

Ordinance No. 16-03

AN ORDINANCE OF PARK CITY, UTAH AMENDING TITLE 7 SECTIONS 7-1-1, 7-3-2, 7-3-7 AND 7-8-1 OF THE MUNICIPAL CODE OF PARK CITY PERTAINING TO ANIMAL CONTROL

WHEREAS, Title 7 of the Municipal Code of Park City pertaining to Animal Control was last amended in 2007 by the City Council of Park City, Utah; and

WHEREAS, Title 7 currently does not allow for the designation of off leash areas; and

WHEREAS, Park City strives to provide world class recreational opportunities for its residents; and

WHEREAS, The City desires to provide additional recreational opportunities for dog owners who wish to recreate with their dogs off leash; and

WHEREAS, Park City works in conjunction with the Summit County Department of Animal Control in regulating dog related issues so as to provide for the health, safety and welfare of the community; and

WHEREAS, On December 3rd, after receiving significant public input requesting off leash recreational opportunities from the Community, Council directed staff to return at a later date with information on how to implement off-leash areas; and

WHEREAS, The City Council held a work session meeting on December 17th, 2015 to discuss the item and took significant public input, that supported the implementation of off-leash areas.

WHEREAS, On January 7, 2016, City Council held a public meeting to receive public input on possible amendments to Title 7 of the Municipal Code.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARK CITY, UTAH THAT:

Section I. Amendment. Title 7 Sections 7-1-1, 7-3-2, 7-3-7 and 7-8-1 of the Municipal Code of Park City, are hereby amended as redlined in Exhibit A as amended.

Section II. Designated off-leash areas. City Council adopts the following City-Owned properties, Round Valley, Library Field and Quinn's Dog Park, specifically identified in Exhibit B.

Section II. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and

independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

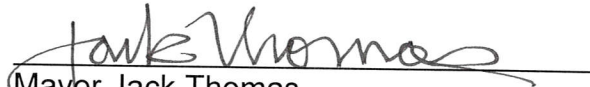
Section III. Conflict with Existing Ordinances, Resolutions, or Policies. To the extent that any ordinances, resolutions, or policies of Park City Municipal Corporation conflict with the provisions of this ordinance, this ordinance shall prevail.

Section IV. Effective Date. This Ordinance shall become effective on January 15, 2016.

PASSED AND ADOPTED BY THE PARK CITY COUNCIL this 7 day of January, 2016.



PARK CITY MUNICIPAL CORPORATION



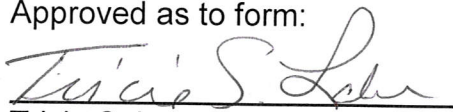
Mayor Jack Thomas

Attest:



City Recorder

Approved as to form:



Tricia S. Lake
Assistant City Attorney/Prosecutor

Exhibit A (Amended)

CHAPTER 1 - IN GENERAL 7- 1- 1.

DEFINITIONS.

(A) **ABANDON/ABANDONED.** The leaving of an animal without adequate provision for the animal's care by its owner.

(B) **AGRICULTURAL ANIMAL OR AGRICULTURAL DOG.** An animal developed or trained to do useful work such as herd other animals.

(C) **ANIMAL.** Every nonhuman species, both domestic and wild.

~~(A) — (D) — AT LARGE.~~ Any domesticated animal, whether or not licensed, not under restraint as defined below.

(D) ANIMAL BOARDING ESTABLISHMENT. Any establishment that takes in animals for boarding for profit.

(E) ANIMAL GROOMING PARLOR. Any establishment maintained for the purpose of offering cosmetological services for animals for profit.

(F) ANIMAL SHELTER. A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the state of Utah under U.C.A. Section 76-9-305, as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats or other small domestic animals.

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

(H) CATS. Any age feline of the domesticated types.

(I) CATTERY. An establishment for boarding, breeding, buying, grooming or selling cats for profit.

(J) DIRECTOR OF ANIMAL CONTROL. The Director of the Summit County Department of Animal Control who is vested with the power and authority to enforce the provisions of this Title.

(K) DOG. A canis familiaris over four (4) months of age. Any canis familiaris under four (4) months of age is a puppy.

(L) DOMESTICATED ANIMALS.
Animals accustomed to live in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine, goats, and cattle.

~~(L) STRAY. Any animal at large as defined herein.~~

(M) GUARD DOG. A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public. This restriction does not apply to service dogs for people and governmental entities and dogs used for agricultural purposes.

(N) HOLDING FACILITY. Any pet shop, kennel, cattery, groomer, animal shelter, humane establishment, or any other such facility used for holding animals.

