

Auditor

Blake Frazier



November 5, 2014

County Council,

Please consider approving the 2014 Stipulations. A list has been prepared for your review by Travis.

Thank You,

A handwritten signature in black ink that reads "Kathryn".

Kathryn Rockhill

BE Clerk

2014 BOE Adjustments

Account #	Serial #	New Market Value	Old Market Value	MV Difference	New Taxable Value	Old Taxable Value	Taxable Difference	Old Tax Estimate	% Difference	Explanation for adjustment
0079156	NS-1238	\$ 3,900.00	\$ 28,540.00	\$ (24,640.00)	\$ 38.00	\$ 28,540.00	\$ (28,502.00)	\$ 246.01	-99.87%	Adjust value to reflect FAA.
0482256	NS-1328-A	\$ 98,750.00	\$ 98,750.00	\$ -	\$ 903.00	\$ 98,750.00	\$ (97,847.00)	\$ 851.23	-99.09%	Adjust value to reflect FAA.
0148225	SS-74	\$ -	\$ 354,564.00	\$ (354,564.00)	\$ -	\$ 354,564.00	\$ (354,564.00)	\$ 317.44	-100.00%	Changed value due to all of the land being State Assessed as a rock quarry.
0340103	BMDV-11	\$ 2,750,000.00	\$ 635,000.00	\$ 2,115,000.00	\$ 2,750,000.00	\$ 635,000.00	\$ 2,115,000.00	\$ 5,759.45	333.07%	computer entry dropped a zero s/b \$2,750,000. An honest owner called this one in.
Totals for 11/12/2014		\$ 2,852,650.00	\$ 1,116,854.00	\$ 1,735,796.00	\$ 2,750,941.00	\$ 1,116,854.00	\$ 1,634,087.00			
Totals for 10/22/2014		\$ 71,602,395.00	\$ 77,713,020.00	\$ (6,110,625.00)	\$ 58,224,513.00	\$ 68,514,016.00	\$ (10,289,503.00)			
Totals for 10/08/2014		\$ 25,683,037.00	\$ 29,998,842.00	\$ (4,315,805.00)	\$ 22,096,993.00	\$ 27,249,926.00	\$ (5,152,933.00)			
Totals for 10/01/2014		\$ 38,232,948.00	\$ 46,474,081.00	\$ (8,241,133.00)	\$ 29,255,788.00	\$ 42,046,351.00	\$ (12,790,563.00)			
Totals for 9/24/2014		\$ 63,649,586.00	\$ 69,085,011.00	\$ (5,435,425.00)	\$ 49,609,170.00	\$ 60,723,033.00	\$ (11,113,863.00)			
Totals for 9/10/2014		\$ 107,918,141.00	\$ 119,756,176.00	\$ (11,838,035.00)	\$ 89,618,187.00	\$ 108,022,376.00	\$ (18,404,189.00)			
Totals for 09/03/2014		\$ 52,738,718.00	\$ 62,638,733.00	\$ (9,900,015.00)	\$ 39,704,650.00	\$ 52,911,367.00	\$ (13,206,717.00)			
Totals for 08/20/2014		\$ 425,331,242.00	\$ 406,387,243.00	\$ 18,943,999.00	\$ 382,049,377.00	\$ 379,515,584.00	\$ 2,533,793.00			
Running Total		\$ 788,008,717.00	\$ 813,169,960.00	\$ (25,161,243.00)	\$ 673,309,619.00	\$ 740,099,507.00	\$ (66,789,888.00)			

The Market value decrease for 2014 is (\$ 25,161,243) As of 11/12/2014

The Taxable Value decrease for 2014 is (\$ 66,789,888) As of 11/12/2014

11/5/2014

Memo

In a 2014 Board of Equalization hearing, the Gideon's brought to the attention to the Assessor's Office that the below grade square footage of their home along the Old Ranch Road, located within the Juddebeth Subdivision was incorrect in excess of 1,496 s.f.. The square footage has been corrected, however the Gideon's have asked for a refund, for those years where the square footage was incorrect.

If the Council makes a determination that due process was not served and a refund is warranted, the refund from taxes paid for the past five years (2013-2009), would be \$799.31. If the Council is so inclined to refund for the eleven years the square footage was incorrect (2013-2003), the amount would be \$1787.28.

Sincerely

Steve Martin (Assessor)

Mitch Ferry (Appraiser)

Summit County Council

03 November 2014

We recently appealed our Summit County property tax on account 52682. This is our home on 5850 North Old Ranch Rd Park City UT, 84098. The property has been incorrectly assessed at 7000 sq. ft. since 2003. After our appeal it was found in fact to be 5581 sq. ft.

We would like the Council to consider our request for a refund of the overage of 1787 dollars in taxes paid since 2002 as estimated by Mitch Ferry. We had no way of knowing that our home had been incorrectly measured in 2002 and that we had been paying taxes on 1400sq. ft. too much. While Mitch Ferry states in the attached letter that the Council ordinarily only goes back 5 years, we feel that it is only fair to consider all the taxes that we over paid dating back to 2003.

Thanks for your consideration of this request.

Jeff and Katie Gideon

Jeff Gideon

Katie Gideon

5850 North Old Ranch Rd.
Park City UT 84098

2014
Hearing Decision

4148

5908.25

Hearing Date:	September 30, 2014
Recommendation Date:	October 2, 2014
Assessor Parcel Number:	JB-5
Petitioner:	Katie Gideon
Respondent:	Summit County Assessor's Office
Hearing Officer for Summit County Board of Equalization:	William J. Kranstover
Original Assessment:	\$1,339,280
Petitioner's Opinion of Market Value:	\$787,838
Assessor's Revised Assessment:	\$1,172,010
Proposed Market Value Assessment:	\$1,172,010

Issue – The Petitioner claims that the assessed market value for the subject property for the 2014 assessment year exceeds “fair market” value.

Hearing Premise – By Supreme Court decision, the presumption of correctness is given to the Respondent (County) until such time as evidence has been entered into an appeal record, which places that presumption into question. Therefore, Petitioner has the burden of going forward with this appeal action. Petitioner is required to show that the original market value assessment placed on the above identified real property (the subject) is in excess of “fair market” value, and must provide evidence to allow this Board of Equalization to establish an alternative market value. Until otherwise determined, the Respondent is given the presumption of correctness.

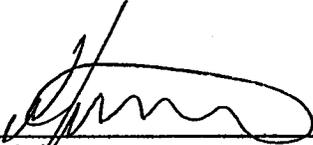
Property Description – The subject property is a 5,581 square foot single family home in the GT Flinders subdivision off of Old Ranch Road.

Petitioner – The Petitioner claims that a discrepancy in square footage for the home was discovered, and provided plans.

Respondent – The Respondent was receptive to the change and corrected the square footage of the home from 7,078 square feet to 5,581 square feet.

Conclusion – The square foot discrepancy was resolved and a new fair market value was determined. The Respondent provided four comparable sales that occurred in 2013 with an average sale price of \$236 per square foot. Due to the location and condition of the subject, an average square foot price of \$210 was concluded.

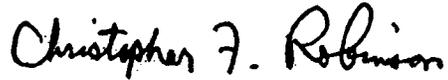
Recommendation – Having reviewed the subject's assessment record and evidence provided by the Petitioner, it is the recommendation of the Respondent that the assessed market value of the subject be changed to \$1,172,010.



William J. Kranstover
State Certified General Appraiser
And Consultant for Summit County Assessor's Office



Steve Martin
Summit County Assessor



OCT 29 2014

Council Chairman



November 10, 2014

Via Email Jami Brackin (jbrackin@summitcounty.org)

Jami R. Brackin
Deputy Summit County Attorney
P.O. Box 128
Coalville, UT 84017

Re: Renewal of the Canyons SPA Agreement

Dear Jami:

We are responding to your November 10, 2014 email to The Canyons Resort Village Association, Inc. ("RVMA") and others describing your expectation that "a request would be made to the County Council to continue the SPA under the provisions of Section 5.9." We understand that "SPA" means the Amended and Restated Development Agreement for the Canyons Specially Planned Area, dated November 15, 1999, as amended (the "SPA Agreement").

As your email anticipates, however, it is our position that the SPA Agreement shall automatically renew on November 15, 2014 pursuant to Section 5.9.2 without any of the RVMA and the Developers (as defined in the SPA Agreement) requesting renewal, and without the County Council's taking any affirmative action to cause a renewal of the agreement. Section 5.9.2 of the SPA Agreement provides that:

This ...[SPA] Agreement may be renewed by the Developers upon identical terms and conditions for up to three (3) additional five (5) year terms so long as there has been demonstrated substantial compliance with the terms of this ...[SPA] Agreement. This [SPA] Agreement shall be automatically so renewed unless all of the Developers notify the County in writing to the contrary at least one year prior to the commencement of such renewal term or the County notifies the Developers of a failure to substantially comply with the terms of this ...[SPA] Agreement at least 90 days prior to the commencement of such renewal term.

Jami R. Brackin
November 10, 2014
Page 2

It is also our position that there is no appropriate basis on which Summit County could prevent an automatic renewal of the Agreement. There is a clear record demonstrating the Developers' substantial compliance with the terms of the SPA Agreement, and the Developers have not requested that the SPA Agreement not be renewed. Contrary to the assertions in your email, Summit County has not given timely, written notice to the RVMA or the Developers under Section 5.9.2 of non-renewal of the SPA Agreement.

Without waiving this position, and to avoid any confusion about the automatic renewal of the SPA Agreement, to the extent you believe it necessary to confirm the extension, we request that (a) you place the following item on the agenda for Summit County Council's November 12, 2014 meeting: "Confirmation of Automatic Extension of The Canyons SPA Development Agreement," and (b) the Summit County Council confirm their understanding that the agreement term has been automatically extended.

Please contact us if you have any questions.

Sincerely,

The Canyons Resort Village Association, Inc.

By  _____
Jennifer Guetschow, Executive Director

cc: Dave Thomas
Pat Putt
Derrick Radke
Leslie Crawford
Shawn Ferrin
Justin Atwater
Mike Warren

MANAGER'S REPORT
November 12, 2014

To: Council Members
From: Robert Jasper

<u>Department</u>	<u>Description of Updates</u>
Administration	<p><u>Submitted by Robert Jasper, County Manager:</u> Documents and transactions are listed on the Manager Approval lists dated 10/30/14 and 11/6/14, posted on the website at: www.summitcounty.org/manager/approvals</p> <p><u>Submitted by Lisa Yoder, Sustainability Coordinator:</u> The primary endeavors currently underway include, but are not limited to, the following:</p> <ol style="list-style-type: none"> 1- Energy efficiency upgrades to the District Court are complete; lighting upgrades to the Justice Center continue. 2- Increased support of Basin Recreation Open Space Advisory Committee with voter approval of the open space bond. 3- Research into various mechanisms to fund the residential energy efficiency revolving loan program, Be Wise, Energize is underway. Funding options will be presented to Council shortly. 4- As quarterfinalists in the Georgetown University Energy Prize competition, Summit Community Power Works submitted its 2-year plan to reduce residential energy usage countywide. The next step is to develop partnerships with municipalities, school districts, utilities and businesses to carry out the plan. 5- A field trip to the High Unitas wilderness area has been coordinated for the new Public Lands/Wilderness Advisory Group (November 11). Research into the complexities of public lands designations and management strategies is underway to support Council and the Advisory Group. 6- Coordination with staff in the Planning and Community Development department is underway to incorporate sustainability measures in the revised Snyderville Basin General Plan.
Auditor	
Assessor	
Attorney	
Clerk	
Community Development	<p><u>Submitted by Pat Putt, Community Development Director:</u> See attached report</p>
Engineering	
Facilities	<p><u>Submitted by Mike Crystal, Facilities Director:</u></p> <ol style="list-style-type: none"> 1-Staff assisting in hauling/installing voting equipment. 2- Painting Sheriff administration office hallway. 3- Lighting retro fit at justice center.
Health Department	<p><u>Submitted by Rich Bullough, Health Director:</u> <u>Summit County Board of Health approves first Summit County Code of Health</u> On October 6, 2014, the Summit County Board of Health approved and adopted the first Code of Health for Summit County. This was following months of work, discussion, and public comment. The Code sets standards upon which Summit County health and safety will be protected and heightens the demands on excellence of our Health Department staff. The Code is sweeping and our processes and procedures will have to be continuously streamlined to meet the standards set forth in the Code. We anticipate the need for increased staff during FY 2016, and also anticipate the majority of the cost for these staff will be offset by fees associated with the code.</p>

Department	Description of Updates
	<p><u>Summit County Health Department implements comprehensive public swimming pool inspection program</u></p> <p>One of the first new programs implemented in the Health Department is a new public swimming pool inspection program. This program will primarily impact the owners and managers of multi-unit rental properties. The program is focused on water safety but also on the physical facilities, assuring the pools themselves are constructed safely and that the surrounding property has adequate and safe fencing and signage. A community meeting of property owners and managers was held last week to engage these persons prior to fully implementing the program. Attendance was very good and the feedback was very positive. This is an example of a regulatory approach that, in partnership with the business sector, assures safety and health but also protects from liability.</p> <p><u>Influenza season has begun</u></p> <p>While there are relatively few cases of influenza in the state currently, it is predicted to be a fairly big flu season. The number of vaccines our health department is giving currently is up compared to the recent past. Vaccines are still in good supply so now is the time to get in and get yours</p>
Information Technology	<p><u>Submitted by Ron Boyer, I.T. Director:</u></p> <p>IT worked with Beaver Springs HOA to come up with value of area for Community Fire Plan. Linda Vernon has been working with the library to physically move their online public access catalog server to the Park City location. This has required the setup of a DMZ for the public to access. We have finally signed an agreement with Allwest to provide a hosted phone solution. We will stand up a test lab in the IT office and then phase in the system as circuits are installed in the other buildings.</p> <p>The Spillman system upgrade went live October 27th. The upgrade was mainly in the Corrections area. This is a big improvement for managing information in the jail.</p> <p>The Snyderville Basin Planning Commission requested a work session on the new website features. We discussed the Agenda Center and Community Voice modules. We are especially urging the Planning Commissioners to get involved with posted items for discussion on the website. The commission gave some good feedback on items we could improve with the website.</p> <p>The Mac Minis installed in the Richins Library that were having issues with security software have been fixed to work with the security software and the reservation system</p>
Justice Center	
Library	<p><u>Submitted by Dan Compton, Library Director:</u></p> <p><u>Food For Fines</u> - From November 15th to the 29th we will be accepting one can of non-perishable food for each dollar of fines owed on your account. Fees for lost or damaged books and Collection fees are not eligible.</p> <p><u>Scholastic Book Sale (sponsored by the Friends of the Library)</u> - Location: Kimball Junction Branch – Sheldon Richins auditorium</p> <p>Thursday, November 20- 1:00pm-8:00pm Friday, November 21 - 8:00am-8:00pm Saturday, November 22 - 10:00am-8:00pm Sunday, November 23 - Noon-5:00pm</p> <p><u>Drive-Through Book Return at the Kimball Junction Branch</u> - Many of you have probably noticed the new book return at the end of the parking lot at the Kimball Junction Branch. This was donated by the Friends of the Summit County Library and will make returning books much easier for many. Please feel free to use either book return you're comfortable with. We will continue to check both daily.</p> <p><u>November is American Indian Heritage Month</u> - The coming of the winter months marks storytelling time for the Ute Tribe. To celebrate American Indian Heritage Month, the Summit County Library is hosting Ute Storyteller, Larry Cesspooch. Among many of Larry's creations are the 2002 Olympics Exhibit, "First Nations of Utah" and the film <i>The Bear Dance Story: As Told By Henry Cesspooch, Bear</i></p>

