



PROPOSAL FOR THIRD DOG EXCEPTION

Action:

Adopt/Not Adopt Ordinance

Executive Summary

The Administration is proposing an exception to allow ownership and licensing of a third dog. This exception would accommodate up to one additional Americans with Disabilities Act (ADA) service animal, certified therapy animal, police or military trained animal or a dog owned by deployed military personnel.

Background

April 11, 2017 – Council Work Session

This proposal was presented to and discussed by the City Council. The following items were included in the Council's discussion:

- There are more than 7,000 dogs licensed in Ogden City annually;
- The Administration described the reason that this ordinance is being proposed for therapy dogs is to allow therapy trainers to have one dog in training, one dog currently working as a certified therapy dog and an older, retired therapy dog;
- There is a clear distinction between therapy animals and comfort animals, and under this proposed ordinance comfort animals are permitted to be registered as one of the two allowable dogs but are not included in the proposed exception;
- Animal Services feels the proposed ordinance is appropriate because each exception can be documented. Requirements for proof of ADA certification are limited but information can be provided to describe services that an animal is trained to perform, and there are about six national organization that certify therapy animals;
- This ordinance isn't anticipated to have any impact on enforcement, given that the licensing procedures and requirements are the same as for other animals;



- Additional considerations were not discussed for changing the allowable number of other animals, such as cats, and the proposal still falls within the six animal limit requirement; and
- There was a question about the City’s definition of a kennel being three or more dogs, and whether the proposed exception is consistent with this definition. After further review, legal staff determined that the proposed ordinance creates a narrow exception for a third dog, and that this also serves as an exception to the definition of kennel that is included in the ordinance.

There were no changes or modifications proposed to this ordinance as part of this discussion.

Additional background

Ogden City ordinance currently limits the number of allowable dogs to two animals over six months old. During January 2017, an Ogden resident sent an e-mail and attended a City Council meeting to request the limited allowance of a third dog in Ogden City, specifically for certified therapy and ADA service animals. City Council staff connected with Administrative staff to coordinate efforts on this project.

Number of Allowable Dogs – City Benchmark Comparison

City	# of allowable dogs	Exceptions (<i>not including kennels</i>)
Ogden City (current)	2	None
Ogden City (proposed)	2	Up to 1 additional (3 total) for ADA service dogs, certified therapy dogs, ADA service or therapy dogs in training by a certified trainer, police or military trained dogs, or dogs cared for because of active military deployment
Logan City	4	Individuals who have been approved by the city as foster care providers for dogs are exempt from this requirement
Murray	2	None
North Ogden	2	Active police dogs are exempt from the limitation of pets per household
Provo City	2	Up to 2 additional dogs for active military deployment
Salt Lake City	No limit	N/A
Sandy City	2	Up to 4 total dogs with a hobby license (up to five dogs being trained for show, rescue, field trails, etc.) or for an animal foster home
South Ogden	2	None
West Valley City	2	None



Proposal

The Administration is recommending allowing a third dog under a few specific exceptions. An ordinance has been proposed to allow residents to exceed the household limit of two dogs with the exception to keep a third dog so long as the animal meets the following conditions:

- An ADA certified dog;
- A certified therapy dog;
- An ADA or therapy dog in training by a certified trainer;
- A dog specially trained and used by police or military personnel; or
- A dog that is housed by a relative or friend for the duration of active military deployment.

The proposed ordinance entails that certification of training or documentation of military deployment would be required at the time of licensing.

Attachments

1. Administrative Transmittal
2. Proposed Ordinance

Administrative Memo Prepared by

Administrative Contacts: Randy Watt, Chief of Police
Mara Brown, Deputy City Attorney, (801)629-8104

Council Staff Contact: Amy Sue Mabey, (801)629-8629

Fiscal Impact:

No fiscal impact. All associated animal services can be accomplished within current staffing levels and budget.

ORDINANCE NO. _____

AN ORDINANCE OF OGDEN CITY, UTAH, AMENDING THE OGDEN MUNICIPAL CODE BY AMENDING SUBSECTION 13-2-2.A TO REVISE PROVISIONS RELATIVE TO LICENSING OF ANIMALS; AND BY PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON POSTING AFTER FINAL PASSAGE.

