

Mayor
Kenneth Romney

WEST BOUNTIFUL CITY

City Administrator
Duane Huffman

City Council
James Ahlstrom
James Bruhn
Kelly Enquist
Mark Preece
Rodney Wood

550 North 800 West
West Bountiful, Utah 84087

Phone (801) 292-4486
FAX (801) 292-6355
www.WBCity.org

City Recorder
Cathy Brightwell

City Engineer
Kris Nilsen

Public Works Director
Steve Maughan

WEST BOUNTIFUL CITY COUNCIL WILL HOLD A REGULAR MEETING AT 7:30 PM ON TUESDAY, DECEMBER 6, 2022, AT THE CITY OFFICES

Invocation/Thought – By Rod Wood; Pledge of Allegiance – By Mark Preece

1. Approve Agenda.
2. Public Comment - Two minutes per person; five minutes if on behalf of a group.
3. Ordinance 464-22, An Ordinance Amending WBMC Title 6-Animals to Adopt Davis County Code, Title 6-Animals, By Reference.
4. Resolution 529-22, A Resolution Updating the Housing Element of the West Bountiful General Plan.
5. Discuss UDOT I-15: SLC to Farmington – Environment Impact Statement Alternatives.
6. Meeting Minutes from November 1, 2022.
7. Staff Reports – Police, Public Works, Engineering, Community Development, Administration.
8. Mayor/Council Reports.
9. Closed Session, if necessary, for the Purpose of Discussing Items Allowed Pursuant to UCA § 52-4-205.
10. Adjourn.

This agenda was posted on the State Public Notice website, the city website, emailed to the Mayor and City Council, and provided to the Davis Journal on December 2, 2022, by Cathy Brightwell, City Recorder.

MEMORANDUM



TO: Mayor and City Council

DATE: December 2, 2022

FROM: Duane Huffman, City Administrator

RE: **Animal Control Code**

This memo introduces a proposed change to the West Bountiful City Code to have Title 6 “Animals” replaced to adopt by reference the ordinances and regulations of Davis County for animal control.

Background

For many years, Davis County has provided animal control services for every city in the county through a contractual relationship. The cities have been billed annually based on a formula related to population and the number of service calls. The county has provided animal control officers and the animal shelter. Most cities have had their own animal control ordinances. West Bountiful City’s ordinance (Title 6 of WBMC) appears to be an identical copy of the county’s current ordinance.

Animal control services are becoming increasingly specialized, and staff strongly believes that the county is best suited to be the sole provider.

Beginning in January 2023, the cities will no longer contract with the county for animal control services. The County will adopt a property tax to fully fund their operations, and animal control services will become a full county function.

Proposal

As animal control is becoming a full county function, staff proposes replacing the city’s code with language that will defer to current county ordinances and any future updates. This will help create more uniform understanding and implementation across the county, and will ensure the ordinances remain up to date.

WEST BOUNTIFUL CITY

ORDINANCE #464-22

**AN ORDINANCE AMENDING WBMC 6 TO ADOPT
DAVIS COUNTY CODE, TITLE 6-ANIMALS, BY REFERENCE**

WHEREAS, UCA 10-8-65 and UCA 10-8-59 authorizes the city to adopt regulations related to animal welfare, and,

WHEREAS, in accordance with UCA 11-46-104, Davis County is adopting a property tax to provide animal welfare services; and,

WHEREAS, the duties and responsibilities of the Animal Care of Davis County Department includes the enforcement and administration of Title 6-Animals of the Davis County Code, provision of animal care services; and,

WHEREAS, West Bountiful City wishes to defer its regulation of Animal Care to Davis County and adopt, by reference, Title 6-Animals of the Davis County Code.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST BOUNTIFUL THAT WBMC TITLE 6 BE MODIFIED AS SHOWN IN ATTACHED EXHIBIT A TO REFLECT ADOPTION BY REFERENCE OF DAVIS COUNTY TITLE 6.

This ordinance will become effective upon signing and posting.

Adopted this 6th day of December 2022.

By:

Ken Romney, Mayor

<u>Voting by the City Council:</u>	<u>Aye</u>	<u>Nay</u>
Councilmember Ahlstrom	_____	_____
Councilmember Bruhn	_____	_____
Councilmember Enquist	_____	_____
Councilmember Preece	_____	_____
Councilmember Wood	_____	_____

Attest:

Cathy Brightwell, City Recorder

6 Animals

6.02 Davis County Animal Control Regulations Adopted

6.04 Definitions

6.08 Administration And Enforcement

6.12 Dogs

6.16 Nuisance Animals

6.20 Impoundment

6.24 Rabies Control

6.28 Care And Keeping

6.02 Davis County Animal Control Regulations Adopted

The applicable and duly adopted animal control ordinance and regulations of Davis County, as more particularly set forth in Title 6 of the Davis County Code, entitled the Davis County Animal Control Ordinance, are hereby adopted by this reference as ordinances of West Bountiful City, insofar as they are not in conflict with other provisions of the West Bountiful Municipal Code. This adoption by reference includes any such regulations or amendments adopted by Davis County after the effective date of this Chapter.

6.04 Definitions

6.04.010 Definitions

6.04.010 Definitions

The following definitions apply to the provisions of this title:

"Animal" means any and all types of livestock, dogs and cats, and all other subhuman creatures both domestic and wild, male and female, singular and plural.

"Animal boarding establishment" means any establishment that takes in animals and boards them for profit.

"Animal control department" means the Davis County animal control department.

"Animal control officer" means any police officer, including members of the West Bountiful City police department, Davis County sheriff's department, and Davis County animal control officers and employees.

"Animal grooming parlor" means any establishment maintained for the purpose of offering cosmetological services for animals for profit.

"Animal shelter" means any facility owned and operated by a governmental entity or any animal welfare organization which is incorporated within the state of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other small domestic animals.

"Animals at large" means an animal when it is off the owners' property and not under immediate control by means of a durable restraint device, capable of keeping the animal restrained; or when the animal on the property of the owner and not securely confined by a leash, building, fenced area, or appropriate transport device.

"Bite" means any actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

"Cat" means any age feline of the domesticated types.

~~"Cattery" means an establishment for boarding, breeding, buying, grooming or selling cats for profit.~~

~~"Dangerous animal" means any animal that, according to the records of the animal control department, the city, or the Davis County sheriff's department:~~

- ~~A. Has inflicted serious injury on a human being with or without provocation on public or private property;~~
- ~~B. Has killed a domestic animal with or without provocation while off the owner's property;~~
- ~~C. Has previously been found to be potentially dangerous, the owner having received notice of such and it is witnessed and documented that the animal aggressively bites, attacks or endangers the safety of humans or domestic animals; or~~
- ~~D. Has been found to be in violation of any of the restrictions placed upon the animal by the department of animal control, pertaining to a potentially dangerous animal, as designated in this title.~~

~~"Dog" means any canis familiaris over four months of age. Any canis familiaris under the age of four months is a puppy.~~

~~"Domesticated animals" means animals accustomed to living in or about the habitation of man, including but not limited to, cats, dogs, fowls, horses, swine, goats, sheep, mules, donkeys and cattle.~~

~~"Estray" means any livestock, found running at large, whose owner cannot be found after a reasonable search.~~

~~"Guard dog" means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so that it cannot come into contact with the public.~~

~~"Kennel" means land or buildings used in the keeping of three or more dogs, four months or older.~~

~~"Livestock" means any normally domesticated animal that is not a cat, or dog, such as: cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc.~~

~~"Pet" means a domesticated animal kept for pleasure rather than utility, including but not limited to, birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.~~

~~"Pet shop" means any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds or other pets for sale are kept or displayed.~~

~~"Potentially dangerous animal" means any animal that with or without provocation chases or approaches a person upon the streets, sidewalks, or any public grounds in a threatening or menacing fashion, or apparent attitude of attack, or any animal with a known propensity, tendency or disposition to attack with or without provocation. In addition, any animal that because of witnessed and documented action is believed capable of causing injury, or otherwise posing a threat to the safety of humans or domestic animals.~~

~~"Quarantine" means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.~~

~~"Restraint device" means any chain, leash, cord, rope or other device commonly used to restrain an animal.~~

~~"Riding school" or "stable" means an establishment which offers boarding and/or riding instruction of any horse, pony, donkey, mule or burro or which offers such animals for hire.~~

~~"Vicious animal" means any animal which has:~~

- ~~A. Inflicted severe injury on a human being with or without provocation on public or private property;~~
- ~~B. Has killed a domestic animal with or without provocation while off the owner's property; or~~
- ~~C. Has been previously found to be dangerous, the owner having received notice of such and the animal again bites, attacks or endangers the safety of humans or domestic animals, or it is witnessed and documented that the animal is in violation of restrictions placed upon it as a potentially dangerous or dangerous animal pursuant to Section 6.16.060.~~

~~"Wild animal" means any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:~~