<u>Department</u>	<u>Description of Updates</u>
	<p><i>Dance Chief</i> screened at the Sundance Film Festival. Larry uses both traditional and modern methods to create stories that help others understand Native Culture and Spirituality. Join us for an unforgettable evening of imagination and authentic legends. All ages are welcome. Monday, November 17th, 2014 - 7:00 PM, Sheldon Richins Auditorium This event is funded in part by the Institute of Museum and Library Services through the Library Services and Technology Act, and administered through the Utah State Library</p>
Mountain Regional Water	
Park City Fire Service District	<p><u>Submitted by Paul Hewitt, Fire Chief:</u> See attached Monthly Operations Report</p>
Personnel	<p><u>Submitted by Brian Bellamy, Personnel Director:</u> Personnel</p> <ol style="list-style-type: none"> 1. Jobs Advertised <ol style="list-style-type: none"> a. Deputy Sheriff/part time – Closed October 10 b. Web Administrator (in House) - Closes November 14 c. Reserve Deputy/Temp (Still open) 2. Applications Received <ol style="list-style-type: none"> a. County Manager - 45 b. Deputy Sheriff/part time - 36 c. Reserve Deputy/Temp - 10 3. Job Offers Made <ol style="list-style-type: none"> a. County Manager b. Clinical Aide/Interpreter c. Reserve Deputy 4. Interviews/Testing set up - 8/0 5. Positions Advertised in 2013/2014 – 36/43 6. Applications received in 2013/2014 – 1629/1227 7. 2 new hire orientations 8. 2 E-verify 9. 229 biometric testing 10. 1 seasonal employees furloughed 11. 5 letters sent to unsuccessful candidates 12. 1 new Worker’s Comp claims filed for total of 17 claims for 2014/22 claims for 2013 13. 0 employees out on Worker’s Comp 14. 1 employee returned to work from Worker’s Comp 15. 1 employee on Worker’s Comp light duty 16. 2 new disability claims filed, includes FMLA documentation for total of 8 claims for 2014/19 claims for 2013 17. 1 employee on short term disability 18. 0 employees on disability light duty 19. 1 unemployment claims filed 20. 1 unemployment claims being paid 21. 1 employee resigned their positions 22. 0 employees retired 23. 0 employees terminated 24. 2 pre-employ drug tests 25. 4 random drug tests 26. 1 post accident drug test 27. 0 follow up drug test 28. 15 employees met personally with 401k representative

<u>Department</u>	<u>Description of Updates</u>
	<ul style="list-style-type: none"> 29. Worked with Department Heads and employees on evaluations 30. Met with 7 employees to discuss retirement and URS 31. Continued meeting with ULGT regarding self-insurance for liability, auto and Worker's Comp 32. Meet with payroll regarding hours for 2015 budget 33. Participated in HUB webinar regarding PCORI insurance for the ACA 34. Participated in KRONOS training Managing Employee Data (2) 35. Participated in KRONOS training Performing Core Tasks (2) 36. Participated in KRONOS training Configuring Benefit Plans (1) 37. Provided refreshments for Manager Selection Committee (2 days) 38. Provided refreshments for Manager Candidates Interviews 39. Provided 400 doses of flu vaccine to Health Department for employees and spouses 40. Met with Basin Recreation regarding salary/hourly employees 41. Participated in Insurance Meetings with our partners and insurance renewal 42. Meet with Regional Coordinator and staff for AFLAC 43. Participated in budget committee 44. Participated in Manager interviews 45. Met with Worker's Comp Insurance broker 46. Met with HUB regarding Health/Dental insurance 47. Meet with MPA candidate and worked on County questions (second time) 48. Participated in Administrative policy update meetings 49. Multiple requests for salary and policy information from other agencies 50. Met with Healthy Employee Committee 51. Met with Attorney's Office regarding Animal Control code 52. Met with Bear Hollow Village regarding dog issues 53. Multiple telephonic and in person verifications of employment 54. Worked with three department heads/ division directors and County Attorney's Office regarding employee discipline issues 55. Met multiple times with department heads and employees regarding employee issues 56. Met employee regarding possible grievance 57. Continue to answer public inquiries regarding county employment 58. Serve county employee's needs
Public Works	
Recorder	
Treasurer	
Sheriff	
Snyderville Basin Recreation	
USU Extension	

NEW BUILDING PERMITS
October 30 – November 5, 2014

Name	Address	Description
Joe Mehlmann	2259 Creek Crossing Loop	Single Family Dwelling
Art Lang	5095 West Kilby Road	Photovoltaic (Ground)
Talisker Canyons LLC	2100 Frost Wood Drive	Tile Shower Steamer
Todd Evans	4910 N East Meadows Drive	Addition
Matthew Ray Nelson	914 Silver Sage Drive	Single Family Dwelling
Manoel Amorim	7550 Purple Sage Drive	Single Family Dwelling
Kenneth O'Brian	364 W Judd Lane	Gas Line
Ernie Wakabayashi	3347 Pete Dye Draw	Addition
Ivor Allsop	6448 CountrySide Circle	Roof Mount Solar PV System
Powder Hollow Ranch	3225 North West Henefer Road	Temp Power
Ron Hauben	6864 Saddle Court	Remodel Front Of House
KEB Enterprises	6214 View Drive	Single Family Dwelling
Amy Sharpless-Caivn	1031 Lincoln Lane	Addition and Remodel
Dan Borza & Christy Daugherty	7529 Whileway Road	Detached Garage
Gabe And Angela Elstein	7467 Tall Oaks Circle	Single Family Dwelling
Sprinkler Supply Company	4207 N Forest Dale Drive	Warehouse
Bill Evans	7815 North Cedar Way	Roof Mount Solar PV System
Michael Montgomery	8830 Highfield Road	Roof Mount Solar PV System
Dan Brown	31 White Pine Canyon Road	Roof Mount Solar PV System
Utah Olympic Park	3419 Olympic Park Way	UOP Footings & Foundation
Leslie Murdock	4665 Mckinney Court	Service Change
Robert & Jan Hilder	1491 Fletcher Court	Basement Stairs
Julie And Clive Bridgwater	3259 Tatanka Trail	Single Family Dwelling

Monthly Operations Report - October 2014

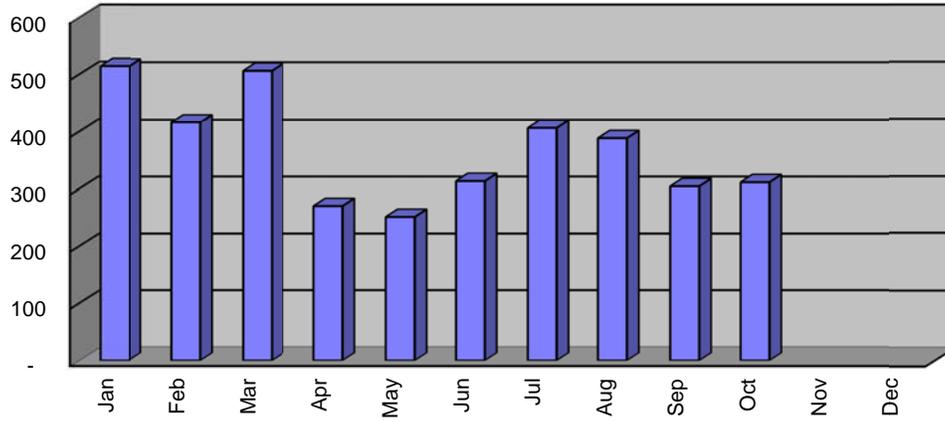
Park City Fire District



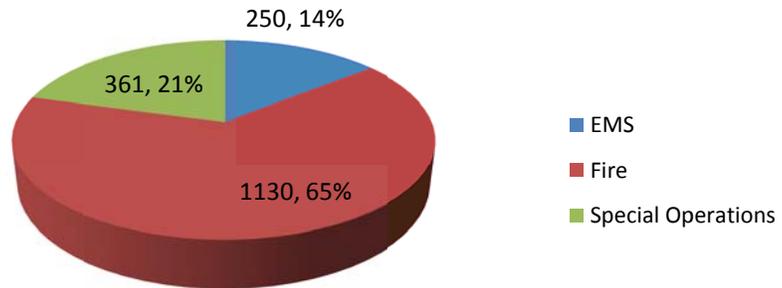
Main Street Halloween – October 31, 2014

Monthly Operations Report October - 2014

Monthly Calls - 2014



Total Training Hours by Category - OCT 2014 Park City Fire District



Monthly Operations Report October - 2014

Fire Summary

Crews trained in front of the public at station #36 during Fire Prevention Week. The featured scenario was combating gas fires using the propane tree prop. By advancing a hose line with a fog stream, the crew can protect themselves with a hydraulic curtain that absorbs the heat, allowing them to get close enough to a gas fire to operate the valve and shut off gas flow. Also, crews demonstrated the dangers of grease fires and practiced extinguishing them with an extinguisher. The public rarely gets a chance to see us in this setting and the event was well-received (figure 3).

Captain Peterson also presented a water supply exercise. All stations completed a two-company evolution in which a rapid water transfer from an arriving engine to an already on scene engine could be completed without disruption of water flow to working hand lines in an involved structure. This training is time compressed and the success depends on perfect timing and teamwork.

Engineer Hintze prepared and delivered excellent live fire training demonstrating the effects of ventilation and the application of hose streams from the exterior on fire conditions inside a structure. The acronym "SLICER" was introduced. It focuses the size up efforts of the initial arriving IC on primary fire ground activities. Indirect fire attack skills focused on initial fire knockdown without disrupting thermal balance and victim survivability. This training is a new perspective and strategy for fighting fire. Crews were able to see through practical application and demonstrative video how fires can be knocked down from exterior lines without pushing the fire through the structure and lowering temps increasing survivability.

On shift crews performed vent, enter, search drills at an acquired structure in the Old Ranch area. Training in an unfamiliar building is incredibly valuable to the firefighters. The goal was to have skills learned in our training tower put into effect in a more realistic scenario and to have good, safe practices start to become habit. Crews also performed nighttime search drills and firefighter survival training.

Miscellaneous:

Annual Department hose testing commenced and was mostly completed. Crews tested all hose in service on vehicles, in stations, and in fire caches. Several hoses have failed dramatically, reinforcing the need for safety during this process.

Monthly Operations Report

October - 2014

EMS Summary

Medical Control with Dr. McIntosh was training on traumatic full arrests. A detailed case study of Princess Diana's fatal car crash in England was presented. Comparisons made between European and American EMS operations and skills were discussed. Dr. McIntosh emphasized rapid assessment coupled with rapid transport as critical in decreasing mortality in traumatic injuries. This will blend in with the November CME, which is International Trauma Life Support certification. A run review followed the presentation and opened up the forum for further discussion on trauma.

Crews also focused on initial patient care in an automobile requiring a significant extrication component. Training was divided into three sections: first arriving ambulance, first arriving engine, and first arriving technicians. Crews performed scene size-up, patient assessment, patient and vehicle stabilization, and actual extrication from the donated vehicles.

Special Operations

Trench Rescue training for 2014 was organized by the FF/Tech Instructors from station #36. Tech crews worked with non-tech stations in a scenario based drill to identify and rescue a trench victim. Much better weather this year allowed crews to work more efficiently as a team, utilizing PCFD's trench rescue equipment to affect a rescue. Trench Rescue is always good training as this is a low frequency, high risk skill (figure 1 & 2).

Stations 37, 33, 36, and 38 simulated an unknown hazmat release with sick patients. Crews utilized a number of detection devices, reference materials and deductive reasoning to identify the unknown product that had been placed in training. Teams made entry wearing SCBA's and splash suits and identified the substance. Station 37 readied the Hazmat Decon Trailer and executed a gross decontamination of team members after they exited the simulated hot zone. This was an excellent start-to-finish exercise for the HazMat Team.

As preparation for the combined exercise, HazMat decontamination training was given to all personnel by the special operations instructors from station #36. The training was refresher training on individual, technical, and mass decontamination procedures.

On 10/16, PCFD Special Operations stations attended a hazardous materials exercise at the Utah Olympic Park (UOP). The exercise involved a simulated ammonia leak resulting in several injuries. The crew assisted UOP personnel in patient extrication, treatment, and decontamination. In addition, crews made entries into the area in hazardous materials suits to stop the leak.

Monthly Operations Report October - 2014

Other Training UTTF1

Engineer Wadley and Engineer Emery attended an eight day training course at the Magna Training Center for UTTF1. The 80 hour course provided the skills and knowledge to certify each of them as FEMA Rescue Officers. During a deployment to a large-scale disaster, UTTF1 will take approximately five rescue officers to lead rescue crews in the extrication of trapped victims, especially those trapped from a building collapse. In addition, BC Evans and Captain Marsella spent several days at the training managing the planning and safety sections.

Additional Highlights PR & Standbys

10/1- All crews attended or viewed the Harassment in the Workplace training. This is an annual training that is now required for all employees.

10/1- The Engineer Promotional Exam was conducted. Six candidates completed seven separate disciplines and were scored according to their performance. The candidates will be eligible to promote from this list for the next two years.

10/1- Officer Development featured principles of leadership training and how to deal with the challenging employee.

10/1- Station 35 assisted the Park City Day School during their fire drill.

10/6- Fire prevention Fair at station 36. PCFD hosted the fair at 36. We had props covering all the aspects of our job. See Fire Prevention report for full details (figure 3&4).

10/7- Station 35 completed a "show and tell" Jeremy Ranch Elementary School and Station 36 did the same at Parley's Park Elementary. (Fire Prevention Week)

10/28 Captain Briley spoke on KPCW with Insa Riepen regarding importance of hazardous materials recycling and how it affects PCFD. Topics included the dangers to firefighters from overabundant chemicals in the home and garage causing spills, fires, and toxic gases when burned.

PCFD crews stood by for weekly PCFD Miner's football games.

PCFD crews stood by for North Face Challenge MTB race.

PCFD crews stood by for the Utah High School Cross Country Championship in Round Valley.

PCFD crews stood by for the Pink Heels All Women's Half Marathon.

PCFD crews stood by the Red Rock Relay running race.

Monthly Operations Report October - 2014

Significant Incidents

10/4 Activated Summit County SAR for missing runner during the North Face Challenge. The runner was eventually found on the mountain by event staff after approximately 4 hours.

10/5 Station 31 and Moto 36 responded to two separate backcountry rescues utilizing motorcycles and the ranger at 31. Although both had minor injuries, they were located by the motorcycle and GPS coordinates, treated at the site, and transported with the ranger to an awaiting ambulance.

10/10; 10/15 Crews responded to full arrests. The event on 10/15 happened on a backcountry trail prompting the dispatch of the backcountry equipment from station 37. The patient was eventually located by the ambulance crew and did not require evacuation using the specialized backcountry team/equipment.

10/30 E36, BC3, and A31 responded to Parley's Park Elementary on a child with a severe allergic response due to an unknown cause. The child was having difficulty breathing; his lips and tongue were swollen, and he was developing a rash. Paramedics identified the need for rapid intervention and administered Epinephrine (adrenaline) IM to combat the histamine response in the child. The child immediately began to feel better and his symptoms subsided. Benadryl was also given because it is a longer lasting antihistamine and prevents the signs/symptoms from reoccurring after the Epinephrine wears off in 5-10 minutes. All ended well and the child, with consent from his mother, was able to return to class. Typically, a BC does not respond to general medical calls, but often they will respond to evaluate the service we provide on all levels. BC Harwood stated "it still amazes me to this day the amount of competence and professionalism our providers exhibit daily".

