

**COUNCIL MINUTES**  
**MAY 11, 2016**

The City Council held a meeting on Wednesday, May 11, 2016, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

**MEMBERS PRESENT:** Mayor Maile Wilson; Councilmembers: Ron Adams; Paul Cozzens; Terri Hartley; Craig Isom; Fred Rowley.

**STAFF PRESENT:** City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder, Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Executive Assistant Kathy Dahl; Leisure Services/Events Director Bryan Dangerfield; Animal Control Officer Brandon Nowland; Aquatics Facility Manager Chris Hudson.

**OTHERS PRESENT:** Jeremiah R. Davis, Kevin L. Davis, Joseph Mackun, Lydia Mackun, Jessica Adams, Michael Radebaugh, Sherri Isom, Wynn Isom, Ryan Robinson, Jessica Robinson, Casey Anderson, Ken Robinson, Madelin Nielsen, Kathy Kaminski, Joshua Dickson, Maisie Elison, Mauri Bleazard, Jessica Smith, Jessica Whetman, Jonah Prettyman, Madison Pyle, Tom Jett.

**CALL TO ORDER:** Pastor Radebaugh of Mt. View Baptist Church gave the invocation; the pledge was led by City Manager Rick Holman.

**AGENDA ORDER APPROVAL:** Councilmember Adams moved to approve the agenda order for both the Council and RDA agendas; second by Councilmember Hartley; vote unanimous.

**ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF**

**COMMENTS:** ■Rowley – read a statement, attached as Exhibit “A”. ■Employee of the Month, Drew Jackson – EAC: Kathy Dahl, the employee of the month for May is Drew Jackson, he has a great attitude he works with the public giving each person his undivided attention. He can be found at all hours going by a job site to inspect. When the building department was reorganized, you could find Drew coming up with ideas to help aid all through the transition. Drew has been with the City for over 10 years and knows his job well. He is friendly to all and is a job to be around. ■Bryan Dangerfield – on May 20<sup>th</sup> there will be a Cedar city Road Respect bike rodeo. The City will be given an award from UDOT for bike safety. There will be 100 bike helmets to give away as well as t-shirts and water bottles. The Police Department will put on a bike rodeo, Cedar City Road Respect kids bike rodeo.

**PUBLIC COMMENTS:** ■CDAAT Report – Minnie Pittman: We are here to report on the activities for the past year. Charles Brinkerhoff is the Chairman, Mary Slack a member is here, and Paul Cozzens is the City liaison. People we said good bye to this past year are: Bob Avedisian, Leland Senesca and Fred Lohrengel. Some of the things we have done this year are: talked to various businesses on emergency evacuation on handicapped employees and patrons getting out of the businesses. Jarom Helbasco did the plotting of streets and

sidewalks for needed curb cuts and it is exciting. We were delighted for a beeping signal for the crosswalk at the University for blind students, and hope we can get more activated. Mary regularly attends the City building permit meeting to make sure new construction meets ADA standards. She does a lot of research before each meeting. Every year we work with SUU for disability week and help with activities and man an information table. We like to participate in July Jamboree with information table, have a CATS bus and activities for children. We hope to get able bodied volunteers. New concern is assistance for those with emergency medical care. We had an acquaintance that fell in her home, she pushed the button and emergency personnel came, but the home was locked. Some emergency services have lock boxes, etc. I would like to ask the council if there needs we are not aware of that the committee can work on. Meetings are open to the public; we will meet tomorrow at 11:30 a.m. in this room. Information can be routed through Barbara Barrick. "How we treat the vulnerable is how we define ourselves as a species". Charles Brinkerhoff - I would like to thank our committee for their work. Our first project was an automatic door at the Post Office. Minnie – whenever we do a project, everything from curb cuts to automatic doors benefit not only the disabled, but the entire town.

**CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED APRIL 20 & 27, 2016; (2) APPROVAL OF BILLS DATED MAY 6, 2016 ; (3) APPROVAL OF AN AGREEMENT BETWEEN CEDAR CITY, IRON COUNTY, AND IFA FOR THE USE OF CITY WATER AND PRE-ANNEXATION INSPECTIONS. GO CIVIL ENGINEERING; (4) APPROVE AWARDDING HEALTH, VISION, DENTAL & LIFE INSURANCE BIDS, AND AUTHORIZE THE MAYOR TO ENTER INTO APPLICABLE CONTRACTS. NATASHA HIRSCHI:** Councilmember Isom moved to approve the consent agenda items 1 through 4 as written above; second by Councilmember Rowley; vote unanimous.

