

ANIMAL CONTROL ORDINANCE OF 1981

SECTION:

- 6-1-1: Division Established
 6-1-2: Powers of Officers
 6-1-3: Duties of Officers
 6-1-4: Interference Prohibited

6-1-1: DIVISION ESTABLISHED: There shall be a Division of Animal Control as a Division within the Police Department.

6-1-2: POWERS OF ANIMAL CONTROL OFFICER:

1. The Animal Control Supervisor or any person employed by the Division of Animal Control as an Animal Control Officer shall take the oath of office and shall be vested with the power and authority to enforce this Ordinance.

2. The Animal Control Supervisor, his assistants and Animal Control Officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this Ordinance and including licensable animals for which no license has been procured in accordance with this Ordinance, or any licensed or unlicensed animals for any other violation thereof.

3. In the enforcement of this Ordinance any peace officer or the Supervisor of Animal Control or his assistants are authorized to enter onto the open premises belonging to any person in order to take possession of any animal in violation of this ordinance.

6-1-3: DUTIES OF ANIMAL CONTROL OFFICER:

1. The Animal Control Supervisor will:

(a) Enforce this Ordinance and perform other responsibilities pursuant thereto.

(b) Supervise the operation of the municipal animal shelter.

(c) Keep adequate records of all animals impounded and all monies collected.

(d) See that all animals and animal holding facilities in his jurisdiction are licensed, controlled and permitted in accordance with any applicable Ordinance and/or regulations.

(e) Establish, in cooperation with the Tooele City-County Health Department and other interested governmental agencies, adequate measures for rabies immunization and control.

2. Each Animal Control Officer shall:

(a) Enforce this Title in all respects pertaining to animal control within Tooele City, including the care and impounding of animals and prevention of cruelty to animals.

(b) Carry out all duties prescribed or delegated by the Supervisor.

6-1-4: INTERFERENCE WITH OFFICER PROHIBITED: It shall be unlawful for any person to knowingly and intentionally

interfere with any animal control officer in the lawful discharge of his duties as herein prescribed.

CHAPTER 2

DEFINITIONS

SECTION:

6-2-1: Definitions

6-2-1: DEFINITIONS: As used in this act, the following terms shall mean.

- (A) ANIMAL BOARDING ESTABLISHMENT: Any establishment that takes in animals for boarding for profit.
- (B) ANIMAL GROOMING PARLOR: Any establishment maintained for the purpose of offering cosmetological services to animals for profit.
- (C) ANIMAL SHELTER: A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the State of Utah under Section 76-9-302, U.C.A., 1953, as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats or other small domestic animals.
- (D) ANIMAL AT LARGE: Any domesticated animal, whether or not licensed, not under restraint as defined below.
- (E) ANIMAL UNDER RESTRAINT: Any animal under the control of its owner or person having charge, care, custody or control, except a dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or within the real property limits of the owner.
- (F) BITE: An actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
- (G) CAT: Any feline of the domesticated types.
- (H) CATTERY: An establishment for boarding, breeding, buying, grooming or selling cats for profit.
- (I) DOG: Any canis familiaris over four ~~one~~ months of age. Any canis familiaris under four (4) months of age is a puppy.
- (J) DOMESTICATED ANIMALS: Animals accustomed to live in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine and goats.
- (K) STRAY: Any animal at large as defined herein.
- (L) GUARD DOG: A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public.