Monthly Operations Report
October - 2014



Figure 1



Figure 2



Figure 3



Figure 4

Park City Fire Service District

Budget Presentation to Summit County Council

November 12, 2014

Park City Fire Service District
Summary of Revenues, Expenditures and Transfers for all Funds and the Local Building Authority
For the Years Ending December 31, 2013, 2014, 2015 and 2016
For Presentation to Summit County Council on November 12, 2014

	<u>Actual 2013</u>	<u>Original Budget 2014</u>	<u>Amended Budget 2014</u>	<u>Proposed 2015</u>	<u>Proposed 2016</u>
Revenues:					
Property taxes	\$ 11,120,538	\$ 11,215,000	\$ 11,180,000	\$ 11,388,000	\$ 11,600,000
Fee-in-lieu	294,887	335,000	300,000	300,000	300,000
Interest income	180,944	213,000	178,000	172,000	170,000
Misc income	92,691	40,000	75,000	75,900	75,300
Grants and donations	44,783	50,000	50,000	381,200	75,000
Grants and donations - Blue Sky program	-	-	-	132,000	-
Fees and permits:					
Ambulance revenue	1,771,458	2,074,000	2,074,000	2,335,900	2,307,700
Impact fees	162,198	90,000	200,000	90,000	90,000
Wildland program revenue	207,811	160,000	160,000	160,000	160,000
Other fees and permits	146,053	80,000	150,000	150,000	150,000
Total revenues	14,021,363	14,257,000	14,367,000	15,185,000	14,928,000
Expenditures:					
Current:					
Salaries and wages	7,312,376	7,565,600	7,565,600	7,730,900	8,076,400
ACB compensation and benefits	-	-	27,000	27,000	27,000
Total salaries and wages	7,312,376	7,565,600	7,592,600	7,757,900	8,103,400
Fringe benefits:					
Utah State retirement systems contributions	1,127,352	1,259,520	1,259,520	1,290,370	1,383,630
Health insurance	1,055,023	1,210,780	1,210,780	1,262,300	1,360,720
Post employment health plan	87,500	350,000	350,000	350,000	350,000
Other fringe benefits	554,392	669,200	669,200	656,430	707,550
Total fringe benefits	2,824,267	3,489,500	3,489,500	3,559,100	3,801,900
Operations:					
Station expenditures	457,762	452,560	452,560	470,730	496,420
Park City ambulance operational expenditures	320,300	334,100	334,100	397,420	402,920
Apparatus maintenance	157,739	161,300	161,300	190,000	240,000
Fire, spec. ops. and communications equip.	104,776	110,810	110,810	135,040	118,250
Fuel	70,965	97,690	97,690	100,670	105,700
Uniforms and safety gear	95,113	94,190	94,190	106,740	94,210
Training materials and tuitions	41,153	71,700	71,700	83,620	84,940

Park City Fire Service District
Summary of Revenues, Expenditures and Transfers for all Funds and the Local Building Authority
For the Years Ending December 31, 2013, 2014, 2015 and 2016
For Presentation to Summit County Council on November 12, 2014

	<u>Actual 2013</u>	<u>Original Budget 2014</u>	<u>Amended Budget 2014</u>	<u>Proposed 2015</u>	<u>Proposed 2016</u>
Operations - spec. rev. and cap. proj. fund	23,300	30,000	30,000	50,000	50,000
Other operations	45,676	76,550	76,550	89,180	86,260
Total operations	<u>1,316,784</u>	<u>1,428,900</u>	<u>1,428,900</u>	<u>1,623,400</u>	<u>1,678,700</u>
General and administrative:					
General liability insurance premiums	108,626	115,000	115,000	120,000	125,000
ACB compensation and benefits	25,000	27,000	-	-	-
Professional and consulting Services	14,225	25,000	25,000	5,500	6,000
Audit and accounting services	13,965	16,000	19,000	16,000	16,500
Legal services	8,463	15,000	40,000	20,000	21,000
Certificates of participation - costs of issuance	-	-	60,000	-	-
Gen. and admin. - spec. rev., cap. proj., LBA	10	6,000	6,000	6,000	6,000
Other general and administrative	18,014	21,000	22,000	23,500	24,500
Total general and administrative	<u>188,303</u>	<u>225,000</u>	<u>287,000</u>	<u>191,000</u>	<u>199,000</u>
Capital outlay:					
Apparatus	368,430	375,000	375,000	850,000	400,000
Land and building improvements	-	-	-	260,000	50,000
Building improvements - solar panels	-	-	-	220,000	-
Communications equipment	-	-	-	270,000	-
Other capital outlay	188,990	326,000	326,000	319,600	200,000
Total capital outlay	<u>557,420</u>	<u>701,000</u>	<u>701,000</u>	<u>1,919,600</u>	<u>650,000</u>
Debt service:					
Principal retirement	629,000	381,000	381,000	634,000	655,000
Interest and fiscal charges	415,963	403,000	403,000	281,000	260,000
Total debt service	<u>1,044,963</u>	<u>784,000</u>	<u>784,000</u>	<u>915,000</u>	<u>915,000</u>
Total expenditures	<u>13,244,113</u>	<u>14,194,000</u>	<u>14,283,000</u>	<u>15,966,000</u>	<u>15,348,000</u>
Excess (deficit) of revenue over expenditures before operating transfers	<u>777,250</u>	<u>63,000</u>	<u>84,000</u>	<u>(781,000)</u>	<u>(420,000)</u>
Fund balances - beginning	<u>24,152,112</u>	<u>24,929,362</u>	<u>24,929,362</u>	<u>25,013,362</u>	<u>24,232,362</u>
Fund balances - ending	<u>\$ 24,929,362</u>	<u>\$ 24,992,362</u>	<u>\$ 25,013,362</u>	<u>\$ 24,232,362</u>	<u>\$ 23,812,362</u>

1) If deficit is projected, funds will come from capital projects fund balance.

Park City Fire Service District
Proposed Amended Budget Summary of Revenues, Expenditures and Transfers for all Funds and the Local Building Authority
For the Year Ended December 31, 2014
For Presentation to Summit County Council on November 12, 2014

	General Fund	Special Revenue Fund	Capital Projects Fund	Debt Service Fund	Local Building Authority	Total
Revenues:						
Property taxes	\$ 11,094,000	\$ -	\$ -	\$ -	\$ -	\$ 11,094,000
Property taxes - growth	86,000					86,000
Fee-in-lieu	300,000					300,000
Interest Income	70,000	4,000	50,000	54,000		178,000
Misc income	75,000					75,000
Grants and donations:						
Ambulance operations	25,000					25,000
Fire operations	25,000					25,000
Blue Sky grant program	-					-
Fees and permits:						
Ambulance revenue	2,074,000					2,074,000
Impact fees	-	200,000				200,000
Wildland program revenue	160,000					160,000
Other fees and permits	150,000					150,000
Total revenues	14,059,000	204,000	50,000	54,000	-	14,367,000
Expenditures:						
Current:						
Salaries and wages	7,592,600					7,592,600
Fringe benefits	3,489,500					3,489,500
Operations	1,398,900	1,000	29,000			1,428,900
General and administrative	281,000	4,000	1,000		1,000	287,000
Capital outlay	326,000		375,000			701,000
Debt service:						
Principal retirement	-			381,000		381,000
Interest and fiscal charges	-			403,000		403,000
Total expenditures	13,088,000	5,000	405,000	784,000	1,000	14,283,000
Excess (deficit) of revenue over expenditures before operating transfers	971,000	199,000	(355,000)	(730,000)	(1,000)	84,000
Operating transfers	(449,000)	(270,000)	109,000	730,000	(120,000)	-
Transfer from (to) fund balance	(522,000)	71,000	246,000	-	121,000	(84,000)
Totals	\$ -	\$ -	\$ -	\$ -	\$ -	-

Park City Fire Service District
Proposed Budget Summary of Revenues, Expenditures and Transfers for all Funds and the Local Building Authority
For the Year Ended December 31, 2015
For Presentation to Summit County Council on November 12, 2014

	General Fund	Special Revenue Fund	Capital Projects Fund	Debt Service Fund	Local Building Authority	Total
Revenues:						
Property taxes	\$ 11,180,000	\$ -	\$ -	\$ -	\$ -	\$ 11,180,000
Property taxes - growth	208,000					208,000
Fee-in-lieu	300,000					300,000
Interest Income	70,000	4,000	50,000	48,000		172,000
Misc income	75,900					75,900
Grants and donations:						
Ambulance operations	25,000					25,000
Fire operations	356,200					356,200
Blue Sky grant program	132,000					132,000
Fees and permits:						
Ambulance revenue	2,335,900					2,335,900
Impact fees	-	90,000				90,000
Wildland program revenue	160,000					160,000
Other fees and permits	150,000					150,000
Total revenues	14,993,000	94,000	50,000	48,000	-	15,185,000
Expenditures:						
Current:						
Salaries and wages	7,757,900					7,757,900
Fringe benefits	3,559,100					3,559,100
Operations	1,573,400	1,000	49,000			1,623,400
General and administrative	185,000	4,000	1,000		1,000	191,000
Capital outlay	589,600		1,330,000			1,919,600
Debt service:						
Principal retirement	-			634,000		634,000
Interest and fiscal charges	-			281,000		281,000
Total expenditures	13,665,000	5,000	1,380,000	915,000	1,000	15,966,000
Excess (deficit) of revenue over expenditures before operating transfers	1,328,000	89,000	(1,330,000)	(867,000)	(1,000)	(781,000)
Operating transfers	(687,000)	(180,000)		867,000		
Transfer from (to) fund balance	(641,000)	91,000	1,330,000		1,000	781,000
Totals	\$ -	\$ -	\$ -	\$ -	\$ -	-

Park City Fire Service District
Proposed Budget Summary of Revenues, Expenditures and Transfers for all Funds and the Local Building Authority
For the Year Ended December 31, 2016
For Presentation to Summit County Council on November 12, 2014

	General Fund	Special Revenue Fund	Capital Projects Fund	Debt Service Fund	Local Building Authority	Total
Revenues:						
Property taxes	\$ 11,388,000	\$ -	\$ -	\$ -	\$ -	\$ 11,388,000
Property taxes - growth	212,000					212,000
Fee-in-lieu	300,000					300,000
Interest Income	70,000	4,000	50,000	46,000		170,000
Misc income	75,300					75,300
Grants and donations:						
Ambulance operations	25,000					25,000
Fire operations	50,000					50,000
Blue Sky grant program	-					-
Fees and permits:						
Ambulance revenue	2,307,700					2,307,700
Impact fees	-	90,000				90,000
Wildland program revenue	160,000					160,000
Other fees and permits	150,000					150,000
Total revenues	14,738,000	94,000	50,000	46,000	-	14,928,000
Expenditures:						
Current:						
Salaries and wages	8,103,400					8,103,400
Fringe benefits	3,801,900					3,801,900
Operations	1,628,700	1,000	49,000			1,678,700
General and administrative	193,000	4,000	1,000		1,000	199,000
Capital outlay	200,000		450,000			650,000
Debt service:						
Principal retirement	-			655,000		655,000
Interest and fiscal charges	-			260,000		260,000
Total expenditures	13,927,000	5,000	500,000	915,000	1,000	15,348,000
Excess (deficit) of revenue over expenditures before operating transfers	811,000	89,000	(450,000)	(869,000)	(1,000)	(420,000)
Operating transfers	(689,000)	(180,000)	-	869,000	-	-
Transfer from (to) fund balance	(122,000)	91,000	450,000	-	1,000	420,000
Totals	\$ -	\$ -	\$ -	\$ -	\$ -	-

Park City Fire Service District
Summary of Revenues, Expenditures and Transfers for General Fund
For the Years Ending December 31, 2013, 2014, 2015 and 2016
For Presentation to Summit County Council on November 12, 2014

	<u>Actual 2013</u>	<u>Original Budget 2014</u>	<u>Amended Budget 2014</u>	<u>Proposed 2015</u>	<u>Proposed 2016</u>
Revenues:					
Property taxes	\$ 11,120,538	\$ 11,215,000	\$ 11,180,000	\$ 11,388,000	\$ 11,600,000
Fee-in-lieu	294,887	335,000	300,000	300,000	300,000
Interest income	65,633	105,000	70,000	70,000	70,000
Misc income	92,691	40,000	75,000	75,900	75,300
Grants and donations	44,783	50,000	50,000	381,200	75,000
Grants and donations - Blue Sky program	-	-	-	132,000	-
Fees and permits:					
Ambulance revenue	1,771,458	2,074,000	2,074,000	2,335,900	2,307,700
Wildland program revenue	207,811	160,000	160,000	160,000	160,000
Other fees and permits	146,053	80,000	150,000	150,000	150,000
Total revenues	13,743,854	14,059,000	14,059,000	14,993,000	14,738,000
Expenditures:					
Current:					
Salaries and wages	7,312,376	7,565,600	7,565,600	7,730,900	8,076,400
ACB compensation and benefits	-	-	27,000	27,000	27,000
Total salaries and wages	7,312,376	7,565,600	7,592,600	7,757,900	8,103,400
Fringe benefits:					
Utah State retirement systems contributions	1,127,352	1,259,520	1,259,520	1,290,370	1,383,630
Health insurance	1,055,023	1,210,780	1,210,780	1,262,300	1,360,720
Post employment health plan	87,500	350,000	350,000	350,000	350,000
Other fringe benefits	554,392	669,200	669,200	656,430	707,550
Total fringe benefits	2,824,267	3,489,500	3,489,500	3,559,100	3,801,900
Operations:					
Station expenditures	457,762	452,560	452,560	470,730	496,420
Park City ambulance operational expenditures	320,300	334,100	334,100	397,420	402,920
Apparatus maintenance	157,739	161,300	161,300	190,000	240,000
Fire, spec. ops. and communications equip.	104,776	110,810	110,810	135,040	118,250
Fuel	70,965	97,690	97,690	100,670	105,700
Uniforms and safety gear	95,113	94,190	94,190	106,740	94,210
Training materials and tuitions	41,153	71,700	71,700	83,620	84,940
Other operations	45,826	76,550	76,550	89,180	86,260

Park City Fire Service District
Summary of Revenues, Expenditures and Transfers for General Fund
For the Years Ending December 31, 2013, 2014, 2015 and 2016
For Presentation to Summit County Council on November 12, 2014

	<u>Actual 2013</u>	<u>Original Budget 2014</u>	<u>Amended Budget 2014</u>	<u>Proposed 2015</u>	<u>Proposed 2016</u>
Total operations	1,293,634	1,398,900	1,398,900	1,573,400	1,628,700
General and administrative:					
General liability insurance premiums	108,626	115,000	115,000	120,000	125,000
ACB compensation and benefits	25,000	27,000	-	-	-
Professional and consulting Services	14,225	25,000	25,000	5,500	6,000
Audit and accounting services	13,965	16,000	19,000	16,000	16,500
Legal services	8,463	15,000	40,000	20,000	21,000
Certificates of participation - costs of issuance	-	-	60,000	-	-
Other general and administrative	17,864	21,000	22,000	23,500	24,500
Total general and administrative	<u>188,143</u>	<u>219,000</u>	<u>281,000</u>	<u>185,000</u>	<u>193,000</u>
Capital outlay:					
Communications equipment	-	-	-	270,000	-
Other capital outlay	176,984	326,000	326,000	319,600	200,000
Total capital outlay	<u>176,984</u>	<u>326,000</u>	<u>326,000</u>	<u>589,600</u>	<u>200,000</u>
Total expenditures	<u>11,795,404</u>	<u>12,999,000</u>	<u>13,088,000</u>	<u>13,665,000</u>	<u>13,927,000</u>
Excess (deficit) of revenue over expenditures before operating transfers	<u>1,948,450</u>	<u>1,060,000</u>	<u>971,000</u>	<u>1,328,000</u>	<u>811,000</u>
Operating transfers	<u>(2,598,342)</u>	<u>(630,000)</u>	<u>(449,000)</u>	<u>(687,000)</u>	<u>(689,000)</u>
Net change in fund balance	(649,892)	430,000	522,000	641,000	122,000
Fund balances - beginning	<u>11,670,896</u>	<u>11,021,004</u>	<u>11,021,004</u>	<u>11,543,004</u>	<u>12,184,004</u>
Fund balances - ending	<u>\$ 11,021,004</u>	<u>\$ 11,451,004</u>	<u>\$ 11,543,004</u>	<u>\$ 12,184,004</u>	<u>\$ 12,306,004</u>

Park City Fire Service District
Summary of Revenues, Expenditures and Transfers for Special Revenue Fund
For the Years Ending December 31, 2013, 2014, 2015 and 2016
For Presentation to Summit County Council on November 12, 2014

	<u>Actual 2013</u>	<u>Original Budget 2014</u>	<u>Amended Budget 2014</u>	<u>Proposed 2015</u>	<u>Proposed 2016</u>
Revenues:					
Interest income	\$ 2,118	\$ 4,000	\$ 4,000	\$ 4,000	\$ 4,000
Impact fees	162,198	90,000	200,000	90,000	90,000
Total revenues	<u>164,316</u>	<u>94,000</u>	<u>204,000</u>	<u>94,000</u>	<u>94,000</u>
Expenditures:					
Operations:					
Other operations	-	1,000	1,000	1,000	1,000
Total operations	<u>-</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
General and administrative:					
Other general and administrative	-	4,000	4,000	4,000	4,000
Total general and administrative	<u>-</u>	<u>4,000</u>	<u>4,000</u>	<u>4,000</u>	<u>4,000</u>
Total expenditures	<u>-</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>
Excess (deficit) of revenue over expenditures before operating transfers	<u>164,316</u>	<u>89,000</u>	<u>199,000</u>	<u>89,000</u>	<u>89,000</u>
Operating transfers	<u>(93,265)</u>	<u>(155,000)</u>	<u>(270,000)</u>	<u>(180,000)</u>	<u>(180,000)</u>
Net change in fund balance	71,051	(66,000)	(71,000)	(91,000)	(91,000)
Fund balances - beginning	<u>413,159</u>	<u>484,210</u>	<u>484,210</u>	<u>413,210</u>	<u>322,210</u>
Fund balances - ending	<u>\$ 484,210</u>	<u>\$ 418,210</u>	<u>\$ 413,210</u>	<u>\$ 322,210</u>	<u>\$ 231,210</u>

