

ORDINANCE NO. 21-03

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING
TITLE 5-1-13 OF THE CITY CODE HAVING TO DO WITH DOGS IN PARKS;
MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO
EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR
THOSE CHANGES.**

SECTION 1 - RECITALS:

WHEREAS, South Ogden City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

WHEREAS, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with UC § 10-3-702, the City may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by State law or any other provision of law; and,

WHEREAS, the City Council finds that under UC §10-3-707, the City is “empowered to revise, codify and compile from time to time and to publish in book, pamphlet or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified code of the ordinances then enforced shall be presented, but with errors, inconsistencies, repetitions, and ambiguities therein eliminated”; and,

WHEREAS, the City Council finds that dogs should be allowed in certain parks in the city, and that Title 5-1-13 should be amended to affect and clarify these changes and related regulations for the city; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

WHEREAS, the City Council finds that the requirements should be effective upon passage of this Ordinance; and,

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the City Code be changed and amended:

Amended Section:

Upon the adoption of this Ordinance, Title 5-1-13 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"**, which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

SECTION 2 - REPEALER OF CONFLICTING ENACTMENTS:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

SECTION 3 - PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

SECTION 4 - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION 5 - DATE OF EFFECT

This Ordinance shall be effective on the 6th day of April 2021, and after publication or posting as required by law.

DATED this 6th day of April 2021.

SOUTH OGDEN, a municipal corporation

by: _____
Mayor Russell Porter

Attested and recorded

Leesa Kapetanov, CMC
City Recorder

ATTACHMENT "A"

ORDINANCE NO. 21-03

An Ordinance of South Ogden City, Utah, Revising and Amending Title 5-1-13 of the City Code Having to Do With Dogs in Parks; Making Necessary Language Changes to the City Code to Effect Those Changes; and Establishing an Effective Date for Those Changes.

6 Apr 21

5-1-13: PROHIBITED ACTS AND ACTIVITIES:

A. Interference With Officer: It is unlawful for any person to interfere with any peace officer or animal control officer or their assistants in the discharge of their duties under this chapter, or likewise any officer or authorized personnel of the humane society.

B. Harboring Stray Dogs: It shall be unlawful for any person, except an animal welfare society, to harbor or keep any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the animal control officer within twenty four (24) hours, and the officer shall impound the dog as herein provided.

C. Animals At Large: It shall be unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal at any time to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this subsection regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not he knows that the animal is running at large.

D. Animals On Unenclosed Premises: It shall be 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 unless such person has permission of the owner of the affected property.

E. Female Dogs In Heat: Any owner or person having charge, care, custody or control of any female dog in heat shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting by scent or coming into contact with other animals and creating a nuisance. (Ord. 670, 11-13-1979; amd. 2001 Code)

F. Places Prohibited To Animals; Exceptions:

1. Food Establishments: It shall be unlawful for any person to take or permit any animals, excluding hearing or seeing eye dogs, or other certified aid dogs, whether on a leash or in the arms of their owners, in any establishment or place of business where food or food products fit or intended for human consumption are sold or distributed, including, but not limited to, restaurants, grocery stores, meat markets and fruit or vegetable stores. (Ord. 980, 9-15-1998, eff. 9-15-1998)

2. Parks, Play Areas:

a. Prohibited: ~~Dogs, whether on a leash or not, shall be completely prohibited from Friendship Park and 40th Street Park.~~ The City Council shall, from time to time, set out or amend by resolution the parks where dogs are allowed or prohibited. ~~Any other language to the contrary notwithstanding, in parks where dogs are prohibited, this~~ the prohibition shall not apply to guide dogs in the company of a blind or hearing impaired person, or other certified aid dog, or dogs in the presence of their masters for the purpose of public education programs or law enforcement exercises. (Ord. 980, 9-15-1998, eff. 9-15-1998; amd. Ord. 02-08, 5-7-2002, eff. 5-7-2002)

b. Allowed: ~~The city parks of South Ogden City shall hereafter be open to dogs and their owners except as prohibited in subsection F2a of this section.~~ Dogs are allowed off-leash in the off-leash dog area located within Club Heights Park. In other parks where dogs are allowed, dogs shall always be

[leashed and -p](#)Pet owners shall be responsible to pick up after their pets and shall not allow pet waste to remain in the parks. (Ord. 02-08, 5-7-2002, eff. 5-7-2002)

G. Limitation On The Number Of Dogs And Cats: It shall be unlawful for any person to keep, harbor or maintain more than two (2) dogs and/or three (3) cats at any one residential or commercial location unless otherwise permitted by city, state or federal law.

H. Limitation On The Number Of Other Pets: It shall be unlawful for any person to keep, harbor or maintain any number or combination of other animals or insects not specifically addressed by another city ordinance at any one residence or commercial locations if by so doing, those pets cause either a nuisance, a public health concern or loss of property value to the resident(s) of the property or to any resident(s) of surrounding property unless otherwise permitted by city, state or federal law. (Ord. 02-09, 5-7-2002, eff. 5-7-2002)