

Chapter 1

ANIMAL CONTROL¹

5-1-1: PURPOSE:

The city intends by this chapter to provide for the humane control and regulation of animals, registration and licensing of dogs and kennels, the animal control officer, isolation of biting animals and other necessary purposes. (1995 Code § 11-1-1)

5-1-2: DEFINITIONS:

As used in this chapter, the following terms shall have the meanings herein described:

ANIMAL: Any live, vertebrate creature, domestic or wild, except livestock.

ANIMAL CONTROL OFFICER: A person or persons designated by the city to enforce the provisions of this chapter, including collection of licensing and permit fees and the performance of other delineated duties. Said officer shall, where feasible, meet the qualifications set forth in Utah Code Annotated.

ANIMAL SHELTER: Any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

ANIMAL UNDER RESTRAINT: Any animal under the control of its owner or under the control of the person having charge, care, custody or control of the animal. A dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or restrained within the real property limits of the owner by a fence or line.

ATTACK: Any attempted biting or action by an animal which places a person or another animal in danger of imminent bodily harm. Actual physical contact shall not be required to constitute an attack.

AUCTIONS: Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.

CIRCUS: A commercial variety show featuring animal acts for public entertainment.

COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel.

ENCLOSURE: A fence or structure of at least six feet (6') in height, forming or causing an enclosure suitable to confine a potentially vicious/dangerous dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the potentially vicious/dangerous dog.

EUTHANASIA/HUMANE KILLING: Killing by any instantaneous and/or painless method.

GROOMING SHOP: A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

GUARD DOG: A working dog that must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control, so it cannot come into contact with the public.

KENNEL: Any land or building wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, selling or keeping three (3) or more dogs or cats of the age of four (4) months old or older.

LICENSE: A document or tag evidencing a license granted by the city.

LICENSING AUTHORITIES: The city, by and through its clerical personnel and/or animal control officer.

LIVESTOCK: Cows, horses, pigs, sheep and any other animal commonly kept for its meat, hide, milk, eggs, hair or fur, for riding purposes or for profit, not including dogs, cats or animals commonly used as pets.

LIVESTOCK AT LARGE: Any branded or unbranded livestock that move about without restraint or confinement, roving or rambling at will.

OWNER: Any person, partnership or corporation owning, keeping or harboring one or more animals, or any said person, partnership or corporation who allows another person, partnership or corporation to keep or harbor one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

PERFORMING ANIMAL EXHIBITION: Any spectacle, display, act or event other than circuses, in which performing animals are used.

PET: Any animal kept for pleasure rather than utility.

PET SHOP: Any person, partnership or corporation whether operating separately, or in connection with another business enterprise, except for a licensed kennel, that buys, sells or boards any species of animal other than livestock or farm animals.

PROVOKED: Any deliberate act by a person toward a dog or any other animal done with the intent to tease, abuse, assault or otherwise cause a reaction by the dog or other animal; provided, however, that any act by a person done with the intent to discourage or prevent a

dog or other animal from attacking, shall not be considered to be a provocation.

PUBLIC NUISANCE OR NUISANCE ANIMALS: Any animal or animals which:

- A. Is a "vicious/dangerous animal", as defined in this section.
- B. Molests a passerby or chases a passing vehicle.
- C. Attacks another domestic animal.
- D. Is determined by the animal control officer to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare or safety.
- E. Trespasses on school grounds, parks or private property other than that of the owner.
- F. Barks, whines or howls in an excessive, continuous or untimely fashion.

REGISTRATION: Notation of license in the public record of the animal control officer.

VETERINARY HOSPITAL: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

VICIOUS/DANGEROUS ANIMAL: Any animal which is dangerously aggressive or uncontrollable, including, but not limited to, any animal which has bitten or in any other manner attacked any person or animal. Any animal by its unique nature or breeding which has known propensities to be aggressive toward any person or animal.

VICIOUS/DANGEROUS DOG: Any dog which, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks or any public grounds or place; or any dog with a known propensity, tendency or disposition to attack, to cause injury, or to otherwise endanger the safety of human beings or animals; or any dog which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property.

WILD ANIMAL: Any animal which can normally be found in the wild state.

