

AN ORDINANCE OF THE CITY COUNCIL OF LAVERKIN, UTAH, AMENDING
TITLE 5 CHAPTER 1 OF THE LAVERKIN CITY CODE PERTAINING TO ANIMAL
CONTROL.

WHEREAS, the City Council of LaVerkin, deems it necessary and desirable for the preservation and protection of the public health, safety, and welfare of the residents of LaVerkin, Utah, to approve and adopt amendments to Title 5 Chapter 1 of the LaVerkin City Code,

BE IT HEREBY ORDAINED by the City Council of LaVerkin, Utah, that Title 5 Chapter 1 of the LaVerkin City Code shall be, and is hereby, amended in its entirety as follows:

TITLE 5 POLICE REGULATIONS

CHAPTER 1 ANIMAL CONTROL

SECTION:

- 5-1-1: Definitions
- 5-1-2: Division of Animal Control
- 5-1-3: Dog License Procedure
- 5-1-4: Rabies Control
- 5-1-5: Kennel Prohibited
- 5-1-6: Specific Violations
- 5-1-7: Vicious Animals
- 5-1-8: Killing of a Dog
- 5-1-9: Impoundment of Animals
- 5-1-10: Sale of Dogs, Cats and Rabbits
- 5-1-11: Liability, Restitution; Order for Destruction Vicious Animals
- 5-1-12: Penalty for Violation

5-1-1: DEFINITIONS: As used in this chapter, the following words and terms shall have the following meanings:

ABANDON: To intentionally deposit, leave, or drop off any live animal without providing for the care of that animal in accordance with accepted animal husbandry practices or customary farming practices, or in a situation where conditions present an immediate, direct and serious threat to the life, safety or health of the animal. Abandon does not include returning wildlife to its natural habitat

ANIMAL CONTROL OFFICER: Any peace officer or other person(s) designated by the LaVerkin City Police Chief as the person(s) charged with enforcement of this Chapter.

ANIMAL FIGHTING EXHIBITION: Where an animal is caused to fight with (a) another animal of like kind for amusement or gain, or (b) a different kind of animal or creature for amusement or gain.

AT LARGE: any domesticated animal off the premises of the owner or other person having the care, custody or control of an animal, and not under the immediate control of such owner or other person. In the case of a dog, immediate control means on a leash, cord, chain, confined within a vehicle, or within the direct command of the owner or other person.

BITE: an actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

CERTIFICATE OF SOURCE: Any document which establishes that such dog, cat or rabbit was directly obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter, or other recognized animal rescue organization.

EMOTIONAL SUPPORT ANIMAL: Animals that provide companionship, relieve loneliness, or help with depression and anxiety, but do not have special training to perform tasks that assist people with disabilities.

IMPOUND: The picking up and taking to the animal shelter of any animal by the animal control officer.

KENNEL: Any residence or commercial establishment having more than (4) dogs for the purpose of boarding, breeding, keeping, buying, selling, grooming, letting for hire or training for a fee.

OWNER: Any person who owns or who has the care, custody and control of an animal.

SERVICE DOG: Any dog that: (a) is trained, or is in training, to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, and (b) performs work or tasks or is in training to perform work or tasks, that are directly related to the individual disability.

UNLICENSED DOG: A dog for which the license for the current year has not been paid, or to which the tag provided for in this chapter is not attached. (Ord. 99-09, 9-1-1999)

VICIOUS ANIMAL: Any animal which: (a) attacks or bites another animal or person without provocation, (b) has a known propensity, tendency or disposition to attack or bite another animal or person without provocation.

WILD ANIMAL: Any animal of a species that in its natural habitat is wild.

5-1-2: DIVISION OF ANIMAL CONTROL

A. Created. There is hereby created within the LaVerkin City Police Department a Division of Animal Control under the supervision of the LaVerkin City Chief of Police, who shall designate such peace officers or other persons to act as animal control officers for the purpose of carrying out the provisions of this chapter.

