

**Rockville Planning Commission
Work Meeting
Rockville Community Center, Town Hall
February 11, 2020 – 6:10 pm**

1. **CALL TO ORDER – ROLL CALL:** Chair Hamilton called the meeting to order at 6:10 p.m. Present were Bergen Meyer, Cheryl McGovern, Jane Brennan, Linda Brinkley and Ken Rybkiewicz. Town Clerk, Vicki S. Bell, recorded the meeting.
2. **DISCUSSION OF A PROPOSED ANIMAL CONTROL ORDINANCE:** Chair Hamilton explained the Town received several complaints a year or so ago, so they formed a task force to put together an animal ordinance. Some residents have objected to limiting the number of livestock. In continuing the phone survey, the closer the vote comes to 50/50. There were 76 homes in the RR-1/2 zone district. Chair Hamilton received 40 votes in the first count, which showed 67.5% for additional regulations on livestock and 32.5% against additional regulations on livestock. As the survey continued, she received 64 total responses with 46.9% in favor of animal controls and 37.5% against. Our intent was to find a quantitative measure to control animals. We have a lot of good animal caretakers in this town and a lot of residents do not want to place undue burdens against them. But we do need to find some quantitative nuisance regulations.

Linda asked where the RR-1/2 zone is. Chair Hamilton responded it's from DeMille Road to the Virgin River. Jane said the survey included everyone in the half acre zone. For example, her property is more than a half-acre, but it's in the half-acre zone.

Jane asked about burying a horse. Jane said she's okay with different rules for different densities. Chair Hamilton found and read 27.11 (A) on page 6, disposition of dead animals. Linda said when the town donkey, Cactus, appeared to be going downhill, his owner, Jack, had a great big hole dug. And Cactus made a remarkable recovery when he realized what the hole was for. Chair Hamilton asked if we needed to give more than 24 hours. Cheryl said at 48 hours, they'll start to bloat and after 72 hours, if it's hot, they'll pop. Jane thought no one would be cited if the owner is trying to get a bulldozer. Cheryl asked what if the animal dies on a Friday or while you're on vacation?

Tydon Oler said the state allows two dead animals per acre per year on the owner's property. He has a neighbor with sheep. Six of them were killed by coyotes and they just dumped them over the fence onto his property. Linda suggested we change our fee to be for each animal.

Cheryl said she believes every animal owner should be held accountable for their animals' care. Jane said we could improve our nuisance ordinances, but that becomes much more subjective. Linda said her neighbor (Jack) has 1.1 acre with 10 pigmy goats and one donkey, so he would be out of compliance. But he has plenty of grass and he's a very responsible owner. It does not feel, look, or smell like it's too congested.

Bergen asked if we could base the nuisance on complaints and Jane responded, "nobody likes me; everybody complains about me." Clerk Bell suggested no one would want to complain and be a bad neighbor. Cheryl said the real issue is how does it get enforced? How do you get them to pay you? Clerk Bell said if this becomes an ordinance, the police will cite them, and they will be given a fine. The Town will not collect it. The Courts or the Police will.

Linda said if we're going to do this, she is opposed to the numbers. Section A, numbers 1, 2, and 3 on page 2 is where it's quantitative. Cheryl said on this side of the river, the number of livestock would be controlled and on the other side of the river, you can have as many as you want.

Cheryl asked if we don't have the final results of the phone survey, why are we having this discussion. Chair Hamilton read the survey question. Chair Hamilton explained that she wanted more input from the Planning Commissioners on how to proceed with this animal control ordinance. If we remove the number of animals, because that's what's quantitative, if that's the objection, how do you determine what's a nuisance and what isn't?

Cheryl asked what is the problem that the animal owner cannot get a grasp on? Bergen responded, "either their animals are getting out, or their property smells, because they're not maintaining it." Chair Hamilton added, "feces running over the sidewalks and into the drains during irrigation." Jane added, "the animals are not being fed enough".

Cheryl asked who determines if their animals are not being fed enough. Jane said someone complained about her horses not being fed enough. They're skinny and old and you can see their ribs in the summertime. A tourist complains. The police come to the door and asked if Jane is taking care of her animals. How does that police officer know if those animals are being neglected? Cheryl said that's what she's asking, how would they know? Jane said if we put something in numbers, chances are better that nobody has to decide if they're being neglected. Cheryl said you could have one horse and not feed it at all. That doesn't make any sense.

