



Nibley City
Planning Commission
Wednesday, January 28, 2015
455 W. 3200 S.
Nibley, UT

5:30 p.m. Call to Order
Approval of Agenda
Approval of Minutes

Election of a Chair and Vice-Chair for 2015
Adoption of Nibley City Planning Commission Bylaws for 2015

Conditional Use Permit/Business License

Precision Steel Detailing- consideration of a request for a conditional use permit and business license for a home occupation (structural steel detailing) located at 1414 West 3045 South (Applicant: Kody Archibald)

CJ Electrical, Inc.- consideration of a request for a conditional use permit and business license for a home occupation (electrical contractor) located at 3061 South 800 West (Applicant: Corey Jensen)

Workshop

Discussion of an ordinance regarding dangerous/vicious animals in Nibley City.

*Planning Commission agenda items may be tabled if: 1) Additional information is needed in order to take action on the item; OR 2) The Planning Commission feels there are unresolved issues that may need further attention before the Commission is ready to make a motion. **No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.** The Commission may carry over agenda items, scheduled late in the evening and not heard, to the next regularly scheduled meeting.*

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, REASONABLE ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES WILL BE PROVIDED UPON REQUEST. FOR ASSISTANCE, PLEASE CALL 752-0431 A MINIMUM OF 24 HOURS BEFORE THE MEETING.



1/26/14

Hi all-

This is our agenda for the meeting:

Election of a Chair and Vice-Chair for 2015

- The election of who will chair/vice-chair is up to you all. However, I do recommend electing someone who has served on the Commission for a while as chair, as they will be more familiar with how the process of a meeting should go.

Adoption of Nibley City Planning Commission Bylaws for 2015

- In the past, the bylaws have been adopted annually or semi-annually. I don't think it is necessary to re-adopt them each year. However, they are more detailed this year than in the past and include a code of conduct for Commissioners and rules of order for meetings and public hearings, so I think they should be readopted and then only reviewed periodically, if needed.

Conditional Use Permit/Business License

Precision Steel Detailing- consideration of a request for a conditional use permit and business license for a home occupation (structural steel detailing) located at 1414 West 3045 South (Applicant: Kody Archibald)

CJ Electrical, Inc.- consideration of a request for a conditional use permit and business license for a home occupation (electrical contractor) located at 3061 South 800 West (Applicant: Corey Jensen)

- I recommend approving both of these requests. The only portion of the business at the home will be the office. Both businesses do have employees; however, all employee work will be done off-site and all equipment will be stored at other locations.

Workshop Items

Discussion of an ordinance regarding dangerous/vicious animals in Nibley City.

- This workshop item is coming at the request of the Mayor. Several months ago, he asked if I could look into an ordinance which would place more strict requirements on certain types of dogs which have an increased tendency for viciousness. However, as you will see in the ordinance which was passed by South Jordan several months ago, the State Legislature recently passed a law prohibiting states from enacting breed-specific legislation. So, this ordinance is what South Jordan came up with in order to accomplish

the purpose of keeping people safe from vicious animals without discriminating against certain breeds.

- I have a few concerns, some of which I have highlighted in the ordinance, and others which I will discuss at the meeting. Let me know if you have questions about the workshopped ordinance beforehand and I'll try to address them in the meeting.

Shari



APPLICATION FOR CONDITIONAL USE PERMIT/BUSINESS LICENSE

Office Use Only	
Date Received	_____
Fee Paid	_____
Rec'd By	_____

Name Corey Jensen
 Address 13061 S 800W Nibley UT. 84321
 Phone 435-787-1865 Cell 435-512-3212 Fax _____
 Email cjensenelectrical@yahoo.com

Please describe the reason you are requesting a conditional use permit/business license:

Home Office ___ Sales ___ Manufacturing ___ Day Care
 ___ Other (please describe): _____

Proposed business name: CJ Electrical Inc.