- ~~A. Alligators, crocodiles, caiman;~~
- ~~B. Bears (ursidae): all bears including grizzly bears, brown bears and black bears;~~
- ~~C. Cat family (felidae): all except the commonly accepted domesticated cats, including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildeats;~~
- ~~D. Dog family (canidae): all, except domesticated dogs, and including wolf, fox, coyote and wild dingo. Any dog which is a product of cross breeding with a wild animal as described above shall be considered a wild animal;~~
- ~~E. Poreupine;~~
- ~~F. Primates (All subhuman primates);~~
- ~~G. Raccoons of all varieties;~~
- ~~H. Skunks;~~
- ~~I. Venomous snakes or lizards; and~~
- ~~J. Weasels: all, including weasels, martins, wolverines, ferrets, badgers, otters, ermine, mink and mongoose, except that the possession of mink shall not be prohibited when raised commercially for their pelts, in or upon a properly constructed legally operated ranch.~~

6.08 Administration And Enforcement

6.08.010 Administration

6.08.020 Enforcement And Penalties

6.08.010 Administration

~~Any animal control officer, as defined in Section 6.04.010, may enforce the provisions of this title in West Bountiful City.~~

6.08.020 Enforcement And Penalties

- ~~1. Power and Authority of Animal Control Officer. In the performance of his or her duties, an animal control officer shall have the power and authority of that office within the animal control department.~~
- ~~2. Right of Entry. In the enforcement of this title, all animal control officers are authorized to enter onto the open premises of any person or entity.~~
- ~~3. Interfering with Officers. It is unlawful for any person to knowingly and intentionally interfere with an animal control officer in the lawful discharge of his or her duties as prescribed in this title.~~
- ~~4. Penalties. Any person violating any provision of this title shall be deemed guilty of a Class B misdemeanor and shall be punished within the confines of that class as prescribed by the laws of~~

~~the state of Utah.~~

~~If any violation be continued, each day's violation shall be deemed a separate offense.~~

5. ~~Applicability of Procedure. The foregoing provisions of this title shall govern all peace officers in issuing citations for violations of this title, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for offense of like grade.~~

6.12 Dogs

6.12.010 License Required

6.12.020 Annual Fee

6.12.030 License Renewal

6.12.040 License Exemptions

6.12.050 Tag And Collar

6.12.060 Removal Of Tag

6.12.070 Kennel License

6.12.080 Number Of Dogs Per Residence

6.12.090 Regulatory Permits

6.12.100 Display Of Permit

6.12.110 Renewal Of Permit

6.12.120 Exemptions

6.12.130 Inspections

6.12.140 Suspension Or Revocation Of Permit

6.12.150 Notice Served

6.12.010 License Required

It is unlawful for any person to own, keep, harbor or maintain a dog over the age of four months of age, without registering and obtaining a license for such dogs from the animal control department or another authorized vendor. All dogs brought into the city shall be registered and licensed within thirty (30) days after they enter the city, or within thirty (30) days after having reached the age of four months.

6.12.020 Annual Fee

The annual fee for all dog licenses shall be set periodically by resolution of the board of county commissioners of Davis County.

For any dog not registered within thirty (30) days after having been brought into the city, or within thirty (30) days of being four months old, the owner thereof will be required to pay an additional license late fee, the amount of which shall be set periodically by resolution of the board of county commissioners of Davis County. No dog shall be licensed as spayed or neutered without proof that the surgery has been performed.

6.12.030 License Renewal

Dog licenses shall be renewed each year, with each license being valid from the date of purchase for twelve (12) consecutive months. The license expiration date shall be one year from the date of purchase. Licenses not renewed within thirty (30) days of expiration shall be subject to the applicable late fee.

6.12.040 License Exemptions

The provisions of this chapter shall not apply to the following (except that all dogs shall have a current rabies vaccination every two years):

- ~~A. Licensed dogs whose owners are nonresidents, temporarily (up to thirty (30) days) of the city; provided, however, that licensed dogs whose owners remain within the city longer than thirty (30) days may transfer the current license from another jurisdiction to a license issued by Davis County upon payment of a transfer fee and proof of current rabies vaccination;~~
- ~~B. Individual dogs within a properly licensed kennel or other such establishment;~~
- ~~C. A person sixty (60) years of age or older may, upon proof of age, obtain a dog license for an unsterilized dog at a reduced rate as set periodically by the county commission. A person sixty (60) years of age or older may obtain a dog license for a spay or neutered dog for a one-time fee as established by the county commission;~~
- ~~D. "Seeing-eye" dogs properly trained to assist blind persons if such dogs are actually being used by the blind persons to assist them in moving from place to place; or "seeing-eye" dogs registered in a recognized training program;~~
- ~~E. "Hearing" dogs properly trained to assist deaf persons, if such dogs are actually used by deaf persons to aid them in responding to sounds;~~
- ~~F. Dogs especially trained to assist officials of governmental agencies in the performance of their duties, and which are owned or maintained by such agencies.~~

6.12.050 Tag And Collar

~~Upon payment of the license fee, there shall be issued to the owner, a metallic tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are worn constantly. In the event a dog tag is lost or destroyed, a duplicate will be issued by the animal control department upon presentation of a receipt showing payment of the license fee for the current year, and upon payment of a duplicate tag fee as set periodically by the board of county commissioners of Davis County. The license shall not be transferable from one dog to another and no refund shall be made on any dog license for any reason whatsoever.~~

6.12.060 Removal Of Tag

~~It is unlawful to deprive a registered dog of its collar and/or its tag.~~

6.12.070 Kennel License

~~It is unlawful for any person to operate or maintain a kennel, as defined in this title, without first obtaining a kennel license from the animal control department, which license shall be in addition to all other required zoning and health inspections and permits as required by city and state law. Animal owners making application for a kennel license shall first seek approval from the city zoning department, and an inspection approval from the Davis County health department. Upon notification from the health department that the kennel facility has been inspected and approved, animal control department personnel will perform an additional and final inspection, and upon approval, issue a kennel license. Kennel licenses shall also be valid for one year from the date of purchase. No kennel license shall be issued to any residence within any neighborhood with zoning regulations that prohibit the same.~~

6.12.080 Number Of Dogs Per Residence

~~No person or persons at any one residence within the city shall at any one time own, harbor, license or maintain more than two dogs in any combination, except as otherwise provided in this section.~~

6.12.090 Regulatory Permits

~~It is unlawful for any person to operate a boarding kennel, cattery, pet shop, groomery, riding stable, or any similar establishment, unless such person first obtains a regulatory permit from the animal control department, which permit shall be in addition to all other required licenses. All applications for permits to operate such establishments shall be submitted together with the required permit fee on a printed form provided by the animal control department. Before the permit is issued, approval shall be granted by the~~

~~Davis County health department, the city zoning commission and the animal control department. Establishments in existence prior to the ratification of the ordinance codified in this title shall obtain this regulatory permit within ninety (90) days of written notification of the regulatory inspector that such a permit is necessary.~~

6.12.100 Display Of Permit

~~A valid regulatory permit shall be posted in a conspicuous place in each establishment for which such permits are required. The permit shall be considered an appurtenant to the premises, and not transferable to another location. The permittee shall notify the animal control department within thirty (30) days of any change of its establishment or operation which may affect the status of the permit. In the event of a change in ownership of the establishment, the permittee shall notify the animal control department immediately. Permits shall not be transferable from one owner to another.~~

6.12.110 Renewal Of Permit

~~Any regulatory permit issued pursuant to this chapter shall automatically expire one year following the date of issue. Within two months prior to the date of expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee. Any application made later than thirty (30) days after the expiration date, except in application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.~~

6.12.120 Exemptions

~~Research facilities where bona fide medical or related research is being conducted, humane shelters and other animal establishments operated by state or local governments or which are licensed by federal law are excluded from the licensing requirements of this title.~~

6.12.130 Inspections

~~All establishments required to obtain a permit under this title shall be subject to periodic inspections, and the inspector shall make a report of such inspection with a copy to be filed with the animal control department.~~

6.12.140 Suspension Or Revocation Of Permit

- ~~1.—Grounds. A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:
 - ~~1.—Falsification of facts in a permit application;~~
 - ~~2.—Violation of any of the provisions of this title or any other regulation governing the establishment, including noise, building and zoning ordinances, or maintaining or selling illegal species; or~~
 - ~~3.—Conviction of a charge of cruelty to animals.~~~~
- ~~2.—Notification. If an inspection of any facility operating with a regulatory permit reveals a violation of this title, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form, or other written notice. The notification shall:
 - ~~1.—Set forth the specific violation found;~~
 - ~~2.—Establish a specific and reasonable period of time for the correction of the violation(s) found;~~
 - ~~3.—State that any failure to comply with any notice issued in accordance with the provisions of this title shall result in immediate suspension of the permit; and~~
 - ~~4.—State that an opportunity for an appeal from any notice of inspection finding shall be provided if a written request for hearing is filed with the division of animal control within five days of the date of notice.~~~~
- ~~3.—Procedures. The following procedures apply:~~

- ~~1. Upon request of a hearing, a minimum of five days notice shall be given to the permittee advising him or her of the date and time of such hearing and listing the cause or causes for such suspension or revocation.~~
- ~~2. No new permit shall be issued to any person whose permit has been previously revoked except upon application for a new permit. This application shall be accompanied by the required application fee and shall not be issued unless or until all requirements of this title have been met.~~
- ~~3. Any permit granted under this title may be suspended or revoked by the animal control department for violations of this chapter.~~