ZOOLOGICAL PARK: Any facility, other than a pet shop or kennel, displaying or exhibiting one

or more species of nondomesticated animals operated by a person, partnership, corporation or government agency. (1995 Code § 11-1-2; amd. 2003 Code)

5-1-3: ANIMAL CONTROL OFFICER:

- A. Compliance Enforcement: The animal control officer shall see that all dogs and dog kennels in the city required to have a license or permit shall comply with this chapter. (1995 Code § 11-10-1)
- B. Collection Of Carcasses: The animal control officer shall collect the carcasses of all dead dogs, cats and animals, other than livestock, from the streets and other public places in the city and deliver them, together with the carcasses of all animals he shall have put to death as hereinafter provided, to such place as may be designated by the city council. (1995 Code § 11-10-2)
- C. Collection Of Fees: The animal control officer or city recorder shall issue all licenses required hereunder and collect fees therefor, and shall keep an accurate account of all monies collected by him and from whom collected for all animal licenses, kennel permits, and for any other services rendered by him in his capacity as animal control officer, and to account for said funds to the city treasurer on or before the first day of each month following such collections. (1995 Code § 11-10-3)
- D. Registry: The animal control officer shall keep a register showing the breed, sex and color of each animal impounded, and date and reason for such impounding, and the disposition of such animal. (1995 Code § 11-10-4)
- E. Supervision Of Animal Shelter: The animal control officer shall supervise the animal shelter and keep the same in asanitary and orderly condition. (1995 Code § 11-10-5)
- F. Destruction Of Animals: The animal control officer shall humanely kill any impounded animal as permitted or required by this chapter. (1995 Code § 11-10-6)
- G. State Requirements: The animal control officer shall perform all duties, if any, incumbent on him under the Utah agricultural code; provided, that any contracts with the state

department of agriculture shall be approved by the city council prior to becoming effective. (1995 Code § 11-10-7)

H. Interference With Officer Prohibited: It shall be a violation of this chapter to interfere with the animal control officer in the performance of his duties. (1995 Code § 11-10-8)

5-1-4: LICENSING PROVISIONS:

- A. License Required: Any person owning, keeping, harboring or having custody of any dog over six (6) months of age within the city must obtain a license as herein provided. Dogs must be licensed under the procedures and fees set forth in this chapter. (1995 Code § 11-2-1)
- B. Application For License: Written application for licenses shall be made to the city recorder. Said application shall include the name and address of applicant, description of the animal, the appropriate fee and rabies certificate issued by a licensed veterinarian or antirabies clinic. Application for a license must be made within thirty (30) days after obtaining a dog over six (6) months. (1995 Code § 11-2-2)
- C. Term Of License: The period for licenses for the keeping of dogs shall be for a period of up to one year. The licensing period shall be the city fiscal period from July 1 through June 30. (1995 Code § 11-2-3)
- D. Renewal Of License: Application for renewal license may be made up to thirty (30) days before or up to thirty (30) days after the start of fiscal year. (1995 Code § 11-2-4)
- E. Issuance Of License And Tag: Upon acceptance of the license application and fee, the animal control officer shall issue a durable tag stamped with an identity number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness. Dogs must wear identification tags or collars at all times when off the premises of the owners. (1995 Code § 11-2-5)
- F. Registry: The animal control officer shall keep a register of animals by maintaining a record of the identification numbers of all tags issued and shall file a duplicate record with the city recorder, which record shall be available to the public. (1995 Code § 11-2-6)

- G. **Fine For Failure To Comply:** Persons who fail to obtain a license as required within the time period specified in this section will be subject to a fine of fifty dollars (\$50.00) in addition to the registration fee. (1995 Code § 11-2-7)
- H. **Unlawful To Keep Dog Without License:** It shall be unlawful for any person to own, keep, harbor or maintain any dog over the age of six (6) months without registering and obtaining a license for such dog from the animal control officer. No person may use any license for any animal other than the animal for which it was issued. (1995 Code § 11-2-8)
- I. **Two-Year License:** Any person shall have the option to register and license a dog for two (2) consecutive years by paying to the animal control officer double the license fee at the time of registration and licensing. The purpose of this section is such that the licensing period may coincide with the immunization of the dog for rabies. (1995 Code § 11-2-9)
- J. **Exemptions To License Fees:**
1. The fee provisions of subsection K of this section shall not apply to:
 - a. Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place.
 - b. Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.
 - c. Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.
 2. Nothing in this subsection shall be construed as to exempt any dog from having a current rabies vaccination. (2003 Code)
- K. **Fee Schedule:** A license shall be issued after payment of the applicable annual fee as set by resolution of the city council. (1995 Code § 11-2-11; amd. 2003 Code)
- L. **Duplicate License:** A duplicate license may be obtained upon payment of a five dollar (\$5.00) replacement fee. (1995 Code § 11-2-12)

5-1-5: COMMERCIAL ANIMAL ESTABLISHMENTS; BUSINESS LICENSE REQUIRED:

No person, partnership or corporation shall operate a commercial animal establishment, animal shelter or kennel without first obtaining a city business license. (1995 Code § 11-3-1; amd. 2003 Code)

