ORDINANCE NO. 94-03

AN ORDINANCE REGULATING ANIMALS WITHIN THE CITY OF WENDOVER, TOOELE COUNTY, UTAH.

RECITALS

1. The City of Wendover is authorized to adopt and enforce lawful and reasonable ordinances regulating and controlling the activities, conduct and conditions of animals within the city;

2. The City if authorized to provide licensing requirements for animals within the city;

3. The City is authorized to provide criminal penalties for the violations of the City's ordinances.

BE IT ORDAINED BY THE WENDOVER CITY COUNCIL:

Section No. 1 Ordinance Enacted. There is hereby enacted an Ordinance, consistent with the law of the State of Utah, regulating animals within the City of Wendover, Tooele County, Utah to read it its entirety as set forth in the Exhibit A, attached hereto and incorporated herein by this reference.

Section No 2. Repealer. Ordinance No. 83-1 entitled "Animal Control Ordinance of 1983," is hereby repealed.

Section No. 3. Resolutions. All resolutions heretofore adopted by the City dealing with animal control, animal licensing and related matters shall remain in full force and effect to the extent that said regulations are not in conflict with the Animal Control Ordinance adopted by virtue of Section No. 1, above. Any such regulation which conflicts with the Ordinance adopted herein is repealed.

Section No. 4. Severability Clause. The provisions of this Ordinance and all regulations thereunder, are severable. If any provision of this Ordinance is held invalid or unenforceable for any reason, said invalidity or unenforceability shall not affect any other provision of this Ordinance or its application under a different circumstance.

Section No. 5. Effective Date. This Ordinance shall become effective 20 days after publication or posting or 30 days after final passage by the governing body, whichever is earlier.

PASSED AND ADOPTED BY THE WENDOVER CITY COUNCIL THIS 1st DAY OF MARCH, 1994.

Brenda Morgan
MAYOR

ATTEST:

Margaret L. Wheeler
CITY RECORDER

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Posted 3/4/94

EXHIBIT "A"
TO WENDOVER CITY ORDINANCE NO. 94-03

WENDOVER CITY ANIMAL CONTROL ORDINANCE

ANIMAL CONTROL

Part 1 INTRODUCTORY PROVISIONS

1-101 Title.

This Ordinance shall be known as the Wendover City Animal Control Ordinance

1-102 Definitions.

The following terms, as used in this Chapter, shall have the following meanings:

(1) "Animals at Large" means any domesticated animal, whether or not licensed, not under restraint.

(2) "Animal Boarding Establishment" means any establishment which takes in animals for boarding for a fee.

(3) "Animal Grooming Parlor" means any establishment maintained for the purpose of offering cosmetological services for animals for a fee.

(4) "Animal Shelter" means a facility owned and/or operated by a governmental entity or any animal welfare organization for the purpose of preventing cruelty to animals, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats or other small domestic animals.

(5) "Animal Under Restraint" means 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. 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 insure the individual's safety and warning must be given of the presence of such animal.

(6) "Animal Welfare Society" means any organization incorporated within the State of utah for the purpose of preventing cruelty to animals. (See Section 76-9-302, Utah Code Annotated 1953)

(7) "Attack" means 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.

(8) "Bite" means any injury to person or property inflicted by the teeth of an animal.

(9) "Cat" means any feline of the domesticated types,

(10) "Cattery" means an establishment for boarding, breeding, buying, grooming or selling cats for a fee.

(11) "Dog" means any "canis familiaris" over four months of age. Any "canis familiaris" under four months of age is a "puppy."

(12) "Domesticated Animals" means animals accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, fowl, horses, swine, and goats.

(13) "Guard Dog" means 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 in to contact with the public.

(14) "Holding Facility" means any pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facility used for holding animals.

(15) "Kennel" means and includes any residence, premises or establishment, including but not limited to a business establishment, having three or more dogs. As it relates to persons within the City, the word "Kennel" also means and includes any person who harbors three or more dogs upon or within a single premises, where said dogs are more than four (4) months of age.

(16) "Leash or Lead" means any chain, rope, or device having tensile strength to restrain an animal.

(17) "Pet" means a domesticated animal kept for pleasure, such as bird, cat, dog, fish, hamster, mouse, and other animal associated with man's environment.

(18) "Pet Shop" means an establishment where dogs, cats, birds, or other pets are kept and displayed for sale.

