CHAPTER II

ANIMALS

Sec. 2-1. Animals, Cruelty to. It shall be unlawful for any person to torture, cruelly beat, ill treat, maim, or disfigure any horse or other animal within the limits of the Town of Wendover, whether belonging to himself or to another person. (10-8-59).

Sec.2-2. Id., on Streets. It shall be unlawful for any person being the owner of, or having charge, custody or control of any animal, to allow the same to remain standing, fastened or otherwise, on any of the streets of the Town of Wendover for a longer period than five hours in any one day.

Sec. 2-3. Id., Killing or Poisoning. It shall be unlawful for any person wilfully to kill any domestic animal the property of another, or to administer poison to any such animal or to expose any poisonous substance within the limits of the Town of Wendover with the intent that it shall be taken by any such animal.(76-5-12).

Sec. 2-4. Id., Trespass of Fowls on Property of Person Other Than Owner. It shall be unlawful for the owner or any persons in charge of domestic fowls such as turkeys, ducks, geese or chickens to permit such fowls to trespass upon the premises of another, or to house, keep, run or feed any such fowls within 40 feet of any house used for human habitation.

Sec. 2-5. Id., Malicious Impounding. It shall be unlawful for any person to maliciously or mischievously secrete or impound the animal of another or to maliciously or mischievously aid or abet therein.

Sec. 2-6. Poundkeeper. The office of Town Poundkeeper is hereby created and in the absence of specific appointment to such office by the Town Board the Town Marshal shall be ex-officio the

poundkeeper without extra compensation. He shall perform all the duties as are now or may hereafter be required of a poundkeeper by the laws of the State of Utah or by the ordinances of the Town of Wendover. He shall provide a good and sufficient pound and shall receive and take care of all animals duly committed to his charge, and use due diligence to find the owners thereof by the records on brands or otherwise, and shall notify the owner, when found, to remove the same, but he shall not deliver any animal to the owner thereof until all costs and expenses are paid. He shall receive all animals duly committed and enter a description thereof in a book kept for that purpose, its age, color, sex, marks and brands, when and to whom sold, the amount received therefrom, and the costs thereon or such other dispositions as may be made thereof.

Sec. 2-7. Animals Running at Large Declared Estrays. No cattle, horses, mules, sheep, goats or swine shall be allowed to run at large or herded upon any street, sidewalk, or any other public place within the limits of the Town, and all such animals are hereby declared to be estrays and may be taken up by any police officer and driven to the town pound. Said animals may be held by the poundkeeper and sold as provided by law. Provided, that nothing herein contained shall be so construed as to prevent any person from driving milch cows, work cattle, horses, mules, sheep, and other animals through the town or from place to place from one enclosure to another within the limits of the town. (10-8-64).

Sec. 2-8. Sale of Strays. All animals remaining unclaimed three days after commitment shall be advertised in at least one issue of some newspaper having a general circulation in the town or

county, and by posting notices in three or more conspicuous public places in the town, setting forth the kind of animal, approximate age, color, marks and brands, and time and place of sale; and said animal, if not claimed and taken away within ten days from the date of said notice, shall be exposed at public sale by the poundkeeper and sold to the highest bidder. The proceeds of said sale, after deductions of costs and expenses, shall be paid into the town treasury, subject to be recovered by the owner of said animal upon proper proof of ownership being made within six months from the date of sale; if not applied for within that time, the said money shall become a part of the general contingent fund of the town.

Sec. 2-9. Fees of the Poundkeeper. Fees for impounding and registering shall not exceed one dollar per head for horses, mules, cattle, swine; nor fifty cents each for goats and sheep, which shall be received by the poundkeeper. Fees for feeding animals shall be reasonable and governed by the price of forage at the time. Fees for posting notices and advertising shall not exceed a fair compensation. All fees received or collected by the poundkeeper shall be paid into the town treasury monthly.

Sec. 2-10. Notice of Sale of Estrays. Within three days after any estrays shall come into the possession of the poundkeeper he shall advertise the same in a newspaper published in the county having general circulation in the county, by publishing notice in at least one issue of said paper, and by posting notices for a period of ten days in three of the most public places in the town, one of which places shall be at or near the post office. He shall immediately deliver a copy of such notices to the county clerk, or mail the same to him by registered letter. The notice so filed with the clerk shall be available during reasonable hours for inspection by the public, free of charge. The notice herein provided for

shall contain a description of the animals, including all marks and brands, when taken and the day, hour, and place of sale, and may be substantially in the following form:

NOTICE

State of Utah, County of Tooele

In The Town of Wendover, Utah, I have in my possession the following described estray animals which if not claimed and taken away, will be sold at public auction to the highest bidder at the town pound in this town, on the ____ day of _____, 19___.

(Description of Animals)

Said estrays were taken up by me in the said town of Wandover on the ___ day of _____, 19___.

Town Poundkeeper of Wendover.

Sec. 2-11. Claimants. If at any time before the sale of any estrays, such animals shall be claimed and proved to be the property of any person, the poundkeeper shall deliver them to the owner upon receiving from him the cost of impounding, keeping and advertising the same. If the animals are not so claimed and taken away, he shall, at the time and place mentioned in the notice, proceed to sell the same, one at a time, to the highest cash bidder, and shall execute and deliver a bill of sale transferring said animals to the purchaser or purchasers thereof, which bill of sale shall be substantially in the following form:

I hereby certify that in pursuance of the law regulating the disposal of estrays and trespassing animals, I have this day sold to _____ for the sum of $_____, he being the highest bidder, _____ head of _____ branded with the town estray brand and otherwise described as follows:

(Description of Animals)

Witness my hand this ___ day of _____, 19___.