B. Powers. Any peace officer or person designated as animal control officer shall have the following powers:

1. To capture, apprehend and impound any animal found in violation of this chapter, including any dog for which a license is required but has not been obtained, and any other animal in violation of the provisions of this chapter.
2. To enter onto private property, including during times of emergency into dwelling units, to investigate any violation of this chapter or take possession of any animal in violation of this chapter.
3. To issue citations to any person in violation of the provisions of this chapter.
4. To take such other action as may be reasonably necessary to protect the health, safety and welfare of the residents of LaVerkin in the enforcement of the provisions of this chapter, including killing a dog in accordance with Section 5-1-8 hereafter.

C. Duties: Any peace officer or person designated as animal control officer shall have the following duties:

1. Investigate all reports of violations of this chapter.
2. Keep records of all reports of violations of this chapter and citations issued.
3. Provide adequate care for all animals transported to the LaVerkin animal shelter.
4. Operate the city animal shelter in a clean, orderly and efficient manner.
5. Keep adequate records of all animals impounded and all monies collected.
6. Take such action as may be necessary to prevent cruelty to animals.
7. Perform such other tasks as may be directed from time to time by the LaVerkin City Chief of Police.

5-1-3: DOG LICENSING PROCEDURE

A. License Required: All dogs must be licensed each year in accordance with the following:

B. Time Limit to Obtain: Any owner or other person having the care, custody or control of

of a dog shall be required to obtain a license for such dog within thirty (30) days after the dog reaches the age of four (4) months, or within five (5) days of the date of the acquisition of an unlicensed dog which is four (4) months or older.

C. Application for License: An application for licensing of a dog must be submitted to the city office or animal shelter on a form prescribed by the city, containing the following information:

1. The name, address, telephone number and email address of the applicant, and, if the applicant is not the owner of the dog, the name, address, telephone number and email address of the owner.
2. The breed, sex, color and age of the dog.
3. The date of rabies vaccination, accompanied by a vaccination certificate signed by a licensed veterinarian.

D. Fees: The annual license fee in such amount as may be established from time to time by resolution of the LaVerkin City Council shall accompany the license application.

E. Effective Date: Any license issued pursuant to this section shall be effective from the date of purchase through the end of December of the same calendar year. A new application must be submitted, and a new license by the end of February for the current calendar year. Any license not obtained by the end of February shall be subject to a late fee.

F. License Tags: Upon payment of the license fee and issuance of the license, the Division of Animal Control shall issue to the owner a certificate and a license tag for each dog licensed subject to the following:

1. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate.
2. 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.
3. Failure to attach the tag as provided shall be in violation of this chapter, except that dogs which are kept primarily for show purposes are exempt from wearing the tag.
4. Dog tags are not transferable from one dog to another.
5. No refunds shall be made on any dog license fee for any reason whatsoever.
6. Replacements for lost or destroyed tags shall be issued upon proof of prior receipt and payment of \$2.00 to the Division of Animal Control.
7. Any person removing or causing 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, shall be in violation of this chapter.

G. Exemptions to licensing requirements. The provisions of subsections A through F of this section shall not apply to:

1. Dogs which have a current, valid license from another city/town and whose owners are not residents of the City but who are in the City for less than thirty (30) days.
2. Dogs licensed elsewhere and whose owners remain in the City for more than thirty (30) days may transfer the license for up to two dogs to a City license upon payment of a \$5.00 fee and submission of proof of current rabies vaccination.

5-1-4: RABIES CONTROL

A. Vaccination required. Every owner or person having the care, custody and control of any dog over the age of four months within the City shall have the dog vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate thereof, and shall attach to the collar or harness, which such person is hereby required to place upon the dog, a tag showing that such vaccination has been done; provided, that the City Council may, by resolution, provide that owners of any dog may themselves purchase serum and vaccinate their own dogs. The resolution shall also prescribe the condition with which the owner must comply to obtain the tag hereinafter required.