(19) "Quarantine" means the isolation of an animal in an enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

(20) "Riding School or Stable" means an establishment which offers boarding and/or riding instructions for any horse, pony, donkey, mule, or burro, or which offers such animals for hire.

(21) "Stray" means any animal "at large."

(22) "Vicious Animal" means 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 that by its unique nature or breeding has known propensities to be aggressive toward any person or animal.

(23) "Wild Animal" means any animal of a species, however domesticated, that in its natural life is wild, including, but not limited to, alligators and crocodiles, all bears, (ursideae), including grizzly, brown, black, etc.; cat family (felidae), except the commonly accepted domesticated cats, but including cheetahs, cougars, leopards, lions, lynxes, panthers, mountain lions, tigers, wildcats, etc.; dog family (canidae), except domesticated dogs, but including wolves, foxes, coyotes, dingos, etc.; porcupines (erethizontidae); primates (hominidae) including all subhuman primates; raccoons (prosynnidae), including eastern raccoons, desert raccoons, ring-tailed cats, etc.; skunks; venomous fish and piranha; venomous snakes and lizards; weasels (mustelidae), including martens, wolverines, ferrets, badgers, otters, ermine, mink, mongooses, etc., except that persons raising members of this family as a business for their pelts shall not be prohibited by this Chapter.

1-103. Animal Control Officials--Defined; Power

(1) Defined. The Chief of Police is the Animal Control Officer of the City. Each member of the City Police Department, and any other peace officer is a deputy animal control officer. The Chief of Police may appoint other deputy animal control officers with the approval of the City Council.

(2) General Enforcement Powers. The Animal Control Officers shall have the power and authority to enforce this Chapter

(3) Impoundment. The Animal Control Officers are authorized and empowered to apprehend, take with them, and impound any animal found in violation of this Chapter, including licensable dogs for which no license has been procured in accordance with this Chapter, or any licensed or unlicensed dogs violating any provision of this Chapter.

(4) Right of Entry. In the enforcement of this Chapter any peace officer or Animal Control Officer is authorized to enter onto the open premises of any property to take possession of any animal violating this Chapter.

(5) Interference Prohibited. It shall be unlawful for any person to interfere with, molest, hinder, or prevent the Animal Control Officers from discharging their duties. It is unlawful for

any person to hinder, delay,, interfere with or obstruct them while engaging in capturing, securing, or taking any animal or animals to the animal shelter to be impounded. It shall also be unlawful to break open or in any manner directly or indirectly aid, counsel, or advise, any animal shelter or vehicle used for holding, collecting or conveying animals to the shelter

1-104. Duties of Animal Control Officials.

The Animal Control officials shall:

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

(2) Keep accurate records of all animals impounded and all moneys collected.

(3) See that all dogs in the City are licensed, controlled and/or permitted in accordance with any applicable Ordinance and/or regulations, and that all taxes and license fees imposed by this Ordinance are collected.

(4) Establish adequate measures for rabies immunization and control in cooperation with all interested governmental agencies.

1-1-5. Animal Control Shelter.

The City may enter into an agreement with Tooele County or another City, County or governmental agency (including governmental entities or political subdivisions within the State of Nevada) to:

(1) Provide suitable premises and facilities to be used as a Pound wherein impounded dogs and animals can be adequately kept,

(2) Purchase and supply food for the dogs impounded therein pursuant to the provisions of this Chapter, and

(3) Furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this Chapter

PART 2. LICENSING

1-201. Dog Licensing.

(1) Age of Applicant. All licenses must be purchased by a person of the age of 18 years or older.

(2) Licensing Age. Any person owning, possessing, or harboring any dog shall obtain a license for such animal within 30

days after the dog reaches the age of four months, or in the case of a dog over the age of four months, within ten days of the acquisition of such dog; provided, however, that any person 65 years of age or over owning, possessing, or harboring a dog shall be exempt from payment of the license fee applicable to the licensing of dogs but shall be required to license his/her dog annually as provided herein, and to provide it with a collar to which is affixed a current license tag.

(3) Annual License Content. License applications must be submitted annually to the City, utilizing a standard form which requests name, address, and telephone number of the applicant. breed, sex, color, age, and any other information requested pertaining to the animal, and a current rabies vaccination certificate. Rabies vaccinations shall be given by a licensed veterinarian every three years. The application shall be accompanied by the Prescribed license fee.