Park City Fire Service District
Summary of Revenues, Expenditures and Transfers for Capital Projects Fund
For the Years Ending December 31, 2013, 2014, 2015 and 2016
For Presentation to Summit County Council on November 12, 2014

	<u>Actual 2013</u>	<u>Original Budget 2014</u>	<u>Amended Budget 2014</u>	<u>Proposed 2015</u>	<u>Proposed 2016</u>
Revenues:					
Interest income	\$ 59,195	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Total revenues	<u>59,195</u>	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>	<u>50,000</u>
Expenditures:					
Operations:					
Other operations	23,150	29,000	29,000	49,000	49,000
Total operations	<u>23,150</u>	<u>29,000</u>	<u>29,000</u>	<u>49,000</u>	<u>49,000</u>
General and administrative:					
Other general and administrative	150	1,000	1,000	1,000	1,000
Total general and administrative	<u>150</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
Capital outlay:					
Apparatus	368,430	375,000	375,000	850,000	400,000
Land and building improvements	-	-	-	260,000	50,000
Building improvements - solar panels	-	-	-	220,000	-
Total capital outlay	<u>368,430</u>	<u>375,000</u>	<u>375,000</u>	<u>1,330,000</u>	<u>450,000</u>
Total expenditures	<u>391,730</u>	<u>405,000</u>	<u>405,000</u>	<u>1,380,000</u>	<u>500,000</u>
Excess (deficit) of revenue over expenditures before operating transfers	<u>(332,535)</u>	<u>(355,000)</u>	<u>(355,000)</u>	<u>(1,330,000)</u>	<u>(450,000)</u>
Operating transfers	<u>2,200,000</u>	<u>55,000</u>	<u>109,000</u>	<u>-</u>	<u>-</u>
Net change in fund balance	1,867,465	(300,000)	(246,000)	(1,330,000)	(450,000)
Fund balances - beginning	<u>11,127,160</u>	<u>12,994,625</u>	<u>12,994,625</u>	<u>12,748,625</u>	<u>11,418,625</u>
Fund balances - ending	<u>\$ 12,994,625</u>	<u>\$ 12,694,625</u>	<u>\$ 12,748,625</u>	<u>\$ 11,418,625</u>	<u>\$ 10,968,625</u>

Park City Fire Service District
Summary of Revenues, Expenditures and Transfers for Debt Service Fund
For the Years Ending December 31, 2013, 2014, 2015 and 2016
For Presentation to Summit County Council on November 12, 2014

	<u>Actual 2013</u>	<u>Original Budget 2014</u>	<u>Amended Budget 2014</u>	<u>Proposed 2015</u>	<u>Proposed 2016</u>
Revenues:					
Interest income	\$ 51,108	\$ 54,000	\$ 54,000	\$ 48,000	46,000 ₹
Total revenues	<u>51,108</u>	<u>54,000</u>	<u>54,000</u>	<u>48,000</u>	<u>46,000</u>
Expenditures:					
Debt service:					
Principal retirement	629,000	381,000	381,000	634,000	655,000
Interest and fiscal charges	415,963	403,000	403,000	281,000	260,000
Total debt service	<u>1,044,963</u>	<u>784,000</u>	<u>784,000</u>	<u>915,000</u>	<u>915,000</u>
Total expenditures	<u>1,044,963</u>	<u>784,000</u>	<u>784,000</u>	<u>915,000</u>	<u>915,000</u>
Excess (deficit) of revenue over expenditures before operating transfers	<u>(993,855)</u>	<u>(730,000)</u>	<u>(730,000)</u>	<u>(867,000)</u>	<u>(869,000)</u>
Operating transfers	<u>993,886</u>	<u>730,000</u>	<u>730,000</u>	<u>867,000</u>	<u>869,000</u>
Net change in fund balance	31	-	-	-	-
Fund balances - beginning	<u>250,057</u>	<u>250,088</u>	<u>250,088</u>	<u>250,088</u>	<u>250,088</u>
Fund balances - ending	<u>\$ 250,088</u>	<u>\$ 250,088</u>	<u>\$ 250,088</u>	<u>\$ 250,088</u>	<u>\$ 250,088</u>

Park City Fire Service District
Summary of Revenues, Expenditures and Transfers for Local Building Authority
For the Years Ending December 31, 2013, 2014, 2015 and 2016
For Presentation to Summit County Council on November 12, 2014

	<u>Actual 2013</u>	<u>Original Budget 2014</u>	<u>Amended Budget 2014</u>	<u>Proposed 2015</u>	<u>Proposed 2016</u>
Revenues:					
Interest income	\$ 2,890	\$ -	\$ -	\$ -	\$ -
Total revenues	<u>2,890</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Expenditures:					
Operations:					
Other operations	12,006	-	-	-	-
Total operations	<u>12,006</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
General and administrative:					
Other general and administrative	10	1,000	1,000	1,000	1,000
Total general and administrative	<u>10</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
Total expenditures	<u>12,016</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>	<u>1,000</u>
Excess (deficit) of revenue over expenditures before operating transfers	<u>(9,126)</u>	<u>(1,000)</u>	<u>(1,000)</u>	<u>(1,000)</u>	<u>(1,000)</u>
Operating transfers	<u>(502,279)</u>	<u>-</u>	<u>(120,000)</u>	<u>-</u>	<u>-</u>
Net change in fund balance	(511,405)	(1,000)	(121,000)	(1,000)	(1,000)
Fund balances - beginning	<u>690,840</u>	<u>179,435</u>	<u>179,435</u>	<u>58,435</u>	<u>57,435</u>
Fund balances - ending	<u>\$ 179,435</u>	<u>\$ 178,435</u>	<u>\$ 58,435</u>	<u>\$ 57,435</u>	<u>\$ 56,435</u>



MEMORANDUM

Date: November 7, 2014
To: Summit County Council
From: Sean Lewis, County Planner
Re.: Home Savings Bank Special Exception

Douglas Clyde, the applicant for the Home Savings Bank Special Exception that was scheduled for a public hearing on the November 12 County Council agenda has requested that the item be postponed due to a scheduling conflict with Mr. Clyde's client.

The item will be rescheduled for the next available County Council Meeting that will be held at the Sheldon Richins Building. Public notice of the future public hearing will be published in the *Park Record* and postcard notices will again be mailed to property owners.

DAVID R. BRICKEY COUNTY ATTORNEY



SUMMIT

COUNTY

Summit County Courthouse • 60 N. Main • P.O. Box 128 • Coalville, Utah 84017

Telephone (435) 3363206 Facsimile (435) 3363287

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Criminal Division

JOY NATALE
Prosecuting Attorney

MATTHEW D. BATES
Prosecuting Attorney

RYAN P.C. STACK
Prosecuting Attorney

MARIAH HORNOK
Prosecuting Attorney

Civil Division

DAVID L. THOMAS
Chief Deputy

JAMI R. BRACKIN
Deputy County Attorney

HELEN E. STRACHAN
Deputy County Attorney

To: Summit County Council

**From: Helen Strachan, Deputy County Attorney &
Brian Bellamy, Director of Animal Control**

Meeting Date: November 12, 2014

Re: Public Hearing to discuss amendments to the Animal Control Ordinance

Please find attached as **Exhibit A**, a copy of the proposed amendments to Summit County's Animal Control Ordinance. We have now had two work sessions to discuss these proposed changes. Substantive changes made to the ordinance since the last work session are highlighted in yellow in Exhibit A. I have attached a copy of the staff report (less exhibits) from the last work session as **Exhibit B**. The few remaining concerns and questions brought up last time are discussed below.

Dog Licensing (§5-1-5(F)): As you know, we are recommending moving to a three year license to correspond with the three year rabies vaccine. Language has been added to the ordinance to clarify that the two parallel each other and that they will expire at the same time.

Sterilization (§5-1-5(E)): The Council has discussed requiring proof of sterilization prior to licensing of all dogs. Currently, we license dogs that are not spayed or neutered at a higher rate than sterilized dogs. Staff shall be proposing increases to the license fees as part of the global Summit County fee resolution to be presented this fall. The Council directed staff to include a sterilization exemption for dogs that are bred and are associated with a properly licensed dog breeder. The attached ordinance reflects that change and it is highlighted. However, Animal Control has concerns with requiring sterilization prior to licensing. They fear that many will avoid licensing their dog because they do not want to sterilize their animal. They also question requiring impounded dogs to be sterilized prior to releasing them to their owners. Animal Control would like to continue with simply licensing at a higher rate and will be on hand to discuss their concerns.

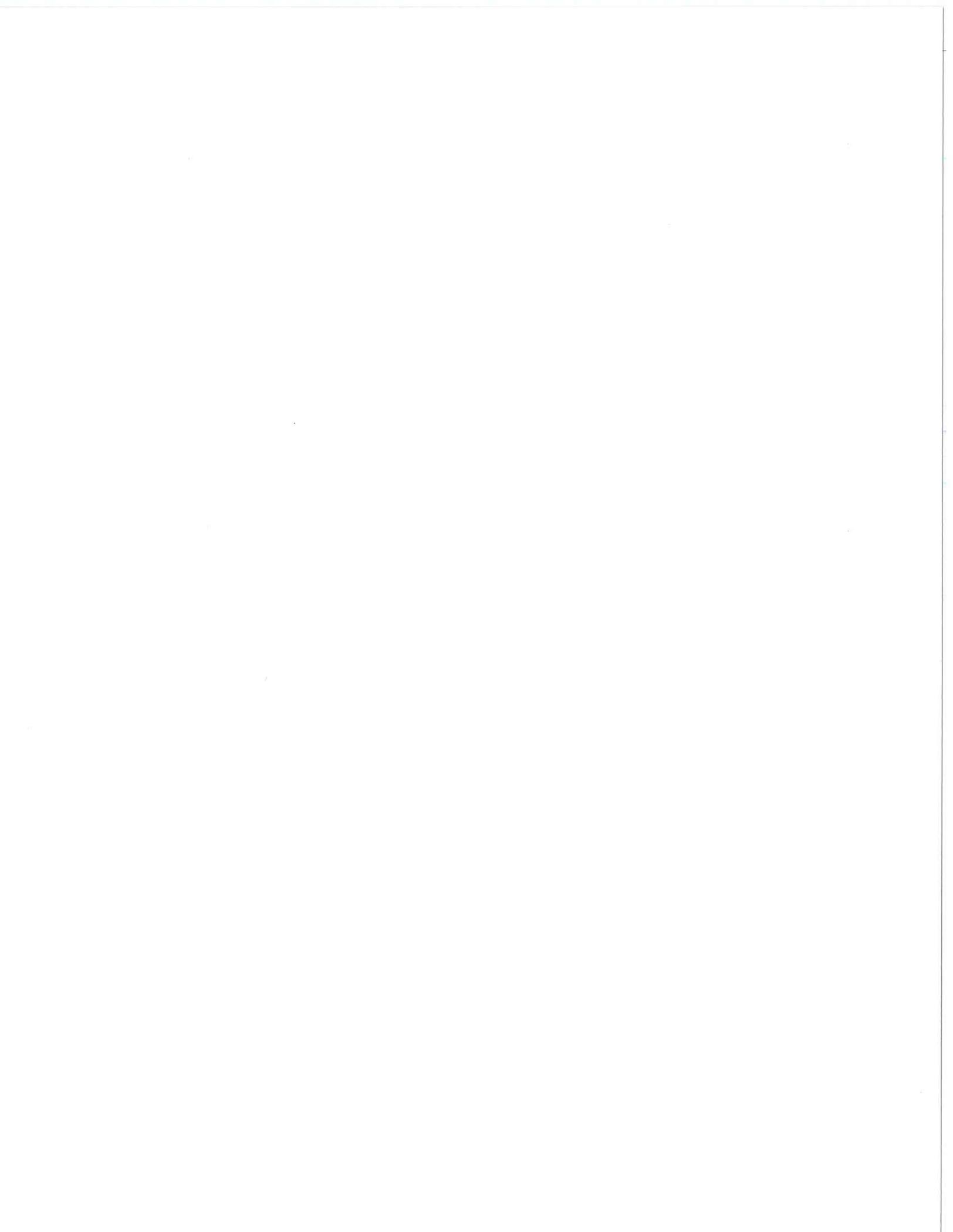
Nuisance / Barking Dogs and Puppies (§5-1-14): Per Council's direction, we have added language to our Code that requires a barking log for dog barking complaints. Each dog barking complaint shall be verified by Animal Control and if valid, a warning shall be issued. The alleged nuisance dog owner is entitled to a 10 day correctional period and if the problem is not cured, a citation may be issued.

Cruelty to Animals / Tethering (§5-1-20): Per the Council's direction, we have removed the draft time limitations regarding tethering and now simply suggest that any tethered dog must be adequately cared for and tethered in such a way as to not endanger the dog.

Maximum Number of Dogs / Kennel Permits (§5-1-21): At the last work session, the Council directed staff to consider a maximum number of dogs one may own and a variance process to allow those who wish to deviate from the maximum the ability to do so. This discussion was very limited and Staff is looking for some additional direction. We have attempted to craft a process and are suggesting a cap of five dogs for private kennels and thirty dogs for commercial kennels. In researching other jurisdictions, three to four dogs appeared to be the maximum number of dogs any individual could own. With respect to commercial kennels, we chose thirty because that was the number we previously had in our code before it was removed in 2011. In order to deviate from these maximums, we are suggesting one may apply for and possibly receive a variance issued by Animal Control. Criteria to consider in granting the variance include whether the applicant has a history of animal control complaints or violations, intended housing for the animals, whether the dogs are sterilized, and so forth. Staff is looking for direction on the chosen criteria as well as whether we should allow the decision of the Director to be appealed. In the draft, we have also included an appeal process, but are unsure whether we should include this and if so, to whom the appeal should be directed.

Staff recommends that the Council hold a public hearing, provide us with comments and direction as to the above issues and possibly approve a new Animal Control ordinance.

Exhibit A



ORDINANCE NO. _____
AN ORDINANCE REPEALING SUMMIT COUNTY ANIMAL CONTROL
ORDINANCES 113 THROUGH 113-L AND ENACTING A
NEW SUMMIT COUNTY ANIMAL CONTROL ORDINANCE

WHEREAS, the last time substantial changes were made to the Summit County Animal Control Code were in 2011; and

WHEREAS, the current Summit County Animal Control Code does not accurately reflect some of the day to day practices of the Animal Control Department; and

NOW THEREFORE, the County Legislative Body of the County of Summit, State of Utah, hereby ordains as follows:

Section 1. Summit County Animal Control Code: The Summit County Animal Control Code is amended as depicted in Exhibit A.

Section 2: Effective Date: This Ordinance shall take effect fifteen (15) days after the date of its publication.

APPROVED, ADOPTED, AND PASSED and ordered published by the Summit County Council, this ____ day of _____, 2014.

SUMMIT COUNTY COUNCIL
SUMMIT COUNTY, UTAH

By Council Chair

ATTEST:

SUMMIT COUNTY CLERK

Date of Publication _____, 2014.