(O) KENNEL. An establishment having four (4) or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, selling, or

agricultural use such as stock herding and guarding.

(P) LEASH OR LEAD. Any chain, rope or device used to restrain an animal.

(Q) NEUTER. A surgical procedure performed on male animals in which its testicles are removed.

(R) OWNER. Any person who is either the legal owner, keeper, possessor or the actual custodian of an animal. Ownership is established by a person registering as owner on a license or other legal document or being a person claiming ownership and taking possession of an animal. Where the 'Owner' is a minor under the age of 18 years, the minor's parent or legal guardian shall be liable for and held responsible for payment of the minor child's citation, fines and/or late penalties.

(S) PET. A domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.

(T) 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.

(U) 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.

(V) SPAY. A surgical procedure performed on a female animal in which its ovaries and uterus are removed.

(W) STRAY. Any animal at large as explained in Section 7-3-2 of this Title.

~~(V) UNDER RESTRAINT. Any animal under the control of its owner or person having charge, care, custody or control. A dog shall be considered under control of the owner when on a leash or lead, confined within a vehicle, or within the real property limits of the owner.~~

(X) VICIOUS ANIMAL. Any animal which is dangerous, aggressive, including, but not limited to any animal which has bitten or in any other manner attacked any person or animal.

(Y) VICIOUS DOG.

(1) Any dog which, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;

(2) Any dog with a known propensity, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or animals; or

(3) Any dog which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal on public or private property.

(4) This provision shall not apply to dogs owned or used by governmental entities.

(Z) WILD ANIMAL. Animals including raccoons, skunks, coyotes, foxes, bats, the offspring of wild animals crossbred to domestic dogs and cats and any other carnivorous animal.

(AA) WORRY. To harass by tearing, biting or shaking with the teeth or without provocation to chase any animal or person or approach any person in an apparent attitude of attack when such person is in a place where he/she has a right to be.

7-3-2. DOGS RUNNING AT LARGE.

~~It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he knows that the dog is running at large. The dog shall be deemed "at large" unless personally controlled by leash or lead in condo common areas, public parks, parking lots open to public, ski areas, golf courses and shopping centers.~~

A. Under Restraint: It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog at any time to run at large. Except as provided in subsection B of this Section, a dog shall be considered under restraint of the owner and therefore not "at large" when:

1. On a leash or lead;
2. The dog is under the control of its owner through the use of an electronic dog collar, provided that the owner maintains voice and sight control as outlined in subsection B (1) of this Section and carries a physical leash or lead with them at all times;
3. Confined within a vehicle;
4. Within the real property limits of the owner;
5. Within the real property limits of another with the express permission of the property owner;
6. The dog is an agricultural dog actively working; or
7. The dog is hunting with its owner; or
8. The dog is within the boundaries of a designated off leash dog area adopted by ordinance or otherwise formally approved by the City, or a homeowners' association within the jurisdiction.

B. Off Leash Dog Areas:

1. Voice and Sight Control: With respect to subsection (A)(8) of this Section, dogs within the boundaries of a designated off leash dog area must be managed through the use of "voice and sight control" defined as control of the behavior of a dog which is not leashed or otherwise physically restrained by its owner sufficient that the dog does not, without regard to circumstances or distractions:

- (a) Charge, chase, or otherwise display aggression toward any person or behave toward any person in a manner that a reasonable person would find harassing or disturbing;
- (b) Charge, chase or otherwise display aggression toward any animal;
- (c) Chase, harass or disturb wildlife or livestock; or
- (d) Fail to come to and stay with the owner immediately upon command by such person.

2. Off Leash Dog Area Regulations: The following shall be prohibited or illegal within the boundaries of any off leash dog area within the jurisdiction:

- (a) Failure of an owner of any dog within the boundaries of an off leash dog area to carry a leash or lead no longer than 6 feet in length ~~charged with responsibility~~ for each dog. Electronic dog collars may not substitute for a physical leash or lead.
- (b) An owner having more than four dogs simultaneously unleashed.
- (c) Failure of an owner to exercise voice and sight control at all times.
- (d) Failure of an owner to properly clean up and dispose of dog waste.
- (e) Bringing a female dog in season (heat) into an off leash dog area.
- (f) Failure of a dog to be properly licensed per Section 7-2-1 of this Title and to wear a license tag per Section 7-2-2 of this Title.
- (g) Failure to follow any other posted off leash dog area rules and regulations.

C. Sensitive Areas: Park City recognizes that there are certain sensitive places where dogs should be on leash at all times. Dogs may only be allowed off leash in areas formally designated as off leash areas. Dogs must remain on leash within one hundred fifty feet (150') of an off leash public trailhead. ~~or as posted on site.~~

D. Liability: The owner of any dog a dog found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he/she knows that the dog is running at large.