Description of business: Electrical Contractor (office only)

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: None

Do you plan to employ persons not living at this address as part of the business? Y N

Will those employees be working in your home or at another location? Please describe: Other location
This is just my office. I have a shop in Logan

Do you plan to conduct any of the business in an accessory building at this address? Y N

How many clients will visit this location weekly? 0

Describe how you will provide parking for client visits (if applicable): NA

Will you have business vehicles which will require parking accommodations? Y N

If so, please describe the vehicles and parking plans: NA

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? 0

Will you be able to provide adequate indoor storage for these deliveries? Y N NA

If applicable, describe any signs at this address which will advertise the business: None



APPLICATION FOR CONDITIONAL USE PERMIT/BUSINESS LICENSE

Office Use Only
Date Received 1/6/2015
Fee Paid 25.00
Rec'd By [Signature]

Name Kody Archibald
Address 1414 WEST 3045 SOUTH NIBLEY UT 84321
Phone 435-881-6129 Cell 435-881-6129 Fax
Email kody@presteel.com

Please describe the reason you are requesting a conditional use permit/business license:

X Home Office Sales Manufacturing Day Care
Other (please describe):

Proposed business name: Precision Steel Detailing

Description of business: Structural & Misc. steel detailing

Describe how the proposed business activity will or will not affect the residential neighborhood surrounding the business location: There will be no affect to the neighborhood

Do you plan to employ persons not living at this address as part of the business? Y N

Will those employees be working in your home or at another location? Please describe: The employees will work at another location

Do you plan to conduct any of the business in an accessory building at this address? Y N

How many clients will visit this location weekly? 0

Describe how you will provide parking for client visits (if applicable):

Will you have business vehicles which will require parking accommodations? Y N

If so, please describe the vehicles and parking plans:

How many business shipments do you anticipate sending and receiving from this location each month and how will these deliveries be shipped? There will be no shipments from this location

Will you be able to provide adequate indoor storage for these deliveries? Y N

If applicable, describe any signs at this address which will advertise the business: No signs Req

Nibley City Planning & Zoning

ORDINANCE NO. 2014 - 14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING CHAPTERS 6.04, 6.08, AND 6.12 OF THE SOUTH JORDAN CITY MUNICIPAL CODE TO CONFORM WITH STATE LAW AND TO MAKE TECHNICAL AND POLICY CHANGES.

WHEREAS, HB 97 eliminates the ability of the City Council of South Jordan Council to enact or enforce breed specific bans or restrictions on dogs; and

WHEREAS, the City Council of South Jordan has determined that the behavior of certain dogs remains a public safety concern to the community; and

WHEREAS, staff have recommended reasonable regulations for dogs whose behavior warrants such restrictions; and

WHEREAS, staff have recommended additional changes to the chapters to facilitate successful enforcement and prosecution of other provisions of this Title and other technical changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH:

SECTION 1. Amendment. Chapters 6.04, 6.08, and 6.12 of the South Jordan City Municipal Code are hereby amended as follows:

**Chapter 6.04
ADMINISTRATIVE PROVISIONS AND DEFINITIONS**

6.04.010: DEFINITIONS:

As used in this title:

ANIMAL CONTROL OFFICER: Any city police officer or other person appointed or designated an animal control officer by the city manager, or any officer or employee of another local government agency acting pursuant to contract with the city.

ANIMAL UNDER RESTRAINT: Animals shall at all times be under restraint. An animal shall only be deemed under restraint if controlled or confined by a leash, cage or pen, inside a vehicle, inside a residence, confined within a secure fence structure, or secured by a restraint such that the animal cannot get loose.

BITE: An actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.

DOMESTICATED ANIMAL: Any animal identified as a permitted farm animal in 17.130.040.020.

Comment [SP1]: The request to revisit our ordinances regarding dangerous/vicious animals comes from Mayor Dustin. He would like to see more strict requirements on residents who own animals which, through their behavior, may be classified as vicious.

This is just a workshop discussion. This is not a presentation of a proposed ordinance. I have only a few comments at this point, and those are included in this ordinance.

HARBOR: Includes any act of sheltering or providing a home for an animal, or two (2) or more acts of feeding an animal.

LEASH: Any chain, rope, or lead used to restrain an animal.

PERSON RESPONSIBLE FOR AN ANIMAL: Means and includes:

- A. The owner of an animal,
- B. Any person harboring an animal on a constant or continuous basis for one week or more;
- C. Any agent of the owner charged with the care of the animal;
- D. Any person residing with the owner and present at a time when the owner is absent and the animal commits a violation of this title; or
- E. Any person having the care, custody or control of an animal.

PET SHOP: Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

QUARANTINE: The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

STRAY: Any animal for which no person is responsible.