Linda asked about section 27.10, dogs at large, nuisance declared. There's a part in here about neglect. Which section is that in? Cruelty to animals? It says it's unlawful. So, we have to determine who will decide. Cheryl said it should be someone who has a degree in animal husbandry. Jane said an animal control officer does not need to have a degree in animal husbandry.

Ken asked if Washington County has animal control officers and would they be willing to respond in a jurisdiction like Rockville? Clerk Bell said they would not come up. The municipality is responsible for their own animal control.

Linda asked if the police are called, is there a paper report done? Clerk Bell said if someone lets the town know, we keep track as a town. But if the police are called directly, they would keep the record. But that person cannot be sure, unless they trespass. So, Linda thinks we need to be very careful about property rights.

Cheryl asked if the Springdale Police Department have said they're willing to respond when a complaint is filed about a horse not being fed enough. Chair Hamilton said yes, they showed up at Jane's house. Cheryl clarified dogs and livestock are two different things. Cheryl asked Jane what happened when the police showed up. Jane said they saw food. They see that we're feeding them. And Jane told them the horses are old. So, it was determined the horses were not being neglected.

Cheryl said the State has laws about neglecting animals. We don't need our own. They're already in place. We can just go by those. And if it's something that's persistent, we can have the state come down and knock on their door and the state will investigate it and get to the bottom of it. Jane asked who we called the last time we had a situation. Clerk Bell said we called the Humane Society, Animal Lovers, vets. Cheryl said we should have called the Department of Agriculture.

M. Honer-Orton said there was a situation where we called vets to assist and they would not. The only way to get a handle on this problem is to limit quantities. We want to put requirements in for quality, but it's subjective. The only thing that's objective is to limit numbers.

Linda asked if we went with a quantitative approach . . . Cheryl said they'd have to get rid of them. M. Honer-Orton suggested grandfathering and Cheryl said no; we're in enough trouble from all the grandfathering we've done.

Bergen asked if we pass this, will each property have to report how many animals they have? Chair Hamilton said we've always had a complaint-driven process. We don't have an enforcement officer. Bergen asked, "so if there's someone with too many animals and no one complains, nothing will be done?" She said theoretically only those abusing the system would be complained against. Cheryl said, "or if you don't like your neighbor. It's totally discriminatory." Jane said that's what the nuisance law gets you, if you don't have anything objective, if it's only subjective." Cheryl said, but if 99 people's neighbors say they don't mind if they have all those animals and there's only one person that everybody's pissed at, that's discriminatory."

Jane suggested we ask people to reduce their herd by a certain percentage per year. Linda asked who is going to see that happens? Jane said the police would be able to enforce this. Cheryl said, "if we're going to write an ordinance that's okay so long as it doesn't affect my neighbor, that's not appropriate." Cheryl said that person that gets complained upon is going to go around and complain about everyone else. That's just common sense.

Ken asked what's the carrying capacity of a half-acre lot? Cheryl said as long as you bring in food . . . Ken asked if environment quality would put some teeth into an ordinance. Cheryl said you could have a small dairy farm and they never move. Ken said he'd hate to see unlimited

animals across Bridge Road. Cheryl says this town loves that, so we're basically making an ordinance telling them they're no longer able to do that. Jane asked how we make a nuisance law, instead of a number law. Chair Hamilton said you're no longer able to do that in downtown Rockville. Cheryl said there's no rule that you can't do that. Chair Hamilton said that Cheryl said if we approve this, then that's going to be the rule and I said no, it's not going to be the rule in the OS-20, or the RR-5. Cheryl said if Jane wanted to get 20 cows and have a dairy right now, she could. Right now, this Town promotes agriculture. So, if you write an ordinance that diminishes agriculture, then you might as well change the General Plan. Chair Hamilton said it's also a single-family community and downtown I'm proposing that a 20-cow farm is not acceptable. Cheryl said the town is not going to get any bigger. Jane agreed it is not reasonable for her to have 20 cows on her property.

Cheryl argued you don't make rules that affect the entire town just because one or two people are upsetting the apple cart. As Leon said, rules are meant to be broken, and this town has never enforced a rule. He said he talks to his neighbor when he has a problem and Jane said people are not nice anymore. Jane agreed a lot of people are not nice anymore and that's the problem. Cheryl said not being nice isn't a problem. Jane said she thought not being nice is the only problem.