- (M) HARBOR: Keeping, feeding, maintaining, sheltering, owning or caring for an animal for three or more successive days.
- (N) HOLDING FACILITY: Any pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facility used for holding animals.
- (O) KENNEL: A location where a business or person engages in boarding, breeding, buying, letting for hire, training for a fee or selling dogs, cats or other animals; or a person who harbors dogs shall be deemed to operate a kennel when more than two (2) dogs are harbored upon the premises of such person, and when such dogs are at least four (4) months old.
- (P) LEASH OR LEAD: Any chain, rope or device used to restrain an animal.
- (Q) PET: A domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.
- (R) PET SHOP: Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.
- (S) QUARANTINE: The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
- (T) RIDING SCHOOL OR STABLE: An establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burrow or which offers such animals for hire.
- (U) VICIOUS ANIMAL: Any animal which is dangerously aggressive, including, but not limited to any animal which has bitten or in any other manner attacked any person or animal.
- (V) WILD ANIMAL: Any animal or species that in their natural life are wild. Those animals, however domesticated, shall include but are not limited to:
- (1) Alligators and crocodiles.
 - (2) Bears (ursidae). All bears, including grizzly bears, brown bears, black bears, etc.
 - (3) Cat family (felidae). All except the commonly accepted domesticated cats, and including cheetah, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, wildcats, etc.
 - (4) Dog family (canidae). All except domesticated dogs, and including wolf, fox, coyote, dingo, etc.
 - (5) Porcupine (erethizontidae).
 - (6) Primate (hominidae). All subhuman primates, including apes, gorillas and monkeys.
 - (7) Raccoon (prosyndidae). All raccoons including eastern raccoon, desert raccoon, ring-tailed cat, etc.

- (8) Skunk.
- (9) Venomous fish and piranha.
- (10) Venomous snakes and lizards.
- (11) Weasels (mustelidae). All including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink, mongoose, etc., except that persons raising members of this family as a business for their pelts shall not be prohibited by this Ordinance.

CHAPTER 3

LICENSING

Section:

- 6-3-1 Licensing Requirements
- 6-3-2 License Tag
- 6-3-3 Licensing Exemption

6-3-1 ANIMAL LICENSING REQUIREMENTS.

(1) All dogs and cats within Tooele City must be licensed each year, except as otherwise provided herein.

(2) Any person owning, possessing or harboring any dog or cat shall obtain a license for such animal within thirty (30) days after the dog or cat reaches the age of four (4) months; or in the case of a dog or cat over four (4) months, within ten (10) days of the acquisition of the dog or cat.

(3) License applications must be submitted annually to the City Treasurer, utilizing a standard form which includes name, address, and telephone number of the applicant; breed, sex, color and age of the animal; and rabies immunization information. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccinations shall be given as required by Section 6-6-2.

(4) License fees:

Female dog	\$15.00
Male dog	7.50
Spayed or neutered dog	5.00
Female cat	10.00
Male cat	5.00
Spayed or neutered cat	2.50
Late fee	Twice the normal fee

No dog will be licensed as spayed or neutered without proof that such surgery was performed.

(5) The license shall be effective from the date of purchase through the end of February of the following year, after which a late fee shall be imposed. Licenses for the following year may be purchased within ninety (90) days prior to the expiration date.

(6) No person or person at any one residence within the jurisdiction shall at any time own or license more than two (2) dogs and cats in any combination except as otherwise provided herein.

6-3-2: LICENSE TAG:

(1) Upon payment of the license fee, the City Treasurer shall issue to the owner a certificate and a tag for each.

dog and cat lice. ed. The tag shall have stamped thereon the license number corresponding with the tag number of the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be a violation of this Ordinance.

(2) License tags are not transferable from one animal to another. No refunds will be made on any license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of one dollar (\$1.00) to the City Treasurer.

(3) Removing or causing to be removed, the collar, harness, or tag from any licensed dog or cat without the consent of the owner or keeper thereof, except a licensed veterinarian or Animal Control Officer shall be a violation of this Ordinance.

6-3-3 LICENSING: exemptions.

(1) The provisions of Section 6-3-1 and 6-3-2 herein shall not apply to:

(a) Licensed dogs whose owners are non-residents temporarily (up to thirty (30) days) within the jurisdiction; licensed dogs whose owners remain within the jurisdiction longer than thirty (30) days may transfer a valid license issued by another jurisdiction to a local license upon payment of a one dollar (\$1.00) fee and proof of current rabies vaccination.

(b) Individual dogs within a property licensed dog kennel or other such establishment when such dogs are held for resale.

(2) The fee provisions of Section 6 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 and used to assist officials of government agencies in the performance of their duties.

(3) Nothing in this Section shall be construed so as to exempt any dog from having a current rabies vaccination.

CHAPTER 4

ANIMALS AT LARGE

6-4-1: UNLAWFUL TO HARBOR STRAY ANIMALS: It shall be unlawful for any person, except an animal welfare society incorporated within the State of Utah under Section 76-9-302, U.C.A., 1953, as amended, to harbor or keep any lost or strayed animal. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Animal Control Division within twenty-four (24) hours, and the Division shall impound the animal as herein provided.