WILD ANIMAL: Any animal of a species which is by and large not domesticated, regardless of whether, in a specific case, a particular animal of the species is or is not domesticated. Such animals include, among others:

- A. Alligators, crocodiles, and caiman
- B. Bears
- C. Cat family. All cats including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, and wildcats; except the commonly accepted domesticated cats
- D. Dog family. All dogs including wolves, foxes, coyotes, and wild dingoes; except the commonly accepted domesticated dogs. (Any dog crossbred with a wild animal as described above shall be considered to be a wild animal.)
- E. Porcupines
- F. All subhuman primates
- G. Raccoons
- H. Skunks
- I. Venomous snakes or lizards
- J. Venomous fish and piranha
- K. Weasels. All weasels including martens, wolverines, badgers, otters, ermines, mink, and mongooses; except the commonly accepted domesticated ferrets. (The possession of mink shall not be prohibited when raised commercially for their pelts, in or upon a properly constructed legally operated ranch.)

6.04.020: ANIMAL CONTROL OFFICERS:

- A. Duties: All animal control officers are responsible to enforce this chapter.
- B. Interference: Any person who knowingly and intentionally interferes with an animal control officer while said officer is performing his or her duties as an animal control officer shall be guilty of a class B misdemeanor, punishable as provided by _____ of this code.

**Chapter 6.08
ANIMALS GENERALLY**

6.08.010: DANGEROUS ANIMALS:

- A. Definitions: As the term is used in this section:

ANIMAL: Any animal that may be legally kept. For the purposes of this chapter only this definition does not include dogs and cats.

UNCONFINED: If such animal is not securely confined indoors, or confined in a securely enclosed and locked pen or structure upon the premises of the registered owner or caretaker of the animal. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than two feet (2'). An animal that is securely locked in a motor vehicle belonging to the owner or caretaker shall be considered confined for purposes of this section.

DANGEROUS ANIMAL:

1. Any animal with a propensity, tendency or disposition to cause injury or to otherwise endanger the safety of human beings or domestic animals. For purposes of this section, an actual bite is not necessary to show this propensity. An animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public or private property in a menacing fashion or apparent attitude of attack, could be considered a dangerous animal.
2. Any animal which attacks a human being or a domestic animal on one or more occasions without provocation.
3. Exceptions:
 - a. Any animal owned by a governmental or law enforcement unit used primarily to guard public or private property.
 - b. No animal may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing or assaulting the animal or

has in the past, been observed or reported to have teased, tormented, abused or assaulted the animal, or was committing or attempting to commit a crime.

B. Regulations:

1. **Confinement:** No person owning or harboring or having the care of a dangerous animal shall permit such animal to go unconfined on the premises of such person.
2. **Control Off Premises:** No person responsible for a dangerous animal shall permit such animal to go beyond the premises of such person unless the animal is under the physical control of the person responsible.
3. **Public Notification:** The owner or caretaker of any dangerous animal shall display on his or her premises a warning sign that there is a dangerous animal on the property. This sign shall be capable of being read from the public highway.
4. **Registering Dangerous Animals:**
 - a. Any owner or caretaker of a dangerous animal shall register with the police department the following minimal information: name, address and telephone number (including work phone numbers), of all responsible parties relating to the animal, to be updated annually. This will also include breed, sex, color, weight, and age of animal.
 - b. The owner or caretaker shall notify the police department or its designated authority immediately if a dangerous animal is loose, unconfined, has attacked another animal or has attacked a human being, or within twenty four (24) hours if the animal has died or has been sold or has been given away. If the animal has been sold or given away, the owner or caretaker shall provide the police department or its designated authority with the name, address and telephone number of the new owner, who must comply with the requirements of this chapter, provided they are living within the boundaries of the city.
5. **Liability Insurance:**
 - a. The owner or caretaker of a dangerous animal shall present to the police department, proof that the owner or caretaker has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such dangerous animal which policy shall contain a provision requiring the police department to be named as additional insured for the sole purpose of the police department to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy;
 - b. In the event that a minor is the owner or caretaker of a dangerous animal, the parent or guardian of that minor shall be responsible for compliance

with the specifications of this section for the care and housing of the animal and shall also be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by the animal.

6. All dangerous animals shall obtain all appropriate vaccinations for the particular species as it relates to the health, safety and welfare of the citizens of the city.

