	50,949
Business Promotion Direct	1000-1-01-550101-14609	$	1,222
Community Development			
Professional & Technical	1000-1-06-550401-13406	$	85
Building Services			
Professional & Technical	1000-1-02-550501-13406	$	2,600
ACE			
Band - General	1000-1-05-550601-12204	$	600
Professional & Technical	1000-1-05-550610-13406	$	15,000
Miscellaneous Events	1000-1-05-550630-14605	$	5,240
Professional & Technical	1000-1-05-550650-13406	$	500

ENCUMBRANCE
PAGE 2

Police			
Detectives			
Professional & Technical	1000-1-02-350301-13406	$	14,500
Support Services			
Crime Prevention Supplies	1000-1-02-350402-12209	$	2,200
Public Services			
Administration			
Printing & Binding	1000-1-1-850100-12204	$	418
Streets			
Other Operating Supplies	1000-1-03-855201-12208	$	645
Safety Tools & Equipment	1000-1-03-855201-12211	$	172
Paint & Paint Supplies	1000-1-03-855201-12303	$	528
Salt & Sand	1000-1-03-855201-14601	$	15,020
Asphalt	1000-1-03-855201-14607	$	15,875
Gravel	1000-1-03-855201-14608	$	4,993
Engineering			
Professional & Technical	1000-1-03-855311-13406	$	7,250
Professional & Technical	1000-1-03-855313-13406	$	304,987
Sidewalk, Curb, Gutter	1000-1-03-855313-14602	$	25,500
Cemetery	1000-1-03-855311-13406		
Small Tools & Equipment	1000-1-04-850210-12210	$	160
Parks	1000-1-03-855312-14601		
Plants & Flowers	1000-1-05-850202-12204	$	517
Chemicals	1000-1-05-850204-12201	$	48
Other Operating Supplies	1000-1-05-850204-12208	$	42
Small Tools & Equipment	1000-1-05-850204-12210	$	430
Building Material Supplies	1000-1-05-850204-12302	$	2,981
Plumbing Supplies	1000-1-05-850204-12304	$	142
Water Utilities	1000-1-05-850204-13104	$	7,369
Other Operating Supplies	1000-1-05-850205-12208	$	140
Professional & Technical	1000-1-05-850205-13406	$	1,455
Small Tool & Equipment	1000-1-05-850206-12210	$	380
Paint & Paint Supplies	1000-1-05-850206-12211	$	32
Building Material Supplies	1000-1-05-850206-12302	$	340
Electrical Utilities	1000-1-05-850208-13103	$	975
Advertising	1000-1-05-850401-14403	$	283
Other Operating Supplies	1000-1-05-850402-12208	$	462
Professional & Technical	1000-1-05-850403-13406	$	1,072
Equipment Rental	1000-1-05-850403-14203	$	190
Chemicals	1000-1-05-850406-12201	$	2,041
Building Material Supplies	1000-1-05-850406-12302	$	150
Equipment Maintenance	1000-1-05-850407-14105	$	59
Other Services & Charges	1000-1-05-850407-14602	$	128
Christmas Village			
Small Tools & Equipment	1000-1-05-850820-12210	$	200
Professional & Technical	1000-1-05-850820-13406	$	500
Building Rental	1000-1-05-850820-14202	$	20,689
SUB TOTAL GENERAL FUND		**$**	**807,814**

ENCUMBRANCE
PAGE 3

General Fund Business Development Funds		
CED		
Administration		
Business Promotion - General	1000-1-01-550101-14605	$ 14,075
CED Business Recruitment	1000-1-01-550101-14608	$ 108,000
Business Promotion Direct	1000-1-01-550101-14609	$ 36,025
SUB TOTAL BUSINESS DEVELOPMENT		**$ 158,100**
Capital Improvements Fund		
Downtown Parking East Central	4100-1-01-300100-32006	$ 5,500
Street Construction	4100-1-03-855201-33012	$ 186,356
City/Citizen Sidewalks	4100-1-03-855203-33001	$ 1,449
Curb, Gutter General	4100-1-03-855203-33002	$ 111,328
Tennis Courts	4100-1-05-850201-33029	$ 68,277
Trail Heads	4100-1-05-850212-33030	$ 21,536
SUB TOTAL CIP FUND		**$ 394,446**
Water Utility Fund		
Customer Service		
Data Equipment - New	5100-1-04-855503-15201	$ 82,500
Pipe Maintenance		
Repair & Maintenance	5100-1-04-855505-14111	$ 35,331
SUB TOTAL WATER UTILITY FUND		**$ 117,831**
Sewer Utility Fund		
Storm Sewer		
Professional & Technical	5110-1-04-855601-13406	$ 1,471
Storm Sewer Repairs	5110-1-04-855601-14110	$ 144,680
SUB TOTAL SEWER UTILITY FUND		**$ 146,151**
Medical Services		
MTD/AVL Program	5200-1-03-400500-13402	$ 27,557
SUB TOTAL MEDICAL FUND		**$ 27,557**
Facilities/Fleet/Communications/Stores		
Facilities		
Professional & technical	6100-1-01-200900-13406	$ 53,244
Services Under Contract	6100-1-01-200900-13413	$ 3,750
SUB TOTAL F/F/C/S FUND		**$ 56,994**

ENCUMBRANCE
PAGE 4

Information Technology Fund		
Data		
Contract Maintenance	6120-1-01-200801-13410	$ 41,035
Special Department Equipment	6120-1-01-200801-34001	$ 128,100
Special Network Equipment	6120-1-01-200801-34002	$ 29,495
Cartegraph Expenses	6120-1-01-200801-34005	$ 98,425
Communications		
Line Charges	6120-1-01-200802-14601	$ 15,654
SUB TOTAL INFORMATION TECHNOLOGY		**$ 312,709**
Miscellaneous Grants Fund		
Management Services		
Building Energy Efficiency	7120-1-01-200900-14411	$ 108,415
Hydro Electric Generator	7120-1-01-200900-14415	$ 152,548
Fire		
EMW System	7120-1-02-400500-34000	$ 399,852
CED		
Brownsfield Grant	7120-1-04-550600-14411	$ 329,908
Crossroads of the West	7120-1-06-550200-13406	$ 73,050
SUB TOTAL MISCELLANEOUS GRANTS		**$ 1,063,773**
TOTAL APPROPRIATIONS		**$ 3,085,375**

OGDEN CITY

SCHEDULE OF ENCUMBRANCE AND PROJECT CARRYOVER

APPROPRIATIONS	CARRYOVER	Proj #	SCHEDULE "C"
Capital Improvements Fund			
Allocate to Future Projects	4100-1-01-150000-33000	no #	$ 537,025
Percent For Arts Maintenance	4100-1-01-200100-14103	no #	$ 71,870
Percent For Arts	4100-1-01-200100-33000	no #	$ 441,434
Municipal Facilities Improvements	4100-1-01-300100-32004	no #	$ 37,482
Contracted Property Improvements	4100-1-03-300300-33001	no #	$ 154,149
Bond Issuance & Processing Costs	4100-1-08-300400-22300	no #	$ 43,314
Fire Facilities Improvements	4100-1-02-400100-32000	FI012	$ 64,624
Street Construction	4100-1-03-855201-33012	EN006	$ 362,709
Streets Specific Projects (7th St)	4100-1-03-855201-33016	CD045	$ 210,317
School Sidewalks	41000-1-03-855201-33003	EN004	$ 69,605
RDA Mall Road Projects	4100-1-03-855201-33006	EN006	$ 77,586
Development Completions	4100-1-06-855100-33003	no #	$ 37,814
City Citizen Sidewalks	4100-1-03-855203-30001	PK001	$ 79,120
Curb, Gutter, Sidewalks	4100-1-03-855203-33002	EN004	$ 264
Tennis Courts	410-1-05-850201-33029	PK097	$ 23,202
Union Station Improvements	4100-1-05-850705-33003	US039/017	$ 298,640
Bues Pond Development	4100-1-05-500201-33006	no #	$ 30,564
Centennial Trail Maintenance	4100-1-05-850212-33011	PY006	$ 11,088
High Adventure Park	4100-1-05-850201-33005	PK069	$ 208,233
Nicholas Park Improvements	4100-1-05-850201-33011	PK071	$ 22,381
Park Facilities	4100-1-05-850201-33018	PK026	$ 14,680
South East Park Development	4100-1-05-850201-33025	GC006	$ 14,099
Downtown Signage	4100-1-07-550602-33008	CD025	$ 62,975
31st Street Entryway	4100-1-03-855201-33003	CD026	$ 208,263
City Swimming Pool Repairs	4100-1-05-850401-33000	LF015	$ 1,530
Playground Equipment	4100-1-05-500205-33022	PK026	$ 2,055
Centennial Trail Construction	4100-1-05-850212-33010	various	$ 313,629
Trail Heads	4100-1-05-500212-33030	various	$ 3,495
Trails General	4100-05-850212-33031	CD004	$ 32,574
SUB TOTAL CAPITAL IMPROVEMENTS FUND			**$ 3,434,721**
Water Utility Fund			
Distribution System	5100-1-04-855509-33002		$ 29,890,772
Treatment System	5100-1-04-855509-33006		$ 1,509,348
SUB TOTAL WATER UTILITY FUND			**$ 31,400,120**
Sewer Utility Fund			
Storm Sewer Improvements	5110-1-04-855602-33001		$ 1,663,363
River Rest. Future Funding	5110-1-04-855602-33009		$ 576,500
Sanitary Sewer Improvements	5110-1-04-855604-33001		$ 3,699,794
SUB TOTAL SEWER UTILITY FUND			**$ 5,939,657**

PROJECT CARRYOVER
PAGE 2

Hinckley Airport Fund		
State Funded CIP	5130-1-03-551802-33004	$ 484,584
City Funded CIP	5130-1-03-551802-33005	$ 367,132
Federal Funded CIP	5130-1-03-551802-33006	$ 691,500
SUB TOTAL AIRPORT FUND		**$ 1,543,216**
Facilities/Fleet/Communications/Stores		
Management Svcs Repl Carryover	6100-1-01-200901-34002	$ 66,903
Police Repl Carryover	6100-1-01-200901-34352	$ 308,591
Fire Repl Carryover	6100-1-01-200901-34402	$ 261,963
Fire Lease Carryover	6100-1-01-200901-34404	$ 133,900
CED Repl Carryover	6100-1-01-200901-34552	$ 63,526
Airport Repl Carryover	6100-1-01-200901-34902	$ 72,078
Public Svcs Repl Carryover	6100-1-01-200901-34802	$ 1,256,706
SUB TOTAL Fleet FUND		**$ 2,163,667**
TOTAL PROJECT APPROPRIATIONS		**$ 44,481,381**

OGDEN CITY

EXPLANATION OF ITEMS

REVENUE

All Funds

Revenue items designated with a "B" reference encumbrance carryover funds. Revenue items designated with a "C" reference CIP Project balance carry over funds.

APPROPRIATIONS

All Funds

Items on this schedule represent encumbrance carryover amounts. They fund encumbrances obligating the City at the end of FY 2011 that are to be expended in FY 2012.

APPROPRIATIONS - CARRYOVER

All Funds

This schedule represents project balance for CIP projects that carryover from year to year.

ORDINANCE NO. 2011-36

AN ORDINANCE OF OGDEN CITY, UTAH, ADOPTING THE BUDGET FOR OGDEN CITY FOR THE FISCAL YEAR FROM JULY 1, 2011, TO JUNE 30, 2012; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION AND DEPOSIT WITH THE CITY RECORDER.

WHEREAS, on the 3rd day of May, 2011, pursuant to the Uniform Fiscal Procedures Act for Utah Cities (Utah Code Annotated Section 10-6-101, et seq., as amended), the Mayor submitted to the Council of Ogden City the proposed Operating Budget; Capital Improvements Budget; Enterprise Funds Budget; Internal Service Funds Budget; Grant and Donations Fund Budget; Personnel Schedules; and his budget message, all for the fiscal year of July 1, 2011, to June 30, 2012, as required by said Statute; and

WHEREAS, the said proposed or tentative budget and all supporting schedules were tentatively adopted by the Council, and the public hearing thereon was initially fixed to be held during the regularly scheduled City Council meeting at 6:00 p.m., on June 7, 2011. Those proposed budgets were, more than fifteen days prior to the public hearing, deposited with the Director of Management Services and the City Recorder as a public record where they have remained until this date; and

WHEREAS, on the 7th day of June, 2011, after due publication of notice at least seven days prior thereto, the Council adopted the tentative budget and set the public hearing for the final budget on June 21, 2011; and

WHEREAS, on June 21, 2011, the Council adjusted the proposed or tentative budget by the adjustments detailed in Schedule "A" attached hereto; and

WHEREAS, the adopted budget contains an appropriation amount within the Non-Departmental Account within the General Fund for adjustment of anticipated property tax revenues to conform to the Weber County Clerk/Auditor's projection at the current certified tax rate; and

WHEREAS, capital project balances and City-wide encumbrances will not be known until the financial records are closed for fiscal year 2011, authority is granted for those amounts to be posted to this budget when determined by the audit of the City's financial records for fiscal year 2011, with a schedule of such action provided to the City Council in a City Council meeting; and

WHEREAS, any balance in the business recruitment account shall become a reservation fund balance and carry over into the next fiscal year.

NOW, THEREFORE, the Council of Ogden City hereby ordains:

SECTION 1. The budget aforesaid, consisting of the Operating Budget, Capital Improvements Budget, Enterprise Funds Budget, Internal Service Funds Budget, Grant and Donations Fund Budget, and the personnel schedules ("staffing document") authorizing the number of full-time employment positions for each department including certain Non-Merit, Special employee positions, as said budget and schedules are adjusted as depicted in Schedule "A" (including

Schedule A-1) and Schedule "B" and also consisting of the Council's Budget Message as provided in Schedule "C" attached hereto and incorporated by reference, the Council's Legislative Intents as provided in Schedule "D" attached hereto and incorporated by reference, and the Financial Principles as provided in Schedule "E" attached hereto and incorporated by reference, is hereby adopted and made the official budget of Ogden City for the fiscal year of July 1, 2011, through and including June 30, 2012.

SECTION 2. This Ordinance shall take effect immediately upon its adoption and deposit with the City Recorder, who shall forthwith certify a copy thereof to the Director of Management Services.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City this 21st day of June, 2011.

CHAIR

ATTEST:

City Recorder

TRANSMITTED TO THE MAYOR ON: 6/22/11

MAYOR'S ACTION: APPROVED X VETOED _____

Matthew R. Godfrey, Mayor

ATTEST:

City Recorder

POSTING DATE: 6/28/2011

EFFECTIVE DATE: 6/21/2011

APPROVED AS TO FORM: MAB 6/17/11
LEGAL DATE

2

City Council Work Session
COUNCIL STAFF REVIEW

ANIMAL CONTROL ORDINANCE AMENDMENTS

- ***Codifies Change to Weber County Animal Shelter***
- ***Adds Administrative Penalties***
- ***Changes Dangerous Dog Registration Requirements***
- ***Establishes Additional Insurance Requirements for Larger, Unaltered Dogs (Over 20 lbs.)***
- ***Amends Licensing and Other Fees***

PURPOSE OF WORK SESSION: To Discuss Proposed Changes to the Animal Control Ordinances

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Background

2009-2010

In February 2009, the Administration transmitted a request for changes to the Animal Control Ordinances. There was significant public interest in the proposed ordinances due primarily to breed-specific language regarding pit bulls. Over the next several months, the Council worked to address some of the issues and concerns. Ultimately the Council gave direction to prepare an ordinance focusing on encouraging responsible animal ownership rather than on a specific breed of animal. There were also discussions regarding increasing licensing rates and enforcement.