6-4-2: ANIMALS RUNNING AT LARGE: It shall be unlawful for the owner or person having charge, care, custody or control of any animal to allow such dog at any time to run at large. The owner or person charged with responsibility for an animal found running at

large shall be strictly liable for a violation of this Section regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not he knows that the animal is running at large.

6-4-3: ANIMALS ON UNENCLOSED PREMISES: It shall be unlawful for any person to chain, stake out, or tether an animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of all affected property.

6-4-4: FEMALE ANIMALS IN HEAT: Any owner or person having charge, care, custody or control of any female animal in heat shall, in addition to restraining such animal from running at large, cause such animal to be constantly confined in a building or secure enclosure so as to prevent it from attracting other animals by scent or coming into contact with other animals and creating a nuisance, except for planned breeding purposes.

6-4-5: PLACES PROHIBITED TO ANIMALS:

(1) It shall be unlawful for any person to take or permit any animal, whether loose or on a leash or in the arms, in or about any establishment or place of business where food or food products are sold or displayed, including, but not limited to, restaurants, grocery stores, meat markets, and fruit or vegetable stores.

(2) It shall be unlawful for any person keeping, harboring or having charge or control of any animal to allow said animal to be within any watershed area so designated by ordinance or otherwise legally appointed, either now existing or to be defined in the future.

(3) This Section shall not apply to dogs provided for in Section 6-3-3(2).

CHAPTER 5

VICIOUS ANIMALS; NUISANCES

Section:

6-5-1 Animals Attacking Persons and Animals
6-5-2 Fierce, Dangerous or Vicious Animals
6-5-3 Nuisances
6-5-4 Revocation of License

6-5-1: ANIMALS ATTACKING PERSONS AND ANIMALS:

(1) Attacking animals. It shall be unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal to attack, annoy or worry any person, any domestic animal having a commercial value, any species of hoofed protected wildlife, or to attack domestic fowl at any place, including either side of a fences enclosure. Worry and annoy as used in this section shall mean to harrass by tearing, biting or shaking with the teeth.

(2) Owner liability. The owner in violation of number one (1) above shall be strictly liable for violation of this Section.

In addition to being subject to prosecution under number one (1) above, the owner of such animal shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.

(3) Defenses. The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

(a) That the animal was properly confined on the premises.

(b) That the animal was deliberately or maliciously provoked.

(4) Animals may be killed. Any person may kill an animal while it is committing any of the acts specified in number one (1) above or while such animal is being pursued thereafter.

(5) Right to enter private property. Instances when search warrant must be obtained:

(a) The Animal Control Officer or Humane Officer may enter private property, including a dwelling or accessory structure, only when in fresh pursuit of an animal which is running at large, vicious, or any animal which the Animal Control Officer or Humane Officer has reasonable cause to believe is rabid.

(b) The Animal Control Officer or Humane Officer may enter private property in pursuit of, or in order to apprehend and impound, any animal in violation of any provision of this Chapter when an impoundment order has been issued by a judge or magistrate court having jurisdiction to enforce the provision of this Chapter. Said impoundment order may also include a search warrant which shall specify that a dwelling, accessory buildings or other structures may be entered in enforcing the order and whether the same shall be enforced during the daylight hours only or also during the night time.

(c) An impoundment order shall be issued by a judge or magistrate of any court having jurisdiction of the provisions of this Chapter upon any ex-parte petition and affidavit of any citizen exhibiting reasonable cause to believe a violation of this Chapter is harbored on private property.

(d) A search warrant shall be issued by any judge or magistrate or a court having jurisdiction of the provisions of this Chapter upon a petition and affidavit or any citizen exhibiting probable cause that an animal violating any provisions of this Chapter is harbored on private property.

6-5-2 FIERCE, DANGEROUS OR VICIOUS ANIMALS: It shall be unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care, or control of such animal, so that it shall not injure any person or property is a hazard to public safety, and the Supervisor of Animal Control shall seek a court order pursuant to Section 6-11-9 for destruction of or muzzling of the animal.