(4) License Fee. License fees shall be established by Resolution of the City Council.

(5) Spaying/Neutering. No dog shall be licensed as spayed or neutered without proof that such surgery was performed.

(6) Expiration. Licenses shall expire on December 31st of each year. A late fee shall be imposed on all licenses purchased after March 1st.

1-202. License Tag.

(1) Issued. Upon payment of the license fee, or upon application for a license by any dog owner 65 years of age or older, the City shall issue to the owner a certificate and a tag for each dog licensed. The tag shall be stamped with the license number assigned and recorded on the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and tag are constantly worn. Failure to attach the tag shall be a violation of this Chapter, but dogs kept for show purposes are exempt from wearing the collar and tag.

(2) Non-Transferable. Dog tags are not transferable from one dog to another.

(3) No Refunds. No refunds shall be made of any dog license fee for any reason.

(4) Replacement. Replacements for lost or destroyed tags shall be issued upon payment of $5.00 to the City.

(5) Removal of Collar. It is unlawful for any person to remove or cause to be removed the collar, harness, or tag from any

licensed dog without the consent of the owner or keeper thereof except a licensed veterinarian or Animal Control Officer who removes such for medical and other reasons.

1-203. Licensing Exemptions.

(1) The provisions of Sections 1-201 and 1-202 shall not apply to:

(a) Licensed dogs whose owners are non-residents temporarily within the City for not to exceed 30 days. Licensed dogs whose owners remain within the jurisdiction longer than 30 days may transfer a valid dog license of another jurisdiction to the local City license upon payment of a $5.00 fee and proof of current rabies vaccination.

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

(2) The provisions of Section 1-201 shall not apply to:

(a) Any dog duly or properly trained to assist those who have impairment of sight or hearing and is acting in such capacity shall be licensed and shall be required to furnish proof of vaccination, but no license fee shall be required.

(b) Any dog specially trained to assist officials of government agencies in the performance of their duties and which is owned by such an agency

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

PART 3. GENERAL RULES AND REGULATIONS

1-301. Unlawful to Harbor Stray Dogs.

It shall be unlawful for any person, except an Animal Welfare Society, to harbor or keep any lost or stray dog. Whenever any dog shall be found which appears to be lost or stray, it shall be the duty of the finder to notify the Animal Control Officer of the City within 24 hours, and he shall impound the dog as herein provided.

1-302. Animals Running at Large - Vicious Animals.

(1) Prohibited. It shall be unlawful for the owner or person having charge, care, custody, or control of a dog to allow such animal at any time to run at large. The owner or person charged

with the responsibility of any dog found running at large shall be liable for a violation of this Section and for any property damage or injury to a person or another animal caused by such animal running at large, 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. Any animal shall be considered running at large if not properly restrained.

(2) Vicious Animals Prohibited. It is unlawful for the owner of a vicious animal, knowing its propensities, to wilfully allow it to go at large or to keep it without ordinary care. It is unlawful for any animal, while at large, or while not kept with ordinary care, to cause injury to another animal or to any human being who has taken reasonable precaution under the circumstances.

1-303. Animals on Unenclosed Premises.

It shall be unlawful for any person to chain, stake out, or tether any animal on any unenclosed premise in such a manner that the animal may go beyond the property line.

1-304. Animals in Public.

It shall be unlawful for any person to chain, stake out, or tether any animal in a public place unless the person in charge of such animal is present and the animal is properly restrained so that the animal poses no threat of contact with an individual engaged in a normal and expected activity.

1-305. Fences and Enclosures.

It shall be unlawful for the owner or any person responsible for an enclosure or fence, which is intended to limit an animal's movement to a specific area, to fail to properly maintain such enclosure or fence. It shall not be necessary for an animal to have actually escaped to constitute a violation of this Section.

1-306. Female Dogs in Heat.

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

1-307. Places Prohibited to Animals.

(1) No Animals Around Food Establishment. It shall be unlawful for any person to take or permit any animal, whether loose, on a leash, or in 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 stands.

(2) No Animals in Water Storage Areas. It shall be unlawful for any person keeping, harboring, having charge or control of any animal to allow it to be within any water storage area or watershed area so designated by law or otherwise legally appointed, either now existing or in the future.