5-1-6: RESTRAINT:

- A. Dogs: All dogs shall be kept under "restraint", as defined in section 5-1-2 of this chapter, so as not to become a public nuisance. An animal shall not be considered "under restraint" within the real property limits of the owner if an individual engaged in a normal and expected activity may come in contact with such animal on the owner's property. There must be sufficient protection to ensure individual safety. (1995 Code § 11-4-1)
- B. Care And Control Of Animals: No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. (1995 Code § 11-4-2)
- C. Female Dogs Contained: Every female dog in heat shall be confined in a building or secured enclosure in such a manner that such female dog cannot come into contact with another animal, except for planned breeding. (1995 Code § 11-4-3)
- D. Isolation/Quarantine Of Biting Animals:
 - 1. Any animal which bites or, in the opinion of a licensed physician, otherwise exposes any person to the danger of any disease, shall be isolated in strict confinement, at the owner's expense, in the animal shelter or observed for at least fourteen (14) days, ten (10) days for dogs and cats, except as provided in subsection D2 of this section, after the day of infliction of the bite. (1995 Code § 11-4-4; amd. 2003 Code)
 - 2. Dogs and cats which have been isolated in strict confinement under proper care and under observation of a licensed veterinarian in a pound, veterinary hospital or other adequate facility, in a manner approved by the animal control officer, after five (5) days of veterinary observation, if upon conducting a thorough physical examination on the fifth day or more after infliction of the bite, the observing veterinarian certifies that there are no clinical signs or symptoms of any disease, said dog or cat may be released. Notwithstanding the foregoing provisions, the animal control officer may authorize, with the permission of the owner and other legal restrictions permitting, the euthanasia of a biting animal for the purpose of laboratory examination for rabies using the fluorescent

rabies and antibody (FRA) test in an approved public health laboratory. (1995 Code § 14-4-5)

5-1-7: VICIOUS OR DANGEROUS ANIMALS:

A. Defined: The definition of potentially dangerous or vicious animals is as follows:

1. 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, with or without provocation, shall be considered potentially vicious or dangerous. In addition, a potentially vicious/dangerous animal is any animal that, because of witnessed action, is believed capable of causing injury, or otherwise posing a threat to the safety of humans or domestic animals.
2. Any animal which has inflicted severe injury on a human being, with or without provocation, on public or private property, has killed a domestic animal, with or without provocation, while off the owner's property, or has been previously found to be dangerous, the owner having received notice of such and the animal again aggressively bites, attacks or endangers the safety of humans or domestic animals, is deemed to be a vicious animal. Any "dangerous animal", as defined in subsection A1 of this section, may be declared to be a vicious animal if the animal is not maintained in the proper enclosure or the animal is found to be in violation of any legal restrictions formerly placed on such animal by the department of animal care and control, as provided in this chapter. (1995 Code § 11-5-1)

B. Restriction Of Animal; Enclosure: Any person who owns or maintains a potentially vicious/dangerous animal, shall use all reasonable means at his or her disposal to restrict a potentially vicious/dangerous animal from injuring any other person or animal. Any dangerous animal, while on the owner's property, must be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping. Such pen or structure for an 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. Potentially vicious/dangerous dogs must be kept in a fenced yard, dog run or other structure which is at least six feet (6') in height by six feet (6') wide by ten feet (10') in length. (1995 Code § 11-5-2)

C. Control Of Animal: It is unlawful for an owner of a dangerous animal to permit the animal to be outside the proper enclosure unless the animal is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with

its vision or respiration, but shall prevent it from biting any person or animal. (1995 Code § 11-5-3)

- D. Right To Take Possession: Any animal control officer is authorized to take immediate possession of a dangerous animal if the animal control officer determines that the dangerous animal is not maintained in a proper enclosure, is outside of the dwelling of the owner or outside of the proper enclosure and not under physical restraint of some person, or if there are any further violations of any legal restrictions formerly placed on such animal by the department of animal care and control, as provided in this chapter. (1995 Code § 11-5-4)
- E. Destruction Authority: If the department of animal care and control believes that an animal is dangerous and finds that the animal is in violation of such restrictions as the department deems necessary for the safety of persons and animals in the community, the department may declare such an animal to be a vicious animal. The department of animal care and control is hereby authorized to immediately take possession of a vicious animal and place the vicious animal in a proper quarantine facility and, after a proper and legal quarantine period, destroy the animal in an expeditious and humane manner, if the owner or custodian fails to make a request for a formal hearing as hereinafter set forth. (1995 Code § 11-5-5)
- F. Proper Holding Period: It is determined that a proper holding period for vicious/dangerous animals shall be ten (10) consecutive days. In the event the owner or custodian of the vicious/dangerous animal fails to request in writing a formal hearing within the ten (10) day holding period, the department of animal care and control is authorized to destroy the vicious/dangerous animal in a humane manner. The holding period shall be extended to meet state and local regulations for quarantine of animals for rabies evaluation. (1995 Code § 11-5-6)
- G. Hearing: Any owner or custodian who files a written request shall be afforded a hearing before the city council to determine whether the animal should be returned to the owner or custodian, or be destroyed. Such request shall be in writing and delivered to the city hall at least seventy two (72) hours prior to the close of the quarantine period. The city council shall notify the owner of the animal by certified mail at the last known address twenty four (24) hours prior to the hearing of the date, time and place of hearing. The hearing shall be held within thirty (30) days or at the next regularly scheduled city council meeting, whichever is later. (1995 Code § 11-5-7; amd. 2003 Code)