**CONSIDER AN ORDINANCE PARTIALLY VACATING A DRAINAGE EASEMENT ACROSS COAL CREEK INDUSTRIAL SUBDIVISION, PHASE 3, LOTS 1 AND 2. PLATT & PLATT ENGINEERING/PAUL BITTMENN:** Councilmember Rowley moved to approve the ordinance partially vacating a drainage easement on Lots 1 and 2 of Coal Creek Industrial Subdivision, Phase 3; second by Councilmember Adams; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Fred Rowley	-	AYE

**CONSIDER AMENDMENTS TO THE ANIMAL CONTROL ORDINANCE. WYNN ISOM:** Rowley – I would like to leave the limit in place, one modification as on seat belt law, required you to wear seat belt but officer would not stop, only stop for another violation. Make this a secondary offense, if the officer is called out. \$50 for first offense, \$50 for second and \$100 for too many dogs; 3<sup>rd</sup> offense \$50 plus the animal removed because owner is irresponsible. We don't knock on doors if you have too many dogs but we respond to complaints. Mayor – is there a cap on the number you would want? Rowley – no, basically

the story is there are people with blank number of dogs, this says your dog is not a problem to us until it is brought to our attention.

Wynn Isom – 4 weeks ago I made a proposal to amend the ordinance, one like St. George Sportsman’s Permit after requirements met you can have additional dogs. After newspaper articles, social media and citizens I lost the support. The Mayor mentioned a letter from the AKC, a sentence from that applies to what Councilman Rowley says – not only are laws difficult to enforce, the irresponsible ownership is the problem. A letter from the AKC was read, and is attached as Exhibit “B”. I have been made aware of Councilman Rowley’s proposal and support it 100%, I can compromise like anyone else. I want to thank the Mayor, City Council and staff for giving me an opportunity to try and make a change, to Councilman Cozzens God Bless you for sticking to your proposal. Bittmenn – at no time did the City ask any Animal Control Officer to do unwarranted searches, we don’t work that way, the City, Officers or Animal Control Officers.

Jeremiah Davis – question for Rowley, on that proposed law you were talking about, would the people be allowed to license more than two animals in the City, if not would they get a fine for the animals not being licensed. Rowley – someone suggested that we allow licensing at a higher fee; I don’t know it will have to be discussed. Jeremiah – that way the City wouldn’t say they were hiding the animals.

Maury Bleazard – I agree with Councilman Rowley. Many people don’t know there is a two dog law. While you are visiting and discussing this, could there be steeper fines. Bittmenn – it has not been a direct part of the conversation. The last time we revisited the Animal Control Ordinance the Council at that point passed a higher fine schedule that the Courts can use. The more egregious acts the fines are steeper than they used to be. Rowley – the current fine is \$100 for too many dogs, I would propose it to the \$30 range because people are unaware, but put them on notice that it is something and the next time it would be a higher amount.

Kevin Bunnel – Wynn brought this to my attention and asked if I could come for Division of Wildlife and sportsmen in the State. The compromise fits. We are in support to allow sportsmen to stay active in hunting. The circumstance that Mr. Isom is in is a common thing when people are replacing one dog and so have another dog. We support active hunting.

Kathy Kaminski – your idea sounds great, when compared to a driver, if someone is pulled over for a light not working and find a seat belt violation, what would be the actual scenario. Rowley – I don’t know what they get called out for, I would think dogs running loose, excessive barking, un-kept yards, and prevent neighbors calling just for harassment, only when they issues a citation on the primary offense. Kathy – if someone is calling because they don’t like you. Rowley – leave it to the officer to see if the primary complaint is valid then the secondary is tacked on. Kathy – I had solutions, but with this, there is a hobby permit, a third dog have the extra license fee charged is more revenue to the city and people want to protect their third dog. The ACK letter, I did send emails out, the last meeting it was not presented in its entirety, to me it was cherry picked. When I contacted the AKC they said it was not the position reported. We want our voices heard, we appreciate the open opportunity. The other thing, I noticed that back in May 13, 2014 the Chief was questioned,