(3) No Dogs in Parks or Playgrounds. No person shall permit any dog to enter or remain in a public park or playground unless a special permit is obtained from authorized personnel of the City.

(4) This Section shall not apply to dogs exempted in Sections 1-203(2).

1-308. Animals Attacking Persons and Other Animals.

(1) Attacking Animals. It shall be unlawful for the owner or person having charge, care, custody, or control of an animal to allow such animal to attack, chase, or worry any person or domestic animal having commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. "Worry" as used in this Section, shall mean to harass by tearing, biting, or shaking with the teeth.

(2) Owner Liability. The owner or person having charge, care, custody, or control of such animal shall also be liable in damages to any person injured, for any property damaged, or to the owner of any animal(s) injured or destroyed.

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

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

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

(c) Animals May be Killed. Any person may kill an animal while it is committing any of the acts specified in Subsection (1) of this Section or while such animal is being pursued.

1-309. Fierce, Dangerous or Vicious Animals and Guard Dog Restrictions.

(1) Premises, Muzzle. It shall be unlawful for the owner of any fierce, dangerous, or vicious animal to permit such animal to go or to 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.

(2) Uncontrollable Vicious Animal. 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 Animal Control Officer shall seek a Court Order for destruction of the animal.

(3) Guard Dogs. Subsection (2) shall apply to guard dogs provided for the protection of property. Guard dogs must be kept in a fenced run or other suitable enclosure and under absolute control during hours when the property is opened to the Public so they cannot come into contact with the public. Guard dogs shall at all times be properly restrained.

(4) Previous Bites. It shall be prima facie evidence of violation of this Section when a person has actual knowledge that a dog kept, harbored, or maintained by him has bitten another animal or person or if the person has reasonable grounds to believe a dog kept, harbored, or maintained by him has bitten another animal or person.

(5) The dogs identified under this Section:

(a) Must be licensed under the procedures and fees set forth in this Chapter.

(b) Must be kept in a fenced yard, dog run, or other structure which is at least six feet in height, by six feet wide, and by ten feet in length.

(c) Must be on a leash and properly muzzled if they are out of a fenced area.

(d) Must, at the time of licensing, provide proof of a fully paid Homeowner's or Rental Insurance Policy personal containing personal liability clause in the amount of at least $100,000.

(e) The Insurance Policy number and the name of the agent shall be recorded upon licensing, and the agent will be notified if the dog is cited for a violation of this Section.

(f) These requirements must be met before a dog license will be issued.

(6) Knowledge of Vicious Propensities. It is unlawful for the owner of a vicious animal, knowing its propensities, to wilfully allow it to go at large or to keep it without ordinary care. It shall be unlawful for any animal, while at large, to cause injury to another animal or to any human being who has taken reasonable precaution.

1-310. Nuisance - Animals.

Any owner or person having charge, care, custody, or control of an animal(s) causing a nuisance as defined below shall be in violation of this Chapter and subject to the penalties provided herein. Any animal is a nuisance which:

(1) Causes damage to the property of anyone other than its owner.

(2) Is a vicious animal as defined and kept contrary to Section 1-309.

(3) Causes unreasonable fouling of the air by odors.

(4) Causes unsanitary conditions in enclosures or surroundings.

(5) 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, having care, charge, control, or custody of such animal shall remove any such defecation to a proper trash receptacle.

(6) Barks, whines, howls, or makes other disturbing noises in an excessive, continuous, or untimely fashion.

(7) Molests passers-by or chases passing vehicles.

(8) Attacks other domestic animals.

(9) 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.

(10) Any animal(s) which, by virtue of the number maintained, is determined to be offensive or dangerous to the public health, welfare, or safety.

1-311. Revocation of Dog License.

If the owner of any dog is found to be in violation of this Chanter on two or more different occasions during any twelve-month period, the Animal Control Officer may revoke for a period of one year any dog license such person may possess, and pick up and impound any dog kept by the person under such order. Any dog impounded pursuant to such order shall be dealt with in accordance with the provisions of this Chapter for impounded animals, except that the person under the order of revocation shall not be allowed to redeem the dog under any circumstances.

1-312. Bites and Attacks - Duty to Report.