7- 3- 7. VICIOUS ANIMALS AND VICIOUS DOGS.

(A) It shall be unlawful for the owner of any vicious animal or vicious dog, as those terms are defined herein, to permit such animal to go or be off the premises of the owner unless such animal is under restraint as defined in Section 7-3-2 (A) of this Title

and properly muzzled so as to prevent it from injuring any person or property.

(B) The Summit County Director of Animal Control shall seek a court order for destruction of or muzzling of any vicious animal that is under restraint as defined in Section 7-3-2(A) of this Title defined herein, yet cannot be controlled by reasonable restraints and cannot be effectively controlled by its owner or person having charge, care, or control of such animal.

7- 8- 1. DOMESTICATED ANIMALS.

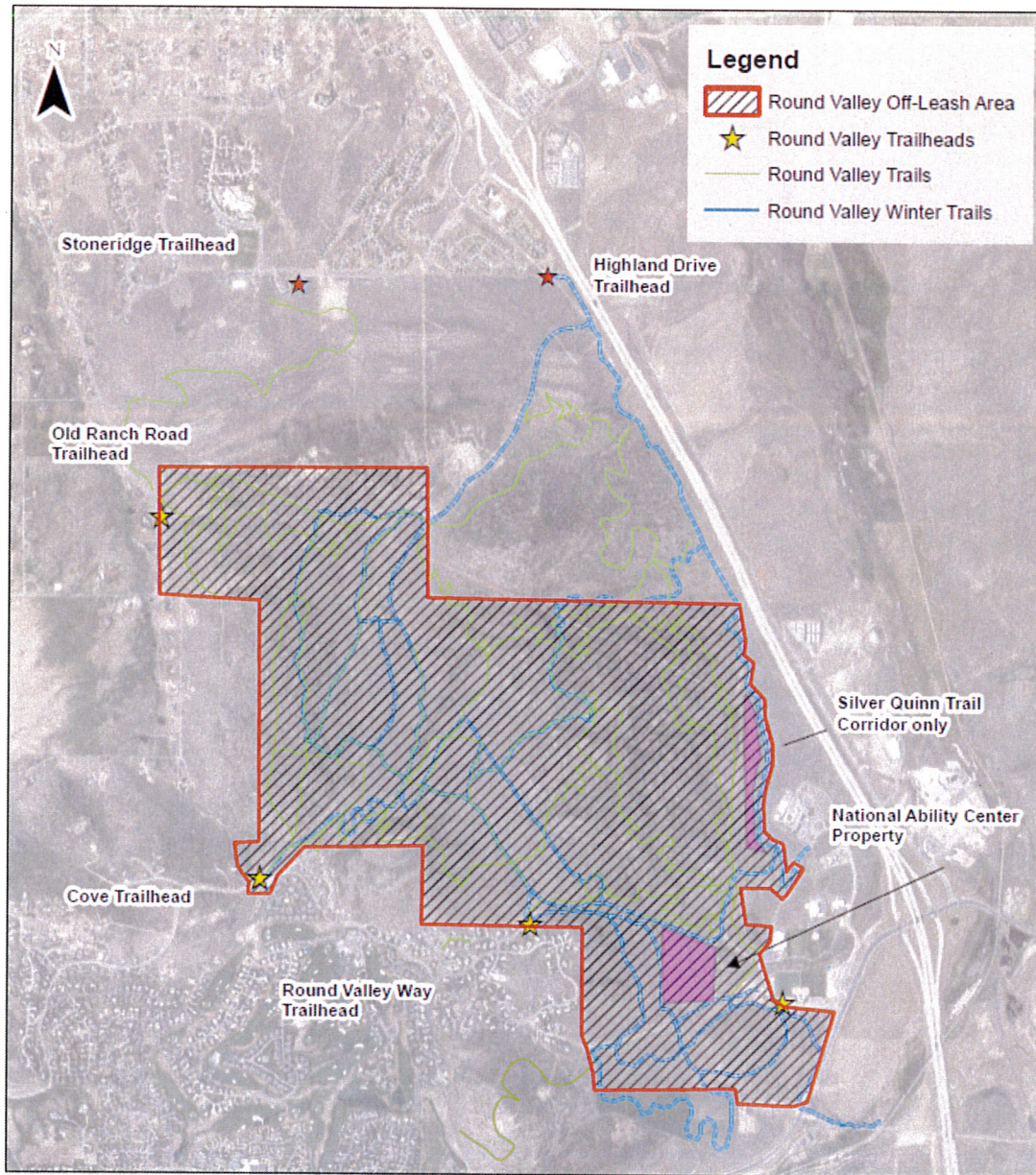
It is unlawful for the owner or person having charge, care, or custody of any domesticated animal to allow such to be at large contrary to the provisions of this Title. Domestic animals include horses, cattle, sheep, pigs, goats, etc.