C. Penalties:

1. Failure to comply with the provisions of this chapter is a class B misdemeanor
2. The animal control officer is empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter, and any officer or police officer is empowered to seize and impound any dangerous animal whose owner or caretaker fails to comply with the provisions of this chapter.
3. Any animal that has been declared dangerous pursuant to the provisions of this chapter, and that animal thereafter when unprovoked, kills, wounds or worries or assists in killing or wounding or worrying of any person or animal, the animal control office or police department is empowered to impound and, after the expiration of a five (5) day appeal period, exclusive of weekend and holidays, may destroy the dangerous animal. Prior to destroying any animal under this section the City shall give notice to the owner that the animal will be destroyed in no less than five days exclusive of weekends and holidays and that the decision to destroy the animal may be appealed to the City Manager. Appeals shall be made in writing and served upon the City Recorder.
4. In addition to other penalties, a court may order a dangerous animal removed and /or destroyed if necessary for public safety.

6.08.020: UNLAWFUL ACTS:

- A. It shall be unlawful for an owner or person responsible for an animal to fail to prevent the animal from:
 1. Causing damage to the property of a person not its owner;
 2. Defecating on any public sidewalk, park or building, or on any private property without the consent of the owner of such private property, unless the owner of or person responsible for such animal shall immediately and properly dispose of the defecation;
 3. Barking, whining or howling or making other disturbing noises in an excessive, continuous or untimely fashion; or
 4. Crossing onto the property of another unless the person responsible has permission of the owner of the affected property.

- B. Livestock: It shall be unlawful for any person owning or having custody, possession or control of any livestock to allow, either negligently or with specific intent, the livestock to run at large in or about public property or a roadway, where such is not permitted by law, or otherwise permit the animal to be herded, pastured or to go upon the ground of another without permission.
- C. A "wild animal", as defined in this title, shall not be kept or harbored in an area of the city zoned for residential use.
- D. Penalty: The owner of or person responsible for an animal committing any of the acts named in subsection A, B, or C of this section is guilty of an infraction. Any person having been convicted under this section who, within five (5) years after said conviction, commits another offense under this section, shall be guilty of a class B misdemeanor.
- E. Strict Liability: The owner of or person responsible for an animal shall be strictly liable for any personal injury or damage caused by such animal.

6.08.030: IMPOUNDMENT:

- A. Impoundable Animals: The following animals may be impounded:
 - 1. Any animal being kept, maintained, or harbored contrary to the provisions of this chapter;
 - 2. Sick or injured animals whose owner cannot be located;
 - 3. Any apparently stray or abandoned animal;
 - 4. Animals which are not vaccinated for rabies in accordance with the requirements of this chapter;
 - 5. Any dangerous animal or vicious dog who poses an immediate threat to public safety.
- B. Records To Be Kept: Animal control shall keep accurate records which shall include:
 - 1. A complete description of the animal, including any tag numbers;
 - 2. The manner and date of impound;
 - 3. The location of the impound and name of the officer impounding the animal;
 - 4. The manner and date of disposal;

5. The name and address of the redeemer or purchaser;
6. The name and address of any person relinquishing an animal to the impound facility;
7. All fees received;
8. All expenses accruing during impoundment.

C. Disposition Of Animals:

1. **Transfer To Facility:** All impounded animals shall be promptly transferred to the city animal control facility.
2. **Minimum Stay:** Animals shall be impounded for a minimum of five business days before further disposition, except as otherwise provided in this section. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time.
3. **Further Disposition:** All dogs and cats, except for those required to be quarantined or confined, which have been held longer than the minimum impound period, and all dogs and cats voluntarily relinquished to the impound facility, may be destroyed or adopted or rescued. Any healthy dog or cat may be adopted to any responsible person desiring to adopt such animal for a fee set by resolution of the City Council plus license and rabies vaccination, if required. Upon destruction of an animal, the owner or person responsible for the animal shall pay the animal destruction fee set by resolution of the city council.
4. **Veterinary Services:** Any animal impounded and having or suspected of having a serious physical injury or contagious disease requiring veterinary attention, may be released to the care of a veterinarian with the consent of the owner. Upon release from veterinary treatment, such animal shall return to impoundment, unless redeemed, adopted or rescued.