January 25, 2011

The Council adopted Ordinance #2011-6 amending the City's Animal Control ordinances. The amendments included a Potentially Dangerous Dog clause and additional tethering requirements. The ordinance was breed-neutral and focused on encouraging responsible ownership.

The Administration indicated it would be recommending additional amendments to the ordinance to recognize the City's transfer of animal services to the Weber County Animal Shelter. Administrative staff also indicated they would likely recommend some modifications to the ordinances to address specific compliance issues. The Administrative staff had originally indicated that they would be bringing the amendments in March, 2011.

September 27, 2011
The Council Office received a transmittal and proposed ordinance for consideration. A work session was scheduled for November 15, 2011. However, due to scheduling conflicts, the work session had to be rescheduled.

February 3, 2012
The Council Office received an updated transmittal and revised ordinance for consideration.

February 7, 2012 (Scheduled)
A work session has been scheduled to discuss the proposed ordinance changes.

Current Proposal

The proposed ordinance makes the following changes to the City's Animal Ordinances:

Title 13, Chapter 1

13-1-1. Animal Services
Amends section to make organizational changes necessary to reflect the elimination of the Ogden City Animal Shelter and transfer of services to Weber County.

13-1-1 E. Mayoral Authority to Adopt Administrative Rules
Adds a new section authorizing the Mayor to adopt administrative rules implementing the Animal Code. For example, Administrative rules may be adopted to establish a good pet-owner program to encourage people to license their pets.

13-1-2: Shelter Maintenance and Inspection
Deletes this section because of the elimination of the Ogden City Animal Shelter.

13-1-3: Interference Prohibited

Amends section to make organizational changes necessary to reflect the elimination of the Ogden City Animal Shelter and transfer of services to Weber County.

13-1-4. Enforcement
Amends section to authorize enforcement of the animal services code through the administrative imposition of civil penalties. Also establishes civil penalties (fines) for violations.
CS Note: Council recently adopted similar provisions in the Business Licensing Code.

Title 13, Chapter 2
13-2-1. Definitions
Amends section to make changes consistent with the organizational changes including the elimination of the Ogden City Animal Shelter. Also adds definitions for temporary and resident animals to facilitate enforcement of certain animal code provisions with respect to animals temporarily residing in the City.

13-2-2. B. Licensing Provisions
Amends section to require owners to provide an email address to the City when licensing their animals. Also clarifies that a temporary animal does not need to be licensed but will be treated as a resident animal in the event of a code violation involving that animal.

13-2-2. H. Exemptions
Amends section to incorporate any required fee exemption under the Americans with Disabilities Act ("ADA").

13-2-2. J. Obedience Courses
Deletes section to delete the provision allowing a $5.00 credit toward the license fee for a dog that has successfully completed an obedience course. Add new section J to clarify citizens may obtain lifetime licenses for all of their licensed animals. Owners are still required to obtain an annual license without fee, and provide proof of rabies verifications thereafter.

13-2-2.K. License Regulations
Renumbered.

13-2-2 L. Late Penalty; Exemption
Amends section to increase the late penalty for unlicensed animals to forty dollars ($40.00) if a license is delinquent for more than thirty (30) days. The late penalty for a license renewed within thirty (30) days of the due date remains at twenty dollars ($20.00). Also allows for administrative enforcement.

13-2-2-M. Denial or Revocation
Amends section to make organizational changes necessary to reflect the elimination of the Ogden City Animal Shelter and transfer of services to Weber County

13-2-2 N. Unaltered Dogs, Insurance Requirement
Adds a new section requiring that the owner of an unaltered dog six months of age or older, must provide proof of insurance in the amount of at least $25,000.00 that is in effect during the twelve-month licensing period.

13-2-3. Service and License Fees
Amends section 13-2-3 with respect to the following fees:

- Increases license fee for unaltered dogs from $30.00 to $50.00.
- Increases license fee for unaltered cats from $20.00 to $35.00.
- Increases registration fee for dangerous dogs or potentially dangerous dogs from $50.00 to $100.00.
- Increases fee for preparation and transportation of animal to state lab from $50.00 to $75.00.
- Establishes fee for disposal of unlicensed animal of $25.00. (Disposal fee for licensed animal remains at $10.00).
- Increases pick-up charge for unlicensed animal from $10.00 to $35.00. (No charge for pick-up of licensed animal).
- Eliminates fees associated with services no longer provided by Ogden City.

13-2-4. Kennels and Catteries
Amends section to clarify that kennels and catteries must comply with zoning ordinances.

13-2-7. Public Nuisances
Amends section to provide that the owner of property upon which an animal is usually maintained may be subject to enforcement for nuisance violations in addition to the owner of the animal.

13-2-8. Dangerous Dogs
Amends section to make organizational changes necessary to reflect the elimination of the Ogden City Animal Shelter and transfer of services to Weber County. Also requires licensing and micro-chipping after determination and that a resident get written permission from the landlord to keep the dog on the premises and file it at the time of licensing.

13-2-9 Protective Custody
Amends section to make organizational changes necessary to reflect the elimination of the Ogden City Animal Shelter and transfer of services to Weber County.

Title 13, Chapter 3
Amends Chapter to make organizational changes necessary to reflect the elimination of the Ogden City Animal Shelter and transfer of services to Weber County

13-3-5. C. Animal Waste
Amends section to clarify that owners are responsible for cleanup of animal excreta on trails, parks, and other public areas. Owners must carry a bag for such purpose.

2-4-14: Department Of Public Services
Amends Chapter to make organizational changes necessary to reflect the elimination of the Ogden City Animal Shelter and transfer of services to Weber County

Questions

1. Please review the Good Pet Owner Program. Discuss the goals the Division hopes to achieve with this program.

2. Please review the new obedience course requirements.

3. Please review the purpose and reasoning behind the unaltered dog insurance requirements.

4. Please review the proposed fee changes.

5. The transmittal indicates there will be no fiscal impact, yet there are increased fees proposed--especially significant are those relating to dangerous and potentially dangerous dogs. Please explain.

Administrative Staff Contact: Mara Brown, (801) 629-8104
Council Staff Contact: Janene Eller-Smith, (801) 629-8165

Ogden City Council Transmittal

Date:	February 3, 2012
To:	City Council
From:	Richard McConkie, Director CED; ext. 8911
Staff:	Alene Evans, Animal Services Supervisor; ext. 8958
	Mara Brown, Chief Deputy City Attorney; ext. 8145
Re:	Animal Control Ordinance
Requests:	Passage of animal control ordinance
Documents:	Animal Control Ordinance

Executive Summary

The proposed ordinance is for the purpose of making several changes to the animal code to ensure more effective enforcement and control of animals in Ogden City as well as to accommodate the recent relocation of the animal shelter from Ogden City to Weber County.

Background

The proposed ordinance primarily addresses issues that have arisen due to the relocation of the Ogden City Animal Shelter to Weber County. The proposed ordinance also makes changes for purposes of clarifying existing code or modifying provisions for internal consistency, as well as adopting new provisions to increase the effectiveness of animal services within the City.

Because of the need for animal services staff to obtain "on the ground experience" with the new animal services structure before recommending changes, this ordinance has been in progress for nearly a year. However, as a result of this time frame, the proposed ordinance changes are reflective of a year of experiences and observations of animal services staff as to what specific ordinance changes will improve animal services operations in the City, both administratively and for the benefit of the public.

The proposed ordinance would make the following changes:

- Changes the position of animal services manager to animal services supervisor and places the animal services functions under the Community Development Division of the Community and Economic Development Department. This action was previously approved by the Council but the affected sections were not updated. (*pages 1, and 42-45 of ordinance*).
- Designates the Weber County Animal Shelter as the facility to be used for protective custody of animals and deletes code provisions that pertained to the former Ogden Animal Shelter (*throughout ordinance*).
- Authorizes adoption of administrative rules necessary to implement the Animal Code (*page 3 of ordinance*).
- Provides that animal code violations may be enforced through the administrative imposition of civil penalties, in addition to criminal enforcement. Establishes penalty amounts (*pages 3 - 5 of ordinance*).

- Provides that animals temporarily in the City (less than 30 days) are subject to animal code provisions other than licensing requirements (*page 11 of ordinance*).
- Increases the fee for licensing by $40.00 for an animal not licensed more than thirty days after the license is due (*page 13 of ordinance*).
- Establishes insurance requirements for unaltered dogs eighteen (18) months and older (*page 14 of ordinance*).
- Eliminates fees associated with services formerly provided through the Ogden City Animal Shelter that are now provided by Weber County (*pages 14-15 of ordinance*).
- Increases fees for animal-related services provided by the Community and Economic Development Department (*pages 15-17 of ordinance*).
- Increases animal license and registration fees (*page 15 of ordinance*).
- Removes animal adoption provisions, as such services are now provided by Weber County (*page 15 of ordinance*).
- Broadens responsibility for nuisance animals to the owner of the property on which the animal is kept, in addition to the owner of the animal (*page 27 of ordinance*).
- Establishes requirement that an owner carry a bag for removal of animal excreta deposited by his/her animal on public or private property (*page 40 of ordinance*).
- Provides for clarifications to certain provisions (*throughout ordinance*).

Detailed Proposal

<u>Title 13, Chapter 1</u>

13-1-1. Animal Services. (Also amends 2-4-13 and 2-4-14).
Amends section 13-1-1 to change the position of animal services manager to animal services supervisor and place animal services functions within the Community Development Division of the Community and Economic Development Department. Also provides that the animal services supervisor supervises animal services officers and other animal services staff. Title 2-4-13, Department of Community and Economic Development, and Title 2-4-14, Department of Public Services are also amended to reflect this change. The departmental change was previously approved by the Council but the affected sections were not updated.

13-1-1 E. Mayoral Authority to Adopt Administrative Rules.
Adds new section 13-1-1 E. to authorize the Mayor to adopt administrative as may be necessary to implement the Animal Code. For example, administrative rules may be adopted to implement administrative enforcement of animal nuisance violations pursuant to section 13-2-7. Administrative rules may also be adopted to establish a good pet-owner program to encourage people to license their pets.

13-1-4. Enforcement.
Amends section 13-1-4 to authorize enforcement of the animal services code through the administrative imposition of civil penalties. Animal code provisions may still be enforced through imposition of criminal penalties. The purpose of this provision is to increase effectiveness of animal services by providing more enforcement flexibility and allowing for the imposition of civil penalties as a means of enforcement as is presently done with code enforcement, for example, rather than processing all violations of animal code provisions as criminal violations through the Ogden City Justice Court. When appropriate, Civil enforcement also provides the owner with a ten-day period to correct the violation before civil penalties are imposed. When civil penalties are imposed, an owner would have the opportunity to appeal the citation and request a hearing before a violation is finalized. Some examples of provisions that may be enforced civilly would be nuisance violations, such as excessive barking or property damage, as well as violations for failure to license an animal, or failure to remove animal waste.

Title 13, Chapter 2

13-2-1. Definitions.
Amends section 13-2-1 to make changes consistent with changes to Ogden City animal services, as well as the elimination of the Ogden City Animal Shelter. Additional changes in this section add definitions for temporary and resident animals to facilitate enforcement of certain animal code provisions with respect to animals temporarily residing in the City (less than 30 days).

13-2-2. B. Licensing Provisions.
Amends section 13-2-2 B. to require owners to provide an email address to the City when licensing their animals. The purpose of this requirement is to facilitate communication between the City and animal owners. A further change to this section clarifies that a temporary animal does not need to be licensed but will be treated as a resident animal in the event of a code violation involving that animal.

13-2-2. H. Exemptions.
Amends section 13-2-2.H to incorporate any required fee exemption under the Americans With Disabilities Act (“ADA”). Animals exempt from fees under the ADA still need to be licensed.

13-2-2. J. Obedience Courses.
Deletes section 13-2-2 J. to delete the provision allowing a $5.00 credit toward the license fee for a dog that has successfully completed an obedience course.

13-2-2 K. Lifetime License.
Amends section 13-2-2 K. (now 13-2-2 J) to clarify that persons may obtain lifetime licenses for all of their licensed animals. Owners are still required to obtain an annual license without fee, and provide for proof of rabies verifications thereafter. The purpose of this provision is to create an incentive to license animals.

13-2-2 M. Late Penalties.
Amends section 13-2-2 M. (now 13-2-2 L.) to increase the late penalty for unlicensed animals to forty dollars ($40.00) if a license is delinquent for more than thirty (30) days. The late penalty for a license renewed within thirty (30) days of the due date remains at twenty dollars ($20.00). Specifies that this provision may be enforced administratively. The purpose of this provision is to create a greater incentive for owners to license their animals in a timely manner.

13-2-2 N. Unaltered Dogs, Insurance Requirement.
Adds new section 13-2-2 N. to require that in addition to licensing an animal, the owner of an unaltered dog eighteen (18) months of age or older, shall demonstrate proof of insurance in the amount of at least $25,000.00, effective during the twelve-month licensing period.

Presenting proof of homeowners' or renters' insurance will satisfy this requirement. Both homeowners' and renters' insurance policies cover liability for dogs. An existing policy would usually cover liability related to a dog incident even if the dog was not mentioned in the policy. When a homeowner or tenant applies for new insurance, an agent will typically inquire about pets. When a potential insured has a dog, the agent will ask for a description of the dog which would include its breed type, age, color, size and temperament. The agent may ask the insured how long the insured has owned the dog and if the dog has any history the agent needs to be aware of. The agent may request meeting the dog to verify its temperament.

The purpose of this provision is to ensure a means of providing compensation to persons who are the victims of dog bites. Statistically, unaltered dogs are responsible for the majority of dog bites in Ogden City. This provision also encourages altering of dogs. A summary of Ogden bite statistics is attached.

13-2-3. Service and License Fees.
Amends section 13-2-3 with respect to the following fees:

- Increases license fee for unaltered dogs from $30.00 to $50.00.
- Increases license fee for unaltered cats from $20.00 to $35.00.
- Increases registration fee for dangerous dogs or potentially dangerous dogs from $50.00 to $100.00.
- Increases fee for preparation and transportation of animal to state lab from $50.00 to $75.00.
- Establishes fee for disposal of unlicensed animal of $25.00. (Disposal fee for licensed animal remains at $10.00).
- Increases pick up charge for unlicensed animal from $10.00 to $35.00. (No charge for pick up of licensed animal).
- Eliminates fees associated with services no longer provided by Ogden City.

The purpose of these increases are to allow the City to recover costs associated with certain services, as well as for the City to recover costs for services being charged to the City by Weber County. A summary of fees in comparable jurisdictions is attached.

The proposed fee increases are consistent with fees charged in other jurisdictions. The proposed increase in the license for unaltered dogs is slightly higher than the average from other jurisdictions ($50 compared with an average of $35) to encourage altering dogs. The proposed increase for unaltered cats from $20 to $35 would bring this fee in line with fees charged by other jurisdictions for unaltered pets. The fee for an altered dog or cat remains the same ($10 and $5). The proposed fee increases for transport and pick-up of animals are to bring these fees in-line with the City's costs for these services. The increase in fee for pick-up of a dead unlicensed animal from $10 to $25, compared with pick-up of a licensed animal ($10) is to encourage licensing of animals. The increase in registration fees for dangerous and potentially dangerous dogs is consistent with fees in other jurisdictions with similar regulations to Ogden's.