why don't code enforcement help with Animal Control. There are far more animal control cases than code enforcement. The Chief said "I think code enforcement could do more. My Code Enforcement Officers claim to be busy, I look at the numbers, and I know they could do more." This was during the budget with more money being asked for Code Enforcement. It doesn't look like it has ever been passed. My husband said lead by example, take care of the troops, a pay increase should be considered more seriously. My intent is to save animals, keep them out of kennels, even in the animal shelter. There are pros and cons of kennels, it can help with training and house breaking.

Cozzens – I have a letter that was emailed to me from Robyn Ekker, she asked that I read it in meeting; a copy is attached as Exhibit "C". I have learned that you need to be careful what you say because it can be taken out of context, I made a comment in regards to the sportsman's ordinance, that people like Wynn generally take good care of their dogs, I did not mean that people with mixed breeds don't. It was also made that people don't know the two dogs limit. The biggest point I have learned, those that want more than 2 dogs already have them. I don't think a lot went out and got chickens when we passed the ordinance, they already had them. I don't think we should have something on the books we don't enforce. Fred's comment will solve this, we have someone from out of State come to Shakespeare, move up here with 4 dogs and then find out they are breaking the law, what do you do in that situation. We need to beef up the nuisance ordinance and punish those abusing it. A lot of ordinances are knee jerk reactions and don't apply to everyone. I believe animal limits are tough to enforce, we can say what we want, but people have the number they want. Mayor – I think a lot more residents are aware now that there is a 2 dog limit.

Tom Jett – over the last year there have been some contentious issues that the Council and staff have been faced with and not as emotional as pets which are family. The people that have brought this forward, it has been a civil, professional, non-personal attacks and proud to set here and listen versus some of the previous conversations over lesser issues.

Cozzens – I would like to commend Mr. Isom for hitting this head on and coming to council instead of trying to go around it. Kathy Kaminiski – we hunted before we moved here and didn't find anything, it is in kennel permit. People that moved here or lived here all their life had never heard of that. Mayor – it is under general city ordinance, the animal control section. Kathy – who would look through kennel permit? We don't use the same language. If you want it enforceable you need to make people aware of it.

Rowley – the current ordinance is fine; it is up to the ACO.

Chief Allinson – there have been comments that we don't enforce the ordinance, we enforce the ordinance with a soft approach. When they go out on a stray dog, they educate first and even the second time they don't cite, it is usually 2 contacts before we cite. I am hearing cite first time, Mr. Isom would lose one of his dogs the next time, and it would be his 3<sup>rd</sup> time that they got out, that is why I want to make sure. The other thing is I don't think animal control should take an animal without a court process. Paul – we have a court process, we typically run into if a dog bites someone, we cease the dog and request an order from the court the next day and get an order within one week. Cozzens – we need to have discretion. We have a golden retriever, we have a lab we call her Houdini, she jumps a 6 foot fence, chews through

cables and collars. People do their best but they do get out. It may happen to me once, twice and I don't think I lose my dog the third time. Mayor – we need to make it clear for animal control officers so we don't end up back here. Chief - I want to look at consistency, but dogs do get out do you get more chances than someone else. Mr. Isom's dogs have been out twice in 2.5 years. Rowley – we may look at dogs running around innocent, but if we have a car accident it is a serious thing.

Brandon Nowland, Animal Control Officer – one issue I have is the fact that the limit is 2 but you can get the 3<sup>rd</sup> one licensed, how do we enforce that. If they license 3 it gives them permission to have three. There are a lot of things that happen, Paul doesn't want a limit, that is fine, I understand why and let people govern themselves, but I get to do the job every day, I would say to you would you care if your neighbor had 12 dogs. We have good owners. If you have someone with 12 dogs I would challenge you to think they would be good owners. This affects a chain reaction, we have to beef up the nuisance ordinance and you will need to hire more people. If we go out on a barking dog you may think is easy to enforce, but there are a lot of things that happen, is the dog barking in my presence, they are hard to enforce. If someone is willing to write a book and put down times and dates that is a case that won. If you have more animals you will have more nuisance, more running, barking and odor. How do you enforce odor. If the animals have to be euthanized I have to do it and it is not easy. If people knew how important it is to have the dogs vaccinations etc., everything is connected, it is not clear cut. I appreciate everyone's comments, but it is not clear cut letting people have as many as they want. We deal with irresponsible owners, but it allows people to have more.