D. Redemption: The owner of any impounded animal or his or her authorized representative may redeem such animal before disposition provided he or she pays:

1. The impound fee to the city;
2. The boarding fee charged by the facility having charge of the animal;
3. Any veterinary costs incurred during the impound period, including a reasonable fee for any required rabies vaccination;

4. License fee, if a license is required.

E. Fees: Said fees shall be set by resolution. (Prior code § 7.12.150)

6.08.040: CRUELTY:

In addition to all Utah Code provisions in Section 76 Chapter 9 Part 3 as amended, regarding cruelty to animals, the following are also unlawful:

- A. **Animals In Vehicles:** It is unlawful and shall be a class B misdemeanor for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such animal without adequate ventilation or for an unusual length of time.
- B. **Animals without food, water or shelter:** It is unlawful for any person to chain, stake out, or tether any animal on any premises in a manner that prevents the animal from having adequate access to food, water or shelter.
- C. **Injury To Animals By Motorists:**
 - 1. **Aid:** Every operator of a vehicle upon the streets of the city shall immediately upon injuring, striking, maiming or running down any domestic animal give such aid as can reasonably be rendered. In the absence of the owner, he or she shall immediately notify the police department, furnishing requested facts relative to such injury.
 - 2. **Remaining At Scene:** It shall be the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of such authorities, the operator shall immediately identify himself or herself to such authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to the animal control facility or other appropriate facility and notifying the police department. Such animal may be taken in by the animal control facility and dealt with as deemed appropriate under the circumstances.
 - 3. **Emergency Vehicles:** Emergency vehicles are exempted from the requirements of this section.
 - 4. **Violation:** Violation of this section is an infraction.
- D. **Animals For Fighting:** It is unlawful for any person, firm or corporation to raise, keep or use any animal, fowl or bird for the purpose of fighting or baiting; and for any person to be a party to or be present as a spectator at any such fighting or baiting of any animal or fowl; and for any person, firm or corporation to knowingly rent any building, shed,

room, yard, ground or premises for any such purposes or to knowingly permit the use of his or her buildings, sheds, rooms, yards, grounds, or premises for such purposes.

6.08.050: WILD OR DANGEROUS ANIMALS:

Sale Prohibited: It is unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any "wild animal", as defined in this title, or any animal which is fierce, dangerous, noxious or naturally inclined to do harm, except the animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

6.08.060: HOUSEHOLD PETS:

- A. Limitation: No person shall own or harbor more than two (2) household pets per species over the age of four (4) months per dwelling. Violation of this section shall be a class B misdemeanor.
- B. Exemptions: Animal establishments operated by state or local government or which are licensed by federal law or a nonresidential facility operated by a nonprofit society incorporated in Utah for the primary purpose of preventing cruelty to animals are excluded from the licensing requirements of this chapter.
- C. License: Nothing in this section exempts any animal from the license requirements of this chapter.

6.08.070: DEAD ANIMALS:

It shall be the duty of every owner of any animal found dead within the city to immediately notify the police department of the location of such animals, so that the same may be removed as speedily as possible. It is unlawful for any person knowingly to permit any dead animal to remain upon the premises of such person, or for the owner of any dead animal knowingly to permit the same to remain upon any public street or other public property or upon any premises within the city, for more than three (3) hours without notifying the police department of the location of the same. If the owner of such dead animal does not remove it himself or herself or cause it to be properly removed, the city may cause it to be removed and thereupon assess the costs of such against the owner, and may avail itself of all remedies in law and equity to enforce such removal and recover the costs thereof. Any person violating the provisions of this section either by failing to do those acts required herein or by doing any act prohibited herein, shall be guilty of a class B misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

6.08.080: EMERGENCY DESTRUCTION OF ANIMALS:

When, in the judgment of a police officer or animal control officer, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established in this chapter, and without court order.

Chapter 6.12
DOGS AND CATS

6.12.010: LICENSES REQUIRED:

- A. First Offense: Any person, other than a person referred to in subsection B of this section, who harbors an unlicensed dog, shall be guilty of an infraction, punishable as provided by chapter 1.28 of this code.
- B. Subsequent Offense: Any person having been convicted under subsection A of this section who, within five (5) years after said conviction, again harbors an unlicensed dog, shall be guilty of a class B misdemeanor punishable as provided by law.
- C. Exemptions From Licensing: Subsections A and B of this section shall not apply to:
1. Dogs whose owners have been present in the city for thirty (30) days or less, but only so long as said dogs remain in the care and custody of a responsible person;
 2. Dogs which are held for sale as the inventory of or patients in a properly licensed kennel, pet store, dog dealer or veterinary hospital or clinic;
 3. Dogs especially trained to assist officials or government agencies in performance of their duties and which are owned by such agencies;
 4. Dogs under four (4) months of age.

