

ORDINANCE # 23-02

AN ORDINANCE AMENDING THE SANDY CITY MUNICIPAL CODE TITLE 12, “ANIMAL SERVICES”, CHAPTER 12-2, “HOBBY LICENSE”, RELATING TO THE REQUIREMENTS OF A LARGE ANIMAL HOBBY LICENSE; ALSO PROVIDING A SAVING CLAUSE AND EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, it is necessary to amend the Sandy City Municipal Code Title 12, “Animal Services”, Chapter 12-2, “Hobby License” by adding requirements for a large animal hobby license and the proper care and maintenance of the animals kept on a property in a non-nuisance manner; and

WHEREAS, Section 10-8-84, Utah Code Annotated, authorizes such amendment in order to protect the public health, safety and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City, State of Utah, as follows:

Section 1. Amendment. Title 12, Chapter 12-2 is hereby amended as set forth in **Exhibit “A”** which is attached hereto and by this reference made a part hereof. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

Section 2. Severable. If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinances or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted of such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. Effective. This ordinance shall become effective up on publication of a summary thereof.

PASSED AND APPROVED this 21st day of February, 2023.

DocuSigned by:
Alison Stroud
7BA48C9903AC456...
Alison Stroud, Sandy City Council Chair

ATTEST:

DocuSigned by:
Wendy D
688E7E8272014B1...
City Recorder

2/28/2023

PRESENTED to the Mayor of Sandy City for her approval this ____ day of _____, 2023.

APPROVED this ____ day of _____, 2023.

DocuSigned by:
Monica Zoltanski
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Monica Zoltanski, Mayor



ATTEST:

DocuSigned by:
Wendy D
688E7E8272014B1...
City Recorder

PUBLISHED this 1st day of March _____, 2023.

Exhibit “A”

TITLE 12 – ANIMAL SERVICES
CHAPTER 12-2 – HOBBY LICENSE

- CODE OF ORDINANCES
Title 12 - ANIMAL SERVICES
CHAPTER 12-2. HOBBY LICENSE

CHAPTER 12-2. HOBBY LICENSE¹

Sec. 12-2-1. Purpose.

It is the purpose of this chapter to create in Sandy City a dog hobby license which shall allow the licensee to maintain a maximum of five dogs over one year of age upon the licensed premises and a horse hobby license that will allow the licensee to maintain more than four horses on a residential lot within an "A" designated zone. Both hobby licenses are intended to provide for the proper care and maintenance of the animals kept on a property in a non-nuisance manner.

(Revised Ords. 1978, § 3-2-1)

Sec. 12-2-2. Hobby License Requirements.

(a) Dog Hobby License. A dog hobby license shall allow the custodian to keep no more than five dogs over one year of age (other than a service animal, a retired service animal, or both) in a residential area. In no event shall a dog hobby licensee be allowed to keep any other dogs if the custodian has a dangerous dog. The licensee may keep intact one litter of pups up six months of age and may thereafter keep one dog from the original litter up to an age of 12 months. At no time shall the licensee keep more than five dogs over one year of age. The following requirements shall be met by the licensee:

- (1) *Statement of Hobby Interest.* The applicant for a dog hobby license shall complete a form provided by the City, which form shall require the notarized signature of the applicant and shall indicate that the applicant desires to maintain dogs for hobby purposes. Hobby purposes shall include, but not be limited to, the showing of dogs, training of dogs for field trials, the training of dogs for rescue, for obedience, tracking and other such purposes, and the maintaining of dogs for recreation, breeding, and sporting purposes.
- (2) *Outdoor Requirements.*
 - a. The applicant shall provide dog runs with shelter to protect the dogs from foul weather, wind, and excessive exposure to natural elements. Said runs shall also be designed to prevent the escape of any dog constrained therein.
 - b. All fencing shall be of sufficient strength and of such construction to prevent the escape of or injury to any dog housed within such fencing.
 - c. All fencing shall be maintained so that no part of such fence shall be broken, damaged, or in any way pose a significant risk of injury to the enclosed dog or to allow the escape thereof.
 - d. In addition to providing the fenced animal runs, the applicant shall be required to erect a substantial fence around that portion of the yard in which the dogs are maintained sufficient to prevent the dogs' escape.

