

ORDINANCE NO. 19-08

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL  
 MAKING CHANGES TO PERMITTED AND CONDITIONAL USES IN THE MATRIX

WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinances of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, said Code included Title 12, which is the City’s Land Use Ordinance; and

WHEREAS the City Council and the City’s Planning and Zoning Commission have determined there is need and good cause to amend the City’s land use ordinance to modify the regulations governing permitted and conditional uses allowed in the matrix.

NOW, THEREFORE, pursuant to Section 12A-301 of Title 12 of North Logan City code and Section 10-9a-205 of the Utah Code, and after ten (10) days’ notice and a public hearing held March 21, 2019 by the Planning Commission as required, the City Council of the City of North Logan, Utah hereby adopts, passes and publishes the following:

BE IT ORDAINED by the City Council of the City of North Logan, Utah as follows:

**SECTION I:** Amend definitions in TITLE 12A, Chapter 12A-200 - Definitions, is changed to include definitions for **Pet Day Care** and **Pet Boarding** to read as follows (highlighted portion changed or added, strike-through deleted)::

**12A-200 Definitions**

**Pet Day Care.** A business and facility in which a number of pets are supervised and cared for during the day. This care does not include overnight stay for pets.

**Pet Boarding.** A business and facility in which pets stay and are cared for during the day and/or overnight.

**SECTION II:** The matrix in TITLE 12C, Chapter 12C-1001 - Permitted and Conditional Uses in Zones, in the zoning matrix is changed to include matrix changes in the different sections to read as follows:

Land Use Description - Zone	R/S	A	RE	R1	R2	DT	CCA	CCC	MR8	MR7	MXG	SF6	RM	PR	CC	CG	MC	M2	RB	HOSP
Agricultural, Animal/Related Uses																				
<b>Dog or Cat Day Care Pet Daycare or Boarding</b>																	C(m)			

m. All pet (dog and cat pet daycare and boarding) facilities shall comply with the following standards:

1. No more than 30 percent of the floor area of the business in which the dog and/or cat daycare facility is located shall be used for pet boarding;
2. No more than 35?? animals shall be boarded on site at one time;
3. Boarding shall be conducted within a fully enclosed building. Exterior boarding, training

ORDINANCE NO. 19-08

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL  
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~~and exercise facilities are not permitted;~~ Exterior training and exercise facilities shall meet the following standards:

a) Fencing shall be of adequate height and design to contain animals, prevent escape, and provide protection from outside contact.

b) Animals shall not be tethered within the exterior training and exercise facilities.

4. ~~Adequate enclosures shall be provided to keep animals from roaming freely within the building;~~
5. Adequate space within boarding areas for exercise exists for all pets on the premise;
6. Each dog boarding crate shall have an individual boarding enclosure which shall provide enough space for the dog to turn about freely, and stand, sit and lie in a comfortable, normal position. The interior height of the enclosure must be at least 6 inches higher than the head of the dog in the enclosure measured when the dog is standing in a comfortable position;
7. The facility must have a minimum of sixty (60) square feet of dedicated boarding area per animal. Required dedicated boarding area shall consist only of space useable by animals in care, and shall not include kitchens, bathrooms, mechanical rooms, storage, storefront retail areas, or any exterior facilities;
8. Each cat shall have an individual boarding crate enclosure, which shall provide enough space for the cat to turn about freely, and stand, sit and lie in a comfortable and normal position. In addition, an enclosure for a cat shall provide an elevated platform appropriate for the size of the cat;
9. Food waste, used soiled bedding, debris and other waste shall be removed from all areas of the facility at least twice a day;
10. The operator of any pet boarding facility shall assign a staff member to check the public areas (alleys and sidewalks) adjacent to the facility at least twice per day. Any debris (including animal waste) related to the operation of the facility shall be cleaned up immediately.
11. The boarding facility shall be licensed by the City of North Logan; follow North Logan City business licensing protocol;
12. The pet boarding facility shall have an emergency evacuation plan and employees shall be trained regarding the plan. At a minimum this plan shall include:
  - a) a list of required emergency items to have on site
  - b) a complete plan to address various types of disasters including transportation plan, gathering points, and a census roll call system
  - c) an established set of rules and regulations pertaining to disasters
  - d) communications procedures during a disaster
  - e) a schedule for drills
  - f) identified temporary boarding sites for all animals
  - g) Established policies for dealing with injured animals, including identification of pre-selected veterinary facilities at which emergency care can be provided 24 hours per day, seven days per week.
13. Proof of current core vaccinations as defined by the American Veterinary Medical Association (AVMA) shall be required for all animals prior to accepting a pet for care or boarding services and copies of records shall be kept for each animal. This shall include rabies vaccination for dogs and cats;

ORDINANCE NO. 19-08

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL  
MAKING CHANGES TO PERMITTED AND CONDITIONAL USES IN THE MATRIX

14. The pet boarding area shall be separate from the **exercise**, retail, grooming, or animal food storage areas;
15. The facility shall submit for approval a waste removal plan to the City, **waste shall not be discharged to the public sewer system**;
16. ~~Noise and Odor: No noise, odor, or other evidence of pet care shall be detectable by a person outside a building housing a pet care facility;~~ **Animals in care shall not cause a nuisance to adjacent property owners as defined in 16-209 Nuisance Animals.**
17. ~~Use of front portion of the retail space: Pet boarding uses shall not occupy the first twenty feet (20') behind the storefront facing a street on the ground floor of any retail space that contains pet boarding;~~
18. ~~There shall be one caretaker for each 15 animals (or fraction thereof) present on site at all times when boarding is taking place with no fewer than two human caretakers present at any given time;~~ **Facility shall be adequately staffed to provide a minimum of 15 minutes of direct care to each individual animal per day. Human caretakers must be present during all clearly posted business hours. All animals must be secured within respective boarding enclosures outside of clearly posted business hours while staff is not present;**
19. ~~Staff members on site (including overnight caretakers) shall have the following knowledge and credentials:~~
  - a) ~~Ability to drive a car and possession of a valid driver's license~~
  - b) ~~Dog and Cat CPR Training~~
  - e) ~~At least 6 months experience at a pet boarding facility~~

~~It is not necessary that one person meet all three criteria, however, the collective staff on site at any given time must meet the criteria.~~
20. Interior space that includes adequate air conditioning and ventilation as to not require the opening of windows to avoid potential noise impacts; No employee of the pet boarding facility shall walk more than three **leashed** dogs at any one time on a public right of way.
21. Video Surveillance shall be required of dog areas at all times.
22. Each Facility owner shall be responsible to ensure that their facility is inspected on an annual basis by the Animal Control Officer of the North Park Police Agency. **Facility shall allow unscheduled inspections by the Animal Control Officer of the North Park Police Agency at any time;**

**SECTION III:** Amend ordinance in TITLE 12C, Chapter 12C-512 - Special Provisions For Conditional Use Permits For A Dog Kennel, is changed to include Kennel Permit maximum dog limits, and to allow inspection from the City Animal Control Officer to read as follows:

- A. Establishing a Conditional Use Permit for a Dog Kennel - The applicant will complete the conditional use form and pay the conditional use permit fee as per any other conditional use permit. Once the conditional use has been granted, the applicant must obtain a dog kennel license and annually renew that license in order to keep more than two dogs. **The maximum number of dogs allowed by a Kennel Permit is 4.** The dog kennel license is in addition to the dog licenses required for each individual dog. Conditions established by the conditional use permit reflect the conditions required to maintain the dog kennel license.

ORDINANCE NO. 19-08

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL  
MAKING CHANGES TO PERMITTED AND CONDITIONAL USES IN THE MATRIX

- B. Special Considerations - In considering each application for a conditional use permit relating to a dog kennel, the Planning Commission shall consider, among other things; the zone in which the conditional use is proposed; the size of lot involved; the proximity to neighbors and the proposed size of any structure used to house the dogs; its placement on the property; the proposed number of dogs, whether less than two (2) months old or two (2) months or older; the breed/size of dogs to be kept; and whether breeding and the selling of puppies will be part of the kennel permit. Together with anything else stated in an approved permit, each permit shall clearly state the maximum number of dogs to be allowed, both for those less than two (2) months and for those two (2) months and older.
- C. Revocation of a Conditional Use Permit for a Dog Kennel - A conditional use permit granted for the purpose of establishing a dog kennel may be revoked for any reason constituting "good cause." "Good cause" shall include but not be limited to the following within the discretion of the Planning and Zoning Commission: Circumstances which are detrimental to or have a negative impact on the health, safety and welfare concerns of the citizens and residents of North Logan; incompatible zoning or land use; complaints of noise or odor; failure to keep the dogs under proper care and/or control; failure to comply with the conditions imposed at the time the original approval of the permit was given; the creation and existence of a public or private nuisance; failure of the permit holder or his/her agent or employees to comply with the conditions and requirements of applicable local, county, state and/or federal laws, rules, and regulations; unlawful activities conducted or permitted on the premises for which the conditional use permit was issued; and/or other legitimate factors. **Dog Kennel Permit holder must allow scheduled and unscheduled inspection by the City Animal Control Officer. Refusal to allow inspection constitutes "good cause" for revocation.** Complaints received by the City Animal Control Officer, or other law enforcement officers concerning a dog kennel or any other activity or business allowed by a conditional use permit may be cause, as determined by the Planning and Zoning Commission, for denying, and/or revoking the conditional use permit. A new conditional use permit for a dog kennel must be obtained under this chapter for any revoked conditional use permit.
- D. A conditional use permit for a dog kennel will be for a particular owner and piece of property and shall therefore not be transferable.

**SECTION IV:** Amend ordinance in TITLE 16, Chapter 16-305 -Impoundment, is changed to adjust the number of days allowed for owners to claim impounded Dogs and Cats from three (3) to five (5) days to read as follows:

- A. Any dog found running at large or cat suspected of causing a nuisance as defined in this ordinance shall be impounded by the Animal Control Officer and confined in a humane manner. Immediately upon impounding a dog or cat the Animal Control Officer shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs and cats not claimed by their owners within a period of ~~three (3)~~ **five (5)** working days in which the shelter is open to the public shall become the property of North Logan City and will fall under the jurisdiction of the Animal Control Officer.

**SECTION V: CONFLICT.** To the extent of any conflict between this ordinance and any other North Logan City ordinance(s) or regulation(s), the provisions of this Ordinance shall be controlling.

ORDINANCE NO. 19-08

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL  
MAKING CHANGES TO PERMITTED AND CONDITIONAL USES IN THE MATRIX

**SECTION VI: SEVERABILITY.** The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

**SECTION VII: EFFECTIVE DATE.** In the opinion of the City Council of North Logan, it is necessary that this ordinance take effect immediately; therefore, this Ordinance shall take effect immediately upon its passage and first posting as provided by law.

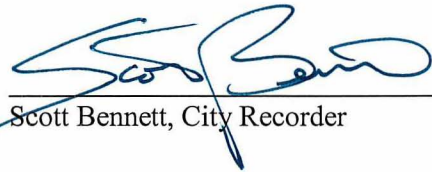
ADOPTED AND PASSED by the City Council of the City of North Logan, Utah, this 17th day of April, 2019.

NORTH LOGAN CITY

By: 

\_\_\_\_\_  
Bruce Lee, Mayor Pro-Tem

ATTEST:

  
\_\_\_\_\_  
Scott Bennett, City Recorder

ORDINANCE NO. 19-08

AN ORDINANCE OF THE NORTH LOGAN CITY COUNCIL  
MAKING CHANGES TO PERMITTED AND CONDITIONAL USES IN THE MATRIX

CERTIFICATE OF DUE POSTING

I, Scott Bennett, City Recorder of North Logan, Utah, hereby certify that I caused to be posted the foregoing Ordinance No. 19-08 on the 18th day of April, 2019, in the City of North Logan, Cache County, State of Utah, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2076 North 1200 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 575 East 2500 North

WITNESS my hand this 18th day of April, 2019.

  
\_\_\_\_\_  
Scott Bennett, City Recorder