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

(2) The owner of an animal which bites a person or any person bitten by an animal shall immediately report the bite to the Animal Control Official of the City after 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 has rendered professional treatment to the Animal Control Official of the City within 24 hours of his first professional attendance. He shall report the name, sex, and address of the person bitten, as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist 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 Official of the City. 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 having knowledge of any individual or animal having been attacked by an animal, or if the owner of the animal has such knowledge, such person shall immediately report the attack to the Animal Control Official of the City.

1-313. Control of Rabies and Rabid Animals.

(1) Rabies Vaccination Required for Dogs. The owner or person having the charge, care, custody, and control of a dog more than four months old shall have the animal vaccinated. 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 over four months of age acquired by the owner or moved into the jurisdiction must be vaccinated within 30 days of purchase or arrival. Every dog shall be re-vaccinated thereafter every 36 months with a modified virus rabies vaccine approved by the Tooele County Board of Health. This provision shall not apply to veterinarians or kennel operators temporarily maintaining animals owned by others on their premises.

(2) Duties of Veterinarian and Tag Requirements. It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination which includes the following information:

(a) Owner's name and address.

(b) Description of animal: breed, sex, markings, age, name.

(c) Date of vaccination.

(d) Rabies vaccination tag number.

(e) Type of rabies vaccine administered.

(f) Manufacturer's serial number of vaccine. A copy of the certificate shall be given to the owner and the 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 this Section. 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 a tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this Chapter.

(3) Transient Animal - Exception. The provisions of this Section with respect to vaccination shall not apply to any animal owned by a person temporarily remaining within the jurisdiction for less than 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.

(4) Impoundment of Animal Without Valid Rabies Vaccination Tag.

(a) Any vaccinated dog impounded because of a lack of a rabies vaccination may be reclaimed by its owner furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

(b) Any unvaccinated dog may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within 72 hours of release.

(c) Any dog not reclaimed prior to the period shall be disposed of pursuant to the provisions of Section 8-12-23.

(5) Reporting of Rabid 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 Animal Control Officials of the City.

(6) Quarantining and Disposing of Biting or Rabid Animals.

(a) An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal infected 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 a secure place by the owner The owner shall turn the animal over to the Animal Control Officials of the City upon demand.

(b) The owner of any animal of a species subject to rabies, including, but not limited to, dogs, cats, skunks, and raccoons, which has bitten a person or another animal shall surrender the animal to an authorized official upon demand. Any person authorized to enforce this Chapter 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.

(c) 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 days. The owner of the animal shall pay 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 if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Animal Control

Officials of the City if the animal shows any signs of sickness or abnormal behavior. They must not refuse to allow the Animal Control Officials to make an inspection or examination during the period of quarantine. If the animal dies within ten days from the date of the bite, the person having custody shall immediately notify the Animal Control Officials of the City or immediately remove and deliver the head of the animal to the State Health Laboratory to be examined for rabies. If at the end of the ten-day period the Animal Control Officials examine the animal and find 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 8-12-23.

(d) Unvaccinated Bitten Animals. In the case of an unvaccinated animal species subject to rabies, which is known to have been bitten by a known rabid animal, the bitten or exposed animal should be immediately destroyed. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six 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.

(e) Vaccinated Bitten Animals. If the bitten or exposed animal has been vaccinated, the animal shall be re-vaccinated within 24 hours and quarantined for a period of 30 days following re-vaccination; or if the animal is not re-vaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for six months. The animal shall be destroyed if the owner does not comply.

(f) 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 Officials of the City

(g) Bites and Attacks. If any animal bites or attacks a person or animal two times or more in a twelve-month period, such animal may be immediately impounded by the Animal Control Official of the City without a Court Order and held at the owner's expense pending Court action. Any such animal shall be deemed a vicious animal and will be subject to the provisions of Section 8-12-15.

PART 4. IMPOUND RULES

1-401. Impounding - Animals to be Impounded.

The City Animal Control Officials shall place all animals taken into custody in 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 Chapter.

(2) Any animal running at large contrary to the provisions of this Chapter.

(3) Any animal which is required to be licensed under the provisions of this Chapter and is not so 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) Any animal which is not vaccinated for rabies in accordance with the requirements of this Chapter

(7) Any animal to be held for quarantine.

(8) Any vicious animal not properly confined as required by Section 1-308.

1-402. Impounding - Records to be Kept.

The impounding facility shall keep a record of each animal impounded which includes the following information:

(1) Complete description of the animal, including tag number.

(2) The manner and date of impound.

(3) The location of the pickup and name of the Animal Control Official 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.