¹State law reference(s)—Licensing of dogs, U.C.A. 1953, § 10-8-65.

- e. The animal runs located in the yard shall be positioned so as not to be a nuisance to any neighbor, and shall be at least 40 feet from the nearest portion of any neighboring building used as a dwelling.
 - f. No dog runs shall be located within the front yard setback area.
 - g. An opaque screen shall be provided to screen any dog run from view by surrounding persons or from surrounding properties.
 - h. An applicant for a dog hobby license shall submit a plot plan showing the location of the applicant's lot, the location of surrounding and adjoining lots, and shall include the location of all structures presently in place, both main and accessory, and the proposed location of any dog runs, shelters or other such structures. The Division may determine the adequacy of the applicant's plot plan.
 - i. No dog run shall be located in the side yard setback area unless specific authorization is granted pursuant to a review by the Division and the Department of Community Development.
 - j. All accessory runs, buildings, fences and other outdoor facilities must also comply with all provisions of the Land Development Code of Sandy City, Utah 2002 (Sandy Land Use Code). In the case of a conflict between the ordinances, the more restrictive provision shall apply.
- (3) *Size of Dog Runs.* The dog runs required by this section shall have as a minimum size the following:
- a. The dog run shall be no less than 32 square feet in size when the dog restrained therein is over 50 pounds in weight.
 - b. The dog run shall be no less than 18 square feet in size when the dog restrained therein is more than 15 pounds but less than 50 pounds in weight.
 - c. The dog run shall be no be less than ten square feet when the dog restrained therein is 15 pounds or less in weight.
 - d. If the applicant desires to construct dog runs which shall be communal in nature, said runs shall be proportionally larger for each additional dog therein. For example, if two dogs in a dog run both weigh over 50 pounds, then the dog run shall be at least 64 square feet in size.
- (4) *Bedding.* The bedding contained in the dog runs shall meet the following requirements:
- a. The bedding shall be of a material which may be either disposed of by sanitary means or removed and cleaned.
 - b. Newspapers or other similar material used to absorb moisture shall be removed and replaced daily, and areas beneath them cleaned and disinfected daily. All newspapers or other material removed shall be disposed of in a manner acceptable to the Salt Lake Valley Health Department.
 - c. The floors of a dog run, constructed of concrete, shall provide for a resting board or some type of bedding for the dogs restrained therein which insulates the dogs from the concrete.
 - d. If any bedding used is of a type that must be cleaned, the material shall be cleaned as often as necessary to maintain a healthy and sanitary condition. All bedding shall be kept clean and free of noxious odors.
- (5) *Cleaning of Dog Runs.*
- a. All runs shall be cleaned and disinfected as needed each day to prevent fecal accumulation.
 - b. Cleaning agents or chemicals that may be harmful to dog tissue shall not be used where there is a possibility of contact or ingestion of such agents or chemicals by the dog.

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- c. Fecal material shall be properly handled and disposed of in accordance with applicable regulations of the Salt Lake Valley Health Department.
 - d. When necessary, or under the direction of the Salt Lake Valley Health Department, the licensee shall use such chemicals and materials as may be necessary to control flies, insects or other pests.
 - e. Accumulations of fecal or other waste material or garbage in and around any dog run shall be cleaned up and properly disposed of at least daily. The dog run itself and the surrounding area shall be neat, clean and free of litter, trash garbage and noxious odors.
- (6) *Feed.* The feeding of the dogs shall be governed by the following requirements:
- a. The feed given to the animals shall be stored in a manner so as to prevent contamination from any source, and shall be stored so it does not attract rodents, vermin or other pests.
 - b. Fresh potable water shall be available to the dogs at all times.
- (7) *Noise Control.* The licensee shall take such steps as may be necessary to ensure that noise generated by the dogs owned and kept by the licensee shall not be in violation of Section 12-1-17(6) or (7).
- (8) *Land Use Regulations.* A dog hobby license shall not be granted to any applicant unless the application shall conform to all Sandy City land use regulations.
- (9) *Other Regulations.* The licensee shall comply with the provisions of Chapter 12-1, except Sections 12-1-7 and 12-1-8.