6.12.150 Notice Served

~~Notice provided for under this chapter shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge; or, such notice has been sent by certified mail to the last known address of the permit or license holder. A copy of the notice shall be filed with the records of the department of animal control.~~

6.16 Nuisance Animals

6.16.010 Nuisance Animals Prohibited

6.16.020 Nuisance Animal Defined

6.16.030 Abatement Of Nuisance Animals

6.16.040 Control And Fencing

6.16.050 Female Dogs In Heat

6.16.060 Possession Of Potentially Dangerous Animal

6.16.070 Possession Of Dangerous Animals

6.16.080 Failure To Confine Potentially Dangerous Animals

6.16.090 Animals At Large Prohibited

6.16.100 Allowing Domestic Fowls To Trespass Prohibited

6.16.110 Staking Animals Improperly On Enclosed Premises

6.16.120 Animal Waste

6.16.010 Nuisance Animals Prohibited

~~All persons having custody of an animal shall exercise proper care and control of his or her animal in order to prevent it from becoming a public nuisance. Any owner or possessor of an animal who keeps such animals contrary to the provisions of this title shall be guilty of a Class B misdemeanor and subject to punishment under authority of this title.~~

6.16.020 Nuisance Animal Defined

~~An animal shall be deemed to be a public nuisance if the animal:~~

- ~~A. Causes damage to the property of anyone other than its owner;~~
- ~~B. Causes unreasonable odors;~~
- ~~C. Causes unsanitary conditions;~~
- ~~D. Barks, whines, howls or makes other disturbing noises for an extended period of time;~~
- ~~E. Chases vehicles;~~
- ~~F. Has been impounded for being at large, or its owner or possessor has been convicted for the animal being at large on three separate occasions within a twelve (12) month period; or~~
- ~~G. Is an animal previously declared potentially dangerous or dangerous and is found in violation of restrictions placed on that animal by the animal control department.~~

6.16.030 Abatement Of Nuisance Animals

When it reasonably appears to the animal control department director that any animal is a public nuisance as defined in this chapter, and that such nuisance should be abated, the director shall first attempt to obtain the written consent of the animal owner to abate the animal. Abatement shall be designed to include either relocating or euthanizing the animal. If the animal's owner's consent cannot be readily obtained, the animal control department director may file with the governing court a charge of maintenance of a public nuisance. The charge shall set forth the facts according to the best of the director's information and belief, indicating that the owner is maintaining a public nuisance, and the nuisance should be abated. Until such time as the owner may be summoned to appear before the court, the animal(s) may be taken into impound by the animal control department and held there pending a decision by the court. If the charge is denied, a hearing will be set pursuant to the normal procedures of the governing court. If the court finds that the charge of maintaining a public nuisance has been proven, the court shall issue an order to the animal control department setting out the method of abatement. Abatement by relocation shall not be an option if the animal represents a continuing threat of serious harm, such as in the case of a vicious dog. If relocation is ordered, the court may set whatever conditions are necessary to guarantee that the animal shall not constitute a nuisance in the future. In the event the court determines that in fact the animal is a public nuisance, the owner shall pay the cost of all impoundment fees, maintenance fees, or any other fee that may incur as a result of such impoundment.

6.16.040 Control And Fencing

- A. It is unlawful for any person owning or having the custody, possessions or control of any animal of a class of livestock to allow, either negligently or with specific intent, the animal to run at large in or about a public property or roadway, when such is not permitted by law, or to otherwise permit the animal to herd, pasture, or go upon the land of another without permission.
- B. All fencing of property where a class of livestock are kept shall be of sufficient construction to prevent the escape of or injury to the animals being confined within the fencing. The fencing shall be maintained so that no part of the fence, absent extraordinary circumstance, may be broken, damaged or in any way create the possibility of injury to the confined animal or to allow the escape thereof.
- C. Failure to properly confine any class of livestock shall constitute a violation of this chapter.

6.16.050 Female Dogs In Heat

Any owner or person having charge, care, custody or control of any female dog in heat shall, in addition to restraining the dog from running at large, cause such dog to be constantly confined in a building or secured enclosure to prevent it from attracting by scent or coming in contact with other dogs and creating a nuisance, except for planned breeding.

6.16.060 Possession Of Potentially Dangerous Animal

Any person who owns or maintains a potentially dangerous animal shall use all reasonable means at his disposal to restrict the animal from injuring any other person or animal. The animal control department may, at the discretion of the director or his or her authorized agents, periodically impose specific restrictions regarding the housing of potentially dangerous animals.

6.16.070 Possession Of Dangerous Animals

- A. Any dangerous animal, while on the owner's property, must be securely confined indoors, or in a securely enclosed and locked pen or structure, designed to prevent the animal from escaping and to prevent the entry of young children. Such pen or structure for a dangerous animal shall have

secure sides and top and shall also provide protection from the elements for the animal. The structure shall be such that the animal cannot burrow or dig under the sides of the enclosure.

- B. ~~Dangerous animals, when outside the proper enclosure, must be under immediate control of a responsible adult by means of an adequate restraint device as defined herein. During those times, the animal shall be muzzled so in such a manner that it will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any person or animal.~~
- C. ~~The director of animal control or his or her authorized agents may take into immediate possession any dangerous animal if the officer determines that the animal:-~~
- ~~1. Is not maintained in a proper enclosure;~~
 - ~~2. Is outside of the dwelling of the owner, or outside of a proper enclosure and not under physical restraint of the person; or~~
 - ~~3. Has violated prior legal restrictions placed upon the animal by the animal control department as provided in this title.~~

6.16.080 Failure To Confine Potentially Dangerous Animals

~~Any owner of any potentially dangerous or dangerous animal who wilfully allows it to go at large or who fails to hold the same in the manner specified for such animal by the department of animal control is guilty of a misdemeanor.~~

6.16.090 Animals At Large Prohibited

~~It is unlawful for any animal as defined in this chapter to be allowed to run at large as defined in this title.~~

6.16.100 Allowing Domestic Fowls To Trespass Prohibited

~~It is unlawful for the owner of any domestic fowl such as turkeys, ducks, geese, chickens, peacocks or any other variety of fowl to permit such fowls to trespass or go upon the premises of another or to run at large on any public property or roadway.~~

~~Fowl kept and maintained by the city within the confines of a public park or aviary are exempt, except that they shall not be allowed on public roadways.~~

6.16.110 Staking Animals Improperly On Enclosed Premises

~~It is unlawful for any person to chain, stake out or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line, unless such person has permission of the owner of the affected property, or the person with whom he or she shares joint tenancy.~~

~~No animals are to be staked along public roadway easements.~~

6.16.120 Animal Waste

~~The person having custody of an animal shall be responsible for the immediate removal of any excreta deposited by his or her animal on any public walk, recreation area, or private property other than that belonging to the owner of the animal.~~

6.20 Impoundment

6.20.010 Impoundment Authorized

6.20.020 Impoundment/record Keeping Requirements

6.20.030 Redemption Requirements

6.20.040 Terms Of Impoundment; Destruction And Disposal Of Animals

6.20.050 Declaration And Disposal Of Vicious Animals

6.20.010 Impoundment Authorized

- ~~A. The animal control department shall place all animals which are taken into custody in a designated animal impound facility.~~
- ~~B. The following animals may be taken into custody and impounded as deemed necessary:~~
 - ~~1. Any animal being kept or maintained contrary to the provisions of this title;~~
 - ~~2. Any animal running at large, with any reasonable means used to immobilize or capture such animal;~~
 - ~~3. Any animal which is by this title required to be licensed and is not licensed and any animal not wearing a tag shall be presumed to be unlicensed for the purposes of this chapter;~~
 - ~~4. Sick or injured animals whose owner cannot be immediately located or whose owner requests impoundment and agrees to pay a reasonable fee for the services rendered;~~
 - ~~5. Any abandoned or neglected animal whose safety may be threatened should the animal not be placed into protective custody;~~
 - ~~6. Animals which are not vaccinated for rabies in accordance with the requirements of this title;~~
 - ~~7. Any animal needing to be held for quarantine;~~
 - ~~8. Any potentially dangerous or dangerous animal not properly confined as required by this chapter; and/or~~
 - ~~9. Any animal in the custody of any person or persons who are arrested or otherwise detained by any police officer, in the event another responsible party cannot be located by the owner.~~

6.20.020 Impoundment/record Keeping Requirements

~~The impounding facility shall keep a record of each animal impounded, which record shall include the following information:~~

- ~~A. A complete description of the animal, including any tag numbers;~~
- ~~B. The manner and date of impound;~~
- ~~C. The location of the pickup and identification number of the impounding officer;~~
- ~~D. The manner and date of disposal;~~
- ~~E. The name and address of the redeemer or purchaser;~~
- ~~F. The name and address of any person relinquishing the animal;~~
- ~~G. All fees received; and~~
- ~~H. All expenses accruing during impoundment.~~

