

## MEMORANDUM

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**DATE:** February 25, 2002

**SUBJECT:** Proposed amendments to ordinances relating to horse-drawn carriages and Animal Services

**REPORT BY:** Jan Aramaki

**CC:** Cindy Gust-Jenson, Rocky Fluhart, Roger Cutler, Sim Gill, Jay Magure, Steve Fawcett, Laurie Dillon, Larry Spendlove, Scott Fisher, and John Moore

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### Options and Motions:

1. ["I move that the Council"] Adopt an ordinance "Option A" amending Salt Lake City Code pertaining to horse drawn carriages and Animal Services.

(This includes the horse drawn carriage amendments, as well as changes associated with dogs, cats and rabbits. Refer to Laurie Dillon's attached memo dated February 22, 2002 for additional changes made to ordinance since receiving FIDOS' input.)

2. ["I move that the Council"] Not adopt an ordinance "Option A" amending Salt Lake City Code pertaining to horse drawn carriages and Animal Services.
3. ["I move that the Council"] Adopt an ordinance "Option B" amending Salt Lake City Code pertaining to horse drawn carriages, and including only amendments to Sections 8.04.500, 8.04.510 and Appendix A to Chapter 8.04.

(This includes horse drawn carriage amendments; Sections 8.04.500 pertaining to Violation-Penalty; 8.04.510 pertaining to Issuance of Citations-Notice of Violations; and amending Appendix A to Chapter 8.04 regarding Salt Lake City Animal Services Permits and Fees. Option B excludes the dog, rabbit and cat changes the Administration recommended.)

### New Information:

At the January 10, 2002 Council Work Session meeting, the Council received a briefing regarding proposed amendments relating to sections in Salt Lake City Code, Chapter 5.37, Horse Drawn Carriages; and Chapter 8.16, Regulations of Horse-Drawn Carriage Businesses. In addition, dog related revisions were also being proposed by the Administration for various

sections in Salt Lake City Code, Chapter 8.04, Animal Control; and Chapter 8.05, Regulation and Control of Vicious Dogs.

The Council was generally in agreement with amendments to Chapters 5.37 and 8.16 relating to horse drawn carriages, and had no further concerns or questions regarding the proposed changes. However, the Council expressed concern regarding the sections relating to dogs. Council Members expressed interest to ensure that FIDOS (Friends Interested in Dogs and Open Space) be informed of the dog related proposed changes before the Council considers such amendments at the February 28<sup>th</sup> public hearing.

Therefore, at the request of the Council, the City's Administration provided FIDOS the proposed changes to the City's Animal Control ordinance for their review providing them an opportunity to submit their comments. A FIDOS representative expressed several concerns regarding the proposed changes relating to dogs. A meeting was held on February 20, 2002 with a FIDOS representative, Council Member Eric Jergensen, Council staff and Administrative staff. As a result of the meeting, it appears that more detailed discussion and review are required at a later date to address the sections relating to dogs.

As a result of the meeting, the Council will find attached Amendment "Option A" which contains all revisions that the Council previously was provided at the January 10, 2002 Work Session briefing as well as changes that were incorporated by the Administration as per FIDOS' request (includes dog related sections). For detailed information regarding new proposed changes, please refer to February 22, 2002 memo from Laurie Dillon.

Because it appears that additional review and time is needed to address FIDOS' concerns in greater length, Amendment "Option B" has also been drafted containing specifically horse drawn carriage amendments (excluding all dog related sections), but including **only** Sections 8.04.500 pertaining to Violation-Penalty; 8.04.510 pertaining to Issuance of Citations-Notice of Violations; and amending Appendix A to Chapter 8.04 regarding Salt Lake City Animal Services Permits and Fees. Option B does not address the dog, rabbit and cat changes the Administration recommended. It does address the following:

1. **Section 8.04.500 Violation-Penalty** – A change was made to indicate that the violations listed in Section 8.04.510 are civil rather than criminal. This allows the Administrative Court to hear the issues.
2. **Section 8.04.510B Issuance of Citations-Notice of Violations** – The Administration states that "the proposed changes to this section clarify when a notice of violation (a civil charge) rather than a criminal violation will be issued. The relevant sections for each violation have been added as a reference, and fees have been clarified." Animal care and maintenance, animals in vehicles, and animal trespass violations have been taken out of the civil process, as these kinds of violations are seen as instances that should be handled criminally.

In addition, according to the Administration, "a concern was expressed about four violations in three years resulting in a criminal violation being too strict. This requirement was added at the request of Animal Services and the City Prosecutor. Their experience in this area justifies a more conservative approach, and in their opinion indicates that if someone has that many violations, there is a problem. The offender has not taken animal ownership seriously enough at this point, and perhaps visiting a criminal court will get the

point across.”

Commercial permits, commercial permit display, license tag requirements, and rabies tag requirements have been included in the civil process. Subsections B2, B8, B9 and B10 of animal nuisances have been excluded as part of the civil process because these are deemed severe enough to be considered criminal.