Rowley – you have a third dog you pay increased license fee, continues to go up with each dog. Cozzens – they will pay the first year and after that they won't. Rowley – when there is a nuisance you have 5 dogs not licensed. Brandon – it gets more complicated. Mayor – do you site if the dog is not licensed? Brandon - It depends on the situation; I will give them a warning. I will site if I don't think they will license, but if they are willing to comply I let them license. Mayor – we will put something in the next newsletter about the animal control ordinance.

Cozzens – I know it is a hard job, 12 dogs, have you seen that. Brandon – the most dogs are hunting dogs because it is important when they continue to breed them, they can sell them, but I run into people violating and they move where they think is not in the city limits and I get called again. I don't stop if I hear a dog barking unless I have had complaints. I don't stop when people have 3, 4, 5, dogs. Cozzens – what will we do with the excess dogs? Brandon – our euthanasia rates have gone down, we have great staff. Tina is very good working with rescue, we had 6 go yesterday because of age or training needs. I can't tell you exactly, but it will be harder for us. Cozzens – wouldn't you agree it would be better to get rid of the number and beef up the nuisance? Brandon – yes if it could happen, but you would need more employees. Cozzens – people that want more than 2 dogs already have them. Brandon – what I see, speed limit is 75, I go 80 because I won't get pulled over. The law is 2 dogs, a lot know the rules, it is easy to see if people are lying. There are a lot that have 3 because they know the limit is 2. Cozzens – we tip toe around an ordinance, I think we should get rid of it. Brandon – we want to more strictly enforce, you need to be prepared for more comments and people complaining. Mayor – on a proposal like Fred said, you site on

the 3<sup>rd</sup> time, enforcement wise for what you do day to day, what are your thoughts? Brandon – if I have to go out 3 times? Rowley – you cite the first time, the second time it is higher fine, the 3<sup>rd</sup> violation you start to take the dog. Brandon – it starts to get more complicated. Rowley – I don't see it that complicated, the first time \$30, second time \$50, and third time we take the dog. The first time you educate them on the law and have them take the steps because next time it will cost you more. Cozzens – I think if you beef up the nuisance ordinance, and you and the Chief come up with that. Brandon – I have been there, I have had people say you can't fine me for a braking dog because it was yelping. Chief – if you take the discretion of working with people it makes us the bad guy. Rowley – use discretion the first time, but if he thinks it is needed fine on the first time, and it come into play the second time. Mayor – is it one dog or too many. Rowley – too many. If they don't understand money then heaven help them. We don't need to get into counting; it is sort of a way to say we will not set a limit unless you are a bother to us. Mayor – then I would not let them license the dog above 2 because it will get more complicated. What is the point of a number if you keep licensing. Chief – so we would be saying you are in violation but if we don't catch you its ok. The seat belt is a primary violation now. If we catch them is it because the neighbor called. Rowley – go about how he has always done, your dog is out and I will site you. We will not come looking for you. Chief – if we are saying it is ok to have three dogs, then keep it clean. Rowley – then they get 4 dogs and we will enforce it. Brandon – that is a lot cleaner. Chief – we need to correct the problem, we try to work with them, give them a certain number of days to work on it and then move on. Brandon – I don't like to change the rules for some and not others, if we use discretion. I don't cite unless it is a problem. Rowley – keep doing that, but trigger this if you cite.

Hartley – Cedar City ordinance does not differ from other communities, almost all have 2 dog limits and there is a reason for cities across America instituted this because not everyone is a responsible pet owner. Our ordinance is not out of the ordinary.