6-5-3 NUISANCE: ANIMALS. Any owner or person having charge, care, custody or control of an animal or animals

causing a nuisance as defined below shall be in violation of this Ordinance and subject to the penalties provided herein. The following shall be deemed a nuisance:

- (1) Any animal which:
 - (a) causes damage to the property of anyone other than its owner;
 - (b) is a vicious animal as defined herein and kept contrary to Section 6-5-2;
 - (c) causes unreasonable fouling of the air by odors;
 - (d) causes unsanitary conditions in enclosures or surroundings;
 - (e) creates a breeding place for flies or other insects;
 - (f) defecates on any public sidewalk, park, or building, or on any private property without the consent of the owner of such private property, unless the person owning, having a proprietary interest in, harboring or having care, charge, control, custody, or possession of such animal shall remove any such defecation to a proper trash receptacle;
 - (g) barks, whines or howls or makes other disturbing noises in an excessive, continuous, or untimely fashion;
 - (h) molests passersby or chases passing vehicles;
 - (i) attacks other domestic animals;
 - (j) is determined by the Division of Animal Control of the Tooele City-County Health Department to be a nuisance by virtue of being offensive or dangerous to the public health, welfare or safety;

(k) any animal running at large.

(2) Any animals which, by virtue of the number maintained, are determined by the Division of Animal Control of the Tooele City-County Health Department to be offensive or dangerous to the public health, welfare of safety.

(3) It is unlawful to harbor, feed, keep or run any animal or fowl within fifty (50) feet of any house used for human habitation, other than the owners, if the animal or fowl creates or causes a nuisance, as described in this Ordinance. This shall be in addition to any other remedies that are provided in this Ordinance.

6-5-4 REVOCATION OF LICENSE. If the owner of any animal(s) is found to be in violation of this Ordinance on three (3) or more different occasions during any twelve (12) month period, the Supervisor of Animal Control may seek a court order pursuant to Section 6-11-9 revoking for a period of one (1) year any animal license(s) such person may possess and providing for the Animal Control Division to pick up and impound any animal(s) kept by the person under such order. Any animal impounded pursuant to such an order shall be dealt with in accordance with the provisions of this Ordinance for impounded animals, except that the person under the order of revocation shall not be allowed to redeem the animal under any circumstances.

CHAPTER 6

RABIES CONTROL

Section:

- 6-6-1 Bites; Duty to Report
- 6-6-2 Rabies Vaccination Required
- 6-6-3 Rabies Tag Requirements
- 6-6-4 Transient Animals-Exception
- 6-6-5 Impoundment of Without Vaccination
- 6-6-6 Reporting Rabid Animals
- 6-6-7 Quarantining and Disposition of Biting or Rabid Animals

6-6-1 BITES; DUTY TO REPORT:

(1) Any person having knowledge or any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Police Department or the Animal Control Division.

(2) The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the Division of Animal Control of the Health Department within twenty-four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

(3) A physician or other medical personnel who renders professional treatment to a person bitten by an animal shall report the fact that he or she has rendered professional treatment to the Police Department within twenty-four (24) hours of his or her first professional attendance. He or she shall report the name, sex and address of the person bitten as well as the type and location of the bite. If known, he or she shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Animal Control Division in ascertaining the immunization status of the animal.

(4) Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the Animal Control Division. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury, and the location of the incident.

(5) Any person not conforming with the requirements of this Section shall be in violation of this Ordinance.

6-6-2 RABIES VACCINATION REQUIRED FOR DOGS, CATS OR OTHER DOMESTICATED ANIMALS OR PETS SUSCEPTIBLE TO OR A CARRIER OF RABIES. The owner or person having the charge, care, custody and control of a four (4) month of age or over cat or dog shall have said animal vaccinated within thirty (30) days after it reaches said age. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for said vaccination. Unvaccinated dogs or cats over four (4) months of age acquired by the owner or moved into the jurisdiction. Thereafter, every dog shall be revaccinated every twenty-four (24) months and every cat shall be revaccinated every twelve (12) months with a modified virus rabies vaccine approved by the Tooele City-County Health Department. This

provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others.