(Revised Ords. 1978, § 3-2-2)

(b) Horse Hobby License. No more than four horses and one corresponding foal under 12 months of age may reside at any address at a time unless: (1) the property is in an "A" designated zone; (2) the number horses on the property does not exceed the number permitted within the zone; and (3) a horse hobby license is obtained. If granted in accordance with the requirements of this chapter, the horse hobby license shall allow the property owner to keep more than four horses over one year of age, up to the maximum number of horses allowed in the zone. The licensee may also keep one offspring up to an age of 12 months. At no time shall the licensee keep more than the maximum number of horses over one year of age permitted in the zone. The following requirements shall be met by the licensee:

- (1) *Statement of Hobby Interest.* The applicant for a horse hobby license shall complete a form provided by the City, which form shall require the notarized signature of the applicant and shall indicate that the applicant desires to maintain horses for hobby purposes. Hobby purposes shall include, but not be limited to, showing, training, maintaining for recreation, breeding, and sporting purposes.
- (2) *Outdoor Requirements.*
 - a. Shelter. The licensee shall provide shelter to protect the horses from foul weather, wind, and excessive exposure to natural elements at all times.
 - (i) At a minimum, this shelter shall consist of three solid walls, a pitched or slanted roof and provide ventilation.
 - (ii) The shelter must meet all Building Code requirements. The minimum space required for shelter shall be 120 square feet per horse. An outdoor animal domicile structure is required for all other farm animals.
 - (iii) No shelter shall be located within the front or side yard setback areas.
 - (iv) The constructed shelter shall be located at least 40 feet from the nearest portion of any neighboring building used as a dwelling.

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- b. Fencing.
 - (i) All fencing shall be of sufficient strength and of such construction to prevent the escape of or injury to any animal housed within such fencing.
 - (ii) All fencing shall be maintained so that no part of the fence is broken, damaged, or in any way poses a significant risk of injury to the enclosed animals or to allow the escape thereof.
 - c. Compliance with Laws. All shelters, fences and other outdoor facilities must comply with the requirements of Sandy City Code and adopted Sandy City standards.
 - d. Designated Farm Animal Area. At least half of the total gross square footage of the lot must be designated and maintained for the housing and containment of farm animals. This area may consist of stables, hay barns, turnouts, etc., or any other structure that its primary use is related to the keeping of farm animals. Areas that may not be used to satisfy the farm animal area include front yard (area between the front plane of the home and the street); side yard (15 feet from primary dwelling); rear yard (30 feet from primary dwelling); and areas dedicated for other uses (bridle paths, pools, non-animal related accessory structures, etc.). Side and rear yard areas that are 25 feet or greater in width may be used as the farm animal area and must be contiguous areas on the lot. Structures and other improvements (such as sport courts, patios, parking areas, paved driveways, etc.) that would have to be removed or substantially modified to use the area for farm animal housing and containment are not eligible.
- (3) *Plot Plan Required.* The applicant for a horse hobby license shall submit a plot plan that shows the following:
- a. The location of the applicant's lot.
 - b. The location of surrounding and adjoining lots.
 - c. The location of all structures presently in place, both main and accessory.
 - d. The proposed location of shelters and other structures.
 - e. Other information as deemed necessary by the Division.
- (4) *Cleaning of Shelters and Outdoor Areas.* A waste management plan must be submitted by the applicant. At a minimum, the plan must ensure elimination of potential nuisances, including unsanitary conditions, odors, rodents, and flies through
- a. Routine cleaning of shelter space and other outdoor areas.
 - b. Removal of all manure and waste. The plan must provide details of how the removal from the premises or proper recycling of manure and other waste products will be accomplished.
- (5) *Feed.* The feeding of the animals shall be governed by the following requirements:
- a. The feed given to the animals shall be stored in a manner so as to prevent contamination from any source and shall be stored so it does not attract rodents, vermin or other pests.
 - b. Fresh potable water shall be available to the horses at all times.
- (6) *Noise Control, Land Use Regulations and other Laws.* The licensee shall take such steps as may be necessary to ensure compliance with all applicable federal, state and local laws, ordinances and regulations, including without limitation noise control, land use and animal regulations.