13-2-4. Kennels and Catteries.
Amends section 13-2-4 to clarify that kennels and catteries are only permitted in certain manufacturing zones and are subject to the requirements of title 15, Zoning.

13-2-7. Public Nuisances.
Amends section 13-2-7 to provide that the owner of property upon which an animal is usually maintained may be subject to enforcement for nuisance violations in addition to the owner of the animal. The purpose of this provision is to provide animal services with a mechanism to enforce nuisance provisions against an owner of the property where the owner of the animal is not readily ascertainable. A property owner will have ten days to cure a violation, which may include removal of an animal that is not authorized to be on the property, such in a rental situation where the tenant is maintaining an animal contrary to the provisions of a lease.

Title 13, Chapter 3

13-3-5. C. Animal Waste.
Amends section 13-3-5 C. to clarify that owners are responsible for cleanup of animal excreta on trails and in parks, in addition to other public areas, and provides that an owner shall carry a bag for such purposes.

Administration Recommendation
Recommendation is to approve the proposed ordinance.

Fiscal Impact
No significant fiscal impacts are anticipated.

ANIMAL LICENSING
FEE COMPARISONS

We propose that some of our pet license fees and other charges be adjusted to be comparable with other cities in the area and to also compensate for the adjustment of no longer having the income from running our own city shelter and the added travel distance to the Weber County Shelter.

OGDEN CITY

Altered dog	$10.00	
Unaltered dog	$30.00	**(PROPOSE $50.00)**
Altered cat or ferret	$5.00	
Unaltered cat or ferret	$20.00	**(PROPOSE $35.00)**
Lifetime altered dog	$75.00	
Lifetime altered cat or ferret	$35.00	
Senior discount 20%		

Dangerous or potentially dangerous dog (must be altered) $50.00 registration fee **(PROPOSE $100.00)**

Preparation and transportation fee to lab for rabies testing $50.00 **(PROPOSE $75.00)**

Pick up and disposal of dead licensed pet: $10.00

Pick up and disposal of dead unlicensed pet: $10.00 **(PROPOSE $25.00)**

SALT LAKE CITY

Altered no chip	$20.00
Unaltered no chip	$35.00
Altered with chip	$10.00
Unaltered with chip	$25.00
3yr license altered no chip	$40.00
3yr license unaltered with chip	$20.00
Sr. altered with or without chip	$15.00
Sr. unaltered no chip	$30.00
Sr. unaltered with chip	$20.00
3yr Sr. altered with 3yr rabies	$30.00
Late fee	$25.00

HERRIMAN

Altered pet	$5.00
Unaltered pet	$25.00
Sr. altered (one-time fee)	$15.00
Sr. unaltered	$15.00
Late fee	$25.00

PROVO

1 yr license altered pet	$15.00	unaltered	$35.00
2 yr license altered pet	$25.00	unaltered	$65.00
3 yr license altered pet	$35.00	unaltered	$95.00

SOUTH JORDON

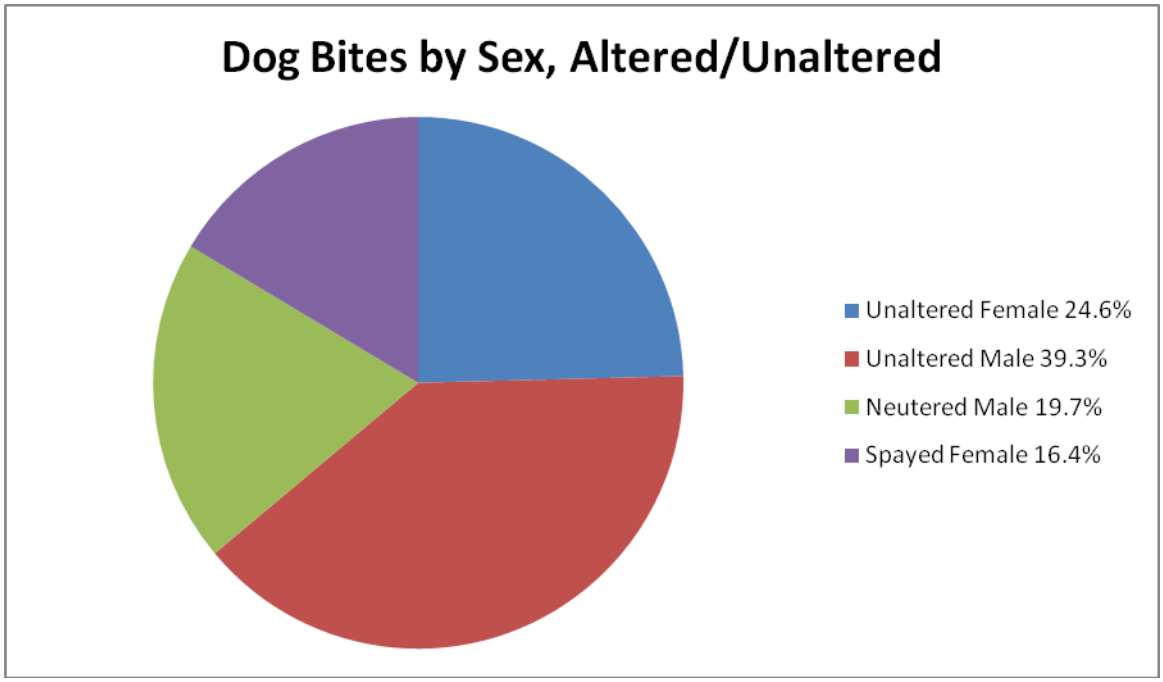
Altered dogs	$10.00
unaltered dogs	$17.00
cats	no license required
Late fee	$17.00

ROY

Altered	$10.00
Unaltered	$25.00
Sr. altered	$7.50
Sr. unaltered	$20.00

WEBER COUNTY

Altered	$10.00
unaltered	$25.00
Sr. altered	$5.00
Late fee	$10.00


Dog Bites by Sex, Altered/Unaltered
Unaltered Female 24.6%
Unaltered Male 39.3%
Neutered Male 19.7%
Spayed Female 16.4%

BITE STATISTICS 2009 TO 2012

	MALE DOGS	NEUTERED DOGS	FEMALE DOGS	SPAYED DOGS
2009	**55 @ 44%**	**33 @ 26%**	**25 @ 29 %**	**13 @ 10 %**
2010	**52 @ 38%**	**40 @ 29%**	**28 @ 21%**	**17 @ 12%**
2011	**52 @ 36%**	**37 @ 26%**	**36 @ 25%**	**19 @ 13%**

Memo

To: Mark Johnson
Ogden City Council

From: Alene Evans

Date: September 28, 2011

Re: Good Pet Owner Program

A priority of Ogden Animal Services is to increase the number of licensed pets within Ogden City. At this time, approximately 20% of the dogs and 5% of the cats residing in Ogden are licensed.

In order to provide an incentive to pet owners to license their pets, Animal Services will be establishing a "Good Pet Owner Program," modeled after similar programs in the United States and Canada. The Good Pet Owner Program does not require Council approval; it is within the administrative authority of the Mayor to establish this Program, however, this information is being provided at the request of the Council.

There will be no fee adjustment in conjunction with participating in this Program; anyone who licenses their pet automatically qualifies for membership and will receive a Good Pet Owner Card with their pet license. The benefit of being in the Good Pet Owner Program will be the ability for pet owners to obtain discounts or products offered by Ogden merchants who voluntarily participate in the Program. The City does not require any specific discount; the nature of the benefit will be entirely determined by the participating merchant. Merchant participation will be open to any Ogden-based business licensed as a retail or service business.

The cost to the City is low, and mainly includes the costs of producing membership cards, producing decals or signs that participating merchants can hang in their windows, and costs associated with communicating with residents and merchants in conjunction with the initial roll-out of the Program, which may be accomplished electronically and/or via flyers or mailings. The City will not make any payment or reimbursement to participating merchants or to pet owners. The Program costs will be absorbed by the existing budget for the

Community and Economic Development Department. It is anticipated that information about the Program and participating merchants will be maintained on the City Web Site.

Animal Services staff has already begun approaching merchants and has received a uniformly positive response. For example, several shops on 25th Street have already indicated they would be willing to participate.

A logo is being developed that may look something like the following:

ORDINANCE NO. ____

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING TITLE 13 TO REVISE ANIMAL SERVICES PROVISIONS; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

The Council of Ogden City hereby ordains:

SECTION 1. Title amended. Title 13 of the Ogden Municipal Code is hereby amended to read and provide as follows:

Chapter 1
ANIMAL SERVICES ADMINISTRATION

13-1-1: [~~DIVISION OF~~] ANIMAL SERVICES; ANIMAL SERVICES SUPERVISOR[~~MANAGER~~]:
13-1-2: SHELTER; MAINTENANCE AND INSPECTION:
13-1-3: INTERFERENCE PROHIBITED:
13-1-4: PENALTY:

13-1-1: [[~~DIVISION OF~~] ANIMAL SERVICES; ANIMAL SERVICES SUPERVISOR [~~MANAGER~~]:]

A. **[Created; Appointment:]** [~~There is created a division of animal services as part of the department of community services. There is established the office of animal services manager, which office shall be filled by appointment of the mayor.~~] The animal services functions of the City shall be located within the community development division of the department of community and economic development. The City may designate an employee to serve as the animal services supervisor who shall supervise the animal service officers and other animal services staff.

B. **[Oath:]** The animal services supervisor [~~manager~~] and any person employed by the community development division [~~of animal services~~] as an animal services officer, shall, before assuming the duties of his/her office, take and subscribe the oath of office. The animal services supervisor [~~manager~~] and any other employee of the division in whose hands any public funds may come in the regular discharge of their duties, shall be bonded under title 2, chapter 5 of this code.

C. **[Powers And Authority:]**

1. Peace Officers: The animal services supervisor [~~manager~~] and the animal services officers shall have and exercise the powers and authority of peace officers in enforcing the provisions of this title and all other laws pertaining to animals. The animal services officers shall enforce the provisions of this title and carry out all duties prescribed or delegated by the animal services supervisor [~~manager~~].

2. Impoundment; Duty: The animal services supervisor [~~manager~~], his/her [~~deputies,~~] assistants, animal services officers and the police officers of the city are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this title.

3. Right Of Entry: In the enforcement of this title, any peace officer or the animal services supervisor [~~manager~~], his/her assistants or any animal services officer are authorized to enter onto the open premises of any property within the city to take possession of any animal in violation of this title. It is not the intent of this subsection to authorize any entry onto property which is in violation of state or federal constitutional restrictions regarding search and seizure.

4. Entering Vehicles: Any peace officer, the animal services supervisor [~~manager~~] or the supervisor's [~~manager's~~] assistants, or any animal services officer, who has probable cause to believe that subsection 13-3-1O of this title is being violated, shall have authority to enter a vehicle in which an animal is being confined illegally, by any reasonable means under the circumstances after making a reasonable effort to locate the owner or other responsible person, in order to protect the health and safety of an animal.

D. **[Duties And Responsibilities:]**

1. Enforcement: It shall be the responsibility of the animal services supervisor [~~manager~~], his/her assistants and any animal services officer, to enforce the provisions of this title and the provisions of all other laws and ordinances pertaining to animals and to perform such other duties as may be provided by law.

2. Aid Of Animals: In addition to the performance of his/her regular and ordinary duties, the animal services supervisor [~~manager~~], his/her assistants and any animal services officer, shall have the authority to go to the aid of any or all animals at large, in distress or danger and render them such aid as lies within their power.

[~~3. Shelter Supervision: The animal shelter and its operation, shall be under the supervision and direction of the animal services manager. The animal services manager shall provide adequate care for all animals delivered to the animal shelter.~~]

[~~4~~]3. Reports; Monies Collected: The animal services supervisor [~~manager~~] shall keep an accurate account of all monies paid directly to the division for any services as provided in this title and he/she shall file on each business day a verified report of all sums collected and from whom collected. All monies collected by the animal services supervisor [~~manager~~] shall be paid to the city treasurer on the first business day following collection and the city treasurer's receipt for same shall be filed as part of the verified daily report of the animal services supervisor [~~manager~~]. Monthly reports shall be filed on the numbers and species of animals handled and their disposition during the previous month.

E. **[Mayoral Authority To Adopt Regulations:]** The mayor may adopt such reasonable rules and regulations as may be necessary to implement the provisions of this title.

13-1-2: [**~~[SHELTER; MAINTENANCE AND INSPECTION:]~~**
~~The city shall provide suitable premises and facilities to be used as the city animal shelter. The animal shelter of the city shall be called the Carol Conroy Browning-Ogden animal shelter and shall be referred to in this title as the animal shelter. The animal shelter shall be kept in a clean and orderly condition. The city shall arrange for periodic inspections of the animal shelter to be made by a qualified city official or official from the Weber County health department.~~] Reserved

13-1-3: [INTERFERENCE PROHIBITED:]

A. It is unlawful for any person to use force, violence, intimidation, or to engage in any other unlawful act, with a purpose to interfere with the animal services [~~manager~~] supervisor or any animal services officer or any peace officer, in the lawful discharge of their duties, as prescribed in this title.

B. It is unlawful for any person to intentionally or knowingly give false or misleading information to the animal services supervisor [~~manager~~] or any animal services officer or any peace officer regarding the ownership, breed, identity or location of an animal.

C. It is unlawful for any person to knowingly give a false name, birth date, or address with the intent of misleading the animal services supervisor [~~manager~~] or any animal services officer or any peace officer as to the person's identity.

D. It is unlawful for any person to take any animal, or any evidence of a violation of this title, out of the custody of the animal services supervisor [~~manager~~] or his/her assistants, any animal services officer or any peace officer by stealth, fraud or force.

13-1-4: [ENFORCEMENT; VIOLATIONS; AND PENALTIES ~~PENALTY~~:]

[~~Any person violating any of the provisions of this title shall be guilty of a class B misdemeanor, unless a different penalty is provided under state law, and shall be punished as set forth in title 1, chapter 4 of this code. If any violation be continued, each day's violation shall be deemed a separate offense.~~]

A. **[Enforcement:]** This title may be enforced through the administrative imposition of civil penalties procedure established in title 1, chapter 4, article B of the Ogden City Municipal Code, or by filing civil or criminal actions as provided by law. The City has sole discretion to decide whether to file a civil or criminal case for a violation. The City may file both, or one or the other. The possibility of an administrative remedy pursuant to title 1, chapter 4, article B shall in no way interfere with the City's right to prosecute violations of this title as criminal offenses. The City may use any of the

remedies available under the law in both civil and criminal prosecution. If the City chooses to file both civil and criminal charges for the same violation, penalties may only be assessed once, but all other remedies are available.

B. **[Misdemeanor:]** A violation of this chapter is a class B misdemeanor, subject to penalty as provided in title 1, chapter 4, article A of the Ogden City Municipal Code.

C. **[Judicial Remedies:]** This title may also be enforced by injunction, mandamus, abatement, or any other appropriate judicial action in law or equity.

D. **[Penalties:]** Failure to correct a violation of this title after notice of violation and expiration of the warning period may be enforced by the administrative imposition of the following civil penalties pursuant to title 1, chapter 4, article B of this code:

1. The first civil citation issued after expiration of the warning period shall subject the person to the initial penalty as provided in subsection G of this section.