6-6-3 RABIES TAG REQUIREMENTS: It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination (in duplicate) which shall include the following information:

- (1) owner's name and address
- (2) description of animal (breed, sex, markings, age, name)
- (3) date of vaccination
- (4) rabies vaccination tag number
- (5) type of rabies vaccine administered
- (6) manufacturer's serial number of vaccine.

A copy of the certificate shall be distributed to the owner and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in Section 6-6-2. Additionally, a metal or durable plastic rabies vaccination tag, serially numbered, shall be securely attached to the collar or harness of the animal. An animal not wearing such tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this Ordinance.

6-6-4 TRANSIENT ANIMAL - EXCEPTION: The provision of this Section with respect to vaccination shall not apply to any animal owned by a person temporarily remaining within the jurisdictions for less than thirty (30) days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the jurisdiction which does not comply with the animal health laws and import regulations.

6-6-5 IMPOUNDMENT OF ANIMAL WITHOUT RABIES VACCINATION TAG:
(1) Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

(2) Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within seventy-two (72) hours of release.

(3) Any dog not reclaimed prior to the period shall be disposed of pursuant to provisions of Section 6-7-3.

6-6-6 REPORTING OF RAPID ANIMALS: Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies, or of an animal or person bitten by such a suspect animal, shall notify the Police Department or the Animal Control Division of the State Division of Health.

6-6-7 QUARANTINING AND DISPOSITION OF BITING OR RABID ANIMALS:

(1) Any animal that has rabies or shows signs of having rabies, and every animal bitten by another animal affected with rabies or that has been exposed to rabies shall be reported by the owner as set forth above and shall immediately be confined in .

secure place by the owner. The owner shall turn over the animal to the Animal Control Division upon demand.

(2) The owner of any animal of a species subject to rabies which has bitten another animal or a person shall surrender the animal to an authorized official upon demand. Any person authorized to enforce this Ordinance may enter upon private property to seize the animal; if the owner refuses to surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.

(3) Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than ten (10) days by the Animal Control Division. The owner of the animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the Supervisor of Animal Control if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying the exception. A person who has custody of an animal under quarantine shall immediately notify the Division of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a Health or Animal Control Officer to make an inspection or examination during the period of quarantine. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately notify the Department or immediately remove and deliver the head to the State Health Laboratory to be examined for rabies. If, at the end of the ten (10) day period, the Supervisor of Animal Control examines the animal and finds no sign of rabies, the animal may be released to the owner or in the case of a stray, it shall be disposed of as provided in Section 6-7-3.

(4) Unvaccinated bitten animals.

(a) In the event that an unvaccinated animal species subject to rabies which is known to have bitten by a rabid animal, said bitten or exposed animal should be immediately destroyed.

(b) If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.

(5) Vaccinated bitten animals.

(a) In the event that a bitten or exposed animal has been vaccinated, the animal shall be revaccinated within twenty-four (24) hours and quarantined for a period of thirty (30) days following revaccination; or

(b) If the animal is not revaccinated within twenty-four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for six (6) months.

(c) The animal shall be destroyed if the owner does not comply with items (a) or (b) of this subsection (5).

(6) Removal of quarantined animal. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Animal Control Division Supervisor.

(7) If any animal bites or attacks a person or animal two (2) times or more in a twelve (12) month period, such animal may be immediately impounded by the Animal Control Division without court order and held at owner expense pending court action. Any such animal shall be deemed a vicious animal, and the Animal Control Supervisor may seek a court order as provided in Section 6-11-9, for destruction of the animal. Parties owning such animals shall, if possible, be notified immediately of the animal's location by the Animal Control Division.

CHAPTER 7

IMPOUNDING

Section:

- 6-7-1 Animals to be Impounded
- 6-7-2 Records to be Kept
- 6-7-3 Disposition of Impounded Animals
- 6-7-4 Redemption of Impounded Animals

6-7-1 ANIMALS TO BE IMPOUNDED: The Animal Control Officers shall place all animals which are taken into custody into a designated animal impound facility. The following animals may be taken into custody and impounded without the filing of a complaint.