1-403. Impounding Disposition of Animals.

(1) Impounding Notice. Animals shall be impounded for a minimum of 72 hours before further disposition, unless otherwise provided. Reasonable effort shall be made to 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 for destruction or other disposition need not be kept for the minimum holding period before release or other disposition.

(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 facility shall direct. Any healthy dog or cat may be sold to any person or to any institution engaged in scientific research and desiring to purchase such animal for a price to be determined by the facility not to exceed $30.00 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, at the discretion of the Animal Control Official, be released to the care of a veterinarian with the consent of the owner.

1-404. Impounding - Redemption.

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

(1) The impound fee.

(2) The daily board charge.

(3) Any costs incurred during the impound period, including rabies vaccination.

(4) License fee, if required.

No impound fee will be charged the reporting owners of suspected rabid animals if they comply with Section 8-12-20.

PART 5. CRUELTY TO ANIMALS

1-501. Care and Maintenance of Animals.

It shall be the duty of any person to provide any animal in his charge, care, or custody, as owner or otherwise, with adequate food, drink, care, and shelter.

1-502. Cruelty to Animals Prohibited.

(1) Adoption by Reference. The provisions of Utah Code Annotated Title 76, Chapter 9, Part 3, entitled "Cruelty to Animals" is hereby adopted by the City, and is incorporated herein by reference as though fully set forth herein, including but not limited to the following:

(a) 76-9-301 Cruelty to Animals;

(b) 76-9-301.1 Dog Fighting - Training dogs for fighting - Dog Fighting Exhibitions;

(c) 76-9-301.5 Spectator at Organized Animal fighting exhibitions

(d) 76-9-301.6 Dog fighting exhibition - Authority to arrest and take possession of dogs and property;

(e) 76-9-301.8 Bestiality - Definitions - Penalty

(f) 76-9-302 Society to prevent cruelty to animals

(g) 76-9-304 Allowing vicious animals to go at large

(h) 76-9-305 Officer's authority to take possession of animals - Lien for care;

(i) 76-9-306 Police Service Criminals.

PART 6. WILd ANIMALS

1-601. Wild Animals.

(1) 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 8-12-1 which is fierce, dangerous, noxious, or naturally inclined to do harm, except an animal shelter zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show, or facilities for educational or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

(2) Unlawful Animals. 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 a regulation or law of the State of Utah.

PART 7 COMMERCIAL REGULATIONS

1-701. Sale of Animals.

(1) Rabbits or Fowl. It shall be unlawful for any person to sell, offer for sale, barter, or give away any baby rabbits or fowl under two months of age. Such animals shall not be artificially dyed or colored. Nothing in this Section shall be construed to prohibit the raising of such rabbits or fowl by a private individual for his personal use and consumption. Any person raising rabbits or fowl shall maintain proper containment of such animals while they are in his possession.

(2) Premiums and Novelties. It shall be unlawful for any pet shop to raise or sell any "Pseudyms scripta-elegans," or "Ptroostii" family "Testudinidae," "pet turtles."

1-702. Regulatory Permits.

(1) Commercial Permits. It shall be unlawful for any person to operate or maintain a kennel, cattery, pet shop, groomery, riding stable, veterinary clinic, hospital, or any similar establishment unless such person first obtains a regulatory permit from the City, 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 City. Before the permit is issued, approval shall be granted by the Tooele County Board of Health, the appropriate City zoning authority, and the City Animal Control Officials.

(2) Kennel Permits, Fees, and Restrictions. Anyone owning, keeping, harboring, or maintaining three or more dogs over the age of four months shall be considered operating a dog kennel and shall pay annual kennel license fees in an amount established by Resolution of the City Council, but until such fee is established by Resolution, the annual fee shall be $100.00, which shall be proportioned based on the number of months (including the month in which application is made) remaining in the year for which the fee is paid. The fee shall include months for which the kennel fee was due but not paid.

(3) Display 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 holder of the permit shall notify the City

within 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, the permittee shall notify the City immediately. Permits shall not be transferable from one owner to another.

(4) Renewal of Permit. Any permit issued pursuant to this Section shall automatically expire on December 31st immediately following date of issue. Within two 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. New permits issued after December 31st will have their fees prorated for the first year of issuance.