Wynn Isom – Hartley, I called all kinds of Animal Control departments and we are the most strict. Hartley – I did Washington, St. George, Hurricane; I didn't check the small communities. Wynn – if we do the proposal of Rowley and it is a third violation, since I have already had two instances, you can't make that retroactive, it is 3 from this time forward. Hartley – agreed, and I think there should be a time limit. Mayor – I agree. In our current animal control ordinance there are time limits. I think his proposal is to show how you can get to the number 3. Paul – write it to be prospective. We will write it from when it is passed forward. Rowley – Officer Nowland do you see how I envision it, would it create an undue amount of confusion? Brandon – undoable, no but I think it will take more work. We are talking about important things. Barking and loose dog, the ordinances are per animal, which time for which dog. Rowley – go by the owner. Brandon – that is not the way it goes now. Rowley – dog is barking, I get called out and I issue a citation, I come out again for whatever reason you cite them the second time. We are getting so far into hypotheticals; I don't see that happening more than once in a year. Cozzens – I am opposed to anything that requires us to hire another animal control officer. We have two officers in schools; I don't support more animal control officers. You are in the trenches you need input. Mayor – how about we table this, take Fred's proposal have him work with Bittmenn and Animal Control and come back with a drafted new ordinance with input and see if we can get something that satisfies what the Council has expressed and what the staff does day in and day out. Cozzens

— how about eliminate a number and do a sunset clause. Hartley – then you can't tell people to get rid of their animals. I think it would get worse.

Councilmember Rowley moved to table the ordinance; second by Councilmember Hartley; Vote Aye – 4 Nay – 1 Cozzens.

**CONSIDER A RESOLUTION AMENDING THE FEE SCHEDULE (AQUATIC CENTER FEES). CHRIS HUDSON:** Paul – yesterday Larry Olds gave you a presentation on his fees and handed a spread sheet that is different than the one in your packets. If you vote to approve we will incorporate the updated section on the Cross Hollows. On Aquatic Center there is a corporate rate that is \$50 annually, it is a starting point for an idea from hotel folks, they are not ready for approval, we don't have enough detail, they will refine that. So in addition if you vote on it eliminate the corporate line. Mayor – line 120 family pass should be changed to 6 people.

Councilmember Rowley moved to approve the resolution amending the fee schedule for the Aquatic Center & Cross Hollows Arena with the updated schedule for the Arena, and for the Aquatic Center remove corporate fee and change a pass to 6 family members; second by Councilmember Isom; vote as follows:

AYE: 5  
NAY: 0  
ABSTAINED: 0

**CONSIDER A RESOLUTION ENCOURAGING THE IRON COUNTY COMMISSION TO PUT A LOCAL OPTIONS SALES TAX ON THE NOVEMBER BALLOT. RICK HOLMAN:** Rick – nothing has changed in the draft resolution. Cozzens – our tax rate is 6.05, this will add .25, what would it be? 6.3%. Cozzens – will that affect the sales tax? Rick – my understanding is everything but food. Cozzens – the gasoline tax, how much will we get back? We are anticipating \$160,000. Cozzens – is it automatic to rise? Rick – that is the Legislature, I don't know. Cozzens – how is the .25 allocated? Rick .1 to the cities based on ½ point of sales, ½ population, .05 to County .1 ¼ to the local transit the remaining ¾ divided 50% to county and 50% to the cities. Mayor – the .025 has to go to transit and .075 has to be split up and that would have to be on the ballot.

Rowley – I am in favor of the citizenry deciding, I don't like we encourage the citizens to vote this way, everyone keeps raising the taxes and we work to April 30<sup>th</sup> to get taxes paid. I thought it was gasoline tax. I am in favor of the people deciding. Paul – I agree that in section 3 about encouraging citizens to support the tax be taken out. Rowley – I know we need the roads desperately. Rick – what may be helpful to the Council and to the public is get better information on the status of the roads in the County and Cities, evaluate that based on what our experience is on maintaining roads and understand what the options are if it doesn't pass. That is the same as what Cozzens says on animal control, if you're not willing to pay the price you live with the consequences. Mayor – there is a chance that the County could change the allocation. Once the 100% allocations is we can get revenue projections, but until the breakdown we can't give you dollar amounts.

Councilmember Rowley moved to approve the resolution encouraging the Iron County Commission to put a local options sales tax on the November ballot with the language that we encourage citizens to support be taken out; second by Councilmember Hartley;

Cozzens – I don't like the State getting any. Mayor – none goes to the State, it all stays in Iron County and City.