Chapter 1
ANIMAL CONTROL

BE IT ORDAINED BY THE COUNTY COUNCIL OF SUMMIT COUNTY, STATE OF UTAH, AS FOLLOWS:

- 1005-1-1: DEFINITIONS**
- 1005-1-2: ~~DEPARTMENT~~ DIVISION OF ANIMAL CONTROL**
- 1005-1-3: POWERS OF ANIMAL CONTROL OFFICIALS**
- 1005-1-4: DUTIES OF ANIMAL CONTROL OFFICIALS**
- 1005-1-5: DOG LICENSING**
- 1005-1-6: LICENSE TAG**
- 1005-1-7: LICENSING EXEMPTIONS**
- 1005-1-8: UNLAWFUL TO HARBOR STRAY DOGS**
- 1005-1-9: DOGS RUNNING AT LARGE**
- 1005-1-10: DOGS ON UNENCLOSED PREMISES**
- 1005-1-11: FEMALE DOGS IN HEAT**
- 1005-1-12: PLACES PROHIBITED TO ~~DOGS~~ ANIMALS**
- 1005-1-13: ~~DOGS ATTACKING PERSONS AND ANIMALS~~ ATTACKING DOGS AND VICIOUS ANIMALS**
- 100-1-14: ~~VICIOUS ANIMALS AND VICIOUS DOGS~~**
- 1005-1-1514: NUISANCE**
- 1005-1-1615: REVOCATION OF DOG LICENSE**
- 1005-1-1716: ~~BITES~~, DUTY TO REPORT BITES**
- 1005-1-1817: CONTROL OF RABIES AND RABID ANIMALS**
- 1005-1-1918: IMPOUNDING, DISPOSITION, AND REDEMPTION OF ANIMALS**
- 1005-1-2019: ANIMAL SHELTER AND EMERGENCY RESOURCES**
- 1005-1-2120: CRUELTY TO ANIMAL PROHIBITED**
- 1005-1-2221: KENNEL PERMITS**
- 1005-1-2322: STANDARDS FOR COMMERCIAL AND PRIVATE KENNELS**
- 1005-1-2423: SUSPENSION OR REVOCATION OF KENNEL PERMIT**
- 1005-1-2524: INTERFERENCE WITH OFFICERS PROHIBITED**
- 1005-1-2625: ESTRAYS AND AT LARGE DOMESTICATED ANIMALS**
- 1005-1-2726: DISPOSITION OF DEAD ANIMALS**
- VIOLATION**
- 1005-1-2827: VIOLATION**
- 5-1-28: SEVERABILITY**

5-1-1: 100-1-1: DEFINITIONS

As used in this Chapter, the words and phrases specified below shall have the following meanings:

Abandon/abandoned: the leaving of an animal without adequate provision for the animal's care by its Owner.

Agricultural Animal or Agricultural Dog: An animal developed or trained to do useful work such as herd other animals rather than kept as a pet.

Animal: Every nonhuman species, both domestic and wild.

Animal Shelter: A facility or program a) providing services for stray, lost, or unwanted animals, including holding and placing the animals for adoption or b) a private humane society or private animal welfare organization. ~~owned, operated, or maintained for the care and custody of seized, stray, homeless, quarantined, abandoned, unwanted animals or animals held for the purpose of protective custody under the authority of this Title or state law.~~

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

Cats: Any age feline of the domesticated types.

Commercial Kennel: Any premises, except where accessory to an agricultural use, where five (5) or more dogs, over four (4) months of age are boarded, trained, groomed, or bred for hire, and/or offered for sale for commercial use. The selling of one litter of offspring per year, per premises, shall not be construed as commercial and shall not require a kennel permit.

Director of Animal Control: The director of the Summit County ~~Department~~Division of Animal Control who is vested with the power and authority to enforce the provisions of this ~~ordinance~~chapter.

Dog: Any canis over four (4) months of age.

~~Domesticated Animals: Animals accustomed to living in or about the habitation of man, including, but not limited to cats, dogs, fowl, horses, swine, goats, and cattle.~~

Estray: Any unbranded sheep, cattle, horses, mules, asses or other livestock found running at large, or any branded sheep, cattle, horses, mules, asses or other livestock found running at large whose owner cannot be found after reasonable search, or any swine found running at large whose owner cannot be found after reasonable search (does not mean or include any unweaned animal that is running with its mother)

~~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.~~

Leash or Lead: Any chain, rope, or device used to restrain an animal.

Neuter: A surgical procedure performed on male animals in which its testicles are removed.

Owner: Any person who is either the legal owner, keeper, possessor or the actual custodian of an animal. Ownership is **conclusively** 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. ~~The term “owner” does not apply to animal shelters, veterinarians, veterinary hospitals, or commercial kennels temporarily maintaining on their premises animals owned by others for a period of less than 30 days.~~ Where the “Owner” is a minor under the age of 18 years, the minor’s parents or legal guardian shall be liable for and held responsible for payment of their minor child’s citation, fines, and/or late penalties.

~~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 human’s man’s environment.~~

Private Kennel: Any person owning, possessing or harboring five (5) or more dogs **and that does not meet the definition of Commercial Kennel as defined herein.;**

Proof of Sterilization: A written document signed by a veterinarian stating that a specified animal has been sterilized, the date on which the sterilization was performed, and the location where the sterilization was performed.

Puppy: Any canis four (4) months of age or under.

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.

Service Animals: Dogs that are individually trained or are in training to do work or perform tasks for people with disabilities as defined by the Americans with Disabilities Act (ADA). Service Animals do not include animals used solely as a crime deterrent or to provide emotional support, well-being, comfort, or companionship.

Spay: A surgical procedure performed on a female animal in which its ovaries and uterus are removed.

Sterilized: An animal has been surgically altered either by the spaying of a female animal or by the neutering of a male animal, so it is unable to reproduce.

Stray: Any unidentified or unclaimed animal “at large” as defined herein.

~~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.~~

Veterinarian: Any person properly licensed under the laws of the state of Utah to practice veterinary medicine.

Veterinary hospital: Any establishment operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

Vicious Animal: A. Any animal:

(1) with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of, humans or other domestic animals; or which is known to have attacked or bitten any human or domestic animal at least once before;

(2) which attacks or has attacked a human being or other domestic animal without provocation;

(3) which is trained or used as a fighting animal;

B. This provision shall not apply to dogs owned or used by government entities.

~~which is dangerous or aggressive, including, but not limited to, any animal which has bitten or in any other manner attacked any person or animal.~~

~~Vicious Dog: (a) 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; (b) 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 (c) Any dog which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal on public or private property.~~

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.

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.

100-5-1-2: DEPARTMENT/DIVISION OF ANIMAL CONTROL

The ~~Department/Division~~ of ~~Animal/Animal Control/Control~~ is created in accordance with this ~~ordinance~~chapter.

1005-1-3: POWERS OF ANIMAL CONTROL OFFICIALS

A. The Director of Animal Control or any person employed by the ~~Department/Division~~ of Animal Control as an animal control officer shall take the oath of office and shall be vested with the power and authority to enforce this ~~ordinance~~chapter.

- B. The Director of Animal Control, his/her deputies, assistants, and animal control officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this ~~ordinance chapter and including licensable dogs for which no license has been procured in accordance with this ordinance chapter~~, or any licensed or unlicensed dogs for any other violation.
- C. In the enforcement of this ~~ordinance chapter~~, the Director of Animal Control, his/her deputies, assistants, and animal control officers are hereby ~~any peace officer or the Director of Animal Control or his/her assistants~~ authorized to enter onto the open premises of any person to take possession of any ~~dog~~ domestic animal in violation of this ~~ordinance chapter~~.

5100-1-4: DUTIES OF ANIMAL CONTROL OFFICIALS

A. The Director of Animal Control shall:

- 1. Enforce this ~~ordinance chapter~~ and perform other responsibilities pursuant to this ~~ordinance chapter~~;
- 2. Supervise the animal shelter(s) under his/her jurisdiction;
- 3. Keep adequate records of all animals impounded and all monies collected;
- 4. See that all animals and animal ~~holding facilities~~ shelters, commercial kennels, and private kennels in his/her jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinances and/or regulations; and
- 5. Establish, in cooperation with the Summit County Health Department and other interested governmental agencies, adequate measure for rabies immunization and control.

B. Each animal control officer shall:

- 1. Investigate violations of laws and this chapter concerning animals and issue citations in accordance with Utah law and this chapter;
- 2. Enforce this ~~ordinance chapter~~ in all respects pertaining to animal control within the jurisdiction including ~~the care and impounding of animals and prevention of cruelty to animal~~ taking custody of animals as appropriate in the enforcement of Utah law and this chapter; and
- 3. Carry out all duties prescribed or delegated by the Director of Animal Control.

1005-1-5: DOG LICENSING

A. All dogs must be licensed ~~each year~~, except as otherwise provided, to a person of the age of eighteen (18) years or older.

B. ~~Any person owning, possessing, or harboring~~An owner of any dog within Summit County shall obtain, ~~from the Division of Animal Control,~~ a license for such ~~animal-dog~~ within thirty (30) days after the dog reaches the age of four (4) months, within ten (10) days of the acquisition of such dog or presence of such dog within Summit County. ~~For a dog under the age of six (6) months, the department of animal control may accept certification from a veterinarian that the owner has deposited funds for spaying or neutering, in which case, the dog may be licensed at the reduced fee. Said initial license shall be effective for one year from the date of purchase and must be renewed annually thereafter.~~

C. License Applications: License ~~renewal~~-applications must be submitted ~~annually~~ to the ~~department~~Division of ~~animal~~Animal ~~control~~Control, utilizing a standard form which requests name, address and telephone number of the applicant, ~~and~~ the breed, sex, color, and age of the dog, ~~and; the form also asks for~~ pertinent information regarding rabies vaccinations. The application shall be accompanied by the ~~prescribed~~ license fee as set forth in the Animal Control fee schedule, and by a current rabies vaccination certificate as set forth in Section 5-1-17. ~~Rabies vaccinations and certificates must be obtained every three (3) years, either from a licensed veterinarian or an authorized animal control officer.~~

~~D. Dog licenses will be issued in accordance with the fees as established by the county council.~~

E. Proof of Sterilization: No dog shall be licensed ~~as spayed or neutered~~ without satisfactory proof that such surgery was performed on said dogproof of sterilization. ~~For a dog under the age of six (6) months, the Division of Animal Control may accept, in lieu of proof of sterilization, certification from a veterinarian that the owner has deposited funds for sterilization, in which case, the dog may be licensed at the reduced fee as set forth in the Animal Control fee schedule. Proof of sterilization is not required for dogs that are bred by a commercially licensed dog breeder.~~

F. The expiration date of all licenses shall correspond to the date on which the rabies vaccination expires. Newly issued licenses~~The license shall be effective one-three (3) years from the date of purchase if purchased contemporaneous with a rabies vaccination.~~ ~~Dogs that have not been previously vaccinated with the rabies vaccine shall receive a one (1) year vaccination and their licenses are only valid for one (1) year. After the initial vaccination and license, the three (3) year license is available. Licenses must be renewed prior to expiration and~~ ~~licenses for the following year~~ may be purchased within thirty (30) days prior to the expiration date.

1005-1-6: LICENSE TAG

A. Upon payment of the license fee and completion of the requirements outlined in 5-1-5 herein, the ~~Department~~Division of Animal Control shall issue to the owner a certificate and a tag for each dog licensed. The tag shall ~~have stamped on~~indicate the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the dog and see that the collar and the tag are constantly worn. Failure to attach the tag as provided

shall be ~~in~~ violation of this ~~ordinance~~ chapter. ~~Dogs that are, except dogs which are~~ kept for show purposes are exempt from wearing the collar and tag, ~~during dog shows.~~

B. Dog tags are not transferable from one dog to another. No refunds shall be ~~made given~~ on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued ~~by the Division of Animal Control~~ upon payment ~~of \$1.00 to the Department of Animal Control~~ of the replacement fee in accordance with the Animal Control fee schedule.

C. Any person removing or causing to be removed, the collar, harness, or tag from any licensed dog without the consent of the owner ~~or keeper thereof~~, except a ~~licensed veterinarian, animal shelter,~~ or animal control officer who removes such for medical and other reasons, shall be in violation of this ~~ordinance~~ chapter.

1005-1-7 LICENSING EXEMPTIONS

A. The provisions of Section ~~1005-1-5~~ and ~~1005-1-6~~ ~~herein of this chapter~~ shall not apply to:

1. ~~Dogs licensed in other jurisdictions~~ Licensed dogs whose owners are ~~non-residents temporarily~~ temporary residents (up to 30 days ~~maximum~~) within the jurisdiction; ~~Such~~ licensed dogs whose owners remain within the jurisdiction longer than 30 days may ~~receive a local license transfer to the local license upon completion of an application per Section 5-1-5(C), payment of \$1.00~~ the requisite fees per the Animal Control fee schedule, ~~fee~~ and proof of current rabies vaccination ~~to the Division of Animal Control; and~~
2. Individual dogs within a properly licensed ~~dog commercial kennel, or other such establishment~~ when such dogs are held for resale ~~or for agricultural use.~~

B. The fee provisions of Sections ~~1005-1-6-5~~ and ~~5-1-6~~ shall not apply to:

- ~~1. Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place;~~
- ~~2.1. Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds; and~~
Service Animals or
- ~~3.2. Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.~~

C. Nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination.

1005-1-8: UNLAWFUL TO HARBOR STRAY DOGS

It shall be unlawful for any person, except an animal shelter, to harbor or keep any lost or stray dog ~~or puppy for more than twenty four (24) hours~~. Whenever any dog ~~or puppy~~ shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the

DepartmentDivision of Animal Control within twenty four (24) hours, and the DepartmentDivision of Animal Control shall impound the dog or puppy in accordance with Section 5-1-18.

1005-1-9: DOGS RUNNING AT LARGE

A. It shall be unlawful for the owner of any dog or puppy to allow such dog or puppy at any time to run at large. Except as provided in Section 1005-1-9(B), a dog or puppy 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 Section 1005-1-9(B) below 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;
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 County, a municipality, a special service district, or a home owner’s association within the jurisdiction of the Division of Animal Control.

B. Off Leash Dog Areas

1. Voice and Sight Control: With respect to Section 1005-1-9(A)(8) above, 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 of Summit County Animal Control:

- (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 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 ~~1005~~-1-5 and to wear a license tag per Section ~~1005~~-1-6.
- (g) failure to follow any other posted off leash dog area rules and regulations.

C. Sensitive Areas: Summit County recognizes that there are certain sensitive places where dogs and puppies should be on leash at all times. Dogs and puppies may only be allowed off leash in areas formally designated as off leash areas. Dogs and puppies must remain on leash within 150 feet of an off leash public trail head.

D. The owner of any dog or puppy 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 or puppy and regardless of whether or not he/she knows that the dog or puppy is running at large.

1005-1-10: DOGS ON UNENCLOSED PREMISES

It shall be unlawful for any person to chain, stake out, or tether any dog or puppy 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. Further provisions related to the tethering of dogs may be found in Section 5-1-21, Cruelty to Animals Prohibited.

1005-1-11: 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 dogs ~~and creating a nuisance~~. This section shall not apply to planned breeding.

1005-1-12: PLACES PROHIBITED TO ~~DOGS~~ANIMALS

A. It shall be unlawful for ~~any person~~ an owner to take or permit any ~~dog~~ animal, whether loose, ~~or~~ on a leash or lead, or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including but not limited to, restaurants, grocery stores, meat markets, and fruit or vegetable stores. A food license variance for outdoor dining areas may be applied for through the Summit County Department of Health per the Health Code, Section 1-6-6, as amended.

B. It shall be unlawful for ~~any the owner person keeping, harboring, or having charge or control~~ of any dog or puppy to allow said dog or puppy to be within the following described area:

1. Any watershed area so designated by ordinance or otherwise legally appointed; ~~either now existing or to be defined in the future.~~
2. Any construction site of a building, building improvement, road, utility, or other construction site during any time when actual construction or excavation activity is taking place.

C. ~~No owner or person shall cause or permit any dog owned by him/her or under his/her control or custody of any dog or puppy shall cause or allow said dog or puppy to enter any designated area where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that effect. This section shall not apply to dogs provided for in Section 100-1-7(2) of this Ordinance.~~

D. ~~Section 5-1-12 shall not apply to:~~

- ~~1. Service Animals; and~~
- ~~2. Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.~~

1005-1-13: DOGS ATTACKING PERSONS AND ANIMALS/ATTACKING DOGS AND VICIOUS ANIMALS

A. Attacking dogs:

~~1. It shall be unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog to attack, chase or worry any person, any domestic animal, or any species of protected wildlife, or to attack domestic fowl. "Worry" as used in this section shall mean 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.~~

~~B. 2. Owner liability.~~ The owner in violation of subsection A of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A of this section, the owner of such dog shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed.

~~3.C. Defenses.~~ The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

- a. That the dog was properly confined on the premises; or
- b. That the dog was deliberately or maliciously provoked.

4.D Dogs may be killed. Any person may injure or kill a dog while: ~~it is committing any of the acts specified in number one Section A above or while such dog is being pursued thereafter~~

- a. the dog is attacking, chasing, or worrying:
 - i) a domestic animal having a commercial value;
 - ii) a service animal; or
 - iii) any species of hoofed protected wildlife;
- b. the dog is attacking domestic fowls, another dog, or a person; or
- c. the dog is being pursued for committing an act described in Subsection (a) or (b) above

1005-1-14:B. Vicious Animals ~~VICIOUS ANIMALS AND VICIOUS DOGS~~

A1. 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 and properly muzzled so as to prevent it from injuring any person, other animals, or property.