2. The second civil citation issued after expiration of the warning period and the prior imposition of the initial penalty shall subject the person to the intermediate penalty as provided in subsection G of this section.

3. Any subsequent civil citation issued after expiration of the warning period and the prior imposition of an intermediate penalty, or any reoccurring violation under section 1-4B-6 of this code, shall subject the person to the maximum penalty as provided in subsection G of this section.

4. In the event a person obtains the necessary licenses after imposition and payment of civil penalties pursuant to this section, such payment shall be credited against the payment of late penalties due under chapter 2 of this title. In the event a person obtains the necessary licenses after imposition of civil penalties pursuant to this section that have not been paid, the payment of late penalties due under chapter 2 of this title shall be credited against the unpaid civil penalties.

E. **[Every Day Constitutes Separate Offense:]** Every day that a violation of this title continues shall constitute a separate offense or violation for purposes of the penalties and remedies available herein.

F. **[Remedies Not Exclusive:]** Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce the provisions of this title.

G. **[Civil Penalties:]**

1. Penalties Imposed: Violations of this title shall carry civil penalties pursuant to the following schedule:

	Violation Classification	Initial Penalty	Intermediate Penalty	Maximum Penalty
a.	Barking dog violation or otherwise maintaining a public nuisance in violation of this title	$125.00	$250.00	$500.00
b.	Failure to license an animal in accordance with this title	125.00	250.00	500.00
c.	Failure to pick up and properly dispose of dog excreta, or failure to carry bag for such purposes	25.00	50.00	100.00
d.	Roaming dog violation or otherwise failing to keep a dog from running at large in violation of this title	85.00	100.00	125.00
e.	Maintaining a public nuisance determined to be a dangerous dog or potentially dangerous dog or vicious animal in violation of this title	125.00	250.00	500.00
f.	Any other violation not described above	125.00	250.00	500.00

Chapter 2
LICENSING AND REGULATIONS

13-2-1: DEFINITIONS:
13-2-2: LICENSING PROVISIONS:
13-2-3: SERVICE AND LICENSE FEES:
13-2-4: KENNELS AND CATTERIES:
13-2-5: RABIES CONTROL:
13-2-6: RESTRAINT; RULES AND REGULATIONS:
13-2-7: PUBLIC NUISANCES:
13-2-8: DANGEROUS DOGS:
13-2-9: PROTECTIVE CUSTODY:
13-2-10: UNLAWFUL ACTS:

13-2-1: [DEFINITIONS:]

As used in this title, the following terms mean:

ABANDONMENT: Placing an animal at risk in an unsafe or dangerous environment where the animal is unable to fend for itself or where the animal is unsupervised for a period of longer than twenty four (24) hours without ensuring the animal of basic needs such as food, water, shelter or necessary medical attention. Abandonment shall also include the failed promise of reclaiming an animal seventy two (72) hours beyond the due date to pick up the animal in agreement with a kennel, grooming service, veterinary hospital or animal shelter, including owners who refuse to reclaim the pet or sign relinquishment authorization.

ALTERED: Surgically neutered male animal or surgically spayed female animal incapable of procreating or certified by a licensed veterinarian to be physically incapable of procreating.

ANIMAL: Any living nonhuman creature, both domestic and wild, male and female, singular and plural.

ANIMAL SERVICES SUPERVISOR [~~MANAGER~~]: The animal services supervisor who supervises the [~~manager supervising~~] animal control officers and other animal services staff within [~~the animal services division of~~] the city's [~~public services department~~]Community and Economic Development Department.

ANIMAL SERVICES OFFICER: Any person designated by the city and sworn as a law enforcement officer to perform the duties as described in this title.

ANIMAL SHELTER: The Weber County Animal Shelter which is utilized for [~~Any facility operated by the city for~~] the purpose of protective custody for animals held under the authority of this title or state law.

AT LARGE: Any animal off the premises of the owner and either not under control of the owner or his/her agent by leash or not confined within a vehicle; or any animal on the premises of the owner and not securely confined by a leash, building or fenced area.

ATTACK: To set upon with violent force.

BITE: Any injury caused by an animal's teeth which results in a break in the skin.

CAT: A domestic feline, either male or female of any age.

CATTERY: The land or building used in the keeping of seven (7) or more cats at least six (6) months old.

CUSTODY: Ownership, possession of, harboring, or exercising control over any animal.

DANGEROUS DOG: As defined in subsection 13-2-8.A of this chapter.

DEPARTMENT: The city's [~~public services~~] Community and Economic Development department.

DIVISION: The [~~animal services~~] community development division of the city's [~~public services~~] Community and Economic Development department.

DOG: A domestic canine, either male or female of any age.

EUTHANASIA: The humane destruction of an animal accomplished by an approved method that involves unconsciousness and immediate death or by a method that causes painless loss of consciousness and death during such loss of consciousness.

FERRET: The domesticated ferret commonly known as the European ferret or Mustela putorius furo, either male or female of any age, but not including the black footed ferret or any other type of undomesticated ferret.

FIERCE: Violently hostile or aggressive in temperament.

HANDLER: Any person who has control, charge, care, custody of, or responsibility for, an animal at any given time.

HARBORING: Performing any act involving the provision of care, shelter, protection, refuge, food or nourishment in such manner as to extend control over the animal, and includes permitting a stray or lost animal or an animal belonging to another person, to be kept, fed or lodged within or upon a person's property.

HUMANE TREATMENT: The act or manner of treating an animal with compassion and consideration and protecting an animal from dangers, mistreatment or abuse.

HYBRID: Any animal, however domesticated, that has been crossbred with a wild animal or hybrid thereof.

KEEPER: A person in charge, possession, control, care, or keeping of an animal, regardless of ownership.

KENNEL: The land or building used in the keeping of three (3) or more dogs at least six (6) months old.

LEASH: Any chain, rope or device used to restrain an animal that does not endanger or harm its physical well being as defined under the definition of Restraint.

LIVESTOCK: Animals that are domesticated and normally kept on farm or range lands including, but not limited to, horses, cattle, swine, sheep and goats, including dwarf varieties.

OWNER: Any person, partnership or corporation harboring, keeping, possessing,

maintaining, having an ownership interest in or having control or custody of an animal.

PET SHOP: Any person, partnership or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel or cattery that acquires live animals and sells or offers to sell or rent such live animals to the public or to retail outlets.

PROTECTIVE CUSTODY: Having been received into the care of the [~~city animal services~~] community development division of the city's [~~public services~~] Community and Economic Development department or any authorized agent or representative thereof, including seizure due to violation of the law or to come into compliance with the law, to be held as evidence, or for the protection of the animal.

PROVOCATION: As defined in subsection 13-2-8A of this chapter.

PUBLIC NUISANCE: Any animal which violates the provisions of this title as described in section 13-2-7 of this chapter.

QUARANTINE: The isolation of an animal in a substantial, properly ventilated enclosure that does not harm or endanger the animal, so that it is not subject to contact with other animals or unauthorized persons.

RESIDENT ANIMAL: Any animal kept, harbored, or sheltered in the City for thirty days (30) or more.

RESTRAINT/TETHERING: Securing any animal by a leash, tether or enclosing the animal in a secured building or fenced area adequately constructed and maintained to keep the animal from running at large. "Humane restraint" shall mean and require that when a dog is chained or tied outdoors, the chain or material the animal is tied with shall be so placed or attached that it cannot become entangled with the chains or ties of other dogs or with any other object. Such restraint should be adequate to the breed and dog's abilities and of a humane nature. Such chains or ties shall be at least three (3) times the length of the dog as measured from the top of its nose to the base of its tail and shall allow the dog convenient access to shelter and shall be no longer than twenty five feet (25').

TEMPORARY ANIMAL: Any animal kept, harbored, or sheltered in the City for less than thirty (30) days.

VETERINARIAN: Any person legally licensed to practice veterinary medicine.

VETERINARY HOSPITAL: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

VICIOUS ANIMAL: Any animal which is dangerously aggressive, including an animal which has bitten or in any other manner attacked any person or animal. Dogs which are vicious are defined as "dangerous dogs" in subsection 13-2-8A of this chapter.

WILD ANIMALS: Any animal which is not commonly domesticated, or which, irrespective of geographic origin, is of a wild or predatory nature, or any other animal which because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner, and animals which, as a result of their natural or wild condition cannot be vaccinated effectively for rabies. These animals, however domesticated, shall include, but are not limited to:

A. Alligators, caiman and crocodiles.

B. Bears (Ursidae); all bears including grizzly bear, brown bear, black bear, etc.

C. The cat family (Felidae); all except the commonly accepted domestic cats, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc., and any hybrids.

D. The dog family (Canidae); all except domesticated dogs, and including wolf, fox, coyote, etc., and any hybrids.

E. Porcupines (Erethizontidae).

F. Primates (Hominidae); all nonhuman primates.

G. Raccoons (Procyonidae); all raccoons including the eastern raccoon, desert raccoon, ring tailed cat, etc.

H. Skunks.

I. Venomous fish and piranha.

J. Venomous snakes and lizards, and any snake exceeding nine feet (9') in length.

K. The weasel family (Mustiladae); all, including weasel, marten, wolverine, black footed ferret (but not including other domesticated ferrets as defined herein), badger, otter, ermine, mink, mongoose, etc., except those humanely raised for their pelts.

L. Any animal of a species that is susceptible to the rabies virus for which there is no federally approved vaccine.

WORRY: To harass or intimidate by barking or baring of teeth, growling, biting, shaking or tearing with the teeth, or approaching any person in apparent attitude of attack or any aggressive behavior which would cause a reasonable person to feel they were in

danger of immediate physical attack.

13-2-2: [LICENSING PROVISIONS:]

A. **[Dogs, Cats And Ferrets; Parents Of Minors Keeping Or Harboring Animals:]**

1. Required: All dogs, cats and ferrets six (6) months of age and over which are harbored, owned, kept, possessed or maintained in the city shall be licensed and registered. No person shall keep, harbor or maintain within the city any dog, cat or ferret six (6) months of age and over which is not licensed as required herein. License fees shall be paid as set forth in section 13-2-3 of this chapter. No person under the age of eighteen (18) years shall apply for or obtain a pet license or permit. All dogs, cats and ferrets must be licensed by an adult, who shall be responsible for compliance with the requirements of this title. No person shall harbor, own, keep, possess or maintain any dog, cat or ferret six (6) months of age and over that has not been spayed or neutered unless that person holds a valid unaltered pet license for the animal.

2. Minors; Parent Responsible: The parent or guardian of any minor keeping or harboring an animal shall be considered the owner and be responsible for compliance with the requirements of this title. See also subsection 13-2-8C4 of this chapter.

3. Number Restricted: No person or persons at any residence shall at any one time own, possess, harbor or license more than:

   a. Two (2) dogs over six (6) months old;

   b. Six (6) cats over six (6) months old, except that such maximum number of cats shall be reduced by one cat for each dog or ferret over six (6) months old owned, possessed, harbored or licensed at the residence; or

   c. Two (2) ferrets over six (6) months old.

4. Grandfather Provision: The requirement to reduce the maximum number of cats by one cat for each dog or ferret over six (6) months old under subsection A3b of this section shall not be applicable to any cat actually owned, possessed, harbored or licensed at the residence as of February 28, 2006, if:

   a. Prior to June 1, 2006, the owner establishes to the satisfaction of the animal services [~~manager~~] <u>supervisor</u> that:

      (1) All such cats, and the dogs or ferrets requiring such reduction of the maximum number of cats, were owned, possessed, harbored or licensed at the owner's residence as of February 28, 2006, and

      (2) All such cats, dogs or ferrets owned, possessed or harbored at the residence are currently licensed in accordance with the provisions of this title; and

b. All such cats, dogs or ferrets owned, possessed or harbored at the residence continue to be licensed and maintained in accordance with the provisions of this title during their lifetime.

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, address, electronic mail address and telephone number, 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 for less than thirty (30) days, 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 for less than thirty (30) days. If there is a violation involving a temporary animal, the animal shall be treated as a resident animal and subject to enforcement as provided in this title.

C. **[Term; Renewal:]** Pet licenses will be valid for a term of one year from the date of issuance, or less than one year, concurrent with the date of the rabies inoculation, if the inoculation expires within the licensing year [~~expiring on the last day of the twelfth month~~]. There shall be no proration of any license fees. [~~Renewal licenses will retain the original expiration period whether renewed prior to, on or after their respective renewal month.~~] All licenses shall be obtained on or before the expiration of the prior license.

D. **[Spayed And Neutered; Certificate Required:]** No female dog, ferret or cat shall be licensed as spayed nor male dog, ferret or cat licensed as neutered except upon certificate of a veterinarian.

E. **[Rabies Inoculations; Required:]** No license shall be issued for any dog or cat four (4) months of age or over, or any ferret three (3) months of age or over which has not been inoculated against rabies by a licensed veterinarian in accordance with the requirements for rabies control set forth in section 13-2-5 of this chapter. Written proof of that inoculation shall be presented at the time the license is applied for. [~~Revaccination shall be required prior to licensing or renewal of license if the previous vaccination will expire within the term of the license.~~]

F. **[Issuance Of License:]** Pet licenses shall be issued by the division and by the city treasurer or his/her authorized agents. The city treasurer may authorize licenses to be issued by participating veterinarians, kennels, catteries, pet shops, animal shelters and other approved locations under written agreement with the city, approved by the city treasurer.

G. **[Tags:]**

1. Issuance: Upon acceptance of the license application and fee, the city shall issue a durable tag, stamped with an identifying number. Tags should be designed so that they may be conveniently fastened or riveted to the dog's, ferret's or cat's collar or harness.

2. Display: License tags shall be worn by dogs, ferrets and cats at all times, except when participating in a dog or cat show or during approved, supervised training. Any ferret licensed pursuant to this title shall also be identified by an approved microchip implanted in the neck or shoulder area, with a number issued or registered by the division.

3. Removal: No person other than the animal services [~~manager~~] supervisor or his/her assistants or officers, a police officer or medical personnel shall remove or cause to be removed the collar or metal tag from any licensed dog, ferret or cat without the consent of the owner or authorized agent.

H. **[Exemptions; Compliance:]** The following dogs shall be exempt from the payment of license fees under this section, but shall still be required to comply with licensing and registration requirements: qualified service animals in accordance with the Americans With Disabilities Act [~~seeing eye dogs, properly trained and certified to assist blind persons; hearing dogs, properly trained and certified to assist deaf persons; therapy dogs, properly trained and certified to assist in treatment of the aged, ill and handicapped~~]; government law enforcement and military service dogs; and guide dogs, temporarily housed in the city under a recognized guide dog program.

I. **[Senior Citizen Discount:]** Persons sixty (60) years of age or older, who exhibit proof of age, shall qualify for the discount established under subsection 13-2-3C of this chapter for any dog, ferret or cat which is spayed or neutered and is owned by and residing with the qualifying senior citizen. Such discount shall not be applicable to late fees, impound fees, or boarding fees associated with animal impounds. Any special permanent license issued to a person sixty five (65) years or older prior to July 1, 2002, shall continue to be honored as a special permanent license under subsection K of this section.