6.20.030 Redemption Requirements

- ~~A. The owner of any impounded animal or his or her authorized representative may redeem such animal before disposition, provided he or she pays:~~
 - ~~1. The impound fees;~~
 - ~~2. The daily board charge;~~
 - ~~3. The veterinary costs incurred during the impound period;~~
 - ~~4. A license fee, if applicable;~~
 - ~~5. A transportation fee, if transportation of an impounded animal by specialized equipment is required. "Specialized equipment" is that equipment, other than the usual patrol and~~

~~operation vehicles of animal control, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers. This fee shall be determined by the Davis County commission at a level which approximates the cost of using the specialized equipment in the particular situation; and~~

- ~~6. Any other expenses incurred to impound an animal in accordance with state or local laws, including any reasonable restitution for property damage created by the animal, or that occurs as a result of the impoundment.~~

- ~~B. The Davis County commission, at the recommendation of the director of animal control shall periodically set impound fees and daily board charges for the impounding of animals. Such fees shall take into account the type of animal impounded.~~

6.20.040 Terms Of Impoundment; Destruction And Disposal Of Animals

- ~~A. Animals shall be impounded for a minimum of three calendar days before further disposition unless the animal is wearing a license tag or other identification, in which case it shall be held a minimum of five calendar days. 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.~~
- ~~B. All animals, except those quarantined or confined by court order, or those subject to Section 4-25-4, Utah Code Annotated, which are held longer than the minimum impound period, and all animals voluntarily relinquished to the impound facility, may be destroyed or disposed of as the animal control department director shall direct. Any healthy dog or cat may be sold in compliance with the Davis County animal control adoption policy after payment of all applicable fees. Other small animals, not included as livestock, may also be sold as determined by the director.~~
- ~~C. At the discretion of the animal control department director, any licensed animal impounded and having or suspected of having serious physical injury or contagious disease, or otherwise requiring medical attention, may be released to the care of a veterinarian with or without the consent of the owner.~~
- ~~D. When, in the judgment of the animal control department director, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitation otherwise established in this title, and without court order.~~
- ~~E. The animal control department director or any of his or her agents may destroy an animal upon request of the owner without transporting the animal to county facilities. An appropriate fee shall be charged the animal owner for the destruction of the animal and any subsequent disposal of its carcass by the animal control department.~~

6.20.050 Declaration And Disposal Of Vicious Animals

- ~~A. If the animal control department director, his or her assistants, or authorized agents determine, as a result of witnessing an incident, that an animal is potentially dangerous or dangerous, and find that the animal is in violation of such restrictions as the department deems necessary for the safety of persons and/or animals in the community, the department may declare the animal to be a vicious animal. The animal control department, including any officers or agents thereof, are authorized to immediately take possession of the vicious animal and place the animal in a proper~~

quarantine facility. The department may thereafter destroy the animal in an expeditious and humane manner if the owner or custodian after having received notice of such, fails to make a request in writing to the animal control department director to delay such action.

~~B. A proper holding period for any vicious animal shall be five working days.~~

~~In the event the owner or custodian of the vicious animal fails to request in writing a formal hearing within the five-day holding period, the animal control department is authorized to destroy the vicious animal in a humane manner. This holding period shall be extended to meet state and local quarantine regulations for any animal needing to be evaluated for rabies.~~

~~C. Any owner or custodian who files a written request shall be afforded a hearing before an independent board. This board shall be selected by the animal control department and may include a representative from the city wherein the vicious animal resides, a representative from a local humane organization other than the animal control department, and another person randomly selected. It shall be the responsibility of this board to determine whether the animal should be returned to its owner or custodian or be destroyed.~~

~~D. At any hearing under this section, the animal control officer who declared the animal a vicious animal shall appear and testify under oath regarding the facts which led to the required findings. The animal control officer shall be subject to cross-examination of the animal owner, custodian or his or her authorized representative.~~

~~E. The animal control officer may also present any additional evidence or sworn testimony supporting his or her decision.~~

~~The owner or custodian of the animal may likewise present evidence or sworn testimony in support of his or her position.~~

~~This hearing shall be informal, but will be recorded.~~

~~F. The animal control department director shall not order the destruction of the allegedly vicious animal until a decision is rendered, and the animal control department is notified of the decision in writing by the hearing board.~~

6.24 Rabies Control

6.24.010 Animal Rabies Vaccination Requirements

6.24.020 Exception For Transient Animals

6.24.030 Vaccination Certification And Tags

6.24.040 Impoundment Of Animals Without Valid Vaccination Tags

6.24.050 Rabid Animal Reports

6.24.060 Quarantine And Disposition Of Biting Or Rabid Animals

6.24.070 Bites: Duty To Report

6.24.010 Animal Rabies Vaccination Requirements

All dogs, cats or other animals susceptible to rabies for which a federally approved vaccine is available shall be vaccinated at six months of age by a licensed veterinarian or rabies clinic. Every dog shall be revaccinated every twenty-four (24) months and every cat revaccinated every twelve (12) months thereafter. Any unvaccinated dog or cat over six months of age adopted or brought into the jurisdiction must likewise be vaccinated initially. This vaccination protection shall be maintained thereafter.

6.24.020 Exception For Transient Animals

~~The provisions of this chapter with respect to vaccination shall not apply to any animal owned by a person remaining within the city for less than thirty (30) days.~~

~~However, such animals shall be kept under strict supervision of their owners. It is unlawful to bring any animal into the city which does not comply with the animal health laws and import regulations.~~

6.24.030 Vaccination Certification And Tags

~~A. It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination, in duplicate, which shall include at least the following information:~~

- ~~1. The owner's name and address;~~
- ~~2. A description of the animal;~~
- ~~3. The date of vaccination;~~
- ~~4. A rabies vaccination tag number;~~
- ~~5. The type of vaccine administered; and~~
- ~~6. The manufacturer's serial number of vaccine.~~

~~B. A copy of this certificate shall be distributed to the owner of the animal, and the original shall be retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this chapter.~~

~~C. A metal or durable plastic rabies vaccination tag, serially numbered, shall be securely attached to the collar or harness of the animal. An animal not wearing such a tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this title.~~

6.24.040 Impoundment Of Animals Without Valid Vaccination Tags

~~A. Any vaccinated animal impounded because it lacked a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and paying all impound fees prior to release.~~

~~B. An animal owner may reclaim the animal prior to its disposal by paying all impound fees and by obtaining a rabies vaccination within seventy two (72) hours of the animal's release.~~

~~C. Any animal not reclaimed within the prescribed period of time shall be disposed of pursuant to the provisions of this title.~~

6.24.050 Rabid Animal Reports

~~Any person having knowledge of the whereabouts of an animal known to have been exposed to or suspected of having rabies, or of an animal or person bitten by such a suspect animal, shall notify the animal control department or the Davis County health department or the Utah State Division of Health.~~

6.24.060 Quarantine And Disposition Of Biting Or Rabid Animals

~~A. An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal affected with rabies, or that has been exposed to rabies, shall be reported by the owner as set forth above, and shall immediately be confined in a secure place by the owner. The owner shall turn over the animal to animal control officers upon demand.~~

~~B. The owner of any animal of species subject to rabies which has been bitten by another animal known to be capable of harboring the rabies virus, shall surrender the animal to an authorized official upon demand. Any person authorized to enforce this title may enter upon private property to seize the animal, if the owner refuses to surrender the animal.~~

~~C. Any animal of a species subject to rabies that bites a person or animal, or is suspected of having rabies, may be seized by the animal control department and quarantined for observation for a period of not less than ten (10) days. The owner of the animal shall bear the cost of this confinement. The animal shelter shall be the normal place for such quarantine, but other arrangements, including confinement by the owner, may be made by the animal control department, if the animal has current rabies vaccinations at the time the bite is inflicted, or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the department of animal control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health or animal control officer to make an inspection or examination of the animal during the period of quarantine. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately notify the animal control department in order that the department may immediately remove and deliver the animal's head to the State Health Department. If at the end of the ten (10) day period, an investigating officer of the department of animal care and control examines the animal and finds no sign of rabies, the animal may be released to the owner or, in the case of a stray, it shall be disposed of as provided in this chapter.~~

~~D. Unvaccinated Bitten Animals:~~

- ~~1. In the case of an unvaccinated animal species subject to rabies, which is known to have been bitten by a known rabid animal, such bitten or exposed animal shall be immediately destroyed.~~
- ~~2. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.~~

~~E. Vaccinated Bitten Animals:~~

- ~~1. If the bitten or exposed animal is currently vaccinated, as prescribed herein, the animal shall be revaccinated within twenty four (24) hours and quarantined for a period of thirty (30) days following revaccination.~~
- ~~2. If the animal is not revaccinated within twenty four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for six months.~~
- ~~3. The animal shall be destroyed if the owner does not comply with subsection (E)(1) and (2) of this section regarding exposure by known rabid animals.~~

~~F. Removal of Quarantined Animal. It is unlawful for any person to remove any such animal from the place of quarantine without written permission of the director of animal control.~~