- (1) Any animal being kept or maintained contrary to the provisions of this Ordinance;
- (2) Any animal creating a nuisance as defined in the provisions of this Ordinance;
- (3) Any animal which is by this Ordinance required to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this Section;
- (4) Sick or injured animals whose owner cannot be located;
- (5) Any abandoned animal;
- (6) Animals which are not vaccinated for rabies in accordance with the requirements of this Ordinance;
- (7) Any animal to be held for quarantine;
- (8) Any vicious animal not properly confined as required by Chapter 4 herein.

6-7-2 RECORDS TO BE KEPT: Animal Control Officers shall complete a case report of all impounded animals which shall include the following information:

- (1) Complete description of the animal, including tag numbers, if present.
- (2) The reason for and the date of impound.
- (3) The location of the pickup and name of the officer picking up the animal.
- (4) The manner and date of disposal.
- (5) The name and address of the redeemer or purchaser.
- (6) The name and address of any person relinquishing an animal to the impound facility.
- (7) All fees received.

(8) All expenses accruing during impoundment.

6-7-3

DISPOSITION OF IMPOUNDED ANIMALS:

(1) Animals shall be impounded for a minimum of three (3) days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to identify and notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the Animal Control facility by the owner thereof for destruction or other disposition need not be kept for a minimum holding period before release or other disposition as herein provided.

(2) All dogs and cats, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs and cats voluntarily relinquished to the impound facility may be destroyed or sold as the Animal Control Supervisor shall direct. Any healthy dog or cat may be sold to any person desiring to purchase such animal for the price to be determined by the Supervisor but not to exceed fifty dollars (\$50.00) per animal, plus license and rabies vaccination, if required.

(3) Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, in the discretion of the Animal Control Supervisor, be released to the care of the veterinarian with the consent of the owner.

(4) When, in the judgement of the Animal Control Supervisor it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger for persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order.

6-7-4

REDEMPTION OF IMPOUND ANIMALS:

The owner of any impounded animal or his authorized representative may redeem such animal before disposition provided he pays:

- (1) The impound fee;
- (2) The daily board charge;
- (3) Veterinary costs incurred during the impound period, including rabies vaccination;
- (4) License fee, if required.

Fees shall be charged at the following rates:

	<u>Impound Fee</u>	
	<u>Licensed Animal</u>	<u>Unlicensed Animal</u>
First confinement	\$15.00	\$20.00
Second confinement	\$20.00	\$25.00
Subsequent confinements	\$30.00	\$35.00

Board

Per calendar day of confinement \$4.00

Medical Costs

No impound fee will be charged the reporting owners of suspected rabid animals if they comply with Chapter 6 herein.

CHAPTER 8

ANIMAL CONTROL SHELTER

Section:

- 6-8-1 Animal Shelter Provided
- 6-8-2 Disposal Facilities
- 6-8-3 Medical Treatment

6-8-1 ANIMAL SHELTER PROVIDED: The City of Tooele Shall provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. They shall purchase and supply food and supply humane care for impounded animals.

6-8-2 DISPOSAL FACILITIES: The City of Tooele shall provide for the painless and humane destruction of dogs and other animals required to be destroyed by this Ordinance or by the laws of the State of Utah.

6-8-3 MEDICAL TREATMENT: The City of Tooele may furnish when necessary, medical treatment for such animals as may be impounded to this Title. The costs for such treatment shall be assessed to the owner upon redemption, or the new owner upon purchase.

CHAPTER 9

CRUELTY TO ANIMALS

Section:

- 6-9-1 Physical Abuse
- 6-9-2 Hobbling Animals
- 6-9-3 Care and Maintenance
- 6-9-4 Animals in Vehicles
- 6-9-5 Abandonment
- 6-9-6 Poisoning
- 6-9-7 Injuries to Animals by Motorists
- 6-9-8 Fighting Animals
- 6-9-9 Malicious Impounding

6-9-1 PHYSICAL ABUSE: It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald, overdrive or otherwise cruelly set upon any animals. Each offense shall constitute a separate violation.

6-9-2 HOBBLING ANIMALS: It is unlawful for any person to hobble livestock or other animals by any means which may cause injury or damage to any animal.

6-9-3 CARE AND MAINTENANCE: It shall be the duty of any person to provide any animal in his charge or custody, as owner or otherwise, with adequate food, drink, care and shelter.