[~~J. **[Obedience Course; Credit:] [**Dog owners providing written proof of their dog's successful completion of a recognized dog training or dog obedience course shall receive a onetime credit toward the next year's license fee in the amount of five dollars ($5.00) upon renewal.~~]

J [~~K~~]. **[Altered Dogs, Ferrets And Cats; Lifetime License:]** Any person, eighteen (18) years of age or older, who exhibits proof of age, may purchase a lifetime [~~special permanent~~] license for a dog, ferret or cat which is spayed or neutered, which license shall remain in effect for the lifetime of the animal. Such persons who have purchased a lifetime [~~special permanent~~] license shall still continue to be required to obtain an annual license without fee and provide verification of rabies

vaccination thereafter[~~; provided, that no person shall be issued more than two (2) special permanent dog, ferret or cat licenses at any one time~~]. This subsection shall not be construed to relieve any person from meeting all licensing requirements not specifically exempted, including late fees and required vaccinations, nor is any license issued hereunder transferable to any animal other than that for which the license was issued or to any other owner.

K [~~L~~]. **[License Regulations:]**

1. Record Of Identification: The city shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

2. Transfer Prohibited: No person may use any license for any dog, ferret or cat other than the dog, ferret or cat for which it was issued. Licenses are not transferable to a new owner.

3. Transfers; Other Jurisdiction: Owners of dogs, ferrets and/or cats which hold valid licenses from other jurisdictions and who move into the city may transfer the license by paying a transfer fee. Such license shall maintain the original expiration date, subject to an unexpired transfer term not to exceed one year.

4. Sale Or Transfer; Unlicensed: No person shall sell or transfer ownership of any dog, ferret or cat, subject to licensing under this chapter, which is not licensed as required herein. The division shall be notified of the name, address and telephone number of the new owner by the person who sold or transferred ownership of the animal.

L [~~M~~]. **[Late Penalty; Exemption:]** All license fees shall be increased by twenty dollars ($20.00) each if not paid on or before the date due. If a license is still delinquent more than thirty (30) days after the due date, the license fee shall be increased by forty dollars ($40.00). No late penalty shall be charged on new license applications, if the owner submits proof of purchase or acquisition of the animal within the preceding two (2) weeks; the owner or animal has moved in the city within the preceding two (2) weeks; the animal is currently or has been within the preceding two (2) weeks, under the age which requires a license; or the owner purchases the license voluntarily, prior to an in person field contact or impoundment, or issuance of a summons or complaint by the city. This section may also be enforced by the administrative imposition of civil penalties as set forth in section 13-1-4 of this title.

M [~~N~~]. **[Denial Or Revocation:]** The animal services supervisor [~~manager~~] may deny or revoke any license or permit issued herein for nonpayment of a returned check used to pay fees required for issuance of such license or permit. Notice of such denial or revocation shall be sent to the applicant, licensee or permittee, by mail, to the address listed on the license or permit application. The decision to deny or revoke such license or permit may be appealed under title 4, chapter 4, article A of this code.

N. **[Unaltered Dogs; Insurance Requirement:]** Except as provided in section 13-2-8C.2.i. of this chapter, an owner or keeper of an unaltered dog eighteen (18) months of age and over, shall in addition to paying the required license fee under this chapter, present to the division proof that the owner or keeper has procured liability insurance in the amount of at least twenty-five thousand dollars ($25,000.00), covering any damage or injury that may be caused by such unaltered dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring Ogden Animals Services, 2549 Washington Blvd., Suite 110, Ogden, UT 84401, to be named as an "other interested party" for the sole purpose that Ogden Animal Services 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, and shall be provided annually upon license renewal.

13-2-3: [SERVICE AND LICENSE FEES:]

The following fees shall be imposed by the division for services rendered by the division and for licenses required under this title:

A.	Reclaim By Owner Of Impounded Small Animals:			
	[~~1.~~	~~Dogs, ferrets and cats impound fee:~~	-	
		~~First time, licensed~~	~~$ 45.00~~	
		~~First time, unlicensed~~	~~60.00~~	
		~~Second time during 12 month period~~	~~75.00~~	
		~~Third time or more during 12 month period~~	~~125.00~~	
		~~Unaltered animal fee to be added to impound fee imposed above (such fee may be applied to costs to spay/neuter)~~	~~50.00~~	
	~~2.~~	~~Boarding, daily fee (no charge for the first day):~~		
		~~Dogs~~ ~~Cats or ferrets~~	~~10.00~~ ~~10.00~~]	

	[~~3~~]1.	License fee (see subsection [~~C~~]B of this section for specifics)		
	[~~4~~]2.	Microchip identification (unless previously implanted)	15.00	
[~~B.~~	~~Adoption Fee:~~			
	~~1.~~	~~Dogs Or Cats: $20.00 plus reasonable cost of obtaining spay/neuter services and rabies vaccinations from veterinarians in the city or Weber County area.~~		
	~~2.~~	~~Other Animals: The animal services manager may establish a fee for any animal other than a dog or cat, based on the costs of the adoption process, the value of the animal, and the need to establish some nominal fee to encourage owner responsibility and investment in the animal.~~]		
[~~C~~]B.	License Fees (Dogs, Cats And Ferrets) (see also section 13-2-2 A):			
	1.	Unaltered:		
		Dog Cat or ferret	$ 50[~~30~~].00 35[~~20~~].00	
	2.	Altered:		
		Dog Cat or ferret	10.00 5.00	
	3.	Lifetime license for altered dog, European ferret or cat under subsection 13-2-2K of this chapter:		
		Dog Cat or ferret	75.00 35.00	
	4.	Senior citizen owner discount under subsection 13-2-2I of this chapter	20%	off
	5.	Transfer fee under subsection 13-2-2L3 of this chapter:		

			Altered Unaltered	5.00 15.00	
	6.	Replacement tag		5.00	
	7.	Dangerous dog <u>or Potentially Dangerous dog</u> (registration fee)		<u>100</u>[~~50~~].00	
[~~D.~~]	~~Relinquish (Surrender) By Owner:~~				
	[~~1.~~	~~Request for euthanasia (dogs or cats)~~		~~30.00~~	
	~~2.~~	~~Relinquishment of ownership:~~			
		~~Dogs, ferrets or cats~~		~~25.00~~	
		~~Dogs/ferrets/cats to 4 months of age:~~			
			~~First animal~~ ~~Each additional~~	~~25.00~~ ~~5.00~~	
[~~E~~]<u>C</u>.	Quarantined Animals; Charges To Owner (Not Including Applicable Impound Fees):				
	~~1.~~	~~Dogs, ferrets or cats~~		~~$ 10.00~~	~~per day~~
	~~2.~~	~~Other animals:~~			
			~~Small animals~~ ~~Large livestock~~	~~6.00~~ ~~15.00~~	~~per day~~ ~~per day~~
	[~~3~~] <u>1</u>.	Preparation and transportation of animal to state laboratory for rabies testing]		<u>75</u>[~~50~~].00	
[~~F~~]<u>D</u>.	Disposal Only Of A Dead, Owned Animal:				
	1.	Small animal		10.00 <u>25.00</u>	<u>For licensed animal</u> <u>For unlicensed animal</u>

	2.	Large livestock (not available - private disposal is the responsibility of the owner)		
[~~G.~~	~~Reclaim Of Livestock By Owner, Per Animal:~~			
	~~1.~~	~~Impound fee~~	~~30.00~~	
	~~2.~~	~~Boarding, daily fee~~	~~15.00~~	
	~~3.~~	~~Transportation charge (per trip)~~	~~50.00~~	
~~H.~~	~~Trap Rental:~~			
	~~1.~~	~~Dogs~~	~~75.00~~ ~~5.00~~	~~deposit,~~ ~~rental fee~~ ~~per week~~
	~~2.~~	~~Cats and skunks~~	~~50.00~~ ~~5.00~~	~~deposit,~~ ~~rental fee~~ ~~per week~~
	~~3.~~	~~Raccoons~~	~~40.00~~ ~~5.00~~	~~deposit,~~ ~~rental fee~~ ~~per week~~
	~~4.~~	~~Squirrels, chipmunks, etc.~~	~~20.00~~ ~~5.00~~	~~deposit,~~ ~~rental fee~~ ~~per week~~
	~~5.~~	~~Transportation of trapped animals (per trip)~~]	~~5.00~~	
[~~I~~]E.	Pick Up Charge For Owned Animals:			
	1.	Pick up charges per trip	No charge for licensed animal	
	2.	Pick up charges per trip	25[~~10~~].00	if not licensed
	3. At the time of pick-up, Ogden City will collect such other fees as will be charged by Weber County for additional concurrent services, such as a relinquish fee, or euthanasia fee.			
[~~J.~~	~~Minimum Fees To Municipalities For Boarding Services:~~			

	~~1.~~	~~Minimum Fees: The following minimum fees shall be charged to other municipalities contracting with the city for services:~~		
		~~General boarding and handling fee per animal or litter~~	~~$ 62.00~~	
		~~Euthanasia fee (includes disposal)~~	~~30.00~~	
		~~Disposal fee (dead on arrival)~~	~~5.00~~	
		~~Quarantine fee~~	~~100.00~~	

~~2. Charges Included In General Boarding Fee: The flat charge for general boarding and handling is intended to include:~~

~~a. Confinement of animal in a humane manner.~~

~~b. Attempt to contact or notify known owners that their animal is confined at the shelter.~~

~~c. Handling of financial transactions and transmission of any fees collected on behalf of contracting municipality in a timely manner.~~

~~d. Holding the boarded animal the number of calendar days specified by the municipality's authorized representative for reclaim by owner(s) (the "holding period"), which holding period is not intended to exceed five (5) days.~~

~~e. Euthanasia and disposal of unclaimed animals upon completion of the holding period, or, at the discretion of the city, placement of the animal for adoption or relinquishment to an animal welfare organization for placement in a suitable home.~~

~~f. Provision of a monthly report detailing all animals received and any fees collected on behalf of the municipality.~~

~~3. Charges Not Included In General Boarding Fee: The flat charge for general boarding and handling is not intended to cover the following charges which may be necessary for the boarding of animals being held for cruelty, neglect, abuse or other circumstances involving criminal prosecutions or civil actions:~~

~~a. Daily boarding beyond the holding period;~~

~~b. Professional veterinarian and medical fees;~~

~~c. Medication and/or special diet requirements; or~~

~~d. Actual costs incurred to care for animals in a special environment or institution unavailable at the shelter.~~

~~4. Negotiated Fees: Contract fees shall be as negotiated between the mayor, or the mayor's designee, and the contracting municipalities, but not less than the fees fixed by this subsection J. Agreements under this subsection J for no more than one year's duration may be executed on behalf of the city by the mayor, or the mayor's designee, without further approval by the city council.~~]

13-2-4: [KENNELS AND CATTERIES:]

A. **[Permit Required:]** Any person who keeps dogs or cats on his/her own property for the purpose of a kennel or a cattery shall obtain a permit paying the licensing fees required by subsection D1 of this section. Kennels and catteries are only permitted in certain manufacturing zones, and are subject to the requirements set forth in title 15 of this code.

B. **[Inspections:]** It shall be a condition of the issuance and maintenance of any permit that the city or the county health department shall be permitted to inspect all animals and the premises where animals are kept at any time and may, if permission for such inspection is refused, revoke the permit or license of the refusing owner. The county health department is hereby authorized and empowered to close such place of business and keep it closed until conditions complying with laws governing the protection and keeping of animals are met.

C. **[Term:]** The permit period shall begin with the calendar year and shall run for one year. Renewal application for permits shall be made thirty (30) days prior to, and up to sixty (60) days after the start of the calendar year. Application for a permit to establish a new kennel or cattery under the provisions of this title may be made at any time prior to opening.

D. **[Fees:]**

1. Enumerated: Annual kennel and cattery permits shall be issued upon payment of the applicable fee:

a. Authorized to house between 3 and 15 dogs and between 9 and 15 cats	$ 50.00
b. Authorized to house between 16 and 30 animals	75.00
c. Authorized to house 31 or more animals	100.00

2. Exemptions: An incorporated, nonprofit animal welfare organization shall be exempt from the payment of the above fees, although permits shall be required.

3. Animal Hospitals: A fee shall be required by any veterinary hospital acting as a kennel, cattery or animal shelter.

E. **[Permit Regulations:]**

1. Facilities; Individual Permits: Every facility regulated by this title shall be considered a separate enterprise and requires an individual permit.

2. Posting; Nontransferable: A valid permit shall be posted in a conspicuous place in each establishment, and this permit shall be considered as appurtenant to the premises and not transferable to another location. The permittee shall notify the city within thirty (30) days of any change in his/her establishment, or of a change in ownership of the establishment or operation, which may affect the status of the permit. Permits are nontransferable.

F. **[Reclassification:]** Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee for any subsequent year.

G. **[Cruelty To Animals Conviction; Permit Prohibited:]** No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal establishment within five (5) years of conviction.

H. **[Revocation:]**

1. False Information: If the applicant has withheld or falsified any information on the application, the city shall refuse to issue a permit or may revoke a present permit.

2. Disposition Of Animals: The city or agency responsible for the revocation of a permit shall, within ten (10) days thereafter, oversee the humane adoption, euthanasia or relinquishment for scientific or educational purposes of all animals owned or kept by the person whose permit has been revoked. No part of the permit shall be refunded.

3. Reapplication; Fee: Any person having had a permit revoked may not reapply for a period of one year. Each reapplication shall be accompanied by a ten dollar ($10.00) fee.

13-2-5: [RABIES CONTROL:]

A. **[Vaccination Required:]** The owner or person having the charge, care, custody or control of any dog, cat or other animal, except for ferrets, four (4) months of age or over, or any ferret three (3) months of age or over, for which a federally approved vaccine is available, shall have such animal vaccinated by a licensed veterinarian

within thirty (30) days after it reaches such age. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for the vaccination. Unvaccinated animals, over the age required to be vaccinated, that have been acquired by the owner or moved into the jurisdiction must be vaccinated within ten (10) days of acquisition or arrival. Thereafter valid protection must be maintained. All vaccinations shall be performed in accordance with the standards contained in the "Compendium Of Animal Rabies Control", as amended, published by the National Association of State Public Health Veterinarians, Inc. Every dog, ferret and cat shall be revaccinated as required based upon the requirements of the specific vaccine administered. It shall be the responsibility of the administering veterinarian to specify the date of vaccination, the type of vaccine used and the date when revaccination is required. Revaccination shall be required prior to licensing or renewal of license if the previous vaccination will expire within the term of the license.

1. Exemptions To Rules:

   a. These provisions shall not apply to veterinarians, animal welfare organizations, kennels, catteries and grooming services temporarily maintaining on their premises animals owned by others.

   b. These provisions shall not apply to animals whose owners are nonresidents temporarily remaining within the jurisdiction for fourteen (14) days or less.

2. Compliance With State/Federal Law: It is unlawful to bring an animal into the city which does not comply with state and federal animal health laws and import regulations.

B. **[Clinics:]** The city shall be empowered at its discretion and in cooperation with licensed veterinarians to establish rabies clinics.

C. **[Certificate:]** It shall be the duty of each veterinarian and/or rabies clinic when vaccinating an animal for rabies, to complete a certificate of rabies vaccination, approved by the division and recommended by the National Association of State Public Health Veterinarians, Inc., in duplicate which includes the following information:

1. Information:

   a. Owner's name, address and telephone number;

   b. Description of animal (breed, sex, color, age, name, altered/unaltered);

   c. Date of vaccination;

   d. Rabies vaccination tag number;

   e. Type of rabies vaccine administered;

   f. Manufacturer's serial number of the vaccine;

g. Date revaccination is required.