6.24.070 Bites: Duty To Report

- ~~A. Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the animal control department.~~
- ~~B. The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the animal control department within twenty four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.~~
- ~~C. A physician or other medical personnel who renders professional treatment to a person bitten by an animal the bite of which might cause rabies, shall report the fact that he or she has rendered professional treatment to the department of animal control within twenty four (24) hours of his or~~

~~her first professional attendance.~~

~~He or she shall report the name, gender and address of the person bitten as well as the type and location of the bite. If known, he or she shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the animal control department.~~

- ~~D. Any person treating an animal bitten, injured, or mauled by another animal shall report the incident to the animal control department. The report shall contain the name and address of the owner of the wounded, injured or bitten animal; a description of the animal which caused the injury accompanied by the name and address of the owner; and the location of the incident.~~
- ~~E. Violations of the provisions of this chapter shall be unlawful and a misdemeanor.~~

6.28 Care And Keeping

6.28.010 Cruelty To Animals

6.28.020 Defenses

6.28.030 Injuries And Communicable Diseases

6.28.040 Charge Of Violation; Seizure Of Animals

6.28.050 Harboring Of Animals Prohibited; Duty To Notify

6.28.060 Motorist Duty To Report Upon Striking An Animal

6.28.070 Places Prohibited To Animals

6.28.010 Cruelty To Animals

A person commits cruelty to animals when he or she:

- ~~A. Causes one animal or fowl to fight with another;~~
- ~~B. Intentionally or carelessly administers or applies any poisonous or toxic drug or any material injurious to tissues or organs to any animal or livestock, or procures or permits the same to be done, whether the animals be his or her own property or that of another. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of public health when such substances are applied in a manner that reasonably prohibits access to other animals;~~
- ~~C. By act or omission causes pain, suffering, terror, torment, injury, mutilation, disease or death to any animal or fowl;~~
- ~~D. Administers, applies, procures or permits the administration or application of any trapping mechanism, other than a live capture trap or exposes such a trapping mechanism to a domestic animal or livestock, with the intent to harm or take the animal whether the animal be his or her own property or that of another. All live capture traps that are set shall be checked and emptied daily. All traps must have the owner's identification permanently affixed to them;~~
- ~~E. Neglects or fails to supply such animal with necessary and adequate exercise, care, rest, food, drink, air, light, space, shelter, protection from the elements, and/or medical care;~~
- ~~F. Raises, trains, purchases or sells any animal or fowl for fighting, or harbors fowl for fighting purposes, which has the comb clipped or the spur altered or who is in possession of an artificial spur;~~
- ~~G. Is present as a spectator at any animal contest wherein one animal or fowl is caused to fight with another, or rents any building, shed, room, yard, ground or premises for the purpose of holding such a contest between animals; or knowingly suffers or permits the use of any building, shed, room, yard, ground or premises belonging to him or her or under his or her control for any of these purposes;~~
- ~~H. Abandons an animal;~~
- ~~I. Performs or causes to be performed any of the following operations:~~

- ~~1. Inhumanely removes any portion of the beak of any bird, domestic or wild;~~
 - ~~2. Alters the gait or posture of any animal, by surgical, chemical, mechanical or any other means, including soring;~~
 - ~~3. Crops or cuts ears or removes claws of any animal, or sterilizes a dog or cat and is not a licensed veterinarian, or~~
 - ~~4. Inhumanely docks the tail of an animal or removes an animal's dewclaws;~~
- ~~J. Sells, purchases, owns or has custody of any animals or fowl that have been dyed, painted or otherwise artificially colored;~~
- ~~K. Sells or offers for sale, raffle, prize, premium, or an advertising device any chicks, goslings, ducklings, or other fowl younger than eight weeks of age in quantities of less than six birds to an individual recipient;~~
- ~~L. Offers chicks, ducklings, goslings or other fowl for sale; raffles, offers as a prize, premium or advertising device, or displays chicks, ducklings, goslings or other fowl to the public without providing and operating brooders or other heating devices that may be necessary to maintain the chicks, ducklings, goslings or other fowl in good health, and without keeping adequate food and water available to the birds at all times;~~
- ~~M. Awards live animals, fish or fowl as prizes or inducements;~~
- ~~N. Carries or causes to be carried any animal in a manner harmful to that animal. Suitable racks, cars, crates or cages in which such animals may stand, move freely, or lie down during transportation, or while awaiting slaughter, must be provided;~~
- ~~O. Leaves any animal confined in a vehicle unattended in excessively hot or cold weather;~~
- ~~P. Continuously drives or works a horse or other animal to a point of observable strain and denies the animal rest periods. Working animals shall be offered water periodically;~~
- ~~Q. Takes or kills any bird or robs or destroys any nest, eggs or young of any bird in violation of the laws of the state of Utah.~~
- ~~R. Inhumanely hobbles livestock or other animals;~~
- ~~S. Leaves any livestock species used for draught, driving or riding purposes, on the street without protection from the weather and without food and water;~~
- ~~T. Recklessly rides or drives any horse, or other livestock species on any street, highway or avenue within this jurisdiction; or~~
- ~~U. Induces or encourages an animal to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause physical injury or unnecessary suffering;~~
- ~~V. Unless otherwise provided by law, cruelty to animals is a Class B misdemeanor.~~

6.28.020 Defenses

- ~~A. It is a defense to prosecution under this chapter that the conduct of the actor towards the animal was by a licensed veterinarian using an accepted veterinary practice or was directly related to experimentation for scientific research; provided, that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.~~
- ~~B. Any person may kill a dog while it is attacking, chasing or worrying any domestic animal having a commercial value, any species of hoofed protected wildlife, or while attacking domestic fowls. The dog may also be killed while being pursued after such activity.~~
- ~~C. Any dog making a vicious and unprovoked attack on any person, except when the attack is in defense of the person, family or property of the dog's owner, may be killed by any person while it is making such an attack.~~

6.28.030 Injuries And Communicable Diseases

No person shall knowingly harbor or keep any animal with a serious injury, or one that is afflicted with mange, ringworm, distemper, parvo, kennel cough, or any other contagious disease, unless such animal is being given adequate treatment to control or eliminate the disease.

6.28.040 Charge Of Violation; Seizure Of Animals

It shall be the duty of a person filing charges under this chapter to seize or arrange to be seized an animal found in the keeping or custody of a person being charged, and which are being used or will be used as evidence in the case resulting from such charge. The person making the seizure shall cause such animals to be delivered immediately to the animal control department, or in such cases as may be necessary to a veterinarian for treatment. It shall be the duty of that department to humanely hold such animals until further court order regarding their disposal. The perpetrator of any such act shall be responsible for the costs of impound, board, and any medical expenses incurred during the holding period of the animal.

6.28.050 Harboring Of Animals Prohibited; Duty To Notify

It is unlawful for any person to harbor or keep within this jurisdiction any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Davis County animal shelter within seventy-two (72) hours. The animal control department director may take the animal into protective custody

6.28.060 Motorist Duty To Report Upon Striking An Animal

It shall be the duty of the operator of any motor vehicle upon the streets of this jurisdiction to immediately notify, upon injuring, striking, maiming or running down any domestic animal, the animal's owner, the department of animal control, or the police department. In addition, it shall be the duty of the operator of the motor vehicle to remain with the animal or to obtain a responsible person to remain with the animal until professional assistance arrives.

Emergency vehicles are exempted from the requirements of this section.

6.28.070 Places Prohibited To Animals

It is unlawful for any person to take or permit any animals, excluding service animals, whether on a leash or in the arms of their owners, in any establishment or place of business where food or food products are sold or distributed, including but not limited to restaurants, grocery stores, meat markets, and fruit or vegetable stores.

MEMORANDUM



TO: Mayor and City Council

DATE: December 2, 2022

FROM: Duane Huffman, City Administrator

RE: **Re-Adoption of General Plan Update**

This memo explains the need to re-adopt the recent update to the General Plan with two technical changes to comply with UCA 10-9a-403(2)(b)(iii).

Background

HB 462 from 2022 required cities to update the General Plan related to increasing moderate income housing by selecting at least three strategies as outlined in the bill.

West Bountiful City went through the process of selecting and adopting the changes to the General Plan, culminating in the adoption of Resolution 526-22 on September 20th. As required by law, the city submitted a report to the state that included these changes to the General Plan.

The state's Division of Housing and Community Development is required by law to review the city's report, and made the interpretation that the city's General Plan update is in non-compliance with state code because the plan did not use the verbatim language of the code when selecting the strategies (see attached letter). Here is what was adopted versus what the Division of Housing and Community Development is requiring:

West Bountiful GP:	"Reduce or Waive Impact Fees for Moderate Income Housing"
10-9a-403(2)(b)(iii)(L):	"reduce, waive, or eliminate impact fees related to moderate income housing"

West Bountiful GP:	"Develop and Adopt a Station Area Plan in Accordance with UCA 10-9a-403."
10-9a-403(2)(b)(iii)(V):	"develop and adopt a station area plan in accordance with Section 10-9a-403.1"

Proposal:

Regardless of how frustrating it is to be found in non-compliance based on this interpretation, staff recommends adopting these changes into the General Plan. Legal counsel has advised that the previous planning commission public hearing and recommendation is sufficient to adopt these technical changes now.



