

ORDINANCE NO. 23-07

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, AMENDING
SOUTH OGDEN CITY CODE 5-1 CONCERNING THE DEFINITION
OF A LEASH OR LEAD AND THE MINIMUM NUMBER OF DAYS AN
ANIMAL CAN BE IMPOUNDED; AND ESTABLISHING AN
EFFECTIVE DATE FOR THOSE CHANGES.**

SECTION 1 - RECITALS:

WHEREAS, SOUTH OGDEN City ("City") is a municipal corporation duly organized and existing under the laws of the State of Utah; and,

WHEREAS, the City Council finds that in conformance with the provisions of Utah Code ("UC") §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

WHEREAS, the City Council finds that in conformance with the provisions of UC §10-3-717, and UC §10-3-701, the governing body of the city has previously adopted a City Code which, among other things, deals with watering restrictions; and,

WHEREAS, the City Council finds that the South Ogden City Code is based on and adopted in conformance with the authority granted to the City by UC Title 10; and,

WHEREAS, the City Council finds that due to the increasing use of remote collars and similar wireless devices for the control of animals it has become necessary to update the definition of a leash or lead; and,

WHEREAS, the City Council also finds that due recent legislation by the State of Utah it has become necessary to amend the minimum number of days an animal shall be impounded before disposition; and,

WHEREAS, the City Council finds that the public safety, health and welfare is at issue in this matter and requires action by the City as noted above;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH that the City Code be changed and amended to as follows:

Amended Sections:

Upon the adoption of this Ordinance, Title 5, Chapter 1 should be amended as follows:

5-1-2: Definitions

LEASH OR LEAD: ~~Any chain, rope or device used to restrain an animal, that does not harm the animal.~~ A physical line connected between a person and an animal used for leading or restraining the animal. Remote collars and similar wireless devices are not leashes or leads.

5-1-14(D)(1): Impounding

D. Disposition Of Animals:

1. Animals shall be impounded for a minimum of ~~three (3)~~ five (5) working days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility by the owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.

SECTION 2 - REPEALER OF CONFLICTING ENACTMENTS:

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

SECTION 3 - PRIOR ORDINANCES AND RESOLUTIONS:

The body and substance of any prior Ordinances and Resolutions, together with their specific provisions, where not otherwise in conflict with this Ordinance, are hereby reaffirmed and readopted.

SECTION 4 - SAVINGS CLAUSE:

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

SECTION 5 - DATE OF EFFECT

This Ordinance shall be effective on the 4th day of April, 2023, and after publication or posting as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH OGDEN CITY,
STATE OF UTAH**, on this 4th day of April, 2023.

SOUTH OGDEN, a municipal corporation

Mike Howard, Mayor Pro-Tem

Attested and recorded

Leesa Kapetanov, CMC
City Recorder