2. Distribution: A copy of the certificate shall be distributed to the owner and the original shall be retained by the issuing veterinarian or rabies clinic. The veterinarian or rabies clinic and the owner shall retain their copies for the interval between vaccinations specified in this chapter. Additionally, the veterinarian or rabies clinic shall issue a metal or plastic vaccination tag, serially numbered to be worn by the animal at all times, except when participating in an animal show or approved training.

D. **[Tags:]** It shall be the duty of the owner to attach the rabies tag securely to the collar or harness of the animal.

1. Any animal not wearing a current rabies tag shall be treated as unvaccinated, pursuant to this title.

2. Vaccination tags are not transferable from one animal to another.

E. **[Bites; Duty To Report:]** Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident, within twenty four (24) hours to the [~~City Animal Services~~] Community Development Division of the [~~Community Services~~] Community and Economic Development Department [~~or the County Health Department~~]. This requirement pertains, but is not limited to, the owner of the biting animal, the person bitten, a physician or medical aide rendering service to a bitten person. Reportable information shall include:

1. The name, sex, and address of the bitten person or the name and address of the owner of the bitten animal, the type and location of the bite, the location of the incident, a complete description of the biting animal and any available facts on the immunization status of the inflicting animal, and if known, the name and address of the owner of such inflicting animal, or the name and address at the location where the inflicting animal is usually kept, If different from that of the owner of the inflicting animal; and

2. In addition, any person having knowledge of the whereabouts of any animal known to have or suspected of having rabies should report the facts immediately, upon knowledge of the bite, to the [~~City Animal Services~~] Community Development Division of the [~~Community Services~~] Community and Economic Development Department [~~or~~]. The Division shall report the facts to the County Health Department.

F. **[Seizure; Confinement:]** Any animal of a species subject to rabies that bites or is suspected to have bitten a person or animal, or is suspected of having rabies, or that has been bitten by an animal subject to or suspected of having rabies, shall be seized and securely confined. The owner shall turn over the animal to the Division or any official, authorized by law, upon demand. The animal shall be quarantined for a

period of not less than ten (10) days, or longer if so advised by a qualified veterinarian, determined from the date of the bite. The owner of such a quarantined animal shall, whenever possible, be notified within a reasonable time of the animal's condition and location.

1. At the discretion of the Animal Services Supervisor [~~Manager~~], a currently vaccinated animal may be restrained at the home of the owner, subject to daily inspection by a licensed veterinarian at the owner's expense. Release from confinement must be made by the Animal Services [~~Manager~~] Supervisor, his/her assistant or officer or a licensed veterinarian. If previous bites have occurred, the Animal Services Supervisor [~~Manager~~] may require that the animal be quarantined at the animal shelter.

2. Any unvaccinated animal must be isolated and confined in a shelter or veterinary hospital. Daily observation may be made by a trained attendant on duty. A licensed veterinarian or the Animal Services Supervisor [~~Manager~~] or his/her assistant or officer shall make the observation or the recommendation either if the animal becomes ill or completes the ten (10) day holding period and becomes eligible for release. Any unvaccinated animal must be duly immunized and licensed at the expense of the owner prior to release. Permission for release must be given by a licensed veterinarian or the Animal Services Supervisor [~~Manager~~] or his/her officer or assistant. The owner shall bear the cost of confinement and all related expenses to be paid at the time of release from impoundment.

3. Any animal clinically diagnosed to be rabid shall be promptly euthanized by the Division or veterinarian.

4. If an animal services officer or authorized official, during the investigation of a bite case, is unable to contact the owner immediately, the officer or official may enter upon private property to remove the animal that has bitten, to take the animal into protective custody until such reasonable time as the owner can be contacted.

5. It shall be unlawful for any person to remove a quarantined animal whether previously vaccinated or not from the place of quarantine without a written release from the Division or a licensed veterinarian. Any animal quarantined for rabies observation shall be implanted with microchip identification at the cost of the owner prior to release from said quarantine.

G. **[Exposure; Special Circumstances:]** Special circumstances for animals exposed to rabies:

1. Unvaccinated Animal: In the case of an unvaccinated animal susceptible to rabies, which has been bitten by a known rabid animal, said exposed animal should be immediately euthanized except as follows: if the owner is unwilling to euthanize the exposed animal, the animal shall be immediately isolated, vaccinated, and quarantined for six (6) months under veterinary supervision,

the cost of such confinement to be paid by the owner. All payments shall be made in advance unless other arrangements are made with the Animal Services [~~Manager~~] Supervisor. The animal shall be euthanized if the owner does not comply herewith.

2. Vaccinated Animal: If the exposed animal has been vaccinated, the animal should be revaccinated within twenty four (24) hours and shall be quarantined for a period of thirty (30) days following vaccination. If the animal is not revaccinated within twenty four (24) hours, it shall be isolated and quarantined under veterinary supervision for six (6) months. Veterinary fees and confinement costs must be paid in advance unless other arrangements are made with the animal services [~~manager~~] supervisor. The animal shall be euthanized if the owner does not comply herewith.

H. **[Quarantined Animals; Duty To Report:]** Any person who has custody of any animal under quarantine shall immediately notify the division if the animal shows signs of sickness, abnormal behavior, dies or if the animal escapes confinement. In the event of escape, the animal shall be placed under quarantine at either the animal shelter or a veterinary hospital. It shall be unlawful for any person to fail or refuse to allow a health or animal services officer to make an inspection or examination during the period of quarantine. If the animal dies within the ten (10) days from the date of the bite, the person having custody shall immediately notify the division and surrender the body for appropriate examination. Any related fees for preparation and transportation of the rabies specimen shall be paid in advance by the owner.

I. **[Proclamation; Mayor Authority:]** The mayor is authorized, upon reasonable apprehension of danger from dogs or other animals with rabies, to issue a proclamation forbidding all dogs and other animals from running at large within the city limits. All dogs and other animals must be securely confined or on a sufficient leash or chain to hold the animal. Any animals running loose while the proclamation is in force shall be taken into protective custody. The proclamation shall take effect upon publication in a newspaper of general circulation in the city.

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

A. **[Dogs And Cats Running At Large Prohibited:]** All dogs and cats shall be kept from running at large by humane restraint. Every owner of a dog or cat shall keep the same securely confined on his/her premises; provided, that this section shall not prevent the owner from having that dog or cat on the streets and in public places of the city when the dog or cat is controlled by adequate chain, cord or leash.

B. **[Livestock Running At Large Prohibited:]** No livestock shall be allowed to run at large or be picketed or staked out or driven upon any street, sidewalk, airport or any other public place within the limits of the city, except by permission of the chief of police and all such animals so found running at large, picketed or staked out without the owner thereof having first secured a permit from the chief of police may be impounded and taken to the shelter. Permits shall be issued by the chief of police

only after he has determined that the health, safety, peace and quiet, and property of the citizens of the city will not be endangered or damaged by such animals.

C. **[Animals In Vehicles:]** No driver of a motor vehicle shall transport or carry on any public highway or street any dog in a motor vehicle unless the animal is safely enclosed within the vehicle or protected by a shell, container, cage or other device that will prevent the dog from falling from, being thrown from or jumping from the motor vehicle.

D. **[Confinement Of Female Dogs Or Cats:]** Any owner or person having charge, care, custody or control of any female dog or cat in estrus shall, in addition to restraining such dog or cat from running at large, cause such a dog or cat to be constantly confined in a humane manner in a building or secure enclosure so as to prevent it from attracting by scent or coming into contact with other dogs or cats and creating a nuisance, except for a planned breeding.

E. **[Vicious Or Dangerous <u>or Potentially Dangerous</u> Animals:]** Any known vicious, dangerous<u>, potentially dangerous,</u> or threatening animal shall be restrained on the owner's premises in such a way as to protect any person lawfully entering or passing such premises. Every vicious or dangerous animal shall be muzzled or caged whenever off the premises of its owner.

F. **[Unlawful Attacks:]** The owner, keeper or harborer of any animal that attacks, bites, chases or threatens any person, any domestic animal or any species of wildlife shall be guilty of a class B misdemeanor.

G. **[Unlawful Restraining:]** In addition to the provisions regarding tethering of dogs on private property set forth in section [~~13-2-C~~] <u>13-2-6 L</u>, it is unlawful for any person to chain, stake out or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line or onto the premises of another person, unless the owner or lessee of the affected property has given permission. No animals shall be chained, staked out or tethered along alleys, sidewalks or along public streets or easements.

H. **[Fowl Running At Large:]** It is unlawful for the owner of any domestic fowl, such as turkeys, ducks, geese, chickens, peacocks, pigeons and any game fowl to permit such fowl to trespass or go upon the premises of another or to run at large within the limits of the city.

I. **[Unlawful Straying:]** It is unlawful for any person, owning or having the custody, possession or control of any animal of a class of livestock to allow, either negligently or with specific intent, the animal to run at large in or about a public property or roadway, where such is not otherwise permitted by law, or to otherwise permit the animal to be herded, pastured or to go upon the land of another without permission.

J. **[Fencing:]** All fencing of property, where a class of livestock are kept, shall be of sufficient construction to prevent the escape of or injury to the animals being confined, within the fencing. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstances, may be broken, damaged or in any way create the possibility of injury to the confined animal or to allow escape thereof.

K. **[Liability:]** The owner or person charged with responsibility for any animal running at large or otherwise improperly restrained shall be strictly liable for any violation under this section, regardless of whether or not such owner or person knows that the animal is running at large or that is otherwise in violation.

L. **[Unlawful Tethering of Dogs on Private Property:]**

1. At all times, dogs shall be humanely restrained, as defined in section 13-2-1 of this chapter.

2. As used in this subsection, tether means to restrain a dog by tying the dog to any object or structure including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash or r[~~f~~]unning line. Tethering shall not include using a leash to walk a dog.

3. It shall be unlawful for any person to tether a dog while outdoors on private property, except when all of the following conditions are met:

   (a) The tether is connected to the dog by a buckle-type collar or a body harness made of nylon or leather, and of an appropriate size for the breed.

   (b) The tether has the following properties: it terminates at both ends with a swivel; it does not weigh more than 1/8 of the dog's weight; and it is free of tangles.

   (c) The dog is at least six (6) months of age.

   (d) The dog is not sick or injured.

   (e) Pulley, running line, or trolley systems are at least 15 feet in length and are less than 7 feet above the ground.

   (f) If there are multiple dogs, each dog is tethered separately so as not to become tangled.

   (g) The dog shall be tethered for a maximum of ten (10) hours in a twenty-four (24) hour period.

13-2-7: [PUBLIC NUISANCES:]

A. **[Care And Control Required:]** All persons harboring, owning, keeping, possessing, maintaining or having custody of any animal shall exercise proper care and control of his/her animal in order to prevent them from becoming a public nuisance. Any owner or possessor of an animal who maintains a public nuisance in a manner contrary to the provisions of this chapter, and/or the owner of the property upon which the animal is usually maintained, shall be subject to enforcement as provided in this title [~~guilty of a class B misdemeanor and subject to the penalties provided under title 1, chapter 4 of this code~~]. Any animal shall be deemed a public nuisance if the animal:

1. Causes damage to the property of anyone other than its owner.

2. Causes unreasonable odors.

3. Causes unsanitary conditions.

4. Barks, whines, howls or makes other disturbing noises for an extended period of time.

5. Chases vehicles.

6. Is a "vicious animal", as defined herein.

7. Is a "dangerous dog", as defined herein.

8. Is a “potentially dangerous dog”, as defined herein.

9. Is an animal which has been impounded for being at large, or its owner or possessor has been convicted for the animal being at large, on three (3) separate occasions within a twelve (12) month period.

10. Worries domestic animals, persons, or wildlife.

11. Is an animal which has been found to be in violation of this title on three (3) or more different occasions during any twelve (12) month period.

B. **[Abatement:]** When it reasonably appears to the animal services supervisor [~~manager~~] that any animal is a "public nuisance", as defined in subsection A of this section, and that such nuisance should be abated, the animal services [~~manager~~] supervisor shall first attempt to obtain the written consent of the animal's owner to abate the animal. "Abatement" shall be defined to include either relocating or euthanizing the animal. If the animal owner's consent cannot be readily obtained, the animal services [~~manager~~] supervisor may file with the circuit court a charge of the maintenance of a nuisance. The charge shall set forth the facts according to the best of the animal services supervisors [~~manager's~~] information and belief, indicating that the owner is maintaining a nuisance and that the nuisance should be abated. The court may then order that the animal be impounded pending disposition and shall then order that the owner be summoned into court to answer to the charge. If the charge is denied, a hearing shall be set upon not less than three (3) days' notice to

the owner. If the court finds that the charge of maintaining a nuisance has been proven, the court shall issue an order to the animal services supervisor [~~manager~~] setting out the method of abatement. Abatement should not be by relocation if the animal represents a continuing threat of serious harm. If relocation is ordered, the court may set whatever conditions are necessary to guarantee that said animal shall not constitute a nuisance in the future. If the animal is determined to be a nuisance, the court may order that the owner pay the cost of impoundment of the animal during the court proceedings. Any animal determined to be a dangerous dog or a vicious animal shall be implanted with microchip identification and/or tattooed before final release or relocation. Any other animal determined to be a nuisance may be required by the court to be implanted with microchip identification and/or tattooed before final release or relocation, if the court determines that the ability to identify the animal in the future is in the public interest.

C. **[Licensing Restrictions:]** In addition to the remedies and penalties provided above, if the court orders that the person charged with maintaining a nuisance be restricted in the person's right to own or maintain an animal, the court may revoke any existing dog or cat license issued to such person and order that no dog or cat license be issued to such person, under the provisions of this title, during the subsequent twelve (12) month period. Upon the issuance of such order, the city shall not issue any new dog or cat license or permit to that person during the subsequent twelve (12) month period.

13-2-8: [DANGEROUS DOGS:]

A. **[Definitions:]**

DANGEROUS DOG: As used in this chapter, shall mean any dog:

1. Which has exhibited a propensity, tendency or disposition to attack, to cause injury or to otherwise threaten the safety of human beings or domestic animals; or

2. Which, without provocation, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude of attack; or

3. Which has severely injured or killed a domestic animal, without provocation, while not properly restrained on the owner's or possessor's property; or

4. Which has attacked, bitten or inflicted a physical injury on a human being without provocation; or

5. Which, with or without provocation, has inflicted severe injury upon or caused the death of a human being; or

6. Which is owned or harbored primarily or in part for the purpose of dogfighting or any dog used for dogfighting. A dog shall not be found to be owned or harbored for the purpose of dogfighting solely on the basis of an exercise program or the use of exercise equipment.

POTENTIALLY DANGEROUS DOG: As used in this chapter, shall mean any dog:

1. Which has been found running at large and impounded, or whose owner has received citations for violations of title 13, “Animals,” of this code, concerning the dog in question, two (2) or more times within any twelve (12) month time period; or

2. Which, without provocation, acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to jump over or escape; or

3. Which, without provocation, has tried to attack a person or domestic animal if it is restrained by a leash, fence or other means and it is clear that only the presence of the leash, fence or other means of restraint prevented the dog from immediate attack.