State of Utah

SPENCER J. COX
Governor

DEIDRE HENDERSON
Lieutenant Governor

Department of Workforce Services

CASEY R. CAMERON
Executive Director

GREG PARAS
Deputy Director

NATE MCDONALD
Deputy Director

KEVIN BURT
Deputy Director

November 18, 2022

To: Mayor and City Council
West Bountiful City

From: Department of Workforce Services
Housing and Community Development Division

Re: Moderate Income Housing Report 2022—Notice of Non-Compliance

Dear West Bountiful City Mayor and City Council,

Thank you for submitting the Annual Moderate Income Housing Report. Following review of the submitted plan and report, the Housing and Community Development Division has determined that the submission does not fulfill the requirements set forth in State Code section 10-9a-408. Please see the below description of deficiencies and actions the city must take to comply with the Code.

Section 10-9a-403(2)(b)(iii) notes that cities shall include a recommendation to implement three or more of the moderate-income housing strategies. HB 462, passed in 2022, included substantive changes to the strategies and requires communities to update their General Plans with the new language. Strategies one and three described in the City General Plan do not reflect the State Code language for strategies V and L.

Deficiency Corrective Action: Update the Moderate Income Housing Element of the General Plan to include the exact language from the code 10-9a-403(2)(b)(iii) for the strategies the City has adopted into the general plan.

The Moderate-Income Housing Report requires a copy of the adoption ordinance for the general plan updates made in 2022. Please include a signed copy of the 2022 ordinance and a link to the updated general plan when the city resubmits.

Please review the State Code sections referenced and submit your report using the form found here: <https://jobs.utah.gov/housing/affordable/moderate/reporting/>.

Section 10-9a-408(6) allows for each community 90 days from the date after this notice is sent to come into compliance with State Code. Per section 10-9a-408(7)(b), **failure to cure the described deficiencies in your municipality's report by February 16, 2023, will make West**



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Bountiful City ineligible for Utah Department of Transportation (UDOT) Transportation Investment Fund of 2005, including the Transit Transportation Investment funding and the Governor's Office of Planning and Budget (GOPB) Covid-19 Local Assistance Matching Grant for the 2024 fiscal year.

The Housing and Community Development Division is available to help you work through the noted deficiencies. We want to work with you to meet the requirements of the Code. If you have any questions or concerns, please contact Alyssa Gamble at angamble@utah.gov.

Sincerely,

Alyssa Gamble
Program Manager – Moderate Income Housing Database
Housing and Community Development
Department of Workforce Services

WEST BOUNTIFUL CITY

RESOLUTION #529-22

A RESOLUTION UPDATING THE HOUSING ELEMENT OF THE WEST BOUNTIFUL GENERAL PLAN

WHEREAS, the West Bountiful City Council is empowered to adopt and amend the City's General Plan pursuant to UCA 10-9a-401; and

WHEREAS, in 2022, the legislature required that by October 1, 2022, the city amend its general plan to recognize the legislature's determination that municipalities facilitate a reasonable opportunity for a variety of housing, including moderate income housing; and

WHEREAS, the city is required to select and plan for the implementation of a minimum of three moderate income housing strategies as described in UCA 10-9a-403(2)(b)(iii); and

WHEREAS, on September 20, 2022, the West Bountiful City Council adopted amendments to the General Plan that included the required elements listed above, and

WHEREAS, on November 18, 2022, the city received a Notice of Non-compliance from the Department of Workforce Services, Housing and Community Development Division based on not using the verbatim language of the options listed in UCA 10-9a-403(2)(b)(iii).

NOW THEREFORE, BE IT RESOLVED by the City Council of West Bountiful City that Section VI of the West Bountiful 2019-2039 General Plan be modified as reflected in attached Exhibit A.

This ordinance will become effective upon signing and posting.

Adopted this 6th day of December 2022.

VOTING:

James Ahlstrom	Yea ____	Nay ____
James Bruhn	Yea ____	Nay ____
Kelly Enquist	Yea ____	Nay ____
Mark Preece	Yea ____	Nay ____
Rod Wood	Yea ____	Nay ____

Kenneth Romney, Mayor

ATTEST:

Cathy Brightwell, City Recorder

6.4 Tools And Implementation Strategies

The above analysis demonstrates that there is reduced opportunity for moderate-income households to obtain quality housing in the city, as compared to other years. The available affordable housing comes mainly in the form of smaller single-family dwelling units, multi-family units, accessory dwelling units and mobile homes.

It is important for West Bountiful to consider a variety of housing types in the future in order to be able to meet the needs of a variety of residents, including special needs populations, elderly housing, and entry-level housing.

During the last several years, the Utah State Legislature has attempted to address the current housing crisis through required strategies intended to reduce housing costs within communities. A Moderate Income Housing Plan (MIHP) is required by the State as part of UCA 10-9-307. This requirement was first introduced in 1996 and has since been updated nearly every year. The most recent changes outline 24 strategies that can help to address the current housing crisis. Of those 24 strategies, West Bountiful must select three and devise an implementation timeline to accomplish each goal/strategy. The strategies are intended to help provide housing for those persons/families making less than 80% of the AMI which is based on average incomes in the County.

PURPOSE AND OBJECTIVE:

1. To meet the needs of people of various income levels living, working, or desiring to live or work in the community.
2. To allow people with various incomes to benefit from and fully participate in all aspects of neighborhood and community life.
3. Determine how the jurisdiction will provide realistic opportunity to meet the need for additional moderate income housing within the next five years.
4. Receive consideration for funding of projects based on compliance with the moderate income housing requirement.

STRATEGY 1 - Develop and Adopt a Station Area Plan in Accordance with [UCA Section 10-9a-403.1](#).

Although West Bountiful's city boundaries do not include a transit station, the nearest station in Woods Cross is within one-half mile. The one-half mile distance is considered a walkable length and therefore for specified areas along 500 South, a station area plan could be developed in a coordinated effort with Woods Cross City.

Steps and Implementation timeline (2023-2025)

1. Coordinate with Woods Cross during the first six months of 2023. Consider a formal agreement.
2. After a coordination strategy is created, seek funding for such a plan within Wasatch Front Regional Council's resources during the last 6 months of 2023.
3. Create the plan during 2024.

4. Hold hearings and move the plan through to adoption toward the end of 2024 and likely complete that process during 2025.

STRATEGY 2 - Amend Land Use Regulations to Eliminate or Reduce Parking Requirements for Residential Development Where a Resident is Less Likely to Rely on the Resident's Own Vehicle, Such as Residential Development Near Major Transit Investment Corridors or Senior Living Facilities.

The city's parking regulations have not been reviewed or updated for some time. A review of parking ratios, an allowance for parking studies, and shared parking could be included in an update of this zoning chapter.

Steps and Implementation Timeline (2023)

1. Review and update current parking regulations.
2. Create new draft.
3. Present draft to staff for comments.
4. Present updated draft to planning commission for comments. Schedule joint work session with city council if necessary.
5. Set a public hearing with the Planning Commission.
6. Present to City Council for adoption in 2023.

STRATEGY 3 ~~-- Reduce, or Waive, or Eliminate~~ Impact Fees ~~for~~ Related to Moderate Income Housing.

The city currently waives impact fees for accessory dwellings units (ADUs). Waiving and reducing fees is a city council responsibility.

Steps and Implementation Timeline (2023)

1. The city council will discuss the pros and cons of reducing/waiving such fees during 2023.
2. If a decision is made to reduce or eliminate certain fees, the city council will adopt a revised fee schedule in 2023.

MEMORANDUM



TO: Mayor and City Council

DATE: November 15, 2022

FROM: Duane Huffman, City Administrator

RE: **I-15 Alternatives Review**

This memo attempts to identify and summarize elements of importance to the City regarding the newly released Draft Alternatives for I-15 as provided by UDOT as part of the required Environmental Impact Statement. More information from UDOT may be found at <https://i15eis.udot.utah.gov/>. This memo will be updated as additional items are identified.

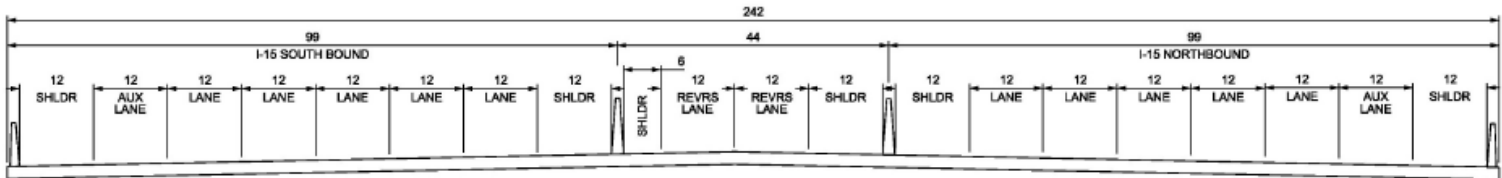
The following pages review:

- I. I-15 Mainline Alternatives
- II. 400 S and 500 W Interchanges
- III. 500 S Interchange
- IV. Pedestrian/Bicycle Improvements
- V. Other Regional Items

- I. **I-15 Mainline Alternatives.** These are the alternatives that UDOT developed for I-15 itself (not the interchanges or other associated or adjacent improvements). The existing infrastructure is currently 3-4 general-purpose (GP) lanes and one HOV lane in each direction. **The current typical pavement width is between 180-205 ft.**
 - a. 5 GP and 1 HOV lane concept. Under this alternative, the asphalt would be widened to at least 226' for the additional lanes.
 - i. Will widening I-15 to accommodate additional lanes be in the best interest of the community? There is a growing argument that additional lanes do little to alleviate traffic. Additional lanes will certainly increase air and noise pollution. Any additional width of I-15 will impact West Bountiful to the east of the current footprint, potentially affecting businesses.
 - b. 5 GP and 2 reversible lanes concept. Under this alternative, the asphalt would be widened to 242ft. The reversible lanes would run south in the morning and north in the evening. They would extend from 400 S in Salt Lake to Parrish Lane, with no intermediate access in between, meaning that you would not be able to enter or exit these lanes in most of south Davis.