Vote as follows:

AYE:     5      
NAY:     0      
ABSTAINED: 0    

Cozzens - I will vote yes to go on the ballot, but I don't want the tax increase. I don't want the City to lobby. Mayor – you can present information and facts, but you can't lobby. Rick – I am not generally in favor of increasing taxes, but I see what restrictions are given to our supervisors and what they can do, and with sales tax visitors help pay for road systems they get to use. If you choose another method it will only be local folks to pay for it. Cozzens – the money from the gas tax is tied to inflation and it will help.

**CONSIDER A RESOLUTION EXPRESSING AN INTENT TO WORK WITH THE CENTRAL IRON COUNTY WATER CONSERVANCY DISTRICT (CICWCD) TO OBTAIN WATER RESOURCES FROM OUTSIDE THE CEDAR BASIN. PAUL BITTMENN:**

Councilmember Cozzens moved to approve the resolution to work with the CICWCD to obtain water resources from outside the Cedar Basin; second by Councilmember Rowley; vote as follows:

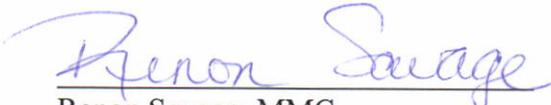
AYE:     5      
NAY:     0      
ABSTAINED: 0    

**CONSIDER APPROVAL OF FY 2016-17 TENTATIVE BUDGET. JASON NORRIS:**

Jason – we have not made any formal changes to the tentative budget, we will make small changes before the final budget. Email myself, Mayor and Rick about things you may want us to look at more closely.

Councilmember Rowley moved to approve the FY 2016-17 tentative budget; second by Councilmember Cozzens; vote unanimous.

**ADJOURN:** Councilmember Rowley moved to adjourn and move into the RDA meeting at 7:00 p.m.; second by Councilmember Isom; vote unanimous.

  
Renon Savage, MMC  
City Recorder

**Alternative Dog Proposal**  
(with some background)  
May 11, 2016

In the last few weeks there have been a lot of remarks made, stating that the city encroaches on citizens' individual liberties when they seek to limit the number of dogs someone has.

Always remember that a city is the only geopolitical region in America that you live in voluntarily. By default, you have to live in a state and a county, but you live in a city by choice. Living in a city offers many benefits; you're closer to schools, shopping, work, medical care and fire protection. But because you're closer, it means you're in tighter proximity to your neighbor, and more rules have to be applied.

I've said this many times before, but I repeat it again tonight: If you live alone on an island, you can get up at three o'clock in the morning and scream at the top of your lungs. You can set off fireworks, and play Dolly Parton music as loud as you want. But the minute you add one more resident to your island, then rules begin to naturally arise--rules like putting the cap back on the toothpaste, and whose turn it is to wash the coconut shells.

And so, we in the city create limits and you agree to accept those limits in exchange for the benefits. We set limits on all sorts of things: We have speed limits, alcohol limits, age limits, noise limits, fire limits, and water-use limits to name a few. We're surrounded by them--but not because *all* of our citizens need them.

On the contrary-- most of our citizens limit themselves voluntarily in many aspects of their lives. If they ever chose not to, all the ordinances and enforcement in the world would be unable to restore order.

No, our limits are for those few who choose not to limit themselves voluntarily.

You have to ask yourself, "Why were dog limits introduced in hundreds of cities across America in the first place?" It didn't arise out of a vacuum. It arose at some point when city leaders realized that folks owning an unlimited number of dogs were causing too many problems for its other residents.

When this topic arises on this evening's agenda, I will make a proposal that I hope will balance the needs and desires of our citizens on both sides of this issue.

## The Proposal

I propose that we leave our limit in place, but make one modification to the ordinance. I model this modification on the state's seat belt law from a few years ago. That law required you to wear a seat belt--but an officer wouldn't stop you for violating that law if he saw that you weren't wearing one. It was only after stopping you for some other reason, such as speeding, that he would add the additional seatbelt violation.

The same idea applies with this dog-ordinance proposal: Instead of making the ownership of more than two dogs a primary offense, we make it a secondary offense. The fine for the violation is only cited when our officer is called out to deal with a primary offense and issues a citation for *that*.