PROVOCATION: Any act towards a dog done with the intent to tease, torment, abuse, assault or otherwise cause a reaction by the dog; provided however, that any act by a person done in self-defense shall not be considered to be a provocation. "Provocation" shall also include any act by a dog in defense of a litter while the dog was properly confined on the owner's property.

B. **[Determination; Abatement:]**

1. Options: If the animal services supervisor [~~manager~~] determines that a dog is a "dangerous dog", as defined herein, the animal services supervisor [~~manager~~] shall either proceed to abate the animal under subsection 13-2-7B of this chapter, attempt to obtain the written consent of the dog's owner to euthanize the dog, or require the owner to register and restrain the dog in accordance with this chapter. If the animal services supervisor [~~manager~~] determines that a dog is a “potentially dangerous dog” as defined herein, the animal services supervisor [~~manager~~] shall provide written notice to the owner or keeper of the dog, and shall require the owner to register, pay applicable fees, and restrain the dog in accordance with this chapter.

2. Aggravating Circumstances: If aggravating circumstances are determined to exist, the animal services supervisor [~~manager~~] shall immediately proceed with abatement proceedings and shall not provide the owner with the option of registration. Aggravating circumstances may include any of the following circumstances:

a. That the unprovoked attack resulted in the death or severe injury of a human being. "Severe injury" means any injury that results in fractured bones, extensive medical care, or maiming.

b. That the dog in question has previously, without provocation, attacked, bitten or inflicted physical injury on a human being or domestic animal.

c. That the dog has previously been registered to be a dangerous dog or potentially dangerous dog and either repeats the same or similar behavior or whose owner fails to comply with the ordinances pertaining to registration or control of dangerous dogs or potentially dangerous dogs.

3. Exceptions: No dog shall be considered dangerous or potentially dangerous if the finding is based solely on the fact that the dog attacked, bit or menaced a person committing a crime against person or property at the time of the attack.

4. Owner Knowledge: It shall not be necessary, in order to sustain a charge of maintaining a nuisance to prove that the owner knew that such dangerous dog possessed the propensity to attack, cause injury or threaten persons or other animals where the owner continues to maintain the dangerous dog.

5. Hearing: An owner or keeper of a dog that is determined to be a "potentially dangerous dog" pursuant to this subsection may appeal such decision before a hearing officer by filing a written application in the office of the city recorder for a hearing and present and contest such determination before a hearing officer. Such application shall be filed within ten (10) calendar days of the date of the notice of decision and shall be accompanied by a twenty-five dollar ($25.00) filing fee. The hearing shall be conducted as provided in Title 4, Chapter 4, Article A, "Administrative Hearings," of this code. The burden of proving that a dog should not be considered a "potentially dangerous dog" shall be on the appellant.

C**. [Registration:]**

1. Required: It is unlawful for an owner to have a dangerous dog or potentially dangerous dog within the limits of the city without a certificate of registration issued by the animal services [~~manager~~] supervisor. This action shall not apply to dogs used by law enforcement officials for police work.

2. Requirements: A dangerous dog, or potentially dangerous dog, shall not be registered by the animal services [~~manager~~] supervisor 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 or potentially dangerous dog on the property where the dog will be kept or maintained. The "effective date" shall be determined at the time of the bite or aggressive behavior causing the "dangerous dog" requirements to be imposed.

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 animal licensed and micro-chipped.

[~~c~~]d. The owner [~~shall~~]may, at the owner's expense, have the licensing number assigned by the city to such dangerous dog or potentially 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~~] supervisor may otherwise designate the particular location of the tattoo.

[~~d~~]e. The owner shall at all times cause the dangerous dog or potentially dangerous dog to wear a collar with a tag of a color and type designated by the animal services [~~manager~~] supervisor so that the dog is readily identifiable as a dangerous dog or potentially dangerous dog.

[~~e~~]f. The owner shall, at his own expense, have the dangerous dog or potentially dangerous dog spayed or neutered by a licensed veterinarian.

[~~f~~]g. 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 or potentially dangerous dogs within the limits of the city;

(2) The owner or keeper shall notify the division immediately if a dangerous dog or potentially 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~~] supervisor 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 or potentially 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 or potentially 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 or potentially dangerous dog.

(5) In the event the dangerous dog or potentially dangerous dog is usually kept on premises owned by someone other than the owner of the dog, the owner of the dog must obtain written permission from the landlord or property owner to keep the dog on such premises, a copy of which shall be filed with the City at the time of licensing.

[~~g~~]h. The owner shall pay an annual registration fee as specified in subsection 13-2-3B[~~C~~]7 of this chapter. Said fee shall be over and above regular license fees.

[~~j. Any dangerous or potentially dangerous animal must be implanted with microchip identification at the owner's expense as a requirement of registration or relocation.~~]

[~~i~~]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 fifty thousand dollars ($50,000.00), covering any damage or injury that may be caused by such dangerous dog or potentially dangerous dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring Ogden Animals Services, 2549 Washington Blvd., Suite 110, Ogden, UT 84401, to be named as an “other interested party” for the sole purpose that Ogden Animal Services [~~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, and shall be provided annually upon license renewal.

3. Inspections And Seizure; Authority: The animal services supervisor [~~manager~~] is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions regarding dangerous dogs or potentially dangerous dog, 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 or potentially dangerous dog whose owner fails to comply with the provisions hereof.

4. Minors; Parent Responsible: If the actual owner of the dangerous dog or potentially 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 or potentially dangerous dogs.

D. **[Control:]**

1. Confinement: While on the owner's property, a dangerous dog or potentially dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure must have minimum dimensions of five feet by ten feet (5' x 10'). The pen or structure must

have a cement floor with secure sides attached to the bottom and a secure top attached the sides. The enclosure must also provide protection from the elements for the dog.

2. Off Premises: A dangerous dog or potentially dangerous dog may be off the owner's premises, or outside of an enclosure as describe above, only if it is muzzled and restrained by a substantial chain or leash not exceeding three feet (3') in length and under the control of a person capable of completely restraining the dog and under the direct supervision of the owner or if enclosed in an airline approved dog shipping crate. The muzzle must be a commercial muzzle appropriate to the breed, made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

13-2-9: [PROTECTIVE CUSTODY:]

A. **[Authority To Enter Premises:]** Any police officer, the animal services supervisor [~~manager~~] or his/her assistants and officers are authorized to enter the premises of any person to take possession of any fierce, dangerous or potentially dangerous, vicious or at large animal when in fresh pursuit of such animal at the time it goes onto private property.

B. **[Confinement; Provisions Authorizing:]** The animal services supervisor [~~manager~~] shall place all animals which he/she takes into custody in [~~a~~] the [~~designated~~] Weber County animal shelter [~~and there confine them in a humane manner~~]. Weber County ordinances and regulations pertaining to the shelter shall apply. Animals shall be taken into protective custody in the following cases:

1. Any animal being kept or maintained contrary to the provisions of this title.

2. Any sick or injured animals whose owners cannot be immediately located or whose owner requests impoundment for euthanasia.

3. Any abandoned, neglected or distressed animal whose health or safety may be threatened should the animal not be readily placed into protective custody.

4. Any animal running at large contrary to the provisions of this title, with any reasonable means to immobilize or capture such animal.

5. Any animal which is by this title required to be licensed and is not licensed.

6. Any animal which is not vaccinated for rabies in accordance with requirements of this title.

7. Any animal to be held for quarantine.

8. Any vicious animal not properly confined as required.

9. Any dangerous dog or potentially dangerous dog not property confined as required.

[~~10. Any animal adopted from the animal shelter being kept or maintained contrary to the provisions of its adoption contract.~~]

10[~~11~~]. Any animal in the custody of any person who is arrested or otherwise detained by any law enforcement officer, in the event another responsible party cannot be immediately located by the owner.

[~~C. **[Three Days; Exception:]** Any dog or cat found at large and taken into protective custody shall be kept for not fewer than three (3) working days, which excludes Sundays and holidays (unless the animal is wearing a license tag or other identification, in which case it shall be held a minimum of 5 working days).~~]

C [~~D~~]. **[Notification To Owner:]** If by license tag, microchip or other means the owner of a sheltered or injured animal can be identified, the division shall, upon taking the animal into protective custody, make reasonable efforts to notify the owner by telephone, personal contact or mail sent to the last known address of the listed owner if identified.

D[~~E~~]. **[Disposition If Unreclaimed:]** Any animal voluntarily relinquished or any animal taken into protective custody which is not reclaimed by its owner within five (5) [~~three (3)~~] working days (excluding Sundays and holidays) [~~if not wearing a license tag or other identification, or within five (5) working days if wearing identification,~~] shall become the property of the County [~~city~~] [~~and shall be placed for adoption by the division in a suitable home, relinquished to an approved incorporated animal welfare organization for placement in suitable homes, euthanized or relinquished for scientific or education purposes as provided by law.~~]

[~~F. **[Adoption:]** Any healthy, unclaimed or relinquished animal may be adopted. Any person adopting a dog or cat from the animal shelter shall have the animal spayed or neutered by a licensed veterinarian within a reasonable time as determined by the animal services [manager] supervisor based on the age and health of the animal. A voucher will be included in the cost of adoption to cover the cost of altering the animal. Failure to provide written verification by a licensed veterinarian within the required time shall be unlawful. No person adopting a dog or cat shall allow the adopted animal to be used for any experimental or research purposes or for breeding.~~]

E [~~G~~]. **[Citation In Lieu Of Custody:]** In lieu of placing an animal found at large in protective custody, the animal services officer may issue a citation of ordinance violation to the owner.

F [~~H~~]. **[Medical Attention:]** Any animal in protective custody having or suspected of having serious injury or a contagious disease requiring medical attention may be examined and may receive appropriate medical attention at the discretion of the animal services [~~manager~~] supervisor, or his/her assistants and officers.

G [~~I~~]. **[Extensive Injuries Or Disease:]** When in the judgment of the animal services supervisor [~~manager~~] or his/her assistants and officers, it is determined that an animal should be euthanized for humane reasons, such as extensive or irreparable injuries or disease, that animal may be euthanized immediately without regard to any time limitations otherwise established herein and without court order.

H [~~J~~]. **[Redemption; Approval:]**

[~~1. Fees Required:~~] The owner of any animal taken into protective custody or his/her authorized representative may redeem such animal while still in the care of the [~~shelter provided he/she pays:~~]Weber County Animal Shelter according to the County's fee schedule and regulations, and at such time as the animal's release is approved by the division.

[~~a. Impound fees.~~

~~b. Daily board charges.~~

~~c. Veterinary costs during the protective custody period.~~

~~d. License and rabies vaccinations fees, if required.~~

~~e. Unaltered animal fee, if unaltered.~~

~~f. Microchip implant and/or tattoo costs.~~

~~2. Exception: The impound fee may be waived on the first impound, provided the owner, before redemption, pays a licensed veterinarian to provide for surgical sterilization of the pet. The sterilization shall be accomplished prior to release of said pet.~~]

I[~~K~~]. **[Records Required:]** The division shall keep records showing:

1. Complete description of the animal, including tag numbers and license records.
2. The manner and date of protective custody.
3. Where the animal was picked up and the identification of the officer involved.
4. The manner and date of disposal.
5. The name and address of any person relinquishing an animal to the shelter.
6. The name and address of the redeemer or adopter.
7. All fees received by the division.

13-2-10: [UNLAWFUL ACTS:]

A. **[Concealment:]** It shall be unlawful for any person to intentionally conceal or shelter an animal from its rightful owner or the division or to cause the same to be done.

B. **[False Claim Of Ownership:]** It shall be unlawful to claim ownership and to relinquish such animal to the division when not the rightful owner.

C. **[Release Without Owner Permission:]** It shall be unlawful for any person, except personnel of a law enforcement agency, the county health department or the division, to intentionally release from humane restraint any animal from its rightful owner, without permission from the owner.

Chapter 3
CARE AND OFFENSES

13-3-1: CRUELTY TO ANIMALS:
13-3-2: MOLESTING ANIMALS:
13-3-3: TRANSFER OR ABANDONMENT IN PUBLIC PLACES:
13-3-4: PLACES PROHIBITED:
13-3-5: RESPONSIBILITIES OF PERSONS:
13-3-6: WILD ANIMALS:
13-3-7: KILLING OF ANIMALS; DEFENSES:
13-3-8: ARREST OF VIOLATOR; ANIMALS SEIZED:
13-3-9: KEEPING OF DISEASED OR PAINFULLY CRIPPLED ANIMALS:

13-3-1: [CRUELTY TO ANIMALS:]

A person commits cruelty to animals when he/she:

A. **[Animal Fighting:]** Causes one animal or fowl to fight with another. It is unlawful for any person to participate in animal fighting exhibitions and related activities in violation of Utah Code Annotated section 76-9-301 et seq., as amended. Violators shall be subject to the penalties and enforcement provisions specified in Utah Code Annotated section 76-9-301 et seq., as amended.

B. **[Poisons Or Toxic Drugs:]** Intentionally or carelessly administers or applies any poisonous or toxic drugs or any material injurious to tissues or organs to any animal or livestock, or procures or permits the same to be done, whether the animals be his/her own property or that of another. No person shall administer a medication or remedies not usually recommended by common veterinary practices, including the administration of injectable drugs or vaccines not approved by the food and drug administration or recommended by the American Veterinary Medical Association. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of public health when applied in such a manner as to reasonably prohibit access to other animals.

C. **[Pain And Suffering:]** By act or omission causes pain, suffering, terror or torment, or if she/he injures, mutilates or causes disease or death to any animal or fowl.

D. **[Trapping; Exception:]** Administers or applies or procures or permits the administration or application of any trapping mechanism, other than a live capture trap or exposes such a trapping mechanism to animals or livestock, with the intent to harm or take the animal, whether the animal be his/her own property or that of another. All set live capture traps shall be checked and emptied daily. All traps must

have owner identification permanently affixed to them. Any person capturing a dog or cat in a live capture trap within the city is hereby required to turn the animal over, within twenty four (24) hours of its capture, to [~~the~~] an Ogden [~~c~~]City animal services [~~division~~]officer, [~~of the community services department~~], [~~officers in the employment of the Ogden City animal services division~~] the Weber County Animal Shelter, or the animal's owner.

E. **[Neglects Adequate Care:]** Neglects or fails to supply such animal with necessary and adequate care, to include a safe environment, exercise, rest, food, drink, air, light, space, shelter, protection from the elements, and medical attention.

F. **[Fowl; Fighting:]** Raises, trains, purchases or sells any animal or fowl for fighting or harbors fowl for fighting purposes, which has the comb clipped or the spur altered or who is in possession of cock spurs, slashers, gaffs, or other tools, equipment, devices or training facilities for the purpose of training and/or engaging an animal in combat with another animal.

G. **[Spectator At Contest:]** Is present as a spectator at any animal contest or rents any building, shed, room, yard, ground or premises for the purpose of holding such a contest between animals, or knowingly suffers or permits the use of any building, shed, room, yard, ground, or premises belonging to him/her or under his/her control for any of these purposes.

H. **[Abandonment:]** Abandons an animal.

I. **[Operations:]** Performs or causes to be performed any of the following operations:

1. Inhumanely removed any portion of the beak of any bird, domestic or wild.

2. Alters the gait or posture of any animal, by surgical, chemical, mechanical or any other means, including soring.

3. Crops or cuts the ears, removes an animal's claws or sterilizes a dog or cat and is not a licensed veterinarian.

4. Inhumanely docks the tail of an animal or removes an animal's dewclaws.

J. **[Artificially Colored:]** Sells, purchases, owns or has custody of any animals or fowl that have been dyed, painted, or otherwise artificially colored.