Jane said if we don't have a number law, then we need a nuisance law that is enforceable and not subjective. Cheryl asked who came up with the idea that's the only way we could enforce it? Cheryl asked where did that come from? Was it arbitrary or did the state say perhaps we should do this? Clerk Bell said this was taken directly out of Washington County's code, word for word. Cheryl asked if their General Plan says they're an agricultural town. Jane asked what does it matter where it came from? If you don't like this and we can't agree on this, then we have to do something. Cheryl said that wasn't the question I asked. I asked where the idea that the only way you can have a nuisance law is to have numbers.

Linda asked how do we enforce it? It seems like enforcement is the problem. Jane said if the Code is written properly and there's a fee schedule, then the police can enforce it. Chair Hamilton asked if there were a quantitative way to define nuisance that could be enforceable. Linda said she doesn't like the numbers.

Ken asked if environmental quality, like feces and urine, or odor . . . Cheryl said that's all a part of agriculture. Ken said that's where he was going with the feed lot. That's not the right way to treat an animal and in downtown Rockville it would be a nuisance. He said if it's polluting your neighbor's irrigation water because it's running off their property into the ditch . . . Cheryl said I've got news for you. If you take some irrigation water and send it up to Cedar City for testing, it's just loaded with e Coli. Ken said any natural river course is going to naturally have it anymore. Cheryl said it doesn't matter what goes in that ditch. Ken said he's just trying to come up with a quantitative measure.

Jane suggested what if the poop clogs the ditch? Jane said we had a big rain and there was horse poop at the post office. Cheryl said Jane just said it herself. You could have the right number of animals and mother nature clogs the drain because you didn't pick up after your animals. Jane said that happened once in six years. Linda agreed, stuff that clogs the drain does not just come from right there. Chair Hamilton said now that we've established that's not an effective way to evaluate . . . the purpose of these work meetings is not to argue and defend. It is to try to find solutions. So, I hope that all of you will take the time in the next month to seek solutions to these problems.

Linda asked what section C on page 2 meant when it said no more than 8 fowl or rabbits per half an acre, not to exceed 30. Cheryl said no matter how much land you have, you cannot have more than 30. Linda objected to having so few chickens. Jane asked if she objected to any numbers or just these numbers. Cheryl said she didn't want any numbers. Linda said she'd rather not limit the number of animals.

Cheryl argued the number of animals had nothing to do with the care of animals. Jane asked Cheryl if she could write a stronger nuisance law that could be enforceable. Cheryl said she thought we should try.

Clerk Bell asked if we took out section 27.2, would the rest of the chapter be okay? Jane said she did not like section 27.13, on the last page, the leash restrictions. Jane feels like dogs should be on leash if they're on a paved road. Cheryl said we already have this ordinance written, why are we re-writing it? Linda said the one she marked up the most was 27.2 and the next one she marked up the most is 27.13, because once again, it's about enforcement.

Jane asked what Cheryl meant by the ordinance is already written. Cheryl said there's already a leash law. Jane said there is not. Cheryl said there's a leash law and you must maintain control of your dog. Clerk Bell and Jane asked where? Cheryl said at the last meeting, Shirley read it into the minutes. Jane said nothing is written because we haven't passed this. Cheryl agrees dogs should be on a leash while on the sidewalks. Discussion ensued about dogs off leash, tussles, and maintaining control of your dogs. Jane thinks it's okay to have your dog off leash and under control on trails, dirt roads. Linda said dogs should be on leash in the town park. Bergen said she never takes her dogs anywhere off leash. Jane asked Bergen how she felt when unleashed dogs approached her leashed dogs. Bergen responded that it was a bad dynamic. Linda said she should be able to leave her dog in her fenced in yard without fear of harassment, but people come to the binnies, let their dogs out, and their dogs come yip-yipping along her fence line.

Bergen said she's seen way too many dogs get hit by cars on SR-9. Cheryl said it's not good vs. bad dog owners; dogs are unpredictable. Jane asked how Cheryl felt about gravel roads. Cheryl agreed gravel roads feel like trails.

Tydon Oler said he witnessed a dog that nearly took out a Harley Davidson on the road and he believes it's a huge liability for the town to not have a leash ordinance for dogs. Tydon has owned and raised bird dogs, which follow their nose. So, his dogs are never off leash unless they're on his property or a very wide-open public property.

The Planning Commissioners agreed that leashes would be required on all paved town roads.

Bergen agreed dogs should be on leash in the town park. She is terrified of how close the road is to the town park and fears allowing dogs off leash in the park. Jane said if a dog is off leash in the park and runs into the road, the owner will be heartbroken. We're trying to take care of the neighbors here. Bergen asked if a person is in the park with an off-leash dog and someone pulls into the parking lot, does that person have to immediately put their dog on leash? Commissioners agreed the answer is yes. Jane asked if we needed signage and Clerk Bell agreed if this land use code is approved, the town will provide the appropriate signage.

Jane suggested the town contact dog owners (who have registered their dog with the town) to let them know that if they're walking their dog on leash on an unpaved road, they may encounter a dog that's off-leash.

Cheryl said she did not have a problem with private kennel licensing, but she did not think we needed to limit the number of dogs because once they're licensed as a kennel, they will have a lot of state laws they'll have to follow. Cheryl said the Humane Society would investigate complaints. Jane said only if that person gets a state kennel license. Cheryl said we could require people to get a state kennel license instead of changing our land use code. Jane said she did not know if there were a state kennel license.

Chair Hamilton will research state kennel licensing, determine if the State's Department of Agriculture will investigate abuse or neglect complaints, environmental quality laws and carrying capacity of a half an acre in southwest Utah and review the minutes for Shirley's comments on leash laws.

Bergen asked if there were other towns like Rockville in the State of Utah. Cheryl said we're the last one. Clerk Bell said there are other towns like Rockville in the state. Cheryl said we're rural and they're frontier. Bergen suggested we reference what other similar towns have in place. Linda Brinkley asked if Filly has our only commercial permit. Cheryl said a minimum of 4 dogs to require a kennel permit is fine, but we should not have a maximum. It really has to do with space, not number. Jane said if there is a state code, that should be cited in our ordinance so it can be enforced. Cheryl asked where the Doggy Dude Ranch is in all of this. Chair Hamilton said that business holds the only business kennel license in town. Jane clarified it's for boarding, not

breeding. Clerk Bell said she's operating under a special permit. Linda asked if others could obtain that special permit and Clerk Bell responded no, it's grandfathered in. Chair Hamilton said this land use code is intended for those who breed animals, not for boarding. Linda and Jane pointed out that the proposed land use code does say boarding, so it was agreed to strike boarding on B4.

Cheryl believes people with ranches have more dogs and they're breeding them to run the ranch. Cheryl asked why the Town should receive money if a person has more than four dogs. Jane said it was to provide oversight of sanitary conditions. Linda asked where the money goes that people pay to register their dogs. Clerk Bell said we buy dog tags. Chair Hamilton said she checks the vaccination records and – Cheryl said they're administrative fees. Cheryl said ranch dogs don't usually wear collars because they can get caught on things running through the brush, choke and die.

Discussion ensued regarding the fee to improperly dispose of a domestic animal. Jane asked if that meant livestock. Linda suggested we add "(including livestock)" after domestic animal. Chair Hamilton asked if the Commissioners agreed to add "per animal". Linda reminded the Commissioners of Tydon's story of the six sheep. Jane did not like the language "up to" and Linda suggested we change it to "shall be". Cheryl said bringing a diseased animal into town should carry a huge fine and did not feel \$250 was sufficient. She suggested the fine be increased to \$2,500 and said we needed to make sure that paying the fine did not eliminate the possibility of a civil action. Jane suggested we add the word "knowingly" and Chair Hamilton responded it's hard to prove "knowingly". It was agreed to leave "bringing diseased animals into town" without the word "knowingly".

Linda was happy the pigs were allowed, but they're not allowed on half acre lots. Cheryl said pigs bring a lot more disease and flies than any other animal. Bergen said she would vote to not allow pigs on a half-acre lot. Linda said we're not limiting the number of cats. Jane asked if you could technically own an outside cat. Cheryl said our local shelter will pick up feral cats, fix them and return them if they cannot get them adopted. Cheryl said the coyotes are predators to cats.

3. **ADJOURN:** Linda Brinkley **MOVED** to adjourn. Bergen Meyer **SECONDED** the motion.

VOTE on motion:

Bergen Meyer – Aye
Cheryl McGovern - Aye
Jane Brennan – Aye
Linda Brinkley – Aye
Joyce Hamilton – Aye

The motion passed unanimously.

The meeting was reopened so Chair Hamilton could thank Bergen Meyer for her service.

The Planning Commission Meeting adjourned at 7:40 p.m.

Minutes Prepared by:
Joyce Hamilton, Deputy Town Clerk
Town of Rockville

APPROVED:


Joyce Hamilton
Planning Commission Chair/Vice Chair

The foregoing was posted in the foyer cabinet of the Rockville Town Office by Wick S. Bee at approximately 9:45 (AM/PM) on 16 March 2020, on Rockville's Website and the Utah Public Notice Website. Posted to Spectrum Events NA.