The Council of Ogden City hereby ordains:

SECTION 1. Section amended. Subsection 13-2-2. A of the Ogden Municipal Code is hereby amended to read and provide as follows:

13-2-2: [LICENSING PROVISIONS:]

A. [Dogs, Cats And Ferrets; Parents Of Minors Keeping Or Harboring Animals:]

1. Required: All dogs, cats and ferrets six (6) months of age and over which are harbored, owned, kept, possessed or maintained in the city shall be licensed and registered. No person shall keep, harbor or maintain within the city any dog, cat or ferret six (6) months of age and over which is not licensed as required herein. License fees shall be paid as set forth in section 13-2-3 of this chapter. No person under the age of eighteen (18) years shall apply for or obtain a pet license or permit. All dogs, cats and ferrets must be licensed by an adult, who shall be responsible for compliance with the requirements of this title. No person shall harbor, own, keep, possess or maintain any dog, cat or ferret six (6) months of age and over that has not been spayed or neutered unless that person holds a valid unaltered pet license for the animal.
2. Minors; Parent Responsible: The parent or guardian of any minor keeping or harboring an animal shall be considered the owner and be responsible for compliance with the requirements of this title. See also subsection 13-2-8C4 of this chapter.
3. Number Restricted: No person or persons at any residence shall at any one time own, possess, harbor or license more than:
 - a. Two (2) dogs over six (6) months old;
 - b. Three (3) dogs over six (6) months old if one or more dog is a trained therapy dog currently providing service, or a qualified service dog in accordance with the Americans with disabilities act, or where the owner is in the process of training one or more dogs as a therapy dog or service dog. Verification of the owner's qualifications as a trainer, or in the case of a service dog, a statement that the dog has been trained

to mitigate the owner's disability, or certification of at least one therapy dog, is required for licensing and will be kept on file with animal services.

c. Three (3) dogs over six (6) months old if one or more dog belongs to an owner who is deployed to active duty military service, or is a government law enforcement or military service dog. A copy of the owner's deployment order, or certification of at least one dog, is required for licensing and will be kept on file with animal services.

[b] d. Six (6) cats over six (6) months old, except that such maximum number of cats shall be reduced by one cat for each dog or ferret over six (6) months old owned, possessed, harbored or licensed at the residence; or

[e] e. Two (2) ferrets over six (6) months old.

5. Grandfather Provision: The requirement to reduce the maximum number of cats by one cat for each dog or ferret over six (6) months old under subsection A3[b]d of this section shall not be applicable to any cat actually owned, possessed, harbored or licensed at the residence as of February 28, 2006, if:

a. Prior to June 1, 2006, the owner establishes to the satisfaction of the animal services coordinator that:

(1) All such cats, and the dogs or ferrets requiring such reduction of the maximum number of cats, were owned, possessed, harbored or licensed at the owner's residence as of February 28, 2006, and

(2) All such cats, dogs or ferrets owned, possessed or harbored at the residence are currently licensed in accordance with the provisions of this title; and

b. All such cats, dogs or ferrets owned, possessed or harbored at the residence continue to be licensed and maintained in accordance with the provisions of this title during their lifetime.

SECTION 2. Effective date. This ordinance shall be effective immediately upon posting after final passage.

PASSED, ADOPTED AND ORDERED POSTED by the Council of Ogden City,

Utah this _____ day of _____, 2017.

CHAIR

ATTEST:

CITY RECORDER

TRANSMITTED TO THE MAYOR ON: _____

MAYOR'S ACTION: Approved Vetoed

MAYOR

ATTEST:

CITY RECORDER

POSTING DATE: _____

EFFECTIVE DATE: _____

APPROVED AS TO FORM: MAB 3/27/17
Legal Date

* The headings, catchlines or catchwords suggested for use in the Ogden Municipal Code and which are bracketed at the beginning of sections or subsections, shall not be considered to be a part of the ordinance adopted herein.