K. **[Fowl; Advertising Devices:]**

1. Under Eight Weeks Of Age: Sells or offers for sale, raffle, prizes, a premium or an advertising device any chicks, goslings, ducklings or other fowl younger than eight (8) weeks of age in quantities of less than six (6) birds to an individual recipient.

2. Brooders And Heating Devices: Offers chicks, ducklings, goslings or other fowl for sale, raffles, offers as a prize, a premium or an advertising device, or displays chicks, ducklings, goslings or other fowl to the public without providing and

operating brooders or other heating devices that may be necessary to maintain the chicks, ducklings, goslings or other fowl in good health and without keeping adequate food and water available to the birds at all times.

L. **[Prizes Or Inducements:]** Awards live animals, fish or fowl as prizes or inducements:

1. No live animal, fish or fowl may be given away, raffled or offered as a prize, premium, advertising device or as an inducement to enter any contest, game or other competition.

2. No live animal, fish or fowl may be given away as an inducement to enter a place of amusement or business.

3. No person may give away any live animal, fish or fowl as an incentive to enter any commercial or business agreement.

4. It shall be unlawful to buy, sell, raffle, trade or offer for adoption any live animal, fish or fowl at a swap meet, rummage sale, flea market or similar event.

M. **[Transportation Carriers:]** Carries or causes to be carried any animal in a manner harmful to that animal. Suitable racks, cars, crates or cages in which such animals may stand, move freely or lie down during transportation, or while awaiting slaughter, must be provided.

N. **[Turtles; Size:]** Sells any turtle, less than four inches (4") in diameter or in contravention of any state or federal law or regulation dealing with the same.

O. **[Unattended In Vehicle:]** Leaves any animal confined in a vehicle unattended in such a manner that places it in a life threatening situation by exposure to a prolonged period of extreme hot or cold without proper ventilation or other protection from such heat or cold.

P. **[Working Animals; Observable Strain:]** Continuously drives or works a horse or other animal to a point of observable strain. Working animals shall be offered water periodically.

Q. **[Birds And Nests:]** Takes or kills any bird or robs or destroys any nest, eggs, or young of any bird in violation of the laws of the state.

R. **[Inhumane Hobbling:]** Inhumanely hobbles livestock or other animals.

S. **[Food And Water:]** Leaves any horse, mule, ox or other animal used for draft, driving or riding purposes on the street without protection from the weather or without food and water.

T. **[Reckless Riding Or Driving:]** Recklessly rides or drives any horse, mule or other animal or animals on any street, highway, avenue or alley of the city.

U. **[Injury Or Unnecessary Suffering:]** Induces or encourages an animal to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or unnecessary suffering.

13-3-2: [MOLESTING ANIMALS:]

A. **[Unlawful:]** It shall be unlawful for any person to in any manner tease, annoy, disturb, molest or irritate an animal that is confined to the owner's property.

B. **[Exception:]** The provisions of subsection A of this Section shall not apply to animal services officers or law enforcement officers acting within the scope of their authority.

13-3-3: [TRANSFER OR ABANDONMENT IN PUBLIC PLACES:]

A. **[Definitions:]**

ANIMAL WELFARE ORGANIZATION: As used in this Section, means a recognized nonprofit organization incorporated in the State, which regularly engages in the practice of acquiring or transferring animals for the purposes of animal welfare, which includes protecting or caring for animals, returning animals to the natural habitat, or placing animals for adoption.

PUBLIC PLACE: A location visited by many persons, usually accessible to the general public, where the public gathers together or to pass to and from, including, but not limited to flea markets, yard sales, or parking lots.

B. **[Unlawful:]** It is unlawful for any person to transfer to another by gift, sale or exchange for any consideration any animal in or upon any sidewalk, street, alley, public right of way, park or other public place.

C. **[Exception:]** This Section does not prohibit transfer of animals under the following circumstances:

1. When the animal transferred is livestock and one of the parties to the transfer is a person who engages in the business of buying or selling livestock for profit.

2. When the transfer takes place pursuant to a sale conducted by a public body or a public officer.

3. When one of the parties to the transfer is a member of an animal welfare organization and is acting on behalf of the animal welfare organization.

4. When the transfer takes place at an animal show or exhibition conducted by or for persons who regularly engage in the practice of breeding animals for show or exhibition.

13-3-4: [PLACES PROHIBITED:]

It shall be unlawful for any person to take or permit any animals, excluding hearing or seeing eye dogs in the company of a blind or hearing impaired person and law enforcement dogs, whether on a leash or in the arms, in any establishment or place of business where food or food products are sold or distributed, including but not limited to restaurants, grocery stores, meat markets and fruit or vegetable stores.

13-3-5: [RESPONSIBILITIES OF PERSONS:]

A. **[Harboring; Duty To Notify:]** It is unlawful for any person to harbor or keep within the City limits any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Division within seventy two (72) hours. The Animal Services [~~Manager~~] Supervisor may take the animal into protective custody.

B. **[Struck By Motor Vehicle:]** It shall be the duty of the operator of a motor vehicle or self propelled vehicle upon the City streets to immediately notify, upon injuring, striking, maiming or running down any domestic animal, the animal's owner, the Division or the City Police Department. In addition, it shall be the duty of the operator of the motor vehicle to remain with the animal or to obtain a responsible person to remain with the animal until professional assistance arrives. Emergency vehicles are exempted from the requirements of this provision.

C. **[Animal Waste:]** The person having custody of an animal shall be responsible for the immediate removal and disposal in a waste receptacle of any excreta deposited by his/her animals on public property, including but not limited to walks, trails, parks, recreation areas, or on private property other than that belonging to the owners of the animals, and shall carry a bag for such purposes.

13-3-6: [WILD ANIMALS:]

A. **[Keeping Unlawful; Exceptions:]** It shall be unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any "wild animal" as described in the definition and/or which is fierce, dangerous, noxious or naturally inclined to do harm. The animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show, wildlife preserve or facility for education or scientific purposes may humanely keep such animal in protective devices adequate to prevent such animal from escaping or injuring the public.

B. **[Order Of Release; Authority:]** After consultation with a representative from the Utah division of wildlife resources, the animal services [~~manager~~] supervisor and his/her assistants and officers shall have the power to release or order the release of any wild animal kept under temporary permit which is deemed capable of self-survival, or to recommend other appropriate action on behalf of any animal found incapable of survival in its natural habitat.

C. **[Federal Regulations; Prohibited Or Protected Species:]** It shall be unlawful for any person to keep an animal of a species prohibited or protected by title 50 of the code of federal regulations, or its successor provisions, or by any regulation of law of the state.

13-3-7: [KILLING OF ANIMALS; DEFENSES:]

A. **[Licensed Veterinarian:]** It is a defense to prosecution under this chapter that the conduct of the actor towards the animal was by a licensed veterinarian using an accepted veterinary practice or directly related to a bona fide experimentation for scientific research; provided, that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.

B. **[Attack On Domestic Animal:]** Any person may kill a dog while it is attacking, chasing or worrying any domestic animal having a commercial value or any species of hoofed, protected wildlife, while attacking domestic fowl or while such dog is being pursued thereafter.

C. **[Attack On Person:]** Any dog making a vicious and unprovoked attack on any person, except when the attack is in defense of the person, family or property of the dog's owner, may be killed by any person while it is making such an attack.

13-3-8: [ARREST OF VIOLATOR; ANIMALS SEIZED:]

It shall be the duty of a person making an arrest under this chapter to seize or arrange to be seized all animals found in the keeping or custody of a person arrested and which are then being used, or held for use in violation of any of the provisions of said chapter. The person making said seizure shall cause such animals to be delivered immediately to the division or other appropriate law enforcement agency and it shall be the duty of those departments to humanely hold those animals until further court order.

13-3-9: [KEEPING OF DISEASED OR PAINFULLY CRIPPLED ANIMALS:]

A. It is unlawful for any person to abandon or turn out at large any sick, diseased or disabled animal.

B. It is unlawful for the owner or handler of an animal rendered worthless to said owner or handler by reason of disease or disability, to allow said animal to continue to live in a diseased or disabled state. Said owner or handler shall dispose of such animal by killing the same in a humane manner, or by contacting the division. Upon such contact, the division may assume responsibility for disposition of the animal, not including livestock, provided that the owner or handler shall pay a fee, in advance, to the division to pay for the division's reasonable costs of disposing of the animal. If the owner or handler fails to pay such fee, and fails to dispose of the diseased or disabled animal as required above, such person shall be in violation of this title.

C. It is unlawful for an owner or handler of an animal that is infected with a disease, or is in a painfully crippled condition, to have, keep or harbor such animal without placing the animal under veterinary care or to dispose of such animal as required in subsection B of this section.

SECTION 2. Section amended. Section 2-4-13 of the Ogden Municipal Code is hereby amended to read and provide as follows:

2-4-13: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT:

A. Functions: The department of community and economic development shall be responsible for:

1. Development Of General Plan: The development of Ogden City's general plan;

2. Administration Of Specific Ordinances: The development, administration and enforcement of the zoning ordinances, subdivision ordinances, landmarks preservation ordinances, and sign ordinances;

3. Businesses: The enforcement of business license regulations in coordination with the department of management services;

4. Housing And Neighborhood Development Programs: The housing and neighborhood development programs of the city;

5. Administration Of Funds: Administration of community development block grant funds;

6. Provide Staff Assistance: Providing staff assistance to the Ogden redevelopment agency, the planning commission, the board of zoning adjustment, the board of building and fire code appeals, the landmarks commission and such other committees as assigned;

7. Business And Economic Development: Being responsible for:

a. Tax Base; Employment: The location, development, relocation and improvement of industries, businesses and related activities to increase the tax base and employment opportunities within the city;

b. Economic Development Programs: The development of economic development programs for the city;

c. Coordinate With Agencies On Economic Development: Providing for the coordination with federal, state and other local governmental agencies on economic development matters as assigned; and

d. Coordinate With Private Industry: Providing coordination with private industry, the Ogden industrial development council, the Chamber-Ogden/Weber, and other private or quasi-public organizations;

8. Airport; Enforcement Of Regulations: The operation, maintenance, administration and management of the airport and the enforcement of the attendant regulations;

9. Building Codes: The administration and enforcement of all provisions of this code relating to the construction, alteration, repair, moving, demolition and occupancy of buildings including, but not limited to, the following ordinances:

a. International building code and all other technical codes, other than the international fire code, adopted under title 16, chapter 2 of this code; and

b. All ordinances pertaining to dangerous buildings and their abatement; and

10. Other Duties: Such duties as prescribed by ordinance or as otherwise assigned.

B. Building Official: There shall be appointed within the department a building official who shall be the duly appointed building official of the city and shall perform the duties of the building official as provided in this code under the administrative direction of the director. The building official may designate or authorize qualified employees within the department to act as deputy or assistant building officials.

C. Animal Services: The animal services functions of the City shall be located within the department. An employee may be designated to serve as the animal services supervisor who shall supervise the animal services officers and other animal services staff.

SECTION 3. Section amended. Section 2-4-14 of the Ogden Municipal Code is hereby amended to read and provide as follows:

2-4-14: DEPARTMENT OF PUBLIC SERVICES:

A. Functions: The department of public services shall have charge of and be responsible for:

1. Parks: The general supervision, maintenance, planning, upkeep and control of the city's parks, playgrounds, athletic fields, golf courses, pools and other recreational areas and facilities;

2. Cemeteries: The city's cemeteries;

3. Recreation: Recreational activities and programs;

4. Urban Forest: Administration of ordinances and regulations relating to the maintenance and upkeep of the city's urban forest and other plantings in the public ways of the city;

5. Union Station: The supervision and maintenance of Union Station to the extent of the city's responsibilities;

~~6. Animals: The operation of animal services~~;

7. Committees: Providing staff assistance to the parks and recreation advisory committee, the Marshall N. White Center advisory committee, and the urban forestry advisory committee;

8. Operation And Maintenance Of Public Ways: The operation and maintenance of streets, curbs, gutters, parkways exclusive of trees and other vegetation, sidewalks, and other public ways and public facilities within public ways;

9. Traffic Control Devices: Operation and maintenance of traffic control devices and street lighting;

10. Collection And Disposal Of Wastewaters: The collection and disposal of all wastewater (sanitary sewage), stormwater and floodwater generated within the city, including maintenance of the facilities necessary therefor;

11. Maintenance Of Waterways: Enforcement of ordinances relating to the maintenance of natural waterways, ditches, and canals, except for the floodplain overlay ordinance, title 15, chapter 26 of this code;

12. Collection And Disposal Of Solid Waste: Sanitation, including the collection and disposal of all solid waste generated within the city as prescribed for by city ordinances;

13. Potable Water: The acquisition, transportation, storage, treatment and distribution of all potable water for the city and its customers within the designated service areas, including, but not limited to:

a. Monitoring and controlling watershed lands to protect the water supply for the city;

b. Operating and maintaining all water sources from which the domestic supply is or may be taken;

c. Operating and maintaining all reservoirs, pump stations, water mains, city fire hydrants and appurtenant equipment and properties;

d. Keeping records of all the water rights owned by the city;

14. Engineering: Engineering functions, including responsibility for:

a. The supervision of the design and construction of the public works of the city;

b. The supervision and coordination of all construction work or alterations carried out within the public ways of the city;

c. Review of all private engineering designs of developers and utilities including subdivisions, commercial developments, planned residential unit developments and residential construction;

d. Traffic engineering, design, construction and maintenance;

e. Review of contracts and technical specifications for all city construction projects, including the survey and inspection of such projects for purposes of contract compliance; and

f. The administration and management of all capital improvement projects approved under the capital improvements fund in the city's annual budget, including capital improvement projects approved within any enterprise fund; and

15. Other Duties: Such other duties as assigned.

[~~B. Animal Services Division: There shall be an animal services division that shall be supervised and managed by the animal services manager.~~]

B [~~C~~]. Sexton Of Cemetery: Either the director of public services, or a division manager designated by the director, shall fulfill the duties and responsibilities and exercise the powers of the sexton of the cemetery, pursuant to title 6, chapter 3 of this code.

C [~~D~~]. Enterprise Funds: Athletics, golf courses, and the water, refuse and sewer utilities, respectively, shall be separate enterprise funds. The collection, accounting and expenditure of each shall be in accordance with existing fiscal policies of the city. Storm sewer and flood control shall be part of and financed by the sewer enterprise fund.

D [~~E~~]. City Engineer: The position of city engineer shall be assigned to the department of public services, under the administrative direction of the director. The city engineer shall be a registered professional engineer of the state and shall be responsible for the review and acceptance of all engineering and architectural design and construction work required by or for the city, except as assigned in this code to other departments, divisions or offices of the city; the maintenance of records of public improvements as prescribed by state statute; and such other duties as prescribed under the provisions of this code. The city engineer shall be appointed by the mayor, with the advice and consent of the city council. The city engineer may or may not be appointed as the manager of the division responsible for engineering.

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 _____, 2012.

_____
CHAIR

ATTEST:

_____
CITY RECORDER

TRANSMITTED TO THE MAYOR ON: _____

MAYOR'S ACTION: ☐ Approved ☐ Vetoed

_____
MAYOR

ATTEST:

_____
CITY RECORDER

POSTING 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.**