Nothing in this section shall be considered so as to exempt any animal from having a current rabies vaccination. (Prior code 5 7.12.030)

D. Exemptions from Fees: Dogs especially trained to assist officials or government agencies in the performance of their duties which are owned by government agencies shall not be required to pay licensing fees.

6.12.020: ISSUANCE OF LICENSE:

- A. Procedures: The city shall issue a license for a dog located in the city upon satisfaction of the following conditions:
1. Application: The owner of the dog to be licensed completes an approved application.
 2. Fee: The owner of the dog to be licensed pays the fee required for a license, which fee may be set by resolution of the city council.
 3. Rabies Vaccination: Satisfactory proof is provided that the dog has been effectively vaccinated for rabies or a notarized letter from a veterinarian is provided stating the dog cannot be vaccinated due to health reasons.
 4. Proof of Liability Insurance: Satisfactory proof that the owner of the dog to be licensed is covered by homeowner, renter, or other liability insurance. Such proof must include specific written evidence from an insurance agent or broker that the specific dog being licensed is covered under terms of the insurance policy. The liability coverage must be maintained at all times while the dog is licensed.
- B. Certificate Receipt And Tag: Upon issuing a license, the city shall give to the owner of the licensed dog a certificate receipt and tag evidencing issuance of the license and showing for reference the number of the license. (Prior code 5 7.12.040)

Comment [SP2]: My primary reason behind striking this provision is that we already cover licensing/registering of dogs so I don't think that we need to duplicate or go further on licensing than we already do. I also do not support the idea of licensing cats.

As far as vicious dogs go- I don't think that having regulations on both "dangerous animals" and "vicious animals" is necessary. I also worry that, because we don't have our own police/animal control, that we are not set up to properly handle the determination and regulation of dangerous/vicious animals.

The City already has regulations in place which define and dictate how we will handle vicious animals.
https://nibley.municipalcodeonline.com/book?type=ordinances#name=5-1_Animal_Control

I believe that the only provision that needs added is the process for determining that the animal is dangerous/vicious.

6.12.030: WEARING TAG:

Every owner of a licensed dog shall at all times cause the dog to wear the license tag on a collar or other means of attaching the tag to the dog. Violation of this section is an infraction, punishable as provided in chapter 1.28 of this municipal code. An animal control officer may presume that a dog not wearing a tag is unlicensed. (Prior code § 9-3-050)

6.12.05040: RESTRAINTS:

The owner of or person responsible for a dog or cat shall restrain said dog or cat either by leash, rope, impenetrable wall, fence or other barrier, or by physical control constant supervision, such that the animal is prevented from leaving the owner's or responsible person's property or supervision. Violation of this section is a class B misdemeanor, and the owner of an animal not restrained as provided in this section shall be strictly liable for any damage caused by such animal. (Prior code § 7.12.060)

6.12.06050: FEMALES IN HEAT:

Any owner of or person responsible for any female dog or cat in heat shall, in addition to restraining such animal as required by section 6.12.0450 of this chapter, shall cause such dog or cat to be constantly confined in a building so as to prevent it from attracting by scent or coming into contact with other dogs or cats, Violation of this section is a class B misdemeanor. (Prior code § 7.12.080)

6.12.08060: ATTACKING DOGS:

- A. Prohibited: No owner of or person responsible for a dog shall permit such dog to attack, chase, or harass any person, or any domestic animal, such that injury occurs or, in the case of a person, substantial fear of an injury is caused.
- B. Violation: The violation of subsection A of this section shall be a class B misdemeanor, and the owner of and/or person responsible for such a dog shall be strictly liable for any injury or damage caused by such dog.
- C. Mitigation: The following shall be considered in mitigating the penalties or damages or in dismissing the charge:
 - 1. That the dog was properly confined on the premises;
 - 2. That the dog was deliberately or maliciously provoked. (Prior code § 7.12.100)

6.12.09070: VICIOUS DOGS:

A. Definition: *Vicious dog* means any dog that, because of its aggressive nature, training or characteristic behavior, presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the custodian. This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties. The term "vicious dog"

includes any dog that according to the records of the City Police Department, or any law enforcement agency, that:

- ~~1. Has aggressively bitten, attacked, endangered, or inflicted injury requiring medical attention on a human being on public or private property, or without adequate provocation; or~~
- ~~2. Has chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or~~
- ~~3. Has severely injured or killed a domestic animal while off the owner's property; or~~
- ~~4. Has been used in or trained for dog fighting.~~