B2. The Director of Animal Control or his/her designee shall forthwith investigate any credible complaint that an animal a dog is vicious. If the officer reasonably believes that the animal is vicious, the animal shall be immediately seized and impounded. If impoundment of a vicious animal cannot be made with safety to the animal control officer or other persons, the Director of Animal Control shall seek a court order for the ~~destruction~~ euthanization of or muzzling of any vicious animal or vicious dog that is under restraint as 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. Owners shall, if possible, be notified immediately of the animal's location by the Division of Animal Control. The owner of an animal impounded, other than by court order, may contest the impounding by filing a notice with the proper court and serve the same on the animal shelter within five (5) days after the impounding.

3. Multiple Violations: If any animal bites or attacks a person or animal two (2) times or more in a twelve (12) month period, such animal may be immediately impounded by the Division of Animal Control without court order and held at the owner's expense pending court action. Any such animal shall be deemed a vicious animal, and the Director of Animal Control may seek a court order as provided in Section 5-1-14 or exercise discretion for euthanization of the animal as provided in Section 5-1-21(5). Owners shall, if possible, be notified immediately of the animal's location by the Division of Animal Control.

1005-1-1514: NUISANCE

Any owner ~~or person having charge, care, custody, or control~~ of an animal(s) ~~or animals~~ causing a nuisance as defined below shall be in violation of this ~~ordinance chapter~~ and subject to the penalties provided herein. The following shall be deemed a nuisance:

A. Any animal ~~which~~that:

1. causes damage to the property of anyone other than its owner;
2. is a "vicious animal" as defined herein and kept contrary to Section ~~1005-1-14~~ 13(B) above;
3. causes unreasonable fouling of the air by odors;
4. causes unsanitary conditions in enclosures or surroundings;
5. defecates on any public sidewalk, park, or building, or on any private property without the consent of the owner of such private property, unless the ~~person owning, having a proprietary interest in, harboring, or having care, charge, control, custody, or possession of~~ sowner of such animal shall remove any such ~~defecation feces~~ to a proper trash receptacle in a timely fashion;
- ~~6. barks, whines, or howls or makes other disturbing noises in an excessive, continuous, or untimely fashion;~~
- ~~7. attacks other domestic animals; or~~
7. is determined by the ~~Department~~Division of Animal Control or the ~~City~~County Health Department to be offensive or dangerous to the public health, welfare, or safety.

B. Animals which, by virtue of the number maintained, are determined by the ~~Department~~Division of Animal Control or the ~~City~~County Health Department to be offensive or dangerous to the public health, welfare, or safety.

C. Barking Dogs and Puppies: A dog or puppy that barks, bays, cries, whines, howls, or makes any noise for an extended period of time to the disturbance of any person at any time of day or night, regardless of where the dog or puppy is physically situated in or upon private property. Such extended period of time shall consist of incessant barking for 30 minutes or more in any 24-hour period or intermittent barking for 60 minutes or more during any 24-hour period.

1. Exceptions:

- a. a dog or puppy shall not be deemed a nuisance under this section if, at any time the dog or puppy is barking, a person is trespassing or threatening to trespass upon private property in or upon which the dog or puppy is situated, or when the dog or puppy is being teased or provoked by a person or animal.
- b. agricultural dogs, while actively working shall not be deemed a nuisance under this section.

2. Warnings / Citations: Law enforcement officers or the Division of Animal Control officials have the authority to issue a citation to any owner of a barking dog or puppy that the official did not see or hear occur based upon a complaint signed under penalty of perjury lodged by a member of the community who has been disturbed by the barking dog. All complainants must clearly identify themselves by stating their name, address, and telephone number. The complainant shall complete a barking log provided by the Division of Animal Control, which describes the offense, the date, time, place and duration of the offense, and if known, the name of the dog's owner, the owner's address and telephone number, and a

description of the dog. After receiving a completed barking log, the Division of Animal Control shall determine the validity of the complaint and if the complaint is determined to be valid, shall issue a written warning, if it is a first time offense. The owner of the barking dog or puppy shall be granted a (10) ten day correction period to resolve the issue prior to issuance of a citation.

1005-1-1615: REVOCATION OF DOG LICENSE

If the owner of any dog is found to be in violation of this ordinance-chapter on three or more different occasions during any twelve (12) 12-month period, the Director of Animal Control may revoke for a period of one year any dog license(s) such person may possess and may provide for the DepartmentDivision of Animal Control to pick up and impound any dog kept by the person under such order. Any dog impounded pursuant to such an order shall be dealt with in accordance with the provisions of this ordinance-chapter for impounded animals except that the person under the order of revocation shall not be allowed to redeem the dog in any circumstances. The order of revocation may be appealed to the Summit County Administrative Law Judge within ten (10) business days of issuance.

1005-1-1716: BITES, DUTY TO REPORT BITES

A. 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 immediately to the DepartmentDivision of Animal Control.

B. The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the DepartmentDivision of Animal Control or the City/County Health Department within twenty-four (24) hours of the bite, regardless of whether or not the biting animal is a species subject to rabies.

C. A physician or other medical personnel who renders professional treatment to a person bitten by an animal shall report the fact that he/she has rendered professional treatment to the DepartmentDivision of Animal Control or the City/County Health Department within twenty-four (24) hours of his/her first professional attendance. He/she shall report the name, sex, and address of the person bitten as well as the type and location of the bite. If known, he/she shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the DepartmentDivision of Animal Control in ascertaining the immunization of the animal.

D. Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the DepartmentDivision of Animal Control. The report shall contain the name and address of the owner of the wounded, injured, or bitten animal, ~~the name and address of the owner,~~ a description of the animal that caused the injury, and the location of the incident.

E. Any person not conforming to the requirements of this section shall be in violation of this ordinancechapter.

1005-1-1817: CONTROL OF RABIES AND RABID ANIMALS

A. Rabies vaccination required for ~~dogs~~certain animals. The owner ~~or person having the charge, care, custody, and control~~ of a dog over four months of age ~~or over~~ shall have said animal dog vaccinated within thirty (30) days after it reaches said age. Unvaccinated dogs over four months of age acquired by the owner or moved into the jurisdiction must be vaccinated thereafter every thirty six (36) months with a modified virus rabies vaccine approved by the Summit County Health Department. Cats shall be vaccinated every thirty six (36) months. This provision shall not apply to veterinarian hospitals, commercial kennels, or animal shelters temporarily maintaining on their premises animals owned by others.

B. Duties of veterinarian and tag requirements. It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination (in duplicate) which includes the following information:

1. owner's name and address;
2. description of animal (breed, sex, markings, age, and name);
3. date of vaccination;
4. rabies vaccination tag number;
5. type of rabies vaccine administered; and
6. manufacturer's serial number of vaccine.

A copy of the certificate shall be distributed to the owner and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this section. Additionally, a number serialized metal or durable plastic rabies vaccination tag shall be securely attached to the collar or harness of all dogs. A dog not wearing such tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this ordinancechapter.

C. Transient animal exception. The provisions of this section with respect to vaccination shall not apply to any animal owned by a person temporarily remaining within the jurisdiction for less than thirty (30) days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the jurisdiction which does not comply with animal health laws and import regulations.

D. Impoundment of animal without valid rabies vaccination tag.

1. Any vaccinated animal impounded because of a lack of rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.
2. Any unvaccinated animal may be reclaimed by payment of impound fees and by obtaining a rabies vaccination within 72 hours of release.

3. Any animal not reclaimed prior to the period shall be disposed of pursuant to provisions of Section ~~400-1-215-1-19~~.

E. Reporting of rabid animals. Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies, or of an animal or person bitten by such a suspect animal, shall notify the ~~Department~~Division of Animal Control, the Summit County Health Department, or the State Division of Health.

F. Quarantining and disposition of biting or rabid animal.

1. Confined By Owner: An animal that has rabies or shown signs of having rabies, and every animal infected with rabies or that has been exposed to rabies, shall be reported by the owner as set forth above and shall immediately be confined in a secure place by the owner. The Director of Animal Control has the discretion to allow the dog owner or a veterinarian within the jurisdiction of the Division of Animal Control to secure the dog or to require the dog owner to surrender the dog to the Department~~Division~~ of Animal Control.
2. Surrender Animal Upon Demand: The owner of any animal of a species subject to rabies which has bitten shall surrender the animal to an authorized official upon demand. Any person authorized to enforce this ~~ordinance~~chapter may enter upon private property to seize the animal; if the owner refuses to surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.
3. Observation: Any animal (except wild animals) of a species subject to rabies that bites a person or animal or is suspected of having rabies ~~may~~shall be seized and quarantined for observation for a period of not less than ten (10) days from the date of the bite by the ~~Department~~Division of Animal Control and/or the ~~City~~/County Health Department. The owner of the animal shall bear the cost of confinement. The Summit County animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the Director of Animal Control and/or the director of the County Health Department ~~health~~ if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception. ~~A person who has custody of an animal under quarantine shall immediately notify the Department~~Division of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement.—It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health or animal control officer to make an inspection or examination during the period of quarantine.
 - a. If, within the ten (10) day quarantine period, the animal shows signs of sickness or abnormal behavior suggestive of rabies, the animal shall be immediately euthanized. A person who has custody of an animal under quarantine shall

immediately notify the Division of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement.

b. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately surrender the animal to the ~~Department~~Division of Animal Control.

c. If, at the end of the ten (10) -day quarantine period, the Director of Animal Control examines the animal and finds no sign of rabies, the animal may be released to the owner. If the animal is not vaccinated, it shall be vaccinated against rabies at the owner's expense prior to release or if a veterinarian is unavailable, within seventy-two (72) hours after release. If the animal ~~or, in the case of~~ is a stray, it shall be ~~disposed~~handled of as provided in subsection 5-1-189(C) of this chapter.

4. Wild Animals: If a wild animal bites or scratches a person, the person or attending medical personnel shall notify the Summit County Division of Animal Control and the wild animal shall be immediately euthanized per State of Utah Communicable Disease Rule R386-702-5, as amended.

G. 4. — Quarantining And Disposition Of Bitten Animals

1. Unvaccinated bitten animals:

a. In the case of an unvaccinated animal subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately euthanized~~destroyed~~

b. If the owner is unwilling to ~~destroy~~euthanize the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be ~~destroyed~~euthanized if the owner does not comply.

52. Vaccinated bitten animals:

a. If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within twenty four (24) hours and quarantined by the animal's owner for a period of forty five (45) days following revaccination; or

b. If the animal is not revaccinated within twenty four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for six (6) months.

c. The animal shall be destroyed if the owner does not comply with subsection F5a-2a or F5b-2b of this section.

d. If, within the quarantine period, the animal shows signs of sickness or abnormal behavior suggestive of rabies, the animal shall be immediately euthanized.

6.H. Removal of quarantined animal:

It shall be unlawful for any person to remove any ~~such~~ animal from the place of quarantine without written permission of the ~~Department~~Division of Animal Control. It is unlawful for any person to permit or suffer to escape any such animal from its place of quarantine or impoundment.

~~7. Multiple Violations: If any animal bites or attacks a person or animal two (2) times or more in a twelve (12) month period, such animal may be immediately impounded by the ~~Department~~Division of Animal Control without court order and held at the owner's expense pending court action. Any such animal shall be deemed a vicious animal, and the Director of Animal Control may seek a court order as provided in Section 1005-1-14 or exercise discretion for destruction euthanization of the animal as provided in Section 1005-1-21(5). Parties owning such animal shall, if possible, be notified immediately of the animal's location by the ~~Department~~Division of Animal Control.~~

1005-1-1918: IMPOUNDING, DISPOSITION, AND REDEMPTION OF ANIMALS

A. Animals To Be Impounded:

The Director of Animal Control shall place all animals which he/she takes into custody in a ~~designated animal impound facility~~to the Summit County Animal Shelter. The following animals may be taken into custody by the Director of Animal Control and impounded without filing a complaint:

1. Any animal being kept or maintained contrary to the provisions of this ~~ordinance~~chapter;
2. Any animal running at large contrary to the provisions of this ~~ordinance~~chapter;
3. Any animal that is required by this ~~ordinance~~chapter to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this section;
4. Sick or injured animals whose owner cannot be located;
5. Any abandoned animal;
6. Animals which are not vaccinated for rabies in accordance with the requirements of this ~~ordinance~~chapter;
7. Any animal to be held for quarantine; or

8. Any vicious animal not properly confined as required by Section ~~1005-1-14~~13(B) of this chapter.

B. Impound Records To Be Kept:

The following records are to be kept and maintained by the Division of Animal Control upon the impoundment of any animal:

1. Complete description of the animal, including tag number, or in the case of estrays, marks and brands if applicable;
2. The manner and date of impoundment;
3. The location of the pickup and name of the officer picking up the animal;
4. The ~~manner~~method and date of disposition (i.e. adoptive home, returned to owner, euthanasia, etc...)~~sal;~~
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~~Summit County Animal Shelter;
7. All fees received; and
8. All expenses ~~accruing~~accrued during impoundment.

C. Disposition of Animals:

1. Minimum Impound Time: ~~Licensed-a~~Animals shall be impounded for a minimum of five (5) ~~working-business~~ days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the Summit County animal control facility~~Animal Sshelter~~ by the owner for ~~destruction~~euthanasia or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.

~~2. No dog or cat shall be released for adoption until such dog or cat is spayed or neutered unless payment for such spaying or neutering is deposited with the Department of Animal Control and the person to whom the dog or cat is released agrees, in writing, to cause such dog or cat to be spayed or neutered. Such agreement shall provide that the purchaser will have the dog or cat spayed or neutered within 120 days of the date of purchase.~~

~~Failure to spay or neuter such dog or cat shall be deemed a breach of the adoption contract and shall result in its termination, return of the dog or cat, and forfeiture of all amounts paid to Animal Control. All adoptions are conditional until the animal is spayed or neutered.~~

32. Adoptions: The Division of Animal Control shall first attempt to adopt out ~~All~~ healthy, adoptable dogs or cats, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs/cats voluntarily relinquished to the impound facility. Any healthy dog or cat may be adopted to by any person desiring to purchase adopt such animal for a price set forth in the Animal Control fee schedule, plus license, rabies vaccinations, and sterilization fees if required. Alternatively, the Division of Animal Control shall notify local private humane societies or private animal welfare organizations of any such healthy dogs/cats and provide them with the option to take said dogs/cats for sterilization (if needed), vaccination (if needed), and private sale. In the event a dog/cat cannot be adopted out by the Division of Animal Control or cannot be taken by a private humane society or private animal welfare organization, the Director of Animal Control may euthanize the dog/cat. may be destroyed or sold as the Director of Animal Control shall direct. Any healthy dog may be sold to any person desiring to purchase such animal for a price to be determined by the Director of Animal Control but not to exceed \$10.00 per animal, plus license, rabies vaccinations, and spaying or neutering fees if required.

~~a. 3.-Sterilization Deposit:~~ Unless released to a private humane society or private animal welfare organization, no dog or cat shall be released for adoption until such dog or cat is sterilized unless a sterilization deposit is deposited with the Division of Animal Control and the person to whom the dog or cat is released agrees, in writing, to cause such dog or cat to be sterilized. Such agreement shall provide that the animal is not currently sterilized, and that the purchaser agrees to have the dog or cat sterilized within thirty (30) days after the agreement is signed, if the animal is six (6) months of age or older or if the animal is younger than six (6) months of age, within thirty (30) days after the animal becomes six months of age. If a female animal and her litter are released for adoption to one person, a sterilization deposit is required only for the female animal.

~~b. All adoptions are conditional until the animal is sterilized. Failure to sterilize such dog or cat per the terms of the agreement shall be deemed a breach of the adoption contract and shall result in its termination, seizure and impoundment of the dog or cat, relinquishment of all ownership rights regarding the animal and any claim to expenses incurred in maintenance and care of the animal, and forfeiture of all amounts paid to Division of Animal Control.~~

43. Release to a Veterinarian: Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, in the discretion of the Director of Animal Control, be released to the care of a veterinarian with the consent of the owner.