Exhibit B

The following areas have been designated as 'off-leash' within City Limits

1. Round Valley
2. Library Field
3. Quinn's Dog Park

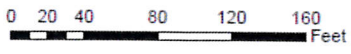
Round Valley 'Off-Leash' Area within City Limits



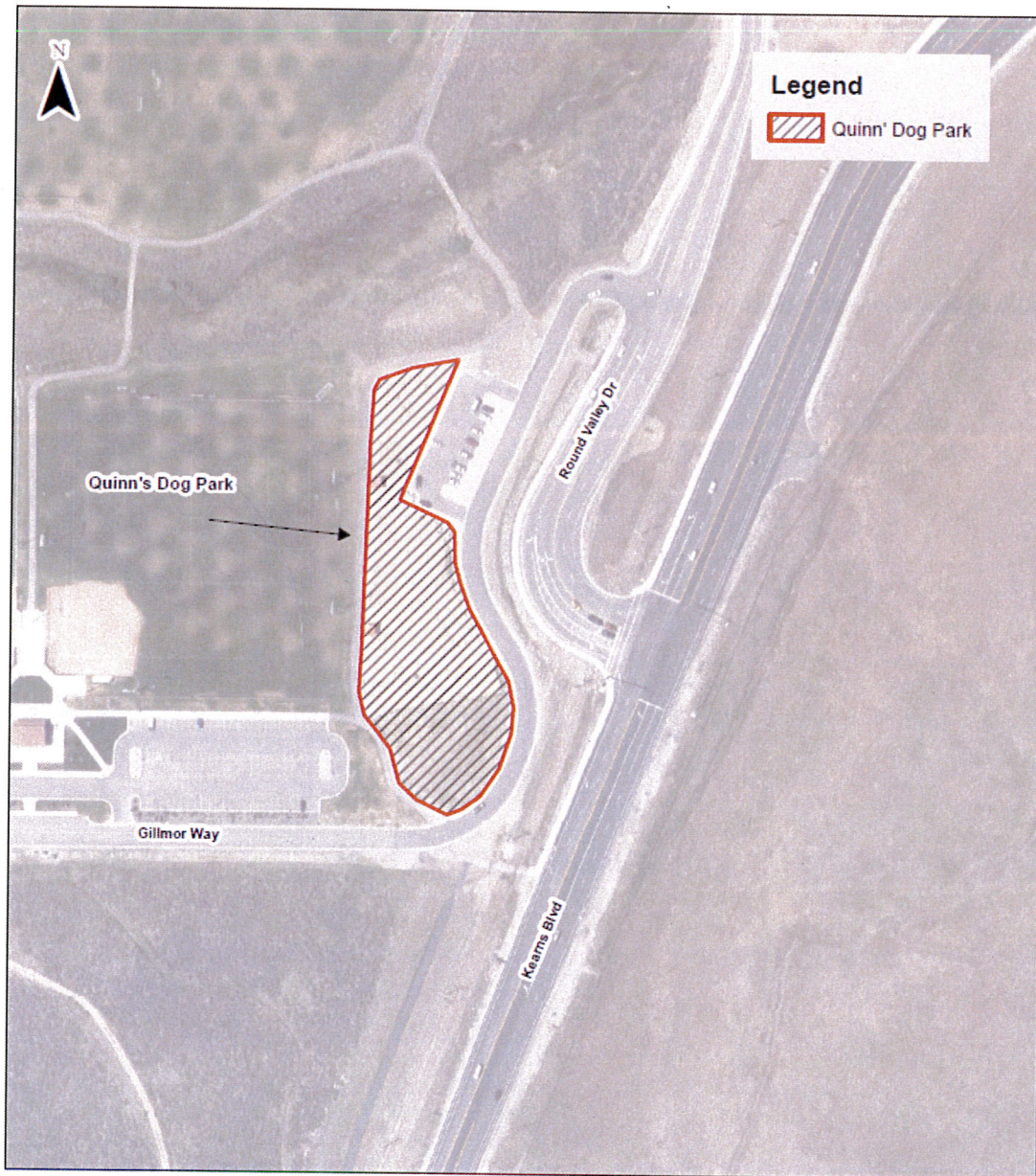
0 0.125 0.25 0.5 0.75 1 Miles



Library Field 'Off-Leash' Designated Area



Quinn's Dog Park



00.0005015 0.03 0.045 0.06
Miles

