

ORDINANCE 1316

AN ORDINANCE OF DRAPER CITY AMENDING CHAPTER 15-1 “PARKS, TRAILS AND RECREATIONAL FACILITIES” OF THE DRAPER CITY MUNICIPAL CODE REGARDING THE PENALTIES FOR HAVING A DOG OFF-LEASH IN A RECREATIONAL FACILITY

WHEREAS, Section 15-1-050 of the Draper City Municipal Code (“DCMC”) prohibits a person from taking or permitting an unrestrained domesticated animal in a recreation facility and requires domesticated animals to be restrained on a leash; and

WHEREAS, Section 15-1-090 of the DCMC punishes a violation of section 15-1-050 as a class B misdemeanor which is punishable by imprisonment of a term not to exceed six months a fine not to exceed \$1000, or both; and

WHEREAS, being charged with a class B misdemeanor obligates the defendant to be fingerprinted and photographed; and

WHEREAS, charging a person with a class B misdemeanor for a violation of section 15-1-050 is excessive; and

WHEREAS, an infraction is punishable by a fine not to exceed \$750 with no possibility of jail time and a class C misdemeanor is punishable by a fine not to exceed \$750 and a jail term not to exceed 90 days, or both; and

WHEREAS, imposing a penalty of an infraction for a first violation of section 15-1-050 and a class C misdemeanor for subsequent offenses is more in line with the severity of a violation of said section.

WHEREAS, the City may impose criminal penalties for violations of its ordinances pursuant to authority granted in Utah Code Ann. § 10-3-703.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Draper City, State of Utah, as follows:

Section 1. Enactment. Ordinance #1316 amending Draper City Municipal Code Sections 15-1-050 and 15-1-090, is hereby adopted as set forth in Exhibit “A” attached hereto.

Section 2. Repealer. If any section, part, or provision of this Ordinance is held invalid, or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts, and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 27th DAY OF MARCH, 2018.



DRAPER CITY

A handwritten signature in blue ink, appearing to read "Troy Walker", is written over a horizontal line.

Mayor Troy K. Walker

ATTEST:

A handwritten signature in blue ink, appearing to read "Rachelle Conner", is written over a horizontal line.

Rachelle Conner, MMC, City Recorder

VOTE TAKEN:

Councilmember Green

YES

NO

A handwritten checkmark in blue ink is drawn in the YES column.

Councilmember Lowery

A handwritten checkmark in blue ink is drawn in the YES column.

Councilmember Summerhays

A handwritten checkmark in blue ink is drawn in the NO column.

Councilmember Vawdrey

A handwritten checkmark in blue ink is drawn in the YES column.

Councilmember Weeks

A handwritten checkmark in blue ink is drawn in the YES column.

Mayor Walker

EXHIBIT A

Title 15 Parks Trails and Recreation

Chapter 15-1 PARKS, TRAILS AND RECREATIONAL FACILITIES

Section 15-1-050 Regulation of General Conduct.

(k) Domesticated Animal Restrictions. At any recreation facility, any owner of a domesticated animal or person having charge, care, custody, or control of such animal shall remove and properly dispose of any feces left by the animal. It is prohibited for any person to take or permit any unrestrained domesticated animal in a recreation facility not specifically designated by the City for that purpose. Such animals must be continually kept on a leash. Such animals shall not enter or be watered at any fountain, pond, lake, or stream, except as locations specifically designated by the City for that purpose. Violations of this section shall be punished as an infraction with a fine not to exceed \$500 for a first offense and as a Class C misdemeanor for subsequent violations.

Section 15-1-090 Enforcement.

(b) Penalty. Except as specifically stated in the chapter, any person found in violation of the provisions set forth herein shall be guilty of a Class B Misdemeanor.

(c) Law enforcement officers, in connection with their duties imposed by law, shall enforce the provisions of this chapter and may issue citations, and evict any persons acting in violation of the provisions of this chapter. These law enforcement officers shall have the authority to seize, confiscate and impound any substance, plant, animal, or other similar article which is used or possessed in violation of this chapter.

Affidavit of Posting

SALT LAKE/UTAH COUNTY, STATE OF UTAH

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1316** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 27th day of March, 2018**, was posted at the following places: Draper City Electronic Bulletin Board, Draper Fire Station 12300 South, and the Draper Crescent Senior Citizens Center, within the municipality.

Posted: March 29-April 18, 2018



A handwritten signature in blue ink, appearing to read "Rachelle Conner", is written over a horizontal line.

Rachelle Conner, MMC
City Recorder
Draper City, State of Utah