(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 Chapter

(6) Inspections. All establishments required to have a permit under this Chapter shall be subject to periodic inspections, and the inspector shall make a report of such inspection, with a copy to be filed with the City.

1-708. Standards for Permitted Establishments.

The City may promulgate rules and regulations governing the operation of kennels, catteries, groomeries, pet shops, riding stables, and veterinary clinics or hospitals. Such rules and regulations may provide for the type of structures, buildings, pens, cages, runways, or yards required for the animal to be kent, harbored, or confined on such premises, the manner in which food, water, and sanitation facilities will be provided to such animals, measures relating to the health of the animals, the control of noise and odors, and the protection of persons or property on adjacent premises, and other such matters as the City shall deem necessary

1-709. Suspension or Revocation of Permit.

(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) Violation of any of the provisions of this Chapter, or any other law or regulation governing the establishment, including, but not limited to, noise, building, and zoning Ordinances.

(c) Conviction on a charge of cruelty to animals.

(2) Procedure. After an inspection of kennels, catteries, groomeries, pet shops, riding stables, veterinary clinics or hospitals, the inspector shall notify the permit holder or operator of any violation by means of an inspection report form or written notice. The notification shall:

(a) Set forth the specific violation(s).

(b) Establish a specific 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 Chapter may result in immediate suspension of the permit.

(d) State that an opportunity for appeal of any notice or inspection findings will be provided if a written request for a hearing is filed with the City Police Department or Animal Control Officer within five days of the date of the notice.

(3) Revocation or Suspension. Any permit granted under this Chapter may be suspended or revoked by the City for violations listed in this Section. A minimum of five days notice shall be given to the permittee advising him of the date and the time for such hearing, and listing 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 until all requirements of this Chapter have been met.

(4) Emergency Suspension. When the inspecting officer finds unsanitary or other conditions in the operation of kennels, catteries, 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 immediately discontinued. Any person to whom such an order is issued shall comply immediately. Any animals at such a facility may be confiscated by the Animal Control Officials of the City and impounded or otherwise provided for according to the provisions of this Chapter.

(5) Notice. Notice provided for under this Section shall be deemed to have been properly served when the original of the inspection report form or other written 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 City.

PART 8 PENALTIES AND REMEDIES

1-801. Administrative Remedy.

Any person required to license any animal under the provisions of this Ordinance, or any person who is or may be subject to the enforcement of any provision of this Ordinance in a civil or criminal proceeding and who disagrees with the interpretation or application of any provision of this Ordinance shall make a written request to the Mayor to determine whether and how the provisions of this Ordinance apply to him or her and to the animals subject to the provisions hereof. During the time that the written request is being considered by the Mayor, no criminal action shall be enforced under this Ordinance against the person making the request. The Mayor shall rule on the request within five days after it is received by him. The decision of the Mayor shall advise the recipient of whether and how the provisions of this Ordinance apply to the request, and if any provision applies, the decision shall inform the recipient of how many days the person has to comply with the Ordinance before it will be enforced against him or her and the animal which may be affected by the Ordinance. If any person affected by the provisions of this Ordinance takes the position that his or her animal is not within the classifications established by this Ordinance, he or she shall make a written request to the Mayor under this Section. The Mayor may appoint an expert to advise on matters requiring special knowledge, and if an expert is required to advise the Mayor, he may delay his decision until he has received the recommendations of the expert. Nothing in this Ordinance requires the City to dismiss any criminal or civil action brought by the City pending his decision. Any person aggrieved by a decision of the Mayor may, within 30 days of the date of any such decision, file a written appeal with the City Council. The City Council shall consider the appeal and make a decision thereon within 60 days of the date of any such appeal. The written decision of the City Council shall be final.

1-802. Procedure for Court Order.

Unless modified by the Court, Court Orders shall be filed according to the following minimum notice and procedure:

(1) The City Animal Control Officials 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 days prior to the hearing.

1-803. Violation.

Unless otherwise provided in any Section of this Chapter, any person violating any provision of this Chapter, either by failing to do those acts required herein, or by doing any act prohibited herein, shall be guilty of a Class B misdemeanor. Each day that a violation is committed or permitted to continue constitutes a separate offense and shall be punishable as such.

8-12-35. Severability.

If any provision, clause, sentence, or paragraph of this Chapter, 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 Chapter which can be given effect independent of the invalid provision or application, and to this end, the provisions of this Chapter are severable.

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