54. Euthanization: The Director of Animal Control or his designee has the discretion to ~~destroy~~euthanize an animal without regard to any time limitations otherwise established herein and without court order under the following circumstances: a) if the animal is a stray and in the judgment of the Director of Animal Control, the animal should be destroyed to prevent unnecessary suffering due to serious injury or disease for humane reasons; b) in the judgment of

the Director of Animal Control, the animal should be ~~destroy~~ euthanized to protect the public from imminent danger to persons or property; or c) in the judgment of the Director of Animal Control, the animal is a vicious animal and is considered either at large or abandoned by its owner, ~~or person having charge, care, custody or control~~

D. Redemption: 100-1-22: IMPOUNDING – REDEMPTION

1. The owner of any impounded animal or his/~~her~~ authorized representative may redeem such animal before disposition provided he/~~she~~:

1a. Provides proof of ownership and either proof of sterilization or the sterilization deposit as set forth in Section 5-1-18(C)(2)(a); and

2b. Pays:

i1. a The impound fee;

ii2b. The daily board charge;

iii.3e. Veterinary costs incurred during the impound period, including rabies vaccination; and

iv4d. License fee, if required.

Fees shall be charged at the following rates:

IMPOUND FEE

First confinement	\$25.00
Second confinements	\$50.00
Third or subsequent confinements	\$75.00

BOARD

Per calendar day of confinement	\$6.00
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E. Impound Fees For Voluntary Relinquishment By Owner:

Whenever any dog or cat is voluntarily relinquished by the owner thereof to the Summit County animal control facility~~animal shelter~~ for ~~destruction~~ animal shelter ~~destruction~~ animal shelter or other disposition as provided by subsection C of this section, a donation may be given by such owner for each dog, for each litter of dogs, for each cat or for each litter of cats so relinquished.

F. A person who knowingly:

1. falsifies any proof of sterilization submitted for compliance of this section;

2. provides to an animal shelter or a licensed veterinarian inaccurate information regarding ownership of any animal required to be submitted for sterilization under this section;

3. submits to an animal shelter false information regarding sterilization fees or fee schedules; or

4. issues a check for insufficient funds for any sterilization deposit required under this section

Is subject to a civil penalty imposed by Animal Control of not less than \$250 for the first violation and a civil penalty of not less than \$500 on any second or subsequent violation. A person contesting this civil penalty is entitled to an administrative hearing, if requested, per the Summit County Administrative Code Enforcement Program.

5-1-2019: 100-1-23: ANIMAL SHELTER AND EMERGENCY RESOURCES

A.1. ~~The governing authority~~The Division of Animal Control shall provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. They shall purchase and supply food and supply humane care for impounded animals.

2.B. ~~The governing authority~~The Division of Animal Control shall provide for the painless and humane ~~destruction~~euthanization of dogs and other animals required to be ~~destroyed~~euthanized by this ~~ordinance~~chapter or by the laws of the State of Utah.

3C. ~~The governing authority~~In its sole discretion, ~~T~~the Division of Animal Control may furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this chapter. The Division of Animal Control shall not be deemed liable for administering said necessary medical treatment.

D. In the event the Division of Animal Control is unable to provide the above services, a private humane society or private animal welfare organization may assist, upon the request of the Division of Animal Control, to provide the above services.

5-1-201100-1-24: CRUELTY TO ANIMALS PROHIBITED

A. Physical Abuse. It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club, or other object, mutilate, burn or scald, overdrive, or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation. An exemption ~~will~~shall exist for agricultural animals that are branded, ear marked, or otherwise marked for identification purposes.

B. Transporting animalsAnimals in Vehicles. It is unlawful 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.

C. Care and maintenance. It shall be the duty of ~~any person~~an owner to provide any animal ~~in his charge or custody, as owner or otherwise,~~ with adequate food, drink, care (which shall include veterinary care) and shelter.

D. Animal poisoning. Except as provided in Section ~~1005-1-23-19~~19 herein, it shall be unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of

poisonous substances for the control of vermin in the furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.

E. Injury to animals by motorists.

1. Every operator of a motor or other self-propelled vehicle upon the streets of the jurisdiction 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/~~she~~ shall immediately notify the ~~Department~~Division of Animal Control furnishing requested facts relative to the injury.
2. 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 to such authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to the ~~Summit County animal control facility~~animal shelter or other appropriate facility and notifying the ~~Department~~Division of Animal Control. Such animal may be taken in by the animal ~~control facility~~shelter and dealt with as deemed appropriate under the circumstances.
3. Emergency vehicles are exempted from the requirements of this provision.

F. Animals for fighting.

1. It shall be 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 as aforesaid, or to knowingly suffer or permit the use of his/~~her~~ buildings, sheds, rooms, yards, grounds, or premises for such purposes.
2. Law enforcement officers or the ~~Department~~Division of Animal Control officials may enter any building or place where there is an exhibition of fighting or baiting of a live animal, or where preparations are being made for such an exhibition, and the law enforcement officers may arrest persons there present and take possession of all animals engaged in fighting, along with all implements or applications used in such exhibition. This provision shall not be interpreted to authorize a search or arrest without a warrant when such is required by law.

G. Malicious impounding. It shall be unlawful for any person maliciously to secrete or impound the animal of another.

H. Tethering: It shall be unlawful for any person to tether a dog in any manner that would cause injury or damage to the dog, or when restriction of freedom of movement would endanger a dog. A tether must be of sufficient length to provide the dog with adequate space. Any dog

so tethered must be provided adequate care and maintenance as set forth in Section 5-1-20(C) above. Each dog tethered in violation of this section shall constitute a separate offense.

100-1-255-1-21: KENNEL PERMITS

A. Private Kennels: A private kennel must first obtain a kennel license from the DepartmentDivision of the Animal Control. A kennel license shall be issued to a private kennel upon payment of the fee ~~as established by the county council, as set forth in the Animal Control Fee Schedule~~. The licensee shall notify the DepartmentDivision of Animal Control within thirty (30) days of any change which may affect the status of his/her license. The kennel license issued to a private kennel shall not be transferable from one owner to another, or from one premises to another.

B. Commercial Kennels: A commercial kennel must first obtain a kennel license from the DepartmentDivision of Animal Control. A kennel license shall be issued to a commercial kennel upon payment of the fee set forth ~~herein in the Animal Control Fee Schedule~~ and a statement from the Summit County Planning-Community Development Department or appropriate city official that a commercial kennel is a permitted use under the zoning regulations in effect for the area of the proposed commercial kennel. A valid kennel license shall be posted in a conspicuous place on the premises and said license shall be considered as appurtenant to the premises and not transferable to another premises. The licensee shall notify the DepartmentDivision of Animal Control within thirty (30) days of any change in his/her establishment or operation which may affect the status of his/her license. In the event of a change in ownership of the establishment, the licensee shall notify the DepartmentDivision of Animal Control immediately.

C. Expiration of License: Any kennel license issued pursuant to this section shall automatically expire one year after the date of issue. Within two (2) months prior to the license's expiration, the licensee shall apply for a renewal of the license and pay the required fee set forth in the Animal Control Fee Schedule. ~~The late fee set forth below-Late fees~~ shall apply for failure to timely renew a license.

D. Kennel Permit Fees:

- ~~_____ a. _____ Commercial and Private Kennels: 5-15 dogs: \$50.00~~
- ~~_____ b. _____ Commercial and Private Kennels: 16 or more dogs: \$100.~~
- ~~_____ c. _____ Late fee - \$25.00~~

E. Exemption: Animal shelters and veterinary hospitals are exempt from obtaining a kennel permit, however, said institutions may need a land use permit under the zoning regulations in effect for the area of the proposed commercial kennel.

F. Maximum Dogs Authorized and Variance:

- a. Private Kennels are allowed a maximum of (5) dogs and Commercial Kennels are

allowed a maximum of thirty (30) dogs. Puppies do not count towards this maximum allowable number.

- b. The Division of Animal Control, upon application for variance to Section 5-1-21(F)(a) as hereinafter provided, may grant or deny, in whole or in part, an application for variance to Section 5-1-21(F)(a). Any person desiring to maintain or keep in the aggregate more than the permissible number may file a written application with the Division of Animal Control, requesting a variance.
- c. The written application must contain the following information:
 - 1. The name(s) and address of the person(s) making such application for Variance;
 - 2. The number of dogs the applicant desires to maintain or keep in excess of the basic number of allowed by Section 5-1-21(F)(a) and whether some or all are sterilized;
 - 3. A statement of care or recommendation from the applicant's veterinarian(s) or at minimum, the name, address, and telephone number for the applicant's veterinarian;
 - 4. Any complaints received or citations issued by Division of Animal Control about animal issues against the applicant listed in the variance application;
 - 5. Applicant's existing and intended animal housing;
 - 6. The application must be signed and dated by the applicant.
- d. The Division of Animal Control, in determining whether to grant or deny a variance application, may consider the following factors:
 - 1. Whether the dogs have been spayed or neutered;
 - 2. The applicant's intended animal housing;
 - 3. The applicant's animal compliance history and any previous complaints or violations of animal ordinances and
 - 4. Veterinarian's statement of applicant's animal care.
- e. The decision of the Division of Animal Control may be appealed to within ten (10) business days of issuance.

100-1-265-1-223: STANDARDS FOR COMMERCIAL AND PRIVATE KENNELS

The ~~Department~~Division of Animal Control shall promulgate rules and regulations governing the operation of commercial and private kennels. Such rules and regulations shall provide for the type of structures, building, pens, cages, runways, or yards required for the animal sought to be kept, harbored, or confined on such premises; the manner which food, water, and sanitation facilities will be provided to such animals; measures relating to the health of said animals, the control of noise and odors, and the protection of person or property adjacent to the premises; and other such matters as the Director of Animal Control shall deem necessary. Such rules and regulations shall have the effect of law, and violation of such rules and regulations shall be deemed a violation of this ~~ordinance~~-chapter and grounds for revocation of a permit issued by the ~~Department~~Division of Animal Control.

100-1-275-1-23: SUSPENSION OR REVOCATION OF KENNEL PERMIT

- A. Grounds. A kennel permit or variance issued per Section 5-1-21(F) above may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

1. Falsification of facts in a permit application;
2. Violation of any of the provisions of this ~~ordinance~~ chapter or any other law or regulation governing the establishment including noise; or
3. Conviction on a charge of cruelty to animals.

B. Procedure. If any inspection of a commercial or private kennel reveals a violation of this ~~ordinance~~ chapter, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. The notification shall:

1. Set forth the specific violation(s) found;
2. Establish a specific and reasonable period of time for the correction of the violations found; and
3. State that failure to comply with any notice issued in accordance with the provisions of this ~~ordinance~~ chapter may result in immediate suspension of the permit.

C. Revocation or Suspension. Any permit or variance granted under this ~~ordinance~~ chapter may be suspended or revoked by the ~~Department~~ Division of Animal Control for violation listed in subsection B+ of this section.

D. Emergency Suspension. Notwithstanding the other provisions of this ~~ordinance~~ chapter, when the inspecting officer finds unsanitary or other conditions in the operation of a commercial or private kennel, which in his/her judgment constitutes a substantial hazard to public health, he/she may, without warning or hearing, issue a written notice to the permit holder or operator citing such condition specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be discontinued. Any person to whom such an order is issued, shall comply immediately. Any animals at a commercial or private kennel may be confiscated by the ~~Department~~ Division of Animal Control and impounded or otherwise provided for according to the provisions of this ~~ordinance~~ chapter.

E. Notice. Notice provided for under this section shall be deemed to have been properly served when the original law inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the records of the ~~Department~~ Division of Animal Control.

100-1-285-1-254: INTERFERENCE WITH OFFICERS PROHIBITED

It is unlawful for any person to do any act which hinders, delays, interferes with, or obstructs an ~~Animal Control~~ control Officer ~~officer~~ while engaging in the discharge of their duties, including furnishing false information ~~to such~~.

5-1-25 ~~100-1-29~~: DOMESTICATED ANIMALS ESTRAYS AND AT LARGE DOMESTICATED ANIMALS¹

A. Reporting of Estrays and Impounding and Disposal of Estrays Generally:

1. Report of Estrays: Any person who finds an estray within Summit County shall immediately report it to the Division of Animal Control.

2. Once reported, it is made the responsibility of the Division of Animal Control to take into its possession and impound all estrays found within its jurisdiction and to dispose of the same as hereinafter provided.

a. In its discretion, Summit County may contract the responsibilities hereinafter provided with any city, town, or other county with an animal control office.

b. If appropriate, the Division of Animal Control may authorize the person in possession of an estray to maintain and care for it pending determination and location of the estray's owner. Said person may be entitled to compensation from Summit County, if the owner is not found, or from the owner if he/she is found, for the reasonable costs of feeding and maintaining the animal. Compensation for these costs shall not be given for the time prior to notifying the Division of Animal Control of the estray.

3. The Department of Animal Control shall maintain a record of estrays kept similar to the record kept for impounded animals as set forth in Section 5-1-18(C), herein.

B. Notice of Sale of Estrays:

1. Upon taking physical possession of an estray, the Division of Animal Control shall attempt to determine the name and location of the estray's owner. If the owner cannot be located within five (5) days after taking possession of the estray, the estray shall be sold at a livestock or other appropriate market. However, the Division of Animal Control may employ a veterinarian to euthanize an estray if the veterinarian determines that the estray's physical condition prevents the estray from being sold. If at any time before the sale of any estrays, such animals shall be claimed and proved to be the property of any person, the Director of Animal Control shall deliver them to the owner upon receiving from the owner the cost of impounding, keeping and advertising the same.

2. The Division of Animal Control shall publish notice of the sale of an estray at least once ten (10) days before the date of sale in a newspaper having general circulation in the county. The notice herein provided for shall contain a description of the animals, including all markings and brands, when taken, and the day, hour, and place of sale.

C. At Large Domesticated Animals

¹ The Estray provisions are pursuant to Utah Code Annotated Section 4-25-1 et. seq. as amended.

It is unlawful for the owner ~~or person having charge, care, or custody~~ of any domesticated animal to allow such to be at large, defined herein as not under the control of its owner. “Domesticated animals” as used in this section shall include, but it not limited to, animals -such as include horses, cattle, sheep, pigs, goats, etc.

5-1-26: DISPOSITION OF DEAD ANIMALS

When any animal dies in the county, no person owning or keeping it shall fail dispose of it in a lawful and sanitary manner as set forth in the applicable state laws and/or Summit County Health Code, Section 1-23-6, as amended.

100-1-305-1-276: VIOLATION

Unless otherwise specified in this chapter, aAny person violating the provisions of this ~~ordinance chapter~~ either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to a fine in an amount not to exceed \$1000.00 or imprisoned in the Summit County Jail not to exceed six (6) months, or both such fine and imprisonment or such further fines and imprisonments provided for a class B misdemeanor pursuant to ~~§76-3-204 and §76-3-3101 et. seq.~~, U.C.A. 1953, as amended. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. In addition, Summit County may also pursue civil remedies for any violation of this ~~Ordinance~~chapter.

5-1-278-100-1-31: SEVERABILITY

If any provision, clause, sentence, or paragraph of this ~~ordinance chapter~~ or the application to any person or circumstance shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this ~~ordinance chapter~~ which can be given effect independent from the invalid provision or application, and to this end of the provision of this ~~ordinance chapter~~ are hereby declared to be severable. This ~~ordinance chapter~~ shall take effect fifteen (15) days after its adoption and publication in a newspaper of general circulation in Summit County, State of Utah, and shall be deemed to replace Ordinances 113 through 113-LJ.

PASSED, APPROVED, AND ENACTED this ____ day of _____, 2014, by the County Council of Summit County, State of Utah.