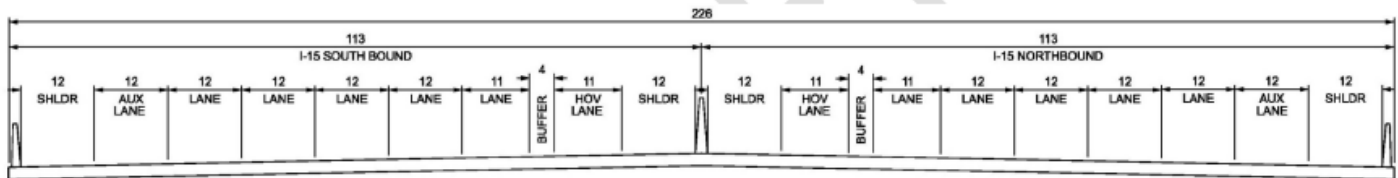
- i. Along with the issues of widening in general as discussed above, is it in the best interest of the community to have HOV lanes running through south Davis County that will not be accessible?
- ii. What will be the impact for public safety personnel that respond to incidents withing the non-accessible reversible lanes?
- iii. Widening I-15 by almost 40 feet will almost certainly affect businesses withing West Bountiful east of I-15, with the most severe impact north of 400 N.

Figure 2-1. I-15 Mainline Reversible Lane Typical Section



REVERSIBLE LANE OPTION 2 REVERSIBLE + 5 GP + 1 AUX

Figure 2-2. I-15 Mainline General Widening, 5 GP and 1 HOV Typical Section



6 LANE OPTION 1 HOV + 5 GP + 1 AUX

- II. **400 N/500 W.** UDOT has a stated goal of eliminating the southbound left lane exit for 500 W. They have the following alternatives for this area:
 - a. 3/4 Partial Diamond Interchange: the northbound on-ramp would remain on 500 W, but the southbound off-ramp would move to 400 N directly north of the southbound on-ramp.
 - i. Is it better to keep southbound traffic on 500 W or does moving it to 400 S make things better to the community? What does the shift do the location of the right-of-way on the east side of I-15?
 - ii. Does the inclusion of the new off-ramp create a shift that significantly affect properties on the east of I-15?
 - b. Split Diamond Interchange: This alternative keeps things at basically at the status quo, with a fly-over that would allow the southbound off-ramp to exit on the right and still enter 500 W.
 - c. Full Diamond Interchange at 400 S with a Collector/Distributor (CD) off-ramp for 400N/500S and retain the on-ramp for 500 W. The CD would act similar to the 1300S/2100S off-ramp in Salt Lake.
 - i. This option would very likely significantly impact the Eldrege Manor property.
 - ii. This option would very likely significantly impact the properties east of I-15 and north of 400 N, especially farther north such as the hotel.

- iii. It appears that drivers would not be able to enter southbound at 400 N and exit on to 500 S
- III. **500 S.** UDOT ruled out most of their early options for 500 S. Their current alternative is to change the interchange from a “Diverging Diamond” (what is there currently) to a “Tight Diamond” (a normal interchange). The justification is due to Diverging Diamonds being unsuitable for bicyclists and pedestrians. The plan also calls for a new traffic light at 700 W.
 - a. Staff recommends that the city comment strongly to request that access be protected for eastbound lanes on 500 S for the Gateway Development
 - b. Would it be possible to retain the diverging diamond and have a separated path for pedestrians and bicyclists?
- IV. **Pedestrian and Bicycle Improvements**
 - a. Pedestrian Bridge at Porter or just south of the Megaplex.
 - i. Does West Bountiful want a pedestrian bridge at Porter? What would it really serve?
 - ii. Are both bad ideas?
 - b. Pages Lane. Plans call for the road to be wide enough for painted bike lanes, 4’ park strip, and 8’ sidewalk on each side.
 - c. 400 N. Plans call for the road to be widened for painted bike lanes on both sides and a separated pedestrian path on the north side.
 - i. Staff recommends that a sidewalk also be included on the south side.
 - d. 500 S. Plans call for 12’ shared use paths (pedestrians and bikes) on both sides of the road, and for the south path to lead to the Frontrunner Station
 - i. Would it be possible to have one or both of these paths separated from the road and maintain the diverging diamond interchange?
 - e. North/South Trail Along I-15 Corridor. The UDOT plans do not review or include an alternative for a trail, but this corridor represents perhaps the communities’ best chance to have a centralized separated multi-use trail (similar to the Legacy Trail).
 - i. What would be the impact on the width of the corridor?
 - ii. Should the city recommend that UDOT reevaluate trail options?
- V. **Other Regional Items.** UDOTs plans include alternatives that are outside of the city’s borders but will affect our residents. Staff recommends coordinating with other cities to potential make joint or supportive comments regarding the following items:
 - a. Parrish Lane Improvements.
 - b. A new Glover Lane Interchange (that could alleviate Parrish Lane demand).
 - c. 2600 S Improvements.
 - d. I-15/I-215 Interchange.
 - e. Beautification.

PENDING – NOT YET APPROVED

Minutes of the West Bountiful City Council meeting held on Tuesday, November 1, 2022, at West Bountiful City Hall, 550 N 800 West, Davis County, Utah.

MEMBERS: Mayor Ken Romney, Council members James Ahlstrom, James Bruhn, Kelly Enquist, Mark Preece, and Rod Wood.

STAFF: Duane Huffman (City Administrator), Kris Nilsen (City Engineer), Steve Maughan (Public Works Director), and Cathy Brightwell (City Recorder)

PUBLIC: Alan Malan, Richmond Thornley, Bill Goldberg, Tiffany Pocock, Katie Williams

Mayor Romney called the regular meeting to order at 7:33 pm. Kelly Enquist provided a prayer, and Rod Wood led the Pledge of Allegiance.

1. Approve the Agenda.

MOTION: *Rod Wood made a Motion to approve the agenda as posted. James Ahlstrom seconded the Motion which PASSED unanimously.*

2. Public Comment – Two Minutes Per Person, or Five Minutes if Speaking on Behalf of a Group.

No public comment was offered.

3. Presentation and Update on the I-15 Environmental Impact Study and Alternatives State – Farmington to Salt Lake City

Tiffany Pocock, UDOT project manager for the I-15 Environmental Impact Study (EIS), described the project as a complete rebuild consisting of 17 miles from 400 South in Salt Lake City to the Highway 89 interchange in Farmington with a goal to improve quality of life on I-15, improve economy, and provide access to transit.

Ms. Pocock and Ms. Williams reviewed the process used in the comment phase and talked about the alternatives phase which will provide a comment period for several alternatives to be made public on November 10. Three open houses will be held including a local event at the South Davis Recreation Center on November 16, which can be accessed in person or virtually. UDOT will provide on-demand transit to get to the meetings and provide food and childcare for those attending.

Ms. Pocock offered to answer questions and thanked the city for participating in the project. She asked the city to help get the message out on its website and social media. She noted that they will be back next year in the fall with a proposed alternative.

Duane Huffman commented that staff was recently provided a preview of the options and was appreciative of UDOT listening to comments and suggestions.

4. Request to Rezone the Property at 1390 W 1200 North by William Goldberg

Duane Huffman summarized the request by Bill Goldberg to rezone his property at 1390 W 1200 North. He explained that Mr. Goldberg is seeking a rezone for commercial storage of vehicles/RVs and commercial vehicle restoration and claims the city's large industrial building (public works facility) has

opened the door to industrial and commercial uses and has de-valued his property for residential use. He would be supportive of any zone change that would allow him the uses he desires.

Mr. Huffman provided the following background:

- This property was annexed into West Bountiful upon request by Mr. Goldberg in 2019 and zoned by the city as A-1. There is no dwelling on the property.
- The requested annexation was due in part to the property owner's desire to build a new structure which was not permitted by the County. This also involved the city creating the new Non-Commercial Structure use.
- The new requested uses are not permitted in the A-1 zone.
- The Outdoor Vehicle Storage Overlay (OVSO) is permitted only in the B-U zone and limited to uses allowed in the underlying zone (A-1).
- General auto repair is a conditional use in the C-H zone.
- The city's public works facility is a public use which is conditional in the A-1 zone. The planning commission issued a conditional use permit for the building in March of this year.
- The city's General Plan designates this area for the preservation of agricultural and low-density residential uses. The Plan also states that "Commercial development will be concentrated along major transportation corridors."
- The properties to the north and east are currently in unincorporated Davis County. They are within the city's annexation plan, and their zoning within the city will be determined at the time of annexation. The General Plan currently envisions these properties as being zoned A-1.