B. Public places; Vaccination; Tag Required. It shall be unlawful for the owner of any dog to suffer, allow or permit such dog to be or go upon any sidewalk, street, alley, public place or square within the City without first having had such dog vaccinated every two years against rabies as above provided within the past two years, and without there being on such dog a collar or harness with a license tag thereon showing that such dog has been so vaccinated.

C. Duty to Report Bites. 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 Division of Animal Control, giving the name and address of the person bitten and of the owner or custodian of the biting animal, if available. Failure to provide such information or otherwise assist the division to provide such information or otherwise assist the division in discovering possible exposure to rabies or in ascertaining the immunization of an animal shall be in violation of this chapter.

D. Vaccination; Certificate. Rabies vaccination is required for dogs and cats. The owner of a dog or cat shall have said animal vaccinated within thirty (30) days after it reaches the age of four months. Unvaccinated dogs or cats over four (4) months of age acquired by the owner or brought into the jurisdiction must be vaccinated within thirty (30) days. Every dog shall be revaccinated thereafter every thirty-six (36) months, and every cat shall be revaccinated thereafter every twelve (12) months with a modified rabies virus vaccine approved by the division. This provision shall not apply to a veterinarian temporarily maintaining on their

premises animals owned by others. Each veterinarian, when vaccinating any animal for rabies, shall complete a certificate of rabies vaccination (in duplicate) a copy of which shall be distributed to the owner and original retained by the issuing veterinarian, which includes the following information:

1. Owner's name and address
2. Description of animal (breed, sex, marking, age, name)
3. Date of vaccination
4. Rabies vaccination tag number
5. Type of rabies vaccine administered
6. Manufacturer's serial number of vaccine

E. Unvaccinated Animals. Any unvaccinated animal shall be impounded but may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within 72 hours of release. Any animal not reclaimed prior to the five-day period may be disposed of pursuant to provisions of of this chapter.

F. Biting Animals. Management of biting animals shall be as follows:

1. A healthy dog, cat, or ferret that bites a person shall be confined and observed at least daily for ten days from the date of bite, regardless of vaccination status. Unless otherwise recommended by medical personnel, the rabies vaccine shall not be administered during the observation period. Such animals shall be evaluated by a veterinarian at the first sign of illness during confinement. A veterinarian or animal control officer shall immediately report any illness in the animal to the local health department. If signs suggestive of rabies develop, a veterinarian or animal control officer shall direct that the animal be euthanized, its head removed, and the head shipped under refrigeration, not frozen, for examination of the brain by a laboratory approved by the Utah Department of Health and Human Services.
2. If the dog, cat, or ferret shows no signs of rabies or illness during the ten-day period, the veterinarian or animal control officer shall direct that the unvaccinated animal be vaccinated against rabies at the owner's expense before release to the owner. If a veterinarian is not available, the animal may be released, but the owner shall have the animal vaccinated within 72 hours of release. If the dog, cat, or ferret was appropriately vaccinated against rabies before the incident, the animal may be released from confinement after the 10-day observation period with no further restrictions.
3. Any stray or unwanted dog, cat, or ferret that bites a person may be euthanized immediately by a veterinarian or animal control officer and the head submitted, as

described in R386-702-12(2)(a) of the Utah Administrative Rules for rabies examination. If the brain is negative by fluorescent-antibody examination for rabies, one can assume that the saliva contained no virus, and the person bitten need not be treated.

4. If a wild animal, including a raccoon, skunk, coyote, fox, or bat and any carnivorous animal other than a domestic dog, cat, or ferret, bites or scratches a person, the person or attending medical personnel shall notify an animal control or law enforcement officer. A veterinarian, animal control officer or representative of the Division of Wildlife Resources shall kill the animal at once, without unnecessary damage to the head, and submit the brain, as described in Subsection R386-702-12(2)(a) of the Utah Administrative Rules for examination for evidence of rabies.
5. Any animal bitten or scratched by a wild, carnivorous animal or a bat that is not available for testing shall be regarded as having been exposed to rabies. The animal shall be placed in a strict quarantine for four months for dogs and cats, or six months for ferrets.
6. For maