

Town of Leeds

Agenda Town of Leeds Planning Commission Wednesday, June 2, 2021

PUBLIC NOTICE is hereby given that the Town of Leeds Planning Commission will hold a **PUBLIC MEETING** on Wednesday, June 2, 2021 at 7:00 P.M. This meeting will be held at Leeds Town Hall, 218 N. Main Street, Leeds, UT 84746.

If you are interested in participating remotely via Zoom, please contact Town Hall at 879-2447 or email Clerk@LeedsTown.org for the Zoom details.

Regular Meeting 7:00 p.m.

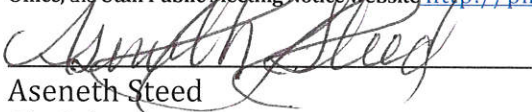
1. Call to Order/Roll Call
2. Invocation
3. Pledge of Allegiance
4. Declaration of Abstentions or Conflicts
5. Consent Agenda:
 - a. Tonight's Agenda
 - b. Meeting Minutes from May 5, 2021
6. Announcements
 - a. Declaration of Candidacy for Town Council (2 four-year terms) and Mayor (four-year term) due at Town Hall by 5:00pm on Monday June 7, 2021.
7. Public Hearings: None
8. Action Items:
 - a. Discussion and Possible Action Regarding Lot Line Adjustment between Parcel L-HFM-1A and Parcel L-10-B
 - b. Discussion and Possible Action Regarding Proposed Language to be Added to Building Permits Regarding Fugitive Dust and Construction Noise.
9. Discussion Items:
 - a. Discussion Regarding Proposed Animal Ordinance changes.
 - b. Discussion Regarding Historical Zoning Ordinance.
10. Staff Reports
11. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at *least* 24 hours prior to the meeting.

The Town of Leeds is an equal opportunity provider and employer.

Certificate of Posting:

The undersigned Clerk/Recorder does hereby certify that the above notice was posted June 1, 2021 at these public places being **Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmmutah.gov>** and the **Town of Leeds website www.leedstown.org**

A handwritten signature in dark ink, appearing to read "Aseneth Steed", is written over a horizontal line.

Aseneth Steed
Clerk/Recorder

Town of Leeds
**LOT LINE (BOUNDARY) ADJUSTMENT -
APPLICATION**

1. Applicant / Owner Name: BEACH FAMILY REVOCABLE TRUST DATED JANUARY 28, 2000
Address, City, State, Zip: 1320 CALLE AURORA, CAMARILLO, CA, 93010
Phone: 805-340-8110 E-mail: tc+1beach@yahoo.com (TOM & CINDY BEACH)
Project Location: 575 S. RED CLIFFS RD., LEEDS 84746
Existing Zone: _____ Lot Number: 1A Tax Parcel ID Number: L-HFM-1A

2. Applicant / Owner Name: FRANK W. & BARBARA L. GREENHALGH
Address, City, State, Zip: 575 S. RED CLIFFS RD., LEEDS 84746
Phone: 435-669-3133 E-mail: rusty1947@gmail.com
Project Location: _____
Existing Zone: _____ Lot Number: 1A Tax Parcel ID Number: L-HFM-1A

Subdivision, if any: HAROLD FURROW MINOR

Engineer Firm and Contact Name: Bush & Gudgeon (Patrick Stewart)
Address, City, State, Zip: 205 E. TABERNACLE
Phone: 435-673-2331 Fax: 435-673-3161 E-mail: pstewart@bushandgudgeon.com

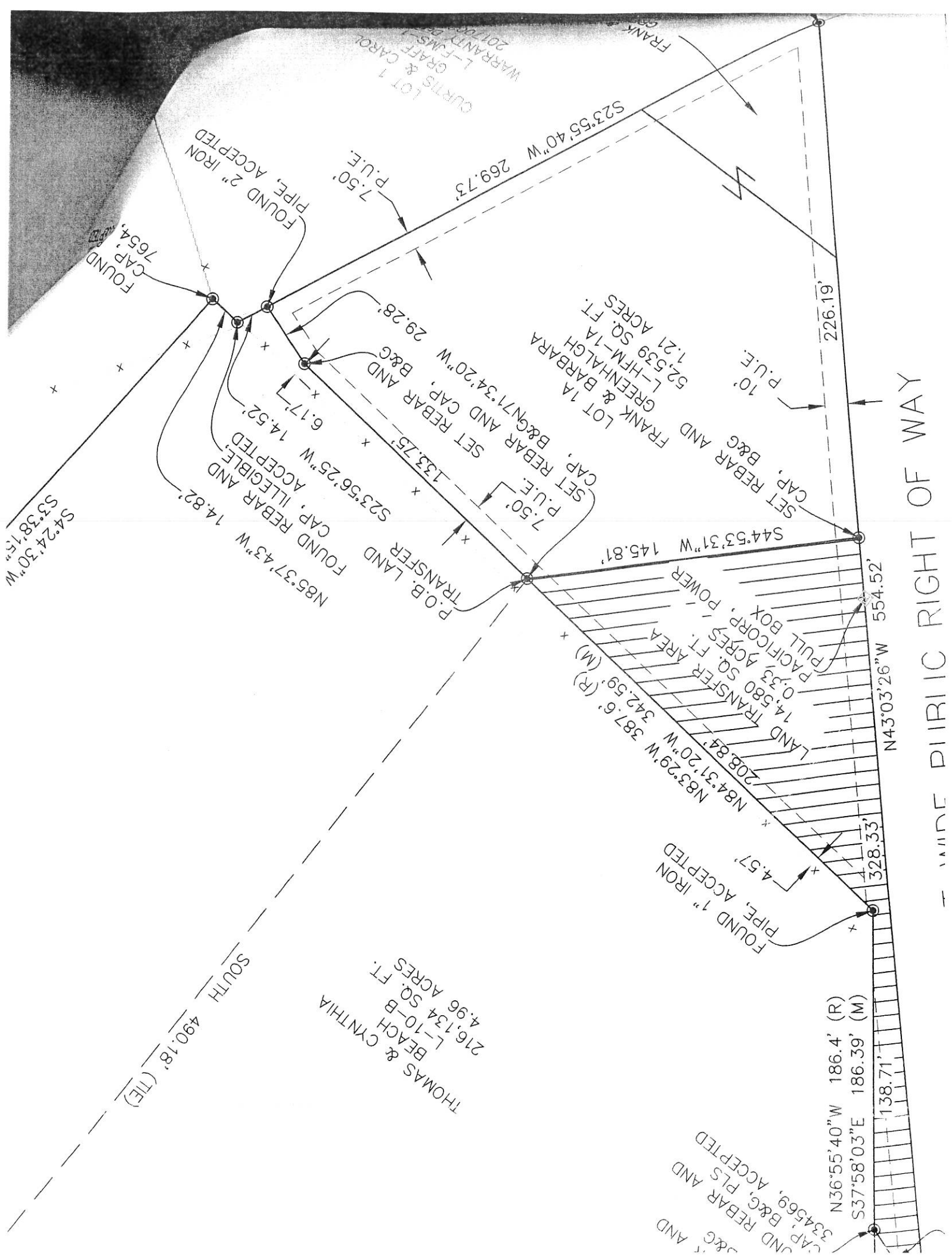
Please include with the application:

- \$200.00 filing fee - non-refundable
- Stamped envelope filled out for all adjacent property owners.
- Two copies; 24" x 36" of the plat drawing showing existing lots and proposed boundary adjustments. These must each include the legal descriptions with details of the adjustment for the parcels involved, placement of hydrants, utility pedestals, water and septic services and existing structures.
- Four copies each:
 - 11" x 17" of the plat drawing
 - Title Report dated within two weeks from the date of Planning Review Meeting
 - The legal description of existing property Boundary Lines
 - The legal description of proposed adjustment to property Boundary Lines

File completed application with the Town of Leeds, 218 N. Main St, Leeds, UT, 84746 or deliver to Leeds Clerk/Recorder at Town Hall, hours 9:00 a.m. - 4:00 p.m. Mon - Thu; closed on Fri.

Signature of Owner 1 Tom Beach Cindy Beach Date 5/22/21

Signature of Owner 2 Frank W. & Barbara L. Greenhalgh Date 5/22/21



Chapter 9

9.7.6.1 Fugitive Dust

As defined by the State of Utah: Fugitive dust is particles of soil, ash, coal, minerals, etc., which becomes airborne because of wind or mechanical disturbance. Fugitive dust can be generated from natural causes such as wind or from man-made causes such as unpaved haul roads and operational areas, storage, hauling and handling of aggregate materials, construction activities and demolition activities. Fugitive dust contributes particulate matter (PM) emissions to the atmosphere. PM emissions must be minimized in order to meet National Ambient Air Quality Standards (NAAQS). Information source is the Utah Department Environmental Division of Air Quality.

Quality

All construction operations on private property shall be required to mitigate fugitive dust.

As Utah Administrative Code R307-205-5 2(a) Fugitive Dust, requires the that anyone engaging in clearing or leveling of land greater than one-quarter acre in size, earth moving, excavation, or movement of trucks or construction equipment over cleared land greater than one quarter acre or access haul roads shall take steps to minimize fugitive dust from such activities. Such control may include watering and chemical stabilization of potential fugitive dust sources or other equivalent methods or techniques. Additionally, the owner or operator of any land area greater than one-quarter acre that has been cleared or excavated shall take measures to prevent particulate matter from becoming airborne.

All persons undertaking construction activities, that meet the threshold identified in the above paragraph shall be required to submit an Air Quality Permit Application as a condition for receiving a building permit.

Additionally, anyone demolishing homes, buildings or other structures shall be required to minimize fugitive dust. This shall also apply to the removal of paving material from roads or parking areas.

An Air Quality Permit Application include a Blasting Addendum, shall be included in the Building Permit Application packet available from the town office or from the town web site.

I propose we use the City of ST. George excavation permit with a change in the minimum acreage trigger from one acre to one quarter (1/4) acre as well as changes to the form reflecting it as the Town of Leeds. Additionally, I propose we adopt the City of ST. George 'Blasting Air Quality Application Addendum'.

9.7.8 Noise

operated
within 500 feet of
9.6.

All construction operations using heavy equipment (including but not limited to bulldozers, excavators, motor graders, drilling rigs) shall not be before 7:00 am or after 5:30 pm, weekdays and weekends, residential housing consistent with section Section

No construction activity shall be allowed before 7:00 am or after 5:30 pm weekdays and weekends.

Failure to comply with this requirement may result in fines or loss of building permit.

LEEDS, UTAH ANIMAL CONTROL ORDINANCE

Worksheets for Town Council/ Planning
Commissioners during review of the Animal
Ordinance

TABLE OF CONTENTS

1. Definitions.....	2
2. Enforcement Authority.....	4
3. Interference With Officer Prohibited.....	5
4. Retaking Animal Unlawfully.....	5
5. Violation.....	5
6. Zoning Restrictions.....	6
7. Conditions of Animal Ownership.....	6
8. Cruelty to Animals.....	11
9. Other Unlawful Acts.....	12
10. Lost or Stray Animals.....	12
11. Impounding – Animals to be Impounded.....	12
12. Impound Procedure.....	13
13. Animals Running At Large.....	13
14. Animals on Unenclosed Premises.....	13
15. Rabies Control.....	13

This Ordinance completely replaces Ordinance 1998-01, 2005-03 Amended by ORD 2007-13, ORD 2008-10.

An Ordinance of the Town of Leeds establishing the following as the Leeds Animal Control Ordinance within all Zoning Districts.

1. Definitions as used in this Ordinance.

- 1.1 "Abandonment" means placing or leaving an Animal in an environment where the Animal is separated from basic needs such as food, water, shelter or necessary medical attention, for a period longer than 24 hours. Abandonment includes failure to reclaim an Animal more than 72 hours beyond the time agreed upon with a kennel, grooming service, or similar facility.
- 1.2 "Aggressive Animal" means that while At Large, the Animal chases, worries, or threatens a human in any way that would cause a reasonable person to be fearful.
- 1.3 "Animal" means birds, reptiles, and mammals other than the genus homo sapiens.
- 1.4 "Animal At Large" or "At Large" means an Animal that is 1) not on property owned or leased by the Animal's Owner or caretaker, and 2) is not Under Restraint by the Owner, caretaker, or designee of the Owner or caretaker.
- 1.5 "Animal Control Officer" means any individual employed, contracted with, or appointed by the State of Utah, or any political subdivision thereof, for the purpose of aiding the enforcement of this chapter relating to the licensure of Animals, control of Animals, or seizure and impoundment of Animals, and includes any state or local Law Enforcement Officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any Animal.
- 1.6 "Animal Under Restraint" means any Animal under immediate physical control of its Owner or person having charge, care, custody, or control. A dog shall not be considered under control of the Owner unless on a leash or lead, confined within a vehicle, or under the immediate control of the Owner or caretaker at any time, or within the real property limits of the Owner or caretaker.
- 1.7 "Attack" means a threat to do physical harm causing a present fear of immediate harm, and it need not include actual physical contact.
- 1.8 "Bite" means an actual puncture, tear, or abrasion of the skin, inflicted by the teeth of an animal.
- 1.9 "Current Dog License" means a dog for which the license for the current year has been paid, or a dog for which the Tag provided for in this chapter is verified by records of the Clerk-Recorder for the Town of Leeds.
- 1.10 "Dangerous Animal" means any Animal, including invertebrate species, that would be a hazard to public health and safety should the Animal escape. A Dangerous Animal also includes, but is not limited to: a) those Animals meeting the definition of a Vicious Animal; b) constrictor snakes in excess of ten feet in length; c) poisonous snakes; d) rabid Animals; and e) diseased Animals.

- 1.11 "Domestic Animal" means any Animal accustomed to living in or about the habitation of man and kept as pets for recreational or companionship purposes, including: birds; cats; dogs; pot bellied pigs (not for consumption), and rabbits. A Wild Animal shall not be considered a Domestic Animal under any circumstance.
- 1.12 "Game Bird" means a bird that is hunted in the wild for sport and/or food, and includes: grouse; pheasant; partridge; quail; snipe; dove; wild duck; wild geese; wild turkey; and woodcock.
- 1.13 "Exotic Animal" means any Animal whose native habitat is not indigenous to the continental United States, excluding Alaska, except tropical fish and birds. Constrictor snakes in excess of ten feet of length are defined as Dangerous Animals.
- 1.14 "Impound" or "Impoundment" means the seizure of any Animal or the taking into the control, custody or possession of any Animal by a Law Enforcement Officer and /or Animal Control Officer.
- 1.15 "Law Enforcement Officer" means any officer from the Washington County Sheriff's Office, Utah Division of Wildlife Resources, Utah Highway Patrol, or any designees of these agencies.
- 1.16 "Leash" means any rope, leather strap, chain or other material being held in the hand of a person, and actually controlling the Animal to which it is attached.
- 1.17 "Licensed Dog" means a dog with a Current Dog License.
- 1.18 "Livestock Animal" means Animals kept as pets or for family food production or recreational purposes, including: cattle; chickens; ducks; game birds; geese; goats; horses; sheep; and turkeys. A Wild Animal shall not be considered a Livestock Animal under any circumstance.
- 1.19 "Owner" means any Person who is 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.
- 1.20 "Person" shall mean any individual, firm, association, collective, co-op, company or corporation or similar entity.
- 1.21 "Public Nuisance" means an Animal that does any of the following: a) causes damage to the property of a Person other than its Owner or custodian; b) is a Vicious Animal or a Dangerous Animal as defined in this chapter; c) defecates on any public sidewalk, street, park, building, or on any private property without the consent of the Owner of such private property (this does not apply if the Owner or custodian of such Animal shall immediately remove any such defecation to a proper trash receptacle), unsighted persons while relying on a guide dog shall be exempt from this provision; d) barks, whines, brays or howls, or makes other disturbing noises in an excessive, continuous, or untimely fashion--continuous barking for ten minutes or longer shall be deemed excessive; e) molests passers by, by threatening, nipping, chasing, jumping upon, lunging at fences, acting aggressively, etc.; f) Attacks Domestic Animals or Livestock Animals; g) otherwise acts so as to constitute a nuisance or public nuisance under the provisions of the Utah Code; h) is repeatedly an Animal At Large; i) repeatedly chases vehicles; j) is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or

types of Animals kept or harbored; k) Attacks people, Domestic Animals or Livestock Animals, whether or not such Attack results in actual physical harm to the Person or Animal to whom or at which the Attack is directed; l) has been found by a court or by any other commission or board lawfully established under Utah law, to be a public nuisance under any other provision(s) of Utah Law; m) cannot be restrained by normal restraints, such as standard Leashes, standard chains, or muzzles; n) cannot be effectively controlled by its Owner or handler; or o) otherwise violates any provision of this chapter.

- 1.22 "Stray" means an Animal At Large.
- 1.23 "Tag" means a piece of metal or other durable material inscribed with a date and number which has been issued by the town of Leeds, Washington County, or other dog licensing agency or authority.
- 1.24 "Unlicensed Dog" means a dog without a Current Dog License.
- 1.25 "Vicious Animal" means any Animal: a) With a known propensity, tendency, or disposition to Attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans, Domestic Animals or Livestock Animals; or which is known to have Attacked or Bitten any human, Domestic Animal, or Livestock Animal at least once before; b) Which Attacks or has Attacked a human being, Domestic Animal, or Livestock Animal without provocation; c) Which is trained or used as a fighting Animal. Dogs owned or used by government entities in a law enforcement capacity shall not be considered Vicious Animals.
- 1.26 "Wild Animal" means any Animal of a species that in its natural life is usually untamed and undomesticated, including hybrids and Animals that, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These Animals, however domesticated or tamed, shall include, but are not limited to: a) alligators and crocodiles; b) all bears (ursidae) including grizzly bears, brown bears, black bears, etc.; c) all felines (felidae) (excluding domesticated cats) including bobcat, cheetah, cougar, leopard, lynx, panther, mountain lion, tiger, wildcat, etc.; d) all canines (canida) (excluding domesticated dogs) including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.; e) porcupine; f) all subhuman primates; g) all raccoons (prosyunnidae) including eastern raccoon, desert raccoon, ring-tailed cat, etc.; h) all skunks; i) venomous fish and piranha; j) venomous snakes and lizards; and k) all weasels (mustelidae) including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink, mongoose, etc.

2. Enforcement Authority

- 2.1 All Law Enforcement Officers including Animal Control Officers, are authorized and empowered to apprehend and take with them and Impound any Animal found in violation of this chapter. This includes licensable dogs for which no license has been procured in accordance with this chapter, or any licensed or unlicensed dog(s) or Animal(s) for any other violation thereof. The provisions of this Section are in no way intended to preempt or restrict any other procedure authorized by Utah State Law.
- 2.2 In the enforcement of this chapter, any Law Enforcement Officer and/or Animal Control Officer is authorized to enter onto open premises, excluding dwellings of any person, to take possession

of any Animal in violation of this chapter. Any Law Enforcement Officer, Animal Control, and/or official from the Humane Society, when in company of a Law Enforcement Officer or Animal Control Officer, when there is probable cause, may enter onto open premises to investigate any violation of this chapter. The provisions of this Section are in no way intended to preempt or restrict Any Law Enforcement Officer and/or Animal Control Officer from using any means authorized by State or Federal law to investigate violations hereof and/or to take possession of any animal in violation of this chapter.

- 2.3 Any Law Enforcement Officer may, without the aid of a warrant, enter privately owned property when exigent circumstances exist. This includes, but is not limited to, investigation of a report of Vicious Animals, rabies, contagious animal diseases, and similar circumstances. This Section is not intended to preclude entry for any other reason or circumstances authorized by State or Federal laws.

- 2.4 A Law Enforcement Officer or Animal Control Officer is empowered to issue citations related to acts in violation of the chapter.

3. Interference with Officer Prohibited

- 3.1 It shall be unlawful for any Person to interfere with, molest, hinder, delay, obstruct or prevent any Law Enforcement Officer or any Animal Control Officer in the lawful discharge of his or her duties as herein prescribed. Any Person who shall hinder, molest, delay, interfere with, or obstruct a Law Enforcement Officer and/or an Animal Control Officer while engaging in capturing, securing or taking to an animal control shelter any Animal or Animals to be Impounded, or who shall break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter or ambulance, wagon or other vehicle used for the collecting or conveying of any Animals to the shelter shall be deemed guilty of a class C misdemeanor.

4. Retaking Animal Unlawfully

- 4.1 It shall be unlawful for any Person to take any Animal out of the possession of a Person lawfully holding the same under provisions of this chapter, either by stealth, force, fraud, or to intercept or hinder any Person lawfully taking up or attempting to take up such an Animal.

5. Violation

- 5.1 Any breach of the provisions of this chapter either by failing to do those acts required herein or by doing any act prohibited herein (the "Initial Breach") shall be subject to an initial verbal and/or written warning ("Initial Warning"). An Initial Warning shall be accompanied with a copy of the provision of the violated ordinance, to provide an opportunity to become educated as to the requirements of the ordinance. Initial Warnings do not apply to Vicious Animals.
- 5.2 If a recipient of an Initial Warning fails to remedy the Initial Breach within a reasonable time thereafter, or commits an additional breach of the same provision, the Initial Breach and any subsequent breach shall constitute a violation.

- 5.3 Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Fines for violations of this chapter shall be imposed according to the court fee schedule.

6. Zoning Restrictions

- 6.1 Leeds historically has been an agricultural, farming, and ranching community, in which the raising of Animals for family food production was a generally accepted practice. It is the intent of the Town of Leeds to maintain the historic expectation within a rural community like Leeds that the raising of Animals for family food production may continue, but within the guidelines set forth in this chapter. Nothing in this Section 6 shall affect the types and number of Animals permitted on lots zoned for other than residential or rural residential.

- 6.2 LEEDS ANIMAL COMPLIANCE CHART FOR RESIDENTIAL AND RURAL RESIDENTIAL PROPERTIES. The number of Animals that may be maintained on properties zoned Residential or Rural Residential shall be determined based on a point system. No parcel of property zoned Residential or Rural Residential may exceed one hundred (100) points per acre (or a fractional share thereof) based on the following or a proportionate combination thereof, considering the size of the parcel concerned (e.g., 0.25 acre x 100 = 25 animal points; 1.0 acres x 100 = 100 animal points; 2.5 acres x 100 = 250 animal points, etc.). This authorization for the keeping of Animals on properties zoned Residential or Rural Residential only applies to parcels and/or adjoining parcels on which the owner, or someone authorized by the owner, is residing.

PERMITTED ANIMALS:	Animal Points per Animal
Game birds, Pigeons	2
Chickens, Ducks, Rabbits	3
Geese, Turkeys, Pheasants, Pot Bellied Pigs	5
Goats, Sheep, Pigs/Swine	10
Mini Horses, Ponies	15
Donkeys, Mules, Jackasses, Cattle, Horses	25

- 6.2.1 See sections 7.7.6 and 7.8.2 below for limitations on the number of dogs and/or cats permitted on properties zoned Residential and/or Rural Residential.
- 6.3 Conditional Use Permit. In order to own, possess, harbor or maintain Animals in excess of the permitted number of Animals set forth in Section 6.2 above, the property owner must obtain a Conditional Use Permit.
- 6.4 Setbacks. For human health and safety, all Animal housing units must be located a minimum of thirty (30) feet away from the Owner's residence as well as any adjoining property residence.
- ## 7. Conditions of Animal Ownership

- 7.1 In addition to all other provisions of this chapter, all Animal Owners or keepers shall comply with the following conditions of Animal ownership:
- 7.1.1 Animals shall be restrained or confined as required by law.
 - 7.1.2 Animals shall be humanely treated at all times.
 - 7.1.3 Vaccinations, licenses, and permits shall be obtained as required by law.
 - 7.1.4 Animals shall be sufficiently cared for such that they are not abandoned under the definition of Abandonment in this chapter.
 - 7.1.5 All Animal Bites must be reported to a Law Enforcement Officer and/or an Animal Control Officer. The officer will make record of all Animal Bites according to police procedure.
 - 7.1.6 Animal owners and keepers shall comply with all portions of this Section. Failure to do so constitutes a class C misdemeanor for each day of violation.
- 7.2 Wild, Dangerous, or Exotic Animals. The following provisions apply for Wild Animals, Dangerous Animals, and/or Exotic Animals:
- 7.2.1 It is unlawful for any Person to sell, offer for sale, barter, give away, keep, own, harbor, or purchase any Wild Animal, Dangerous Animal, and/or Exotic Animal. This does not apply to government agencies or otherwise as provided for by State or Federal regulations and/or State or Federal licenses.
 - 7.2.2 The prohibitions of this Section of this chapter shall not apply to a Person if such Person is otherwise licensed or permitted as provided in this chapter or by State or Federal law, and provided that such Animals are restrained or confined in such manner as to prevent their escape and/or injury to the public.
- 7.3 Public Nuisance. The introduction, possession, or maintenance of any Animal or the allowing of any Animal to be in contravention of this chapter is, in addition to being a misdemeanor, hereby declared to be a Public Nuisance. Authorized Law Enforcement Officers and public health officers are hereby authorized, directed, and empowered to summarily abate any such Public Nuisance by any means reasonably necessary, including but not limited to the destruction of the Animal or Animals involved. It is a class C misdemeanor to own, possess, harbor, care for, or maintain any Animal that is a Public Nuisance. Each day shall be a separate violation.
- 7.3.1 Officer Discretion. An Animal meets the definition of Public Nuisance if it is determined by a Law Enforcement Officer and/or an Animal Control Officer in the exercise of the officer's reasonable judgment that: a) the Animal has engaged in one or more of the prohibited acts described in the definition of Public Nuisance in this chapter; b) the Animal is offensive or dangerous to the public health, welfare and/or safety; and/or c) by virtue of the number of Animals, those Animals are offensive or dangerous to the public health, welfare and/or safety.

7.3.3 A rooster is presumed to be a Public Nuisance. It is unlawful to keep, own or harbor a rooster in the Town of Leeds.

7.3.4 Upon the trial of any offense under Section 7.3, the Court may upon conviction and in addition to the usual judgment of conviction, order the Officer or other authorized person of the municipality to put the Animal to death or may order such other disposition of the Animal as will protect the inhabitants and Animals of the municipality.

7.4 Vicious Animals. An Animal shall conclusively meet the definition of Vicious Animal if such Animal: a) Bites a Person on two or more occasions or on the first Bite causes serious bodily injury. Serious bodily injury is defined as an injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty; b) has Attacked Domestic Animals or Livestock Animals on two or more occasions; or c) has Bitten a human on the neck or stomach.

7.4.1 Penalty. It is a class C misdemeanor to own, possess, care for, harbor or maintain a Vicious Animal. Each day shall be a separate violation. A Law Enforcement Officer upon probable cause that a violation of this chapter has occurred may require the Owner or custodian of a Vicious Animal to deliver possession of the Animal to an Animal Control Officer. If after demand, the Owner or custodian fails or refuses to deliver possession of the Animal to an Animal Control Officer, an officer may request an order from a court of competent jurisdiction requiring the Owner or custodian to deliver possession of the Animal to an Animal Control Officer.

7.4.1.1 Defenses. The following shall be considered in mitigating the penalties or damages or in dismissing the charge: a) that the Animal was properly confined on the premises; b) that the Animal was deliberately or maliciously provoked; or c) that the Animal was acting in defense of its Owner.

7.4.2 Vicious Animals May be Impounded. A Law Enforcement Officer may summarily impound a Stray Vicious Animal or which is an immediate danger to humans, Domestic Animals, or Livestock Animals. A Vicious Animal impounded without a court order shall be held not less than five days, after which it may be destroyed or otherwise disposed of as the animal shelter manager may direct.

7.4.3 Owners of Vicious Animals Impounded Shall Be Given Notice. If a Vicious Animal is impounded without the knowledge of the Owner or custodian, notice that the Animal has been impounded shall be given to the Owner or custodian of the Animal, if the same is known, by attaching a notice to a door at the residence thereof, by mailing a notice thereto, or by other reasonable means.

7.4.4 Owner of a Vicious Animal May Contest Impoundment in Court. The Owner or custodian of an Animal impounded other than by a court order may contest the impounding by filing a notice with the proper court and serving the same on the animal shelter within five days after the impounding.

7.4.5 Vicious Animals May be Destroyed. If a Law Enforcement Officer cannot reasonably gain control of a Vicious Animal, the officer may summarily destroy the Animal.

7.4.6 Court May Order Destruction of a Vicious Animal. A Vicious Animal impounded by an order of court acting pursuant to this chapter shall be destroyed or otherwise disposed of, as the court shall direct.

7.4.7 Any Person may kill or injure a Vicious Animal while it is Attacking or Biting a Person, Domestic Animal, or Livestock Animal, or while the Vicious Animal is being pursued immediately thereafter.

7.5 Dangerous or Aggressive Animals. An Animal shall conclusively meet the definition of Dangerous Animal if such Animal: a) Bites a human; b) Attacks a Domestic Animal or a Livestock Animal resulting in injury or death; and/or c) has violated any part of this Section two or more times before.

7.5.1 Penalty. Any Owner or keeper of a Dangerous Animal, knowing its propensities, who willfully allows it to Stray or who keeps it without ordinary care, is strictly liable for a class C misdemeanor, and if the Animal At Large or while not kept with ordinary care, causes injury to another Animal, to any human, or to property, is strictly liable for any damages or injury caused.

7.5.2 The Owner of an Aggressive Animal or Dangerous Animal shall not suffer or permit such Animal to go unconfined.

7.5.3 The Owner of an Aggressive Animal or Dangerous Animal shall not suffer or permit such Animal to go beyond the premises of such Owner unless such Animal is securely Leashed and muzzled or otherwise securely restrained and muzzled.

7.5.4 Defenses. The following shall be considered in mitigating the penalties or damages or in dismissing the charge: a) that the Animal was properly confined on the premises; b) that the Animal was deliberately or maliciously provoked; or c) that the Animal was acting in defense of its Owner.

7.5.5 Upon the trial of any offense under Section 7.5, the Court may upon conviction and in addition to the usual judgment of conviction, order the Officer or other authorized person of the municipality to put the Animal to death or may order such other disposition of the Animal as will protect the inhabitants and Animals of the municipality.

7.5.6 Any Person may kill or injure a Dangerous Animal or Aggressive Animal while it is Attacking or Biting a Person, Domestic Animal, or Livestock Animal, or while the Dangerous or Aggressive Animal is being pursued immediately thereafter.

7.6 Attacking Animal. It shall be unlawful for the Owner or person having charge, care, custody, or control of any Animal to allow such Animal to Attack any Person, Domestic Animal or Livestock Animal.

7.6.1 Owner liability. The owner in violation of Section 7.6 shall be strictly liable for said violation. In addition to being subject to prosecution under 7.6, the Owner of such Animal shall

also be liable for damages to any Person injured or the Owner of any Animal(s) injured or destroyed thereby.

7.6.2 Defenses. The following shall be considered in mitigating the penalties or damages or in dismissing the charge: a) that the Animal was properly confined on the premises; b) that the Animal was deliberately or maliciously provoked; and/or c) that the Animal was acting in defense of its Owner.

7.6.3 Upon the trial of any offense under Section 7.6, the Court may upon conviction and in addition to the usual judgment of conviction, order the Officer or other authorized person of the municipality to put the Animal to death or may order such other disposition of the Animal as will protect the inhabitants and Animals of the municipality.

7.6.4 Any Person may kill or injure an Attacking Animal while it is Attacking or Biting a Person, Domestic Animal, or Livestock Animal, or while the Attacking Animal is being pursued immediately thereafter.

7.7 Dogs.

7.7.1 All dogs must be licensed each calendar year.

7.7.2 Any Person Owning, possessing or harboring any dog shall obtain a license for such dog within thirty (30) days after the dog reaches the age of six (6) months, or in the case of a dog over six (6) months, within five (5) business days of acquisition of the dog.

7.7.3 A license application must be submitted annually to the Town of Leeds Office utilizing a standard form which requests name, address, telephone number of applicant, breed, sex, color, age of the dog, and rabies information. The application shall be accompanied by the prescribed license fee and by a valid rabies vaccination certificate. Rabies vaccination shall be current and given by a licensed veterinarian. A photo of the dog must accompany the application.

7.7.4 License fees and other animal control fees are set by resolution and may be changed from time to time by resolution.

7.7.5 The license shall be effective from the date of purchase through the end of December of the same calendar year. A renewal license must be purchased between January 1 and January 31. After that date, a late fee shall be imposed, per the fee schedule.

7.7.6 Any Person having more than 5 dogs shall constitute boarding and shall require a Conditional Use Permit for a Commercial Kennel. If the lot/property where the dogs reside is not zoned Commercial, then in addition to obtaining a Conditional Use Permit for a Commercial Kennel, the Owner must also obtain a Home Occupation Business License to operate a Kennel.

7.7.7 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, take care to confine the dog so as to prevent it from attracting by scent, or coming into contact with, other dogs except for planned breeding.

7.8 Cats.

7.8.1 The Owner of any cat over the age of four (4) months within the Town of Leeds shall have the cat vaccinated against rabies by a duly licensed veterinarian and shall secure a certificate.

7.8.2 Any Person having more than 6 cats shall constitute boarding and shall require a Conditional Use Permit for a Commercial Kennel. If the lot/property where the cats reside is not zoned Commercial, then in addition to obtaining a Conditional Use Permit for a Commercial Kennel, the Owner must also obtain a Home Occupation Business License to operate a Kennel.

7.9 Pigs/Swine. All pens shall be cleaned regularly, a minimum of three (3) times per week. No mud bogs shall be allowed in the pens. All pens shall have drainage to keep water from pooling within the pen. Other conditions may be imposed by the planning commission and/or the Town Council relative to specific sites and/or conditional use applications.

7.10 Abandonment.

7.10.1 It shall be unlawful for any Person to Abandon or turn out At Large any sick, diseased, or disabled Animal. Should an Animal be rendered useless by reason of sickness or other disability, the Animal may be put down by a veterinarian and its carcass disposed of in such manner as to create no nuisance or hazard to health.

7.10.2 It shall be unlawful for any Person to Abandon or cease caring for the needs of any pet or other Animal which has been in that Person's care or keeping.

8. **Cruelty to Animals**

8.1 Cruelty to Animals is a Class C misdemeanor. A Person commits cruelty to an Animal if the Person intentionally or knowingly:

8.1.1 Fails to provide any Animal in the Person's custody or care with adequate food, drink, care and/or shelter;

8.1.2 Abandons an Animal;

8.1.3 Carries or confines any Animal in or upon a 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.

8.1.4 Wrongfully kills, maims, disfigures, tortures, mutilates, burns, scales, overdrives, overworks, or otherwise cruelly sets upon any Animal. Each offense shall constitute a separate violation. Nothing in this Section shall apply to the branding of Livestock Animals.

8.1.5 Makes accessible to any Animal, with intent to cause harm or death, any substance that 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 furtherance of the public health, when applied in such a manner as to reasonably prohibit access to other Animals.

8.1.6 Causes any Animal, to fight with another Animal or creature of like kind for amusement, gain, sport or wager; or causes any Animal to fight with a different kind of Animal or creature for amusement, gain, sport or wager.

8.1.7 Fails to provide any Animal with reasonable square footage in such Animal's pen, enclosure, run or similar space as is generally accepted as necessary for the health and safety of said Animal and taking into consideration the number of Animals in said pen, enclosure, run or similar space.

9. Other Unlawful Acts

9.1 It shall be unlawful for any Person to intentionally exhibit any stud, horse, bull or other Animal indecently, for the purpose of providing entertainment or viewing to any Person.

9.2 It shall be unlawful for any Person under eighteen (18) years old to ride a stud horse on any public street or trail within the Town of Leeds.

10. Lost or Stray Animals

10.1 Whenever an Animal is found which appears to be lost or Strayed, it shall be the duty of the finder to notify a Law Enforcement Officer or Animal Control Officer within twenty-four hours.

10.2 A Person may contact the Town of Leeds with the license tag number and a description of a 'found' dog. The Town official will contact the Owner and inform them of the location of the Animal.

10.3 Any Animal turned over to a Law Enforcement Officer or Animal Control Officer will have a picture and identifying information about the Animal placed on the public bulletin boards at the Town Hall and the Post Office. All efforts will be made by the Officials to locate the Owner of the Animal.

10.4 Any Animals turned over to a Law Enforcement Officer may be Impounded. The Owner will be required to pay all impound fees and citations prior to recovery of the Animal.

11. Impounding – Animals to Be Impounded

11.1 Law Enforcement Officers or Animal Control Officers may place all Animals that they take into custody in a designated Animal Impound facility.

11.1 The following Animals may be taken into custody and Impounded by the Officer without the filing of a complaint:

11.1.1 Any Animal being kept or maintained contrary to the provisions of this chapter;

11.1.2 Any Animal At Large contrary to the provisions of this chapter;

- 11.1.3 Any Animal required by this chapter to be licensed and is not licensed; any Animal not wearing a tag shall be presumed to be unlicensed for the purposes of this chapter;
- 11.1.4 Any sick or injured Animal whose Owner cannot be located;
- 11.1.5 Any Abandoned animal;
- 11.1.6 Animals that are not vaccinated for rabies in accordance with the requirements of this chapter;
- 11.1.7 Any Animal to be held for quarantine;
- 11.1.8 Any Vicious Animal, Dangerous Animal, or Attacking Animal not properly confined;
- 11.1.9 Any Animal not having proof of rabies which bites a person shall be Impounded and quarantined for a period of not less than ten (10) days; and/or
- 11.1.10 Any Animal constituting a Public Nuisance.

12. Impound Procedure

- 12.1 Any Animal impounded will be taken to a recognized animal control facility. Records will be kept, fees will be charged, and disposition of Animals will be in accordance with the policies of that shelter. Animal Owners shall be responsible for all fees charged by the Impound facility as well as administrative fees charged by the Town of Leeds.

13. Animals Running At Large

- 13.1 It is prohibited for the Owner or custodian of any Animal other than domestic cats, to allow such Animals (including fowl) at any time to run At Large. The Owner or Person charged with responsibility for an Animal found running At Large shall be strictly liable for a violation of this subsection, regardless of the precautions taken to prevent the escape of the Animal and regardless of whether or not the Owner or Person charged with responsibility for the Animal knows that the Animal is running at large.

14. Animals on Unenclosed Premises

- 14.1 It shall be unlawful for any Person to chain, stake out, or tether any Animal on any unenclosed premise in such a manner that the Animal may go beyond the property line and enter an adjoining property, unless such Person has permission of the Owner of the adjoining property.

15. Rabies Control

- 15.1 Report of Bites. All Persons Bitten and the parents or guardians of minor children Bitten by a dog, cat, skunk, fox, bat, coyote, bobcat, or other Animal known to constitute a serious threat of rabies shall notify the County Health Department immediately thereafter. Physicians treating

such Bites and other persons having the knowledge of such Bites shall also be required to make such notification.

- 15.2 Report of Suspected Rabid Animals. Any Person who observes or has knowledge of an Animal which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion that it may have rabies shall notify the County Health Department and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the County Health Department.
- 15.2 Quarantined for Ten Days of Biting or Suspected Rabid Animals. Upon the reasonable order of a public health officer, a Biting or suspected rabid Animal or an Animal suspected of other contagious diseases (e.g., avian flu), the Animal shall be quarantined at the Owner's expense if owned, in strict confinement under proper care and under the observation of a licensed veterinarian in an animal shelter, veterinary hospital, or other adequate facility in a manner approved by the County Health Department.
- 15.3 Examination of Head. Any Biting or suspected rabid Animal or bat may be humanely euthanized immediately by the County Health Department, and such Animals undamaged and properly packaged and properly refrigerated head may be delivered promptly to an approved medical facility having the capability of performing the fluorescent antibody test to demonstrate the presence of rabies.
- 15.4 Domesticated Animals. The provisions of this Section notwithstanding, if the Biting or suspected contagious rabid Animal is of the domesticated variety that is owned or obviously could have an Owner, said Animal shall be confined for a period of ten days to allow time for an attempt to locate an Owner unless county veterinarian or other licensed veterinarian shall reasonably deem it necessary to sacrifice the Animal for the purpose of laboratory examination.

Draft May 15, 2021

LAND USE ORDINANCE 2008-04
CHAPTER 19
HISTORICAL PUBLIC PARK DISTRICT
(HPP)

19.1. PURPOSE.

The Town of Leeds character is not something that is tangible, so much as it is a feeling that is evoked by its people, natural setting and built environment. These three elements make an area more enjoyable, memorable and foster emotional connection to place. Both place making and place keeping require thoughtful and careful planning practices. The Town of Leeds desires to preserve the cultural and historic heritage within the Town of Leeds with the Historic Overlay Zone, ~~where~~ the public may appreciate the historical role the property and or structure(s) played and increase their knowledge.

19.2. PERMITTED USES and 19.3. PERMITTED ACTIVITIES.

- 19.2.1. Historical buildings
- 19.2.2 Historical ruins
- 19.2.3. Replicas or Reconstruction of time-period historical buildings
- 19.2.4. Walking trails
- 19.2.5. Artifacts Displayed on Park Grounds
- 19.2.6 Pubic Restrooms

~~19.3. PERMITTED ACTIVITIES.~~

- ~~19.32.47.~~ Museum with Associated Gift Shop
- ~~19.32.28~~ Educational Lectures, Programs, Workshops and Exhibits
- ~~19.32.39.~~ Historical and Informational Plaques
- ~~19.32.410.~~ Meeting Facilities for nonprofit and other organizations or groups

19.4. OPERATING ENTITIES

Entities operating on historical park property must be either a the public entity which owns or by other agreement have the right to occupy, operate or otherwise possess the property or a 501(c)(3) organization or other not-for profit approved by the public entity which owns the property.

19.5. STANDARD OPERATING HOURS

19.5.1 Except for self-guided outdoor activities, standard-operating hours within historical park buildings shall not begin prior to 8am, or extend past 6pm, Mondays through Saturdays. There shall not be any regular standard-operating hours within historical park buildings on Sundays.

19.5.2 Workshops, member appreciation nights, donor recognition nights, and board meetings may be held indoors until 10pm, excluding Sundays.

19.6. SPECIAL EVENTS.

19.6.1. Inside Events

Special Events inside a Historical Public-Park Building may be approved by Town Staff, provided such approval is requested at least seven (7) days in advance of the Special Event and specifies the maximum attendance. Demonstration animals will be permitted as part of a Special Event. Town Staff will determine that no Town ordinances would be being violated by the Special Event and, if there are no violations, provide approval.
~~Town Staff will determine that no Town ordinances are being violated by the Special Event and, if there are no violations, provide approval.~~
Standards for review and possible approval of the inside Special Event shall include the following:

- a. Onsite parking capacity or other parking arrangements
- b. Potential noise creation
- c. Compliance with applicable health codes
- d. Occupancy limits of the buildings

If approval is denied, Town Staff shall inform the applicant of the ordinance that would be violated by the proposed Special Event.

19.6.2. Outside Events and Night Events

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25"

Individuals or groups receive approval to host a Special Event held on a historic site, historic park or property. Such events may include; farmers market, craft fair, festivals, demonstrations, plays or reenactments, fun runs or other appropriate events. All Special Events must be approved by Town Staff. Event organizers must submit a Special Event Permit Application at least fourteen (14) days in advance of the proposed Special Event. ~~Special Event Permit requirements can be found in _____ section of The Town of Leeds Ordinances.~~ Standards for review and possible approval of the Outside and Night Special Event shall include the following:

- a. Onsite parking capacity or other parking arrangements
- b. Potential noise creation
- c. Compliance with applicable health codes, including outdoor restrooms
- d. Number of participants expected to attend.
- e. Hours of operation of the event

Town Staff

Event

will determine that no Town ordinances ~~would are being~~ violated by the Special Event and, if there are no violations, provide approval. If approval is denied Town Staff shall inform the applicant of the ordinance that would be violated by the proposed Special Event.

Outdoor and/or Night Special Events approved by Town Staff shall not begin prior to 8am, nor extend past 10 pm. Special Events outside a historical public park building that will generate noise above that of the spoken voice or that will extend past 10pm require Town Council approval at least twenty-one (21) days in advance of the Special Event with a maximum attendance being specified.

Gunfights will not be permitted unless approved by the Town Council as part of a historically focused Town celebration, or a historically based event having occurred on the Park property, and will be subject to specific noise restrictions and maximum attendance set by the Town Council.

19.7. DEVELOPMENT STANDARDS.

19.7.1. Height, Width ~~a-~~And Setback Requirements.

Height, width, setback and overall scale and massing of new buildings within a historic district should be compatible with surrounding historic buildings and the overall streetscape. Flexibility is a key component of these requirements.

19.8. SIGNS.

All signs shall comply with the terms, conditions and provisions as set forth in Chapter 22 of the Ordinances of the Town of Leeds.

See Sign Ordinance, Chapter 22.

19.9. LIGHTING.

All lighting must comply with the terms, conditions and provision of Leeds Lighting requirements as set forth in Chapter _____ of the Ordinance 2003-07s of the Town of Leeds. Ordinance.

19.10. PARKING.

The Compliance with parking requirements as set forth in Chapter 6 of the Land Use Ordinances of the Town of Leeds in a Historical Public Park District in Chapter 6 is applicable to uses mandatory permitted in this zone. However, for good cause shown, the Town Council may modify the parking requirements set forth in chapter 6 of the Land Use Ordinances of the Town of Leeds if it is determined that doing so would better maintain the original appearance of the historical site or preserve artifacts which may lie on or beneath the surface.

19.11 NON-CONFORMING USE

The existing structures, ruins, artifacts and signage at the time of passage of this ordinance on or related to parcels rezoned as Historical Public Park concurrent with the adoption of this ordinance are acceptable to the Town Council of the Town of Leeds and will be considered a non-conforming use if subsequently determined to be inconsistent with this or any other ordinance of the Town of Leeds.

Insert Section 6.4.11, making 6.4.11 now 6.4.12

6.4.11 Historical Public Park:

One off-street parking space for every two attendees expected during standard operation or permitted at any Special Event.

At the end Section 6.7., after 6.7.4, add:

The Town Council may adjust any of the above requirements in a Historical Public Park zone, if it is determined that doing so would better maintain the original look of the historical site or preserve artifacts which may lie on or beneath the surface.

Chapter 22 Signs

That Sections 6.4.11 and 6.4.12 of the Land Use Ordinances of the Town of Leeds be amended to read as follows:

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

6.4.11 Historical Public Park:

One off-street parking space shall be provided for every two Attendees expected during the standard operating hours or if permitted at any Special Event.

6.4.12 All other uses not listed above;

As determined by Town of Leeds Planning Commission and approved by the Town Council of the Town of Leeds based on the nearest comparable use standards.

At the end Section 6.7., after 6.7.4. add:

That Section 6.7.4 of the Land Use Ordinance of the Town of Leeds shall be amended to read as follow:

The Town Council may adjust any of the above requirements in a Historical Public Park zone, if it is determined that doing so would better maintain the original look of the historical site or preserve artifacts which may lie on or beneath the surface.

That Section 22.2.2.4.3 of the Land Use Ordinance of the Town of Leeds shall be amended to read as follows:

Amend

22.2.2.4.3. **Plaques:** Plaques shall be no more than ~~six~~sixthree (6~~6~~3) square feet in total area and shall be fastened directly to a building or a pedestal built specifically to display the plaque. The purpose of the plaque shall be to commemorate a historical event or time frame, location or personality, or be of cultural interest, for which the Town Council has granted written permission. In a Historical zone plaques and signs may be displayed to identify and provide information regarding historical buildings, historical sites and events, artifacts, and walking trails. If the plaque is mounted on a pedestal built for mounting the plaque the pedestal shall not exceed six (6) square feet in width and depth or more than five (5) feet in height. The pedestal shall be located as to not interfere with traffic or pedestrian traffic and must be approved in writing by the Town Council.

Formatted: Font: Bold

Formatted: Font: Bold