SUMMIT COUNTY COUNCIL

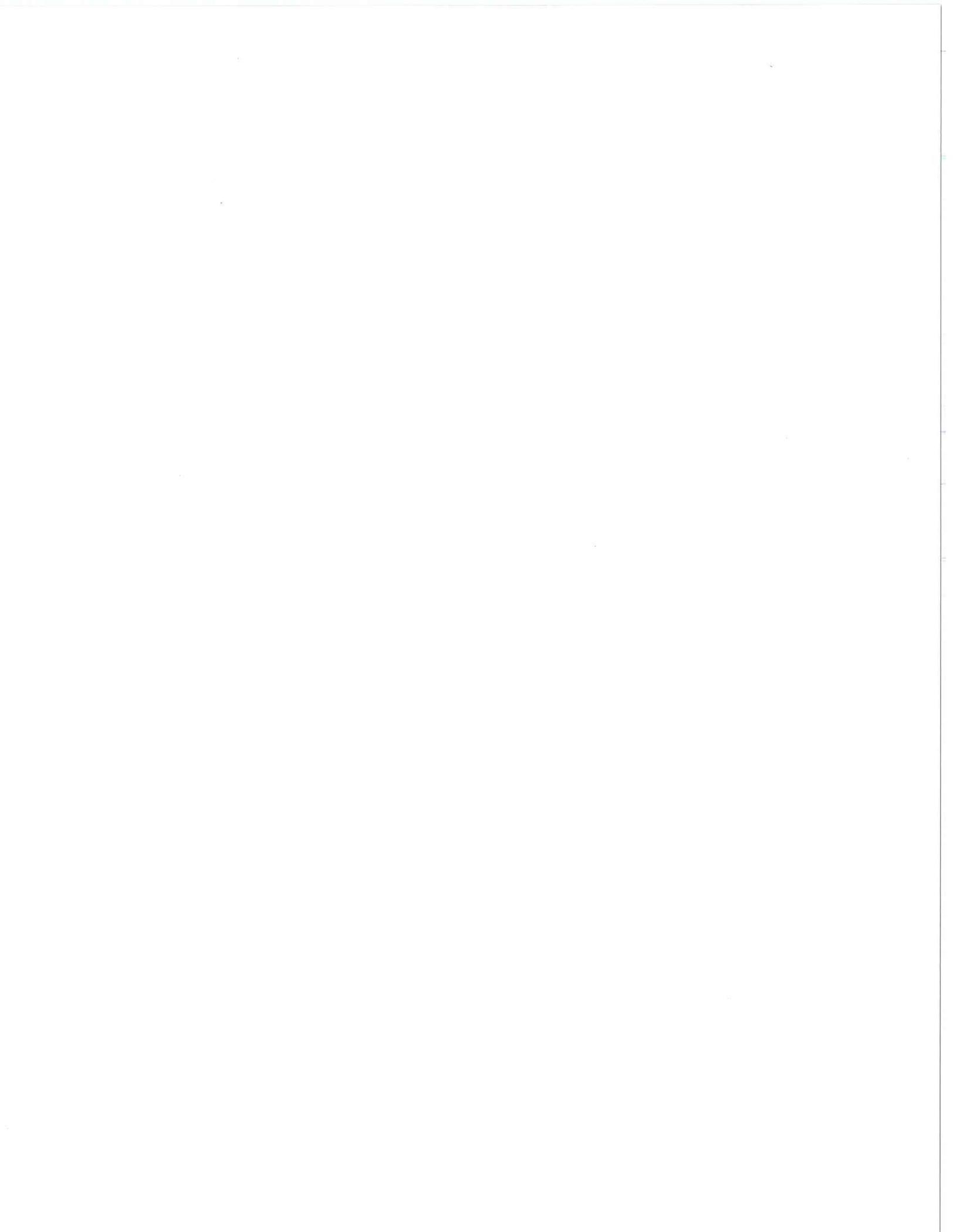
Chair

ATTEST:

SUMMIT COUNTY CLERK

Date of Publication _____, 2014.

Exhibit B



DAVID R. BRICKEY
COUNTY ATTORNEY



SUMMIT
COUNTY

Summit County Courthouse • 60 N. Main • P.O. Box 128 • Coalville, Utah 84017
Telephone (435) 3363206 Facsimile (435) 3363287
email: (first initial)(last name)@summitcounty.org

Criminal Division

JOY NATALE
Prosecuting Attorney

MATTHEW D. BATES
Prosecuting Attorney

RYAN P.C. STACK
Prosecuting Attorney

MARIAH HORNOK
Prosecuting Attorney

Civil Division

DAVID L. THOMAS
Chief Deputy

JAMI R. BRACKIN
Deputy County Attorney

HELEN E. STRACHAN
Deputy County Attorney

To: Summit County Council

From: Helen Strachan, Deputy County Attorney &
Brian Bellamy, Director of Animal Control

Meeting Date: October 1, 2014

Re: *Second Work Session to discuss amendments to the Animal Control Ordinance*

Please find attached as **Exhibit A**, a copy of the proposed amendments to Summit County's Animal Control Ordinance. You will recall that we had a work session in July to discuss proposed changes. In August, the County Council approved changing the "dogs at large" provision of the Animal Control Ordinance. The most substantive change in that amendment was allowing jurisdictions to create off leash dog areas. For the most part, this is largely the same staff report as the one you received in July. Staff has researched some of the areas where you asked for more information, including cruelty to animals left in hot cars, among other things. In the margins of the draft ordinance you will notice that there are a number of unanswered policy questions, in addition to some of the substantive changes described below. During the course of the work session, staff respectfully requests that the Council further discuss these issues and provide staff with direction. The next step shall be to schedule a public hearing for possible approval of the code changes.

Dog Licensing (§5-1-5): With respect to dog licensing, we are recommending moving to a three year license to correspond with the three year rabies vaccination. In July, the Council discussed whether we want to require dogs to be sterilized prior to licensing. Currently, we license dogs that are not spayed or neutered at a higher rate than sterilized dogs. Staff shall be proposing increases to the license fees as part of the global Summit County fee resolution to be presented this fall. The Council directed staff to include a sterilization exemption for dogs that are bred and are associated with a properly licensed dog breeder. The attached ordinance reflects that change and it is highlighted in yellow.

Licensing Exemptions: (§5-1-7): Currently, dogs used for agricultural use are exempt from the licensing requirements. Animal Control would like to see this exemption stricken. Agricultural dogs are still required to receive rabies vaccinations and therefore it would be easier to ensure that such dogs are properly vaccinated if they were licensed. Also, we have had a number of agricultural dogs attack other dogs/individuals and were those dogs properly licensed, it may have been easier to ascertain the ownership of the agricultural dogs.

Attacking Dogs and Vicious Animals (§5-1-13): We have combined the provisions related to attacking dogs and vicious animals into one section and merged the definitions of vicious animals and vicious dogs into one since there was much overlap. Utah State law has specific provisions related to dogs that attack and provides that any person may injure or kill a dog while it is in the process of attacking domestic animals, service animals or protected wildlife.

Nuisance / Barking Dogs and Puppies (§5-1-14): Our ordinance has always had a provision related to barking dogs as a nuisance. The language is as follows:

Barks, whines or howls, or makes other disturbing noises in an excessive, continuous, or untimely fashion.

Not surprisingly, this language has been difficult for Animal Control to enforce. For one, Animal Control will often get anonymous calls from irate individuals complaining about their neighbor's barking dog. Animal Control would require a "barking log" detailing the extent of the barking, however, our code does not have timeframes for what is considered a nuisance dog. Staff is therefore suggesting language borrowed from other jurisdictions, which requires there be barking for an "extended period of time" defined as "incessant barking for 30 minutes or more in any 24-hour period or intermittent barking for 60 minutes or more during any 24-hour period." It also requires a complainant to clearly identify themselves by stating their name, address and telephone number as well as providing details of the nuisance barking. Some jurisdictions require that there be a 10 day correctional period during which time the Animal Control officer meets with the dog owner about the complaint and tries to resolve the issue informally. This is something the Council may want to consider.

We have done additional research on how other jurisdictions handle nuisance barking. The below examples seem fairly typical of what we have found in other jurisdictions. Salt Lake County and Salt Lake City have provisions very similar to our current law. Los Angeles makes it unlawful for dogs to "emit any excessive noise," defined as noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept. The noise must be continuously audible for ten (10) minutes or intermittently audible for thirty (30) minutes within a three (3) hour period. Animal Control in L.A. must first issue a written notice before citing for nuisance barking.

In Boulder, it is unlawful for a person to fail to prevent a dog from "disturbing the peace of any other person by loud, persistent and habitual barking, howling, yelping or making any other loud, persistent and habitual noise, whether the dog is on or off the owner's premises." The owner is given a written warning first and is entitled to a three day correctional period. If the violation persists, the individual is subject to enforcement action. What is interesting about Boulder is that Animal Control will give a written warning of the violation after any of the following circumstances occurs: a complaint which Animal Control investigates, two complaints from different households, or a complaint from a single household if it is the only household within a 1/4 mile of the source of the complaint. It requires that the complainant clearly identify him/herself and either the dog complained of, the name of the dog owner or the address at which

the dog is located.

Revocation of a Dog License (§5-1-15): A dog license may be revoked by Animal Control and a dog may be permanently impounded by Animal Control, yet our code does not specify to whom the order of revocation may be repealed. We have included a provision that such an order may be appealed to the Summit Administrative Law Judge within ten business days of issuance.

Wild Animals (§5-1-17(F)(4)): We have added a new definition for “wild animals” and a provision relating to euthanizing wild animals. Wild animals have been defined as follows: *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.* We have added a section that states a wild animal that bites or scratches a person must be immediately euthanized. This is actually required by Utah Administrative Rule R386-702-5. It is not imperative that we include this section in our code, since it is regulated by state law, but in the interest of full disclosure to our residents, we’ve included it.

Impounding, Disposition and Redemption of Animals (§5-1-18): When reviewing the Ordinance, staff felt that it did not accurately reflect some of the current practices of Animal Control and wanted to give the Ordinance a more “animal-friendly feel,” for lack of a better term. For instance, the Ordinance as written seemed to suggest that Animal Control would euthanize healthy, adoptable dogs and cats that are in its possession. This is far from the case and has been for quite some time. Therefore the code has been changed to reflect the reality, which is that Summit County will first attempt to adopt any healthy and adoptable dogs.

With respect to adoptions, we have added language that mirrors state code, which requires that if a dog or cat is not sterilized, that the individual who is adopting the animal provide a sterilization deposit at the time of adoption and agree in writing to have the dog/cat sterilized within 30 days. The sterilization deposit may be a portion of the adoption fee/purchase price or a refundable deposit that is returned to the purchaser upon proof of sterilization. State law says it should reflect the average reduced cost of sterilization of an animal based on gender/weight that is reasonably available in the area, but not less than \$25. Currently, Animal Control has a deposit based on the size of the animal. We can continue down this path, but is something that is up for discussion.

Cruelty to Animals / Tethering (§5-1-20): Our ordinance states that one may not “willfully or maliciously...chain...any animal.” Recently Salt Lake City included more stringent provisions relating to the tethering of dogs, which I have included in our draft ordinance and is as follows:

Tethering:

1. *It shall be unlawful for any person to tether a dog in any manner that would cause injury or damage to the dog, or when restriction of freedom of movement would endanger a dog. A tether must be of sufficient length to provide the dog with adequate space. Each dog tethered in violation of this section shall constitute a separate offense.*
2. *It is unlawful for any person to tether a dog for longer than ten (10) hours within a twenty-four-hour period. Each dog tethered in violation of this section shall constitute a separate offense.*

Additional research on tethering is attached hereto as **Exhibit B**.

Cruelty to Animal / Dogs Left in Hot Cars (§5-1-20): Council asked that we do some research with respect to dogs left in hot cars. Currently, the Animal Control Code states that it is “unlawful 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.” A violation of this section is considered a possible class B misdemeanor, subject to up to \$1000 in fines and up to 6 months in jail. Our code is very similar to the language in Salt Lake County and Salt Lake City, although in those jurisdictions, the fines are a bit higher (per our current Animal Control fee schedule, the fine for this is \$375.00, which we may want to consider increasing when the Council adopts the county-wide fee schedule).

Utah State Code, §76-9-301 has a vague provision that states a person is guilty of cruelty to an animal if the person, among other things, “without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence: (a) fails to provide necessary food, water, care, or shelter for an animal in the person's custody; (b) abandons an animal in the person's custody; (c) injures an animal.” These are class B misdemeanors if committed intentionally or knowingly and class C misdemeanors if committed recklessly or with criminal negligence. We have adopted Utah's criminal code by reference via Section 5-2-1 of the Summit County Code.

I have always advised Animal Control that with cases of cruelty to animals, they may want to bypass the Administrative Code Enforcement program and handle those cases through the criminal system given the nature of these types of incidents.

Maximum Number of Dogs / Kennel Permits (§5-1-21): The Council should be aware that a few years ago, it removed the cap on the number of dogs one may own at any given time (a thirty dog maximum limitation). We do have a provision in our code, which provides that it may be a nuisance if “by virtue of the number maintained, are determined by the Division of Animal Control, to be offensive or dangerous to the public health, welfare, or safety.” This provides Animal Control with a fair amount of discretion.

Salt Lake County has a similar provision stating that “there is no limitation on the numbers of dogs and cats that can be owned by a resident, provided that all dogs and cats are properly licensed and cared for. Dog and cat owners must abide by all applicable sections of... these ordinances including, but not limited to, ordinances regarding proper care and maintenance, medical attention, and animal cruelty. Owners are required to prevent their animals from causing, and shall abate, any nuisances caused by animals including, but not limited to, noise and odor.”

Palm Beach County in Florida sets limits on the number of dogs and/or cats one may have in relation to acreage as follows:

If You Have:	Less Than 1.5 Acres	1.5 to Less Than <u>2.5</u> Acres	<u>2.5</u> or More Acres
1—10 dogs and/or cats	Allowed	Allowed	Allowed
11—20 dogs and/or cats	Prohibited	Allowed	Allowed
21—30 dogs and/or cats	Prohibited	Prohibited	Allowed

The acreage determination excludes easements for road or other areas that must allow public egress and ingress. All property must be contiguous. It also only applies with respect to dogs and cats older than 8 months. Those who wish to exceed the maximum number of thirty (30) dogs and/or cats on two and one-half (2.5) acres or more must apply to the division for a special "excess animal habitat" permit.

With respect to commercial operations, most jurisdictions do not cap the number of dogs one may have in a business through the Animal Control Ordinance, rather those limitations are set forth through land use regulations. The Council may want to revisit this issue. While the number of dogs a commercial kennel may have could still be capped through the land use process (i.e. as a condition to a conditional use permit if one is required in a certain zone), there are no limitations in the Animal Control ordinance. Animal Control will be present at the work session to discuss this in further detail if the Council so desires.

Another possible issue is with commercial dog walkers. Our code currently defines a "commercial kennel" as "[a]ny premises, except where accessory to an agricultural use, where five (5) or more dogs, over four (4) months of age are boarded, trained, groomed, bred, and/or offered for sale for commercial use. The selling of one litter of offspring per year, per premises, shall not be construed as commercial and shall not require a kennel permit." A "private kennel" is defined as any person owning, possessing or harboring five (5) or more dogs. A strict reading of the code would suggest that a commercial dog walker is considered a "private kennel," which would require a kennel license but not a land use permit as required for "commercial kennels."

Estrays (§5-1-25): This is a new section we have added to the code related to estrays, which are defined as "any unbranded sheep, cattle, horses, mules, or asses found running at large, or any branded sheep, cattle, horses, mules, or asses found running at large whose owner cannot be found after reasonable search, or any swine found running at large whose owner cannot be found after reasonable search (does not mean or include any unweaned animal that is running with its mother)." This new definition and code language provides that Animal Control is to be notified of an stray(s), attempt to find the owner of an stray, and if the owner cannot be located, sold at livestock sale. This is verbatim Utah State law, but is not new Utah law. It has simply been added to educate both Animal Control and

the public on Animal Control's responsibilities regarding estrays, particularly in light of the fact that Summit County is, in part, an agricultural community.

At Large Domesticated Animals (§5-1-25(C)): Under our Animal Control Code, it is unlawful for the owner of any domesticated animal to allow such to be at large, defined as not under the control of its owner. "Domesticated animals" include horses, cattle, sheep, pigs, goats, etc. A question often arises as to whether a domesticated animal is "at large" in different locales in Summit County because, while the Snyderville Basin area is a "fence in" area (i.e. the owner of domesticated animals must fence *in* their animals so that they are not liable for damages related to trespass), Eastern Summit County is a "fence out" area and has adopted fencing provisions through the Eastern Summit County Development Code. I have attached as **Exhibit C**, the Utah State provisions and Summit County Development Code provisions related to livestock and trespass.

As it relates to the Department of Animal Control, all domesticated animals must be under the control of their owner or their owner's designee, regardless of where one is in the county. The "fence in" versus "fence out" issue really turns on the liability of an owner for damages in trespass and is a private matter between the animal owner and the owner whose tulips were damaged, whatever the case may be. This is an issue that often comes up at the Department of Animal Control, which is why we bring it to the Council's attention.

Animal Control Fee Schedule: With respect to the Animal Control Fee Schedule which is mentioned in many places throughout the ordinance, we are in the process of working on a county-wide fee schedule that will include the fees for all of our various departments. The new animal control fees will be included in that document and will be presented at a later time, likely in late October.

Staff is requesting that the County Council hold a work session discussion on the proposed changes to the Animal Control Ordinance and provide us with direction. If the Council wishes to go forward with changes to the Animal Control Ordinance, a public hearing will be held at a later date.