B2 – Any animal which is a “vicious animal,” as defined in this Chapter, and kept contrary to Section 8.04.420 of this Chapter, or its successor.

B8 – Any animal which attacks people or other domestic animals whether or not such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;

B9 – Any animal which is found at large three (3) or more times within and twelve (12) month period; and

B10 – Any animal which is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or type of animal kept or harbored.

- 3. Appendix A – Permits and Fees:** Fees are proposed for the disposal of dead animals -- \$25 for pets and \$100 for livestock. In the past, Animal Services provided this service at no charge but currently pays \$.33 per pound for disposal. The proposed fee would offset the charge. Animal Services provides a list of disposal alternatives acceptable to the City-County Health Department for pet owners who do not want to pay for the service. Also a list of commercial service providers is available for the disposal of livestock in lieu of the \$100 livestock disposal fee.

In addition, a change was included to indicate that subsequent offenses after the third offense within a 36 month period for impound fees, licensing, permits, tags, rabies vaccination, at large, number of animals, staking, female dogs in heat, animals as sales premiums, sale of baby rabbits, fowl, and pet turtles, the offense is criminal.

**The following information was provided for the January 10, 2002 Council Work Session:**

Section 10-8-59 of the Utah State Code was adopted in 1953 and permits municipalities to establish rules to prohibit cruelty to animals. Salt Lake City contracts with Salt Lake County Animal Services for animal control issues, including the control, care, and treatment of horses. The Office of Animal Services requires the issuance of a regulatory permit that must receive approval by the Health Department. In addition, Animal Services responds to any complaints regarding treatment of the horses, inspects the carriages, and inspects the facilities where horses are kept to ensure that the animals are receiving proper care.

Salt Lake City also has relevant ordinances. The Administration is proposing several changes to three ordinances pertaining to horse-drawn carriages – Chapter 5.37, Horse-Drawn Carriages; Chapter 8.04, Animal Control; and Chapter 8.16, Regulation of Horse-Drawn Carriage

Businesses.

On March 13, 2001, proposed changes to relevant ordinances pertaining to horse-drawn carriages were scheduled for the Council's consideration. At that time, the Council agreed with the proposed changes but requested additional regulations. In addition, community members asked some questions and expressed concern regarding care of the horses. Neither County nor City ordinances have weather or temperature restrictions for working horses, nor are restrictions in place regarding the number of hours a horse can work in a 24-hour period.

Therefore, to better understand some of the issues, the Council requested a briefing for March 22, 2001. Council Members requested that the Administration include regulations regarding extreme temperatures, length of service that horses are on the street, and the care of the horses. As a result of the Council's requests, on August 30, 2001 the Administration discussed with the carriage company owners the attached revisions to the proposed ordinance that includes more specific requirements for temperature limitations, carriage operator appearance, stable conditions, working hours for horses, watering and blanketing of the horses. The Administration states that the carriage company owners are in agreement with the proposed amendments.

Members of the Administration worked with various entities to develop and agree upon the proposed changes, including carriage companies, Salt Lake County Animal Services, and City employees representing the Mayor's Office, Police Department, Business Licensing Division, Transportation Division, Attorney's Office, and Management Services. The proposed revisions will not impact the budget, but are for the purpose of updating the current ordinance to include current and preferred practices.

A list detailing all of the proposed amendments that Council was in agreement with on March 13, 2001 is included with the Administration's paperwork. In response to the Council's requests and community members' expressed concerns from the March 22, 2001 briefing, proposed additional revisions are as follows:

- **5.37.150 Number of Passengers:** Proposed ordinance changes the number of passengers from six adult passengers to no more than six passengers, ages five years of age or older. In addition, if children are seated in the laps of adult passengers, no more than two children under three years of age has been changed to under "five" years of age.
- **5.37.155 Passengers Restricted to Passenger Area:** A customer will not be allowed to ride while sitting on the same seat as the carriage driver at any time while the carriage is in motion.
- **5.37.160 Manner and Appearance:** Proposed requirements for carriage drivers' manner and appearance are similar to what is required in Salt Lake City's taxicab ordinance.
- **5.37.185 Revocation or Suspension:** Requirement that Animal Services report three or more violations by a driver or licensee within a 12-month period to the City's business licensing office for review for possible suspension or revocation of a business license issued by the City. In addition, a serious violation is defined as "a violation resulting in injury to human being or animal or property damage of \$100 or more."