B. Petition to Court:

1. The City may petition the court for a determination that a dog is vicious. The following factors may be considered in determining whether a dog is vicious, but the court may consider others in its discretion:
 - a. Provocation in any attack by the dog;
 - b. The nature and severity of the attack or injury to a person or domestic animal by the dog;
 - c. Previous history of aggression of the dog or inadequate control by the custodian;
 - d. Observable behavior of the dog;
 - e. Site and circumstances of the incident; and
 - f. The dog's performance on a generally accepted or otherwise reliable temperament test.
2. It shall be the City's burden to prove by a preponderance of the evidence that the dog is vicious.

C. Keeping of Vicious Dogs: The keeping of a vicious dog shall be subject to the following requirements in addition to those required of all dog owners in South Jordan City:

1. *Leash.* No owner or person responsible for a vicious dog shall allow the dog to be outdoors of its house, or to exit its kennel, pen or other secure enclosure unless such dog is securely attached to a leash strong enough to restrain the dog of not

more than three (3) feet in length. A vicious dog shall at all times be kept under direct physical control.

2. *Kept in Enclosure, Muzzle, Exercise.* It shall be unlawful for any owner or person responsible for vicious dog to allow the dog to be outside of its secure enclosure unless it is either confined indoors in the custodian's dwelling or building, or unless it is necessary for the dog to receive veterinary care, in which case the dog shall be properly leashed and muzzled with an appropriately fitted muzzle, such as a basket muzzle. Nothing in this section shall prohibit necessary exercise for a vicious dog provided that it is in the immediate presence of a custodian capable of controlling the dog, and provided the dog is in non-public property within a secure fence or enclosure from which it cannot escape, and which prevents entry by small children.
3. *Confinement.* Except when leashed, muzzled and under direct physical control, a vicious dog shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent and actually prevents the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:
 - a. The enclosure must have secure sides and a secure top;
 - b. The enclosure must have a bottom permanently attached to the sides, or the sides must be securely embedded not less than two (2) foot into the ground;
 - c. The enclosure shall have a concrete pad for a base, with said pad to be at least 4 inches deep.
 - d. The enclosure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own; and
 - e. The enclosure shall be placed as close as practicable to the Owner's dwelling or building with a separate perimeter fence so that it prevents the dog from coming in contact with passersby or children, and may not be located in the front or side yard of a dwelling or other building and shall not be closer than ten feet from a property line. The enclosure shall be placed within a continuous perimeter fence which shall be at least six feet in height where the law and private property covenants and restrictions allow, shall be maintained in good repair, shall be constructed in a way so as to prevent the ready entry or exit of dogs, and shall

prevent the entry of small children who are not of the custodian's family. The enclosure may not be part of or attached to the perimeter fence.

4. *Indoor Confinement.* No vicious dog shall be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog shall be kept in a house or structure when the window screens or screen doors are the only obstacle preventing the dog from exiting the structure.
5. *Signs.* All owners, custodians or harborers of vicious dogs shall display in a prominent place on their premises signs easily readable by the public using the words "Beware of Vicious Dog Identified Pursuant to South Jordan City Ord. - 6.12.070" on all gates to the yard in which the dog is kept and doors to the home through which guests might reasonably be expected to enter, and on all sides of the property which abut a public right of way.
 - a. All signs shall be no smaller than 18 inches high and 24 inches wide.
 - b. All signs shall be provided to the owner by the City, at cost.
6. *Notification of Escape.* The owner or custodian of a vicious dog shall notify the Police Department immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.
7. *Notification to Custodian.* A custodian or owner must notify another person taking custody or ownership of a dog determined vicious by a court that the dog has been determined to be a vicious dog, and of the requirements that must be met in keeping the dog under this Section.
8. *Failure to Comply.* It shall be unlawful and a misdemeanor for any owner or custodian of a vicious dog to fail to comply with the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this ordinance shall result in the revocation of the dog's license and the permit providing for the keeping of such animal.
9. *Microchip.* Every owner of a vicious dog shall implant a microchip on the dog before registering it with the Police Department.
10. *No More than One Vicious Dog.* In no event shall a person be allowed to keep any other dog if the person has a vicious dog.