Sec. 12-2-3. Fees and Required Vaccination.

- (1) The fee for a hobby license shall be established by resolution of the City Council.

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- (2) The dog hobby licensee shall be required to provide proof of a rabies vaccination to the Division in accordance with Section 12-1-20 for each dog kept and maintained under authority of any hobby license upon application for, or renewal of, the hobby license and upon the acquisition or substitution of any dog pursuant to the permit.
 - (3) The licensee shall be required to provide proof of the following “core” equine vaccinations to the Division for each horse kept and maintained under authority of the Hobby License upon application for, or renewal of, the Horse Hobby License and upon the acquisition or substitution of any horse pursuant to the permit.
 - a. West Nile
 - b. Tetanus
 - c. Eastern and Western Encephalitis
 - d. Rabies

(Revised Ords. 1978, § 3-2-3)

Sec. 12-2-4. Renewal of Hobby License and Inspections.

- (a) Any hobby license issued pursuant to the provisions of this chapter shall automatically expire 12 months after it is issued. If the licensee fails to renew the license within 30 days of expiration, the hobby license applicant shall file a new application for a hobby license.
- (b) The Division and Code Enforcement Officers may inspect each licensed premises at any time with or without notice. Failing to allow inspection is a violation of the license.

(Revised Ords. 1978, § 3-2-4)

Sec. 12-2-5. Exemptions.

Animal shelters and other animal facilities operated by State or local governments, or which are licensed by Federal law, are excluded from the licensing requirements of this chapter.

(Revised Ords. 1978, § 3-2-5)

Sec. 12-2-6. Complaints and Revocation of License.

(1) Complaints. Complaints with regard to persons keeping and maintaining animals under the provisions of this chapter may be resolved as follows:

- a. The complaint shall be investigated by the Division, Code Enforcement or Sandy City Police Officers.
- b. Upon completion of the investigation, the Division may, in addition to other actions, submit to the licensee requirements for correction, including a reasonable time period in which to implement the requirements.
- c. The Division or Code Enforcement Officers shall reinspect the premises to determine if the recommendations have been followed.
- d. Failure by the licensee to comply with the requirements of the Division, and to comply with all applicable laws, including this title, shall be considered grounds for revocation of the license issued under authority of this chapter.

(2) Revocation.

- a. In the event that correction is not completed within the time specified by the Division, a hearing for the revocation of the license granted hereunder shall be held before the Director or his designees.
- b. The hobby license shall be revoked if the licensee pleads to or is found guilty of animal cruelty.
- c. The hearing procedure shall provide for the following:
 1. A written notice served upon the licensee setting forth the causes upon which the revocation of the license is based.
 2. The opportunity for the licensee to appear at an open hearing and present evidence, appear in person or be represented by counsel, and to examine witnesses.
 3. Upon the presentation of the evidence by the licensee and the City, the Director or his designees shall render a final decision on the license be revocation.

(Revised Ords. 1978, § 3-2-6)

Sec. 12-2-7. Penalties.

Any violation of the provisions of this chapter shall be deemed a Class C misdemeanor unless otherwise specifically designated as a different level of offense.

(Revised Ords. 1978, § 3-2-7)