The planning commission reviewed the site plan and other documents provided by Mr. Goldberg. They discussed the potential effects of zoning this property differently than the current surrounding properties, the impact of adding the OVSO to the C-H zone especially along 500 South, and possible changes in use on the subject property in the future when ownership changes. They also noted that public facilities are generally spread through many zones so the city's public works facility should not be the sole determinant for the zoning of adjacent properties. After a public hearing with no comments offered by the public other than the applicant, the planning commission voted unanimously to recommend denial of the proposed zone change and text change.

Bill Goldberg provided oral comments. He said he has owned the property since 1972 and has never changed the use. He believes the current zoning for this property is out of line. Agricultural does not fit as nothing will grow due to the soil being in a salt bed. Residential use was ok before the city's building was constructed but now reduces the desirability for home construction. Having a 1000 ft fence and block wall along the driveway has reduced the value of the property. He said he pays \$4200/yr. in property taxes with no income possible to defer the costs. He wants to be able to collect rent for the proposed commercial and industrial uses.

There was discussion on the request. The city does not currently have one zone that allows for both vehicle storage and vehicle restoration/repairs. The neighboring properties within the city are zoned A-1 and consist of residential and equestrian uses. The surrounding county properties are zoned agricultural. At the time of his annexation, Mr. Goldberg was aware of the zoning and even signed a non-commercial structure agreement when he built his shop agreeing not to conduct business on the property. The public works facility was already planned at that time.

Duane went over the options. A text change has not been drafted so the council can table or deny the request or provide direction to staff on language they want to review.

MOTION: *James Ahlstrom made a Motion to Deny Mr. Goldberg's Request. The uses were known to the applicant when the property was annexed, and nothing has changed to cause a rezone or text change. The city will look into additional mitigation efforts to minimize negative impacts to Mr. Goldberg's property. James Bruhn seconded the Motion which PASSED as reflected below.*

James Ahlstrom – aye

James Bruhn – aye

Kelly Enquist – aye

Mark Preece – aye

Rod Wood – aye

5. Public Hearing – West Bountiful Conservation Plan Update.

Kris Nilsen described the city's Water Conservation Plan (WCP) updates. A WCP is essential to successful water system management and providing adequate water for future needs. The efficient use of water in systems and communities today increases our drought resiliency, mitigates supply challenges, reduces expensive infrastructure costs, and creates an opportunity for sustainable growth.

As a city with more than 500 connections, West Bountiful is required to update its plan every 5 years. The city's WCP was last updated for the year 2017. The proposed draft includes updates required by the Utah Division of Drinking Water and satisfies the requirements of the Water Conservation Plan Act (UCA 73-10-32).

Duane Huffman added that the city's goals include xeriscape options. Grass was removed in several city areas this year and there are plans to add more areas next year. In 2014 there was water loss of 223.6 % which has now been reduced to 9.6%.

MOTION: *Mark Preece Made a Motion to Open the Public Hearing. Rod Wood Seconded the Motion which PASSED unanimously.*

Alan Malan commented that a lot of work went into this project and Kris Nilsen deserves kudos.

MOTION: *Mark Preece made a Motion to close the public hearing. James Bruhn seconded the Motion which PASSED unanimously.*

6. Resolution 528-22, A Resolution Adopting the January 2023 Update to the West Bountiful Water Conservation Plan.

Mayor Romney thanked Kris for his hard work on this project.

MOTION: *Rod Wood made a Motion to approve Resolution 528-22 Adopting the January 2023 Update to the West Bountiful Water Conservation Plan. Mark Preece seconded the Motion which PASSED as reflected below.*

James Ahlstrom – aye

James Bruhn – aye

Kelly Enquist – aye

Mark Preece – aye

Rod Wood – aye

7. Ordinance 463-22, An Ordinance Amending WBMC 17.82 – Accessory Dwelling Units, to Include Non-residential Accessory Structures.

Duane Huffman explained that the city has encountered situations where building permits for accessory structures include elements such as bathroom and/or cooking facilities or appear designed for overnight accommodations. These elements themselves are not prohibited in accessory structures, but their inclusion makes the possibility of an illegal ADU much higher. There are also situations where an

accessory structure has been approved without bathrooms and/or cooking facilities and later added without the city's knowledge. In many situations involving illegal detached ADUs, the owner claims they did not know detached ADUs were prohibited.

Staff is proposing a Non-Residential Accessory Structure Agreement to be required when a building permit is issued for accessory structures. This agreement will be recorded on the property to confirm that current owners understand the rules for ADUs, and future owners are aware of the restrictions. This recordation is not a lien but a way to share information about the property. No fees will be assessed for the Agreement.

The planning commission held a public hearing on October 25 and has made a positive recommendation for approval of the proposal. They also stated that they intend to begin a new review of detached ADUs. They understand this has been included in legislative discussions for moderate income housing and would like to take a proactive approach to finding something that works for West Bountiful.

MOTION: Rod Wood made a Motion to approve Ordinance 463-22. Kelly Enquist seconded the Motion which PASSED as reflected below.

James Ahlstrom – aye

James Bruhn – aye

Kelly Enquist – aye

Mark Preece – aye

Rod Wood – aye

8. Meeting Minutes from October 18, 2022.

MOTION: Kelly Enquist Made a Motion to Adopt the Meeting Minutes from October 18, 2022, as corrected. James Bruhn Seconded the Motion which PASSED Unanimously.

7. Staff Reports

Police – Chief Erikson not available

- Mayor Romney explained that Chief Erikson is not available due to a police situation in the city. He added that he received word that the current situation has been peacefully resolved.
- The Halloween event at the park went well and may grow in the future.
- A conditional offer, subject to background checks, was made to one of the secretary applicants.

Public Works – Steve Maughan

- Google Fiber has brought in a lot of crews to install conduit taking a lot of staff time to monitor.
- Ivory is really pushing to complete 400 North improvements so they can pave this year. They brought in two water crews to help complete the project and have almost completed the storm drain and irrigation line.
- The parks department winterized the two smaller restrooms but will wait a little longer on the one at the large park bowery.

Engineering – Kris Nilsen

- Working with Ivory on finishing up their subdivision requirements so the plat can be recorded.
- Working on an updated grant submittal for 1100 West sidewalks as requested by WFR.

Community Development – Cathy Brightwell

- Ichiro Ramen House plans to open next Friday, November 11 at the Commons.

- Christmas on Onion Street has been confirmed for Saturday, December 10 at city park. Activities and games will run from 2-4 pm and include performances from the West Bountiful Elementary school choir and Bountiful Junior High Madrigals. The Santa parade will begin at 5 pm from city hall.

Administration - Duane Huffman

- We recently discovered that sales tax revenues from Ramblin Roads restaurant were going to Bountiful. We are working to get the money back.
- The city holiday dinner party will be held Thursday, December 8 at Joy Luck beginning at 6 pm.

8. Mayor / Council Reports

Rod Wood – no report

Mark Preece – The sewer district has completed renovations of the south plant. Engineering for the north plant has cost \$4M; it will be about a year before they can begin. Dal Wayment is the district superintendent until the first of the year, then Matt Meyers will become superintendent. Lanese Hendrickson will be the assistant superintendent. The district is reviewing salaries related to inflation, etc. They are also talking about selling the green gas portion of the south plant but will wait to see what engineers can come up with.

James Ahlstrom – Youth Council retreat was successful. They went to Get Air, then the Layton Sizzler for training and lunch, then to an Escape room. They're working on plans for Christmas on Onion Street. He noted that it's a good bunch of kids.

James Bruhn – What is the status of the Elf tree and will the Youth Council be handling it this year? Duane said the YCC has not handled the Elf tree during his time with the city, and the city lost the staff member that previously ran the program, so at this point we need to look into new plans.

Arts Council is working on upcoming concerts. Susie Carter will hold her annual Christmas concert next Friday.

Wasatch Integrated – the price of recyclables is way down, so they had to drop a shift to deal with economy issues.

Kelly Enquist – no report.

Mayor Romney – no report.

9. Closed Session, if needed

No closed session needed.

10. Adjourn.

MOTION: James Bruhn made a Motion to Adjourn the Meeting at 9 pm. Kelly Enquist Seconded the Motion which PASSED Unanimously.

The foregoing was approved by the West Bountiful City Council by unanimous vote of all members present on Tuesday, December 6, 2022.

Cathy Brightwell, City Recorder



West Bountiful Police Department October 2022 Statistics

Total Calls for Service: 566

- Incidents 370**
- Traffic Stops 196**
- Citations 39**
- Warnings 157**

DUI – 7 (drug related 4)

Theft – 8

Fraud – 6

Domestic Disputes - 4