6-9-4 ANIMALS IN VEHICLES: It shall be unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to carrying or confining such animal without adequate ventilation or for an unusual length of time.

6-9-5 ABANDONMENT: It shall be unlawful for any person to abandon any animal within the jurisdiction.

6-9-6 POISONING: It shall be unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.

6-9-7 INJURY TO ANIMALS BY MOTORISTS:
(1) Every operator of a vehicle upon the streets of Tooele City shall immediately upon injuring, striking, maiming or running down any domestic animal give such aid as can reasonably be rendered. In the absence of the owner, he shall immediately notify the Police Department or the Animal Control Division, furnishing requested facts relative to such injury.

(2) It shall be the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of such authorities, the operator shall immediately identify himself or herself to such authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to the Animal Control facility or other appropriate facility and notifying the Animal Control Division. Such animal may be taken in by the Animal Control facility and dealt with as deemed appropriate under the circumstances.

(3) Emergency vehicles are exempted from the requirements of this provision.

6-9-8 FIGHTING ANIMALS:
(1) It shall be unlawful for any person, firm or corporation to raise, keep or use any animal, fowl or bird for the purpose of fighting or baiting; or for any person to be a part of or be present as a spectator at any such fighting or baiting of any animal or fowl; and for any person, firm or corporation to knowingly rent any building, shed, room, yard, ground or premises for any such purposes as aforesaid, or to knowingly suffer or permit the use of his buildings, sheds, rooms, yards, grounds or premises for the purposes aforesaid.

(2) Law enforcement officers or Animal Control Division officials may enter any building or place where there is an exhibition of fighting or baiting of a live animal, or where preparations are being made for such an exhibition, and the law enforcement officers may arrest persons there present and take possession of all animals engaged in fighting, along with all implements or applications used in such exhibition. This provision shall not be interpreted to authorize a search or arrest without a warrant when such is required by law.

6-9-9 MALICIOUS IMPOUNDING: It shall be unlawful for any persons maliciously to secrete or impound the animal of another.

CHAPTER 10

WILD ANIMALS

Section:

- 6-10-1 Wild Animals
- 6-10-2 Protected Species

6-10-1 WILD ANIMALS: It shall be unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any wild animal as defined in Section 6-1-21 above which is fierce, dangerous, noxious, or naturally inclined to do harm, except the animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

6-10-2 PROTECTED SPECIES: It shall be unlawful for any person to keep an animal of a species prohibited or protected by Title 50 of the Code of Federal Regulations or by any regulation of law of the State of Utah.

CHAPTER 11

REGULATORY PERMITS

Section:

- 6-11-1 Commercial Permits
- 6-11-2 Display of Permit
- 6-11-3 Renewal of Permit
- 6-11-4 Permit Fees
- 6-11-5 Exemptions
- 6-11-6 Inspections
- 6-11-7 Standards of Establishments
- 6-11-8 Suspension or Revocation of Permits
- 6-11-9 Procedure for Court Order

6-11-1 COMMERCIAL PERMITS: It shall be unlawful for any person to operate or maintain a kennel, cattery, pet shop, groomery, riding stable, or any similar establishment unless such person first obtains a regulatory permit from the Tooele City Treasurer, in addition to all other required licenses. All applications for permits to operate such establishments shall be submitted, together with the required permit fee, on a printed form provided by the Tooele City Recorder. Before the permit is issued, approval shall be granted by the Tooele City-County Health Department, Tooele City Planning Commission and the Animal Control Division.

6-11-2 DI LAY OF PERMIT: A valid permit shall be posted in a conspicuous place in each establishment, and said permit shall be considered as appurtenant to the premises and not transferable to another location. The permittee shall notify the Animal Control Division within thirty (30) days of any change in his establishment or operation which may affect the status of his permit. In the event of a change in ownership of the establishment or operation which may affect the status of his establishment, the permittee shall notify the Animal Control Division immediately. Permits shall not be transferable from one owner to another.

6-11-3 RENEWAL OF PERMIT: Any permit issued pursuant to this Section shall automatically expire on December 31st immediately following date of issue. Within two (2) months prior to the expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee. Any application made after December 31st, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.