- **8.04.120 Cats and Rabbits Number per Residence:** The proposed ordinance clarifies that a person or persons per residence is allowed to own two (2) cats and two (2) rabbits -- clarifying that only two of each species is allowed.
- **8.04.208 Biting or Potentially Rabid Animals:** According to the Administration's paperwork "this proposed change allows an animal to be deemed as vicious on its first bite or attack, depending on the nature of the bite or attack, rather than requiring more than one instance. It also allows for either civil or criminal prosecution, and lists the potential considerations for euthanasia and forfeiture."
- **8.04.370 Animal Nuisances Designated Penalty:** A revision was made changing that if an animal or animals causing a nuisance is found at large four times (instead of three times) within any 12-month period.
- **8.04.410 Dogs Attacking Persons and Animals:** An addition states that "a court order may be sought for forfeiture or euthanization of such dog."
- **8.04.500 Violation-Penalty:** A change was made to indicate that the violations listed in Section 8.04.510 are civil rather than criminal. This allows the City's Administrative Court to hear the issues.
- **8.04.510B Issuance of Citations-Notice of Violations:** The Administration states that "the proposed changes to this section clarify when a notice of violation (a civil charge) rather than a criminal violation will be issued. The relevant sections for each violation have been added as a reference, and fees have been clarified. Animal Care violations have been taken out of the civil process, as these kinds of violations are seen as instances that should be handled criminally."
- **8.05.030 Offending Vicious Dogs:** An addition was made stating that "any judge presiding over a criminal prosecution of an owner or keeper of a vicious dog under this Section may make euthanasia of such dog a condition of probation of the owner or keeper convicted of violating this section." This is consistent with Section 8.04.410.
- **8.16.005 Definitions: Definitions were added:** "carriage horse means any horse used to draw a carriage in a carriage business; and work, with reference to a horse, means that the horse is out of the stable and presented as being available for pulling carriages; is in harness; or is pulling a carriage."
- **8.16.015 Identification Number:** Rather than requiring that the City inspects the certification of horses and maintain the identification number, authorization was changed to the Office of Animal Services.
- **8.16.035 - Criteria for Determining Health:** The Administration states: "the immunizations have been updated to reflect vaccinations and procedures recommended by local veterinarians, the carriage company owners, and Animal Services and confirmed by the State Veterinary Services Office. The Coggins Test is typically done only on horses entering the State, but the City has required that it be done at least once even on horses that have only been in Utah." The proposed change eliminates the requirement that the

Coggins Test be conducted on an annual basis.

- **8.16.065 Physical Condition for Work:** Proposed changes stating that horses shall be shod and trimmed at least every four (4) to six (6) weeks or more frequently if necessary by an experienced, competent farrier.
- **8.16.067 Other Regulations Governing Carriage Horses:** More specific proposed regulations were added regarding the care of a horse.

A carriage horse is allowed to be left untethered or unattended only when it is confined in a stable or other enclosure;

No carriage horse shall be at work for more than 9 hours in any continuous 24-hour period;

A rest period is required at least 15 minutes at the end of each two hour work period;

During rest periods, person in charge of such horse is required to make drinking water available to the horse; and the horse is not allowed to drink in large quantities unless it is first rested;

No carriage horse shall be worked more than five consecutive days without being provided a rest period for at least one day before the resumption of work;

Regulations requiring that the carriages not operate when temperatures adjusted for humidity are above 150 degrees F and when the temperature adjusted for wind chill is below 10 degrees F below zero. The Administration's attached paperwork explains in detail how these temperature restrictions were derived.

- **8.16.070 Stables and Stalls:** More specific stable conditions are being proposed:

Ventilation and fresh air shall be provided, but horses should not be unnecessarily exposed to drafts during cold weather;

Ceilings are to be at least ten feet high from bedding flooring;

Stalls shall be constructed and maintained to protect the animal from injury and to contain them; enable the animals to remain dry and clean; provide sufficient space to allow each horse to turn about freely and easily stand, sit or lie in a comfortable position; allow easy access to water and to mineralized salt at all times, and to food as needed; keep such food and water free of contaminations;

Floors to be level and free from holes or openings, and shall provide proper drainage;

No horse shall be stabled on a concrete floor without bedding that is highly absorbent and comfortable in the stalls where the horses are kept; deep enough to provide warmth to the animal so as not to show wetness under the pressure of the horse; not of a type that will harm or in any way provide discomfort;

Each stall shall be attended to daily – clean and dry bedding; all interior areas of stable and exterior areas surrounding stable are to be kept clean; be properly drained and free from nuisances including but not limited to odors and accumulation of refuse or excrement. Manure accumulations are to be removed from the premises weekly preventing rodent and vermin activity;

Each stall is to house one horse only;

Feed is to be kept in storage areas. Feed storage areas are not to allow harborage and shall be kept vermin free. Storage of feed concentrates shall be kept in an area inaccessible to the horses;

All stables and stalls shall be inspected by Animal Services prior to use in a horse-drawn carriage business. In addition to the regularly scheduled inspections, additional inspections are being proposed provided Animal Services has scheduled an appointment with the licensed owner of the business or has provided written notice at least 24 hours in advance of inspection.

- **Appendix A – Permits and Fees:** Fees are proposed for the disposal of dead animals -- \$25 for pets and \$100 for livestock. In the past, Animal Services provided this service at no charge but currently pays \$.33 per pound for disposal. The proposed fee would offset the charge. Animal Services provides a list of disposal alternatives acceptable to the City-County Health Department for pet owners who do not want to pay for the service. Also a list of commercial service providers is available for the disposal of livestock in lieu of the \$100 livestock disposal fee.