_____
Town Poundkeeper of Wendover

Sec. 2-12. Records of Estrays. The poundkeeper shall kepp an accurate record of all estrays, re-brands, the time and place of

taking and the expence of keeping and selling the same, to whom sold and the amount paid into the town treasury, and all other matters necessary to a compliance with the provisions of this ordinance. The Town Board of the town shall provide the town poundkeeper with a suitable book in which shall be entered the records required by law to be kept by the poundkeeper. Such records shall be open to the inspection of the public at all reasonable hours and shall be deposited by the poundkeeper with his successor.

Sec. 2-13. Dog Tax Collector. The town board may appoint a deputy collector whose compensation shall be such as provided for by resolution of the town board. The town marshall shall be ex-officio Dog Tax Collector of the town and he shall perform the duties of that office without extra compensation.

Sec. 2-14. Duties. The dog tax collector or his deputy shall perform such duties as are or may hereafter be imposed upon him by ordinance in reference to the collection of the dog tax within the town. He shall make a full and complete report of his official doings to the town board through the recorder monthly and he shall pay into the town treasury all fees received or collected by him in his official capacity.

Sec. 2-15. Licence Fee. It shall be unlawful for any person to own or keep a dog within the limits of Wendover without making application to the dog tax collector for that purpose and paying to the dog tax collector for the benefit of the town an annual tax of Five ($5.00) Dollars for each female dog and Two ($2.00) for each male dog; the owner or keeper of any dog within the city shall not apply to any person conducting or maintaining a dog kennel in the town, but any person conducting or maintaining a

dog kennel shall pay to the town dog tax collector for the privilege of keeping any such dog or dogs in such dog kennel a licensee tax of TWENTY-FIVE ($25.00) Dollars semi-annually or FIFTY ($50.00) dollars per year.

It shall be the duty of the dog tax collector to register the applicant's name and a description of the dogs or dog and file the same with the town clerk and give such applicant a certificate of registry. (10-8-65).

Sec. 2-16. Spayed Female Dog. The licence fee for a spayed female dog shall be the same as for a male dog. Before any license may be issued for a spayed female dog, a certificate in writing by some person duly licenced to practice veterinary medicine or surgery in the State of Utah describing such female dog and reciting the fact that such female dog has been spayed, together with the date thereof shall be filed with the town clerk.

Sec. 2-17. Tag. It shall be the duty of the owner or custodian of all dogs so licensed to provide said dogs with suitable collars with a metallic plate or check attached thereto having a number corresponding with the certificate of registry incribed thereon, and all dogs not so registered and collared, as aforesaid, found running at large, shall be impounded.

Sec. 2-18. Barking Dog. It shall be unlawful for any person to own, keep or harbor within the limits of the town of Wendover any dog, which by barking, howling, yelping, etc., disturbs the quiet of any neighborhood or person.

Sec. 2-19. Unlawful To Deprive Dog Of Collar. It shall be unlawful for any person to deprive a registered dog of its collar or put a registered tag on any dog not registered.

Sec. 2-20. Vicious Dog. It shall be unlawful for any person to keep or harbor, own or possess a dog which is known to be a fierce dangerous or vicious dog within the limits of Wendover.

Sec. 2-21. Town President May Prohibit From Running At Large. The Town President may, upon resonable apprehension of danger from mad or rabid dogs, issue a proclamation directing the muzzling of all dogs and after such proclamation shall have been issued twenty-four hours, any dog found running at large in the city, except the same be securely muzzled, may be killed.

Sec. 2-22. Dogs At Large. It shall be unlawful for any person to suffer or allow any dog owned by him, in his possession or under his control to run at large within the corporate limits of the town of Wendover.

Sec. 2-23. Impounding Dogs At Large. Any dog running at large within the corporate limits of Wendover away from the premises of its owner and not secured by a leash or in the immediate possession and control of its owner may be impounded by the dog tax collector of Wendover or any policeman.

Sec. 2-24. Redemption Of Impounded Dog. The dog tax collector upon impounding any dog shall immediately notify the owner thereof if known to him, or if upon reasonable inquiry or search of the registry records of Wendover, the identity of the owner can be ascertained, that such dog is being retained by him as an official of Wendover. Any dog impounded may be redeemed and taken from such pound by the owner or any authorized person, upon exhibiting to the dog tax collector or any person having charge of said pound, a certificate of registry showing that the license in said section has been paid for such dog, and upon paying the person in charge of

said pound an impounding fee of One ($1.00) Dollar and in addition the cost of maintenance for each and every day such dog shall have been impounded as established by resolution of the Town Council, together with any damage caused by the acts of such dog upon the property of others and upon furnishing evidence satisfactory to such dog tax collector that the owner will not allow said dog to run at large within the corporate limits of Wendover, Utah. If such owner fails and neglects to comply with the terms of such notice within twenty-four hours after the same has been given to him, or if the identity of the owner cannot be ascertained, the dog tax collector may in his discretion either kill such dog or sell it in the manner provided for estrays.

Sec. 2-25. Misdemeanor. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Ninety-Nine ($99.00) dollars or by imprisonment in the town jail for not more than three months.

Sec. 2-26. Humane Officers. All police officers of the town are hereby created and constituted ex-officio humane officers who shall perform the duties pertaining to such officers without additional compensation.

Sec. 2-27. Duties of Humane Officers. It shall be the duty of humane officers to enforce all the laws and ordinances of the town pertaining to cruelty to animals; to kill all permanently disabled animals; to enforce all the ordinances of the city relating to dogs; overloading animals and to see that all animals used or driven upon the streets of the town are properly treated and cared for.