6-11-4 PERMIT FEES:

- (1) Kennels, groomeries, pet shops, veterinary clinics, or hospitals:
 - Class A, 3-15 Animals \$ 50.00
 - Class B, 16-30 Animals \$ 75.00
 - Class C, 30 or more Animals \$100.00
- (2) Riding Stables \$100.00
- (3) Late Fee \$ 25.00

6-11-5 EXEMPTIONS: Research facilities where bona fide medical or related research is being conducted, humane shelters, and other animal establishments operated by State or local government or which are licensed by federal law are excluded from the licensing requirements of this Ordinance.

6-11-6 INSPECTIONS: All establishments required to be permitted under this Ordinance shall be subject to periodic inspections, at any reasonable time and the inspector shall make a report of such inspection with a copy to be filed with the Animal Control Division. Failure to allow such inspections shall be grounds for revoking the permit under Section 6-1--8.

6-11-7 STANDARDS FOR ESTABLISHMENTS: The Division of Animal Control shall promulgate rules and regulations governing the operation of kennels, groomeries, pet shops, riding stables, and veterinary clinics or hospitals. Such rules and regulations shall provide for the type of structures, buildings, pens, cages, runways or yards required to the animal sought to be kept, harbored or confined on such premises; the manner of which food, water and sanitation facilities will be provided to such animals; measures relating to the health of said animals, the control of noise and odors, and the protection of persons or property on adjacent premises; and other such matters as the Supervisor shall deem necessary. Such rules and regulations shall be deemed a violation of this Ordinance and grounds for revocation of a permit issued by the Animal Control Division.

(1) Grounds: A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

(a) falsification of facts in a permit application;

(b) failure to allow inspection pursuant to section 6-11-8;

(c) violation of any of the provisions of this Ordinance or any other law or regulation governing the establishment, including noise, building and zoning Ordinances;

(d) conviction on a charge of cruelty to animals;

(e) becomes a nuisance.

(2) Procedure: If an inspection of kennels, groomeries, pet shops, riding stables, veterinary clinics or hospitals reveals a violation of this Ordinance, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. The notification shall:

(a) set forth the specific violation(s) found;

(b) establish a specific and reasonable period of time for the correction of the violation(s) found;

(c) state that failure to comply with any notice issued in accordance with the provisions of this Ordinance may result in immediate suspension of the permit;

(d) state that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Chief of Police within five (5) days of the date of the notice.

(3) Revocation or suspension: Any permit granted under this Ordinance may be suspended or revoked by the City Council for violations listed in part (a) above. A minimum of five (5) days notice shall be given to the permittee advising him of the date and time for such hearing, and stating the cause or causes for such suspension or revocation. No new permit shall be issued to any person whose permit has been previously revoked except upon application for a new permit, accompanied by the required application fee, and unless and until all requirements of this Ordinance have been met.

(4) Emergency suspension: Notwithstanding the other provisions of this Ordinance, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, groomeries, veterinary clinics or hospitals, riding stables, pet shops, or any similar establishments which in his judgment, constitute a substantial hazard to public health, he may without warning, or hearing, issue a written notice to the permit holder or operator citing such condition and specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be discontinued. Any person to whom such an order is issued shall comply immediately therewith. Any animals at such facility may be confiscated by the Animal Control Division and impounded or otherwise provided for according to the provisions of this Ordinance.

(5) Notice provided for under this Section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally

to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Animal Control Division.

6-11-9 PROCEDURE FOR COURT ORDER: Unless modified by the Court, court order pursuant to Section 6-5-2, 6-5-4 and 6-6-1 through 6-6-7 herein shall be filed according to the following minimum notice and procedure:

(1) The Supervisor of Animal Control or his authorized representative shall petition the Court for the desired action.

(2) The petition for the action, together with supporting affidavits, shall be served on the party against whom the action is taken at least five (5) days prior to the hearing.

CHAPTER 12

PENALTIES

Section:

6-12-1 Penalties

6-12-1 PENALTIES: Any person violating the provisions of this Ordinance either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to a fine in an amount not to exceed three hundred dollars (\$300.00) or imprisoned in the County jail not to exceed six (6) months, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

CHAPTER 13

SEVERABILITY

Section:

6-13-1 Severability

6-13-1 SEVERABILITY: In any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect independent from the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.