Let's say the fine is \$50 for the primary offense--then an additional \$30 fine is attached for having too many dogs. The fine is the only consequence. The extra dog or dogs are not removed.

The second time an offense occurs, \$50 is once again assessed for the primary offense, but now, a \$100 fine is added for having too many dogs.

On the third offense, the owner is again cited \$50 for the primary offense and at that point, the officer removes any animals that exceed the permitted number of two because the owner has shown himself or herself to be an irresponsible in caring for their dogs.

Fred

**wynn isom**

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**From:** "Sarah Sprouse" <srs@akc.org>  
**To:** <adams@cedarcity.org>; <johnb@cedarcity.org>; <paulcedarcitycouncil@gmail.com>; <donm@cedarcity.org>; <zonafeller@gmail.com>; <mayorwilson@cedarcity.org>; <isom@suu.edu>  
**Sent:** Monday, May 09, 2016 10:01 AM  
**Subject:** Follow up to AKC Letter Regarding Limit Law  
Dear Madam Mayor and Members of the Cedar City Council,

Based on news reports, we wanted to clarify our position with regard to limit laws in general, and our stance on changing yours to either a hardship or sportsmen's permit.

As we said in our letter, the AKC opposes limit laws for exactly the reason described by your animal control officer; they are difficult to enforce and take your animal control staff away from enforcing ordinances which truly impact the community such as noise, nuisance and sanitation. Asking an already busy animal control staff to spend time conducting warrantless searches of private homes in order to issue a permit will not improve your community for dogs, their owners or other residents. And requiring owners to surrender those pets will add to costs and euthanasia rates in your shelter, something no one wants.

The American Kennel Club instead suggests rescinding the limit ordinance entirely, allowing your animal control officers to focus on enforcing quality of life ordinances such as nuisance, noise and sanitation. Limit laws do not work and are a burden to responsible owners who are not causing trouble in their neighborhoods.

If you will not remove the limit entirely, then raising the threshold would provide benefits to responsible owners who are not negatively impacting the community. It is not necessary to limit residents to AKC or UKC registered animals, as the rescue group pointed out. The more limitations you create, the more work it will be for your animal control officers to enforce.

I hope this helps clarify our position and can help move you to a more effective animal control ordinance in your community.

Please do not hesitate to call or email me if you have any additional questions.

Sarah Sprouse  
Legislative Analyst



**AMERICAN  
KENNEL CLUB**

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Visit our website: [www.akc.org](http://www.akc.org)  
Follow us on: [Facebook](#) and [Twitter](#)

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**From:** Sarah Sprouse  
**Sent:** Tuesday, May 03, 2016 3:06 PM  
**To:** 'adams@cedarcity.org'; 'johnb@cedarcity.org'; 'paulcedarcitycouncil@gmail.com'; 'donm@cedarcity.org'; 'zonafeller@gmail.com'; 'mayorwilson@cedarcity.org'  
**Subject:** AKC Letter Regarding Proposed Changes to Limit Law

5/9/2016

EXHIBIT "C"  
CITY COUNCIL - MAY 11, 2016

Robyn Ekker  
365 W 400 S  
Cedar City, UT 84720

May 11, 2016

Cedar City Council  
10 N. Main St.  
Cedar City, UT 84720

Dear Council,

I am writing to voice my support of ending the ordinance governing the number of dogs allowed per household. I believe this ordinance is unenforceable because unless there is a problem with an irresponsible owner, Animal Control Officers would have to go door to door counting dogs to enforce it. It seems logical to me to drop this pointless rule in favor of beefing up enforcement of nuisance rules. Right now, the people obeying (or even aware of) the number restriction would likely not be counted among the irresponsible owners the ordinance seeks to control anyway. The irresponsible people likely don't care (and more likely don't know) about what they would see to be an unenforceable rule. Responsible people will be able to handle judging for themselves the number of animals they are capable of caring for. Nuisance complaints can be quantified and don't require unreasonable invasions of resident privacy to enforce. We don't have to have silly rules to protect our residents' quality of life.

There are many reasons people may wish to own more than two dogs and I don't think they should be restricted to an arbitrary number. Let responsible owners have the dogs they want and the irresponsible ones punished with appropriate laws.

Thank you,  
Robyn Ekker