

HB0242S01 compared with HB0242

~~deleted text~~ shows text that was in HB0242 but was deleted in HB0242S01.

Inserted text shows text that was not in HB0242 but was inserted into HB0242S01.

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Representative Marc K. Roberts proposes the following substitute bill:

LOCAL ANIMAL CONTROL REGULATION AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marc K. Roberts

Senate Sponsor: _____

LONG TITLE

General Description:

This bill establishes requirements regarding a municipality's or county's regulation of the number of animals an individual may have on the individual's property.

Highlighted Provisions:

This bill:

- ▶ allows an individual to keep one or more animals on the individual's property unless the presence of the animal or animals violates certain standards established by the municipality or county; and
- ▶ establishes requirements for a municipal or county ordinance that regulates the number of animals an individual may have on the individual's property.

Money Appropriated in this Bill:

None

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Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

10-8-60.5, Utah Code Annotated 1953

17-50-336.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-8-60.5** is enacted to read:

10-8-60.5. Animals on private property.

(1) Notwithstanding any law or ordinance adopted by a municipality, an individual may keep one or more animals on the individual's property unless the municipality:

(a) by ordinance, establishes ~~fevidence-based~~nuisance standards for determining when the presence of an animal or animals unreasonably degrades the health, safety, noise, odor, or sanitation of the environment of another property; and

(b) upon investigation, finds that an individual's animal or animals are in violation of the standards that the municipality establishes under Subsection (1)(a).

(2) In accordance with standards that the municipality establishes under Subsection (1)(a), a municipality may, by ordinance:

(a) specify that an individual's animals are presumed to comply with the standards if the individual owns fewer than a specified number of a certain type of animal on a specified size of property; and

(b) prohibit an individual from keeping a specified type of animal on property that is located within a specified type of zone that the municipality establishes under Chapter 9a, Municipal Land Use, Development, and Management Act.

(3) A presumption described in Subsection (2)(a) is rebuttable by:

(a) proof that an individual who keeps a greater number of animals than is authorized by an ordinance described in Subsection (2)(a) keeps the animals in compliance with the standards established under Subsection (1)(a); or

(b) proof that an individual who keeps an equal or lesser number of animals than is authorized by an ordinance described in Subsection (2)(a) keeps the animals in violation of the

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standards established under Subsection (1)(a).

Section 2. Section **17-50-336.5** is enacted to read:

17-50-336.5. Animals on private property.

(1) Notwithstanding any law or ordinance adopted by a county, an individual may keep one or more animals on the individual's property unless the county:

(a) by ordinance, establishes ~~fevidence-based~~ **nuisance** standards for determining when the presence of an animal or animals unreasonably degrades the health, safety, noise, odor, or sanitation of the environment of another property; and

(b) upon investigation, finds that an individual's animal or animals are in violation of the standards that the county establishes under Subsection (1)(a).

(2) In accordance with standards that the county establishes under Subsection (1)(a), a county may, by ordinance:

(a) specify that an individual's animals are presumed to comply with the standards if the individual owns fewer than a specified number of a certain type of animal on a specified size of property; and

(b) prohibit an individual from keeping a specified type of animal on property that is located within a specified type of zone that the county establishes under Chapter 27a, County Land Use, Development, and Management Act.

(3) A presumption described in Subsection (2)(a) is rebuttable by:

(a) proof that an individual who keeps a greater number of animals than is authorized by an ordinance described in Subsection (2)(a) keeps the animals in compliance with the standards established under Subsection (1)(a); or

(b) proof that an individual who keeps an equal or lesser number of animals than is authorized by an ordinance described in Subsection (2)(a) keeps the animals in violation of the standards established under Subsection (1)(a).

Section 3. **Effective date.**

This bill takes effect on ~~January~~ **July** 1, 2019.

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Legislative Review Note

Office of Legislative Research and General Counsel