11. *Insurance.* Every owner of a vicious dog shall carry insurance to cover any injury caused by a vicious dog of at least \$250,000 and provide proof of coverage to the City annually.
12. *Other Conditions.* A court may impose other conditions on the keeping of a vicious dog including but not limited to maintaining additional liability insurance and/or surety bonds, training of animals or custodians, and sterilizing the dog.

D. License and Tag Required for Vicious Dogs; Applicability to Nonresidents.

1. The owner of a vicious dog shall, within fourteen (14) days after establishing a residence in the City, or if the owner has already established a residence in South Jordan, then upon acquisition of such a dog, obtain a license from the City to harbor the dog. The fee for such permit shall be determined by the City Council. The owner shall disclose on a dog license application form provided by the City whether the owner has homeowner's insurance, and if so, the name of the insurance carrier and the policy number, which shall be public information, and which shall be disclosed upon request to any person who sustains an injury caused by the dog upon request.
2. At the time the license is issued, the City shall issue a highly visible tag to the owner of the vicious dog identifying it as such a dog. The tag shall be worn at all times by the dog.
3. The permit for maintaining a vicious dog shall be presented to any agent of the City upon demand.
4. Any person who brings into the City a dog which has been determined vicious by a court or body having jurisdiction over the owner or the dog, shall at all times comply with the provisions of this Title and this chapter which are applicable to the dog and owner.

E. Change of Ownership.

1. Any owner of a vicious dog who sells or otherwise transfers ownership, custody or residence of the dog shall immediately after such change of ownership or residence, provide written notification to Police Department of the name, address and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of a vicious dog to provide written notification of the dog's classification as vicious to the person receiving the dog. The previous owner shall furnish a copy of such notification to Police Department along with written acknowledgment by the new owner of his receipt of such notification, and the name, address, and telephone number of the new owner.

2. Any person receiving ownership or custody of a dog classified as vicious must obtain the required permit, tag and enclosure prior to acquisition of the dog. The new owner shall comply fully with the provisions of this Chapter including those pertaining to payment of fees, and maintenance, control and ownership of such a dog.

F. Continuation of Vicious Dog Declaration: Any dog that has been declared vicious by any agency or department of this City, another municipality, county, or State shall be subject to the provisions of this Ordinance for so long as the dog remains in the City. The person owning or having custody of any dog designated as a vicious dog by any municipality, county, or State government shall notify the Police Department of the dog's address of residence and conditions of maintenance immediately upon moving the animal into the City. The restrictions and conditions of maintenance of any dog declared vicious by this City, another municipality, county, or State shall remain in force while the dog remains in the City.

G. Penalties.

1. Except as otherwise stated herein, a violation of any provision of this chapter shall be a class B misdemeanor.
2. Liability: If any vicious dog shall, when unprovoked, kill or wound, or assist in killing or wounding any domestic animal, or shall, when unprovoked, attack, assault, bite or otherwise injure any human being or assist in attacking, assaulting, biting or otherwise injuring any human being while out of or within the enclosure of the owner or keeper of such vicious dog, or while otherwise, on or off the property of the owner or keeper, whether or not such vicious dog was on a leash and securely muzzled or whether the vicious dog escaped without fault of the owner or keeper, the owner or keeper of such dog shall be strictly liable to the person aggrieved for all damage sustained. It shall not be necessary, in order to sustain any such action, to prove that the owner or keeper of such vicious dog knew that such vicious dog possessed the propensity to cause such damage or that the vicious dog had a vicious nature. Upon such attack or assault, the animal control office or police department is empowered to impound the vicious dog.

H. Impoundment.

21. If any dog that has been declared vicious pursuant to the provisions of this chapter shall, when unprovoked, kill, wound or worry or assist in killing or wounding or worrying any person or animal, the animal control or police department is empowered to impound the vicious dog.
112. Any dog that has been declared vicious pursuant to the provisions of this chapter, and that dog thereafter when unprovoked, kills, wounds or worries or assists in

killing or wounding or worrying of any person or animal, the animal control office or police department is empowered to impound and, after the expiration of a five (5) day appeal period, exclusive of weekend and holidays, may destroy the vicious dog. Prior to destroying any dog under this chapter the City shall give notice to the owner that the dog will be destroyed in no less than five days exclusive of weekends and holidays and that the decision to destroy the dog may be appealed to the City Manager. Appeals shall be made in writing and served upon the City Recorder. (Prior code § 7.12.110)

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.