5-1-8: WILD ANIMALS:

- A. Display Or Exhibition Prohibited; Exception: No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This subsection shall not be construed to apply to zoological parks, performing animal exhibitions or circuses, or animals duly permitted and licensed by the state division of wildlife resources. (1995 Code § 11-8-1)
- B. Keeping As Pet Prohibited: No person shall keep or permit to be kept any wild animal as a pet. (1995 Code § 11-8-2)

5-1-9: CARE OF ANIMALS:

- A. Owner To Provide Proper Care: No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. (1995 Code § 11-7-1)
- B. Mistreatment: No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans. (1995 Code § 11-7-2)
- C. Abandonment: No owner of an animal shall abandon such animal. (1995 Code § 11-7-3)
- D. Vehicular Accidents: Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop and render such assistance as may be reasonably possible, and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the animal control officer or other city official, appropriate law enforcement agency or to a local humane society. (1995 Code § 11-7-4)
- E. Immunizations: Owners of animals shall be required to obtain rabies shots for said animals, and keep all shots and immunizations current. If an animal is found not to have a current rabies shot, the owner shall be required to post a cash deposit with the city, in such amount as established by resolution of the city council, on the condition that the rabies

shot is obtained. Upon proof that the rabies shot has been obtained, the cash deposit will be refunded. (1995 Code § 11-7-5; amd. 2003 Code)

- F. Poison: No person shall expose any known poisonous substance, whether mixed with food or not, so that the same may be eaten by any animal; provided, that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance. (1995 Code § 11-7-6)

5-1-10: PERFORMING ANIMAL EXHIBITIONS:

- A. Inducement By Force: No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged 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 suffering. (1995 Code § 11-9-1)
- B. Proper Equipment Required: All equipment used on a performing animal shall fit properly and be in good working condition. (1995 Code § 11-9-2)

5-1-11: IMPOUNDMENT:

- A. Authority; Time Of Impoundment: Unrestrained dogs and nuisance animals shall be taken by the animal control officer and impounded in the animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than five (5) working days, except that if any animal shall have bitten or attacked a person or other animal, the impoundment shall be for ten (10) days. (1995 Code § 11-6-1)
- B. Removal To County Impound: Any animal not claimed within twenty four (24) hours will be removed to a county impound yard, and will then come under the control of the county animal control officer. (1995 Code § 11-6-2)
- C. Identification Of Owner: If by a license, tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately, upon impoundment, notify the owner by telephone, mail or personal contact. (1995 Code § 11-6-3)

- D. Reclamation Fee: An owner reclaiming an impounded animal before said animal is picked up by Emery County animal control shall pay a fee, in such amount as established by resolution of the city council, for each day the animal has been impounded. (1995 Code § 11-6-4; amd. 2003 Code)
- E. Citations: In addition to, or in lieu of impounding an animal found at large, the animal control officer may issue to the known owner of such animal a citation for ordinance violation, as provided in subsection 5-1-12B of this chapter. (1995 Code § 11-6-5; amd. 2003 Code)
- F. Livestock Exemption: Livestock shall not be governed by this section to the extent they are under the regulation and control of the state department of agriculture or fall under provisions of the Utah agricultural code. (1995 Code § 11-6-6)

5-1-12: PENALTY:

- A. Misdemeanor: Any person, individual, public or private corporation, government, partnership or unincorporated association or firm violating any provision of this chapter shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. (1995 Code § 11-11-1; amd. 2003 Code)
- B. Fine Schedule: The fine schedule shall be as established by resolution of the city council. (Res. 1-9-97/B, 1-9-1997; amd. 2003 Code)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See section 10-12-26 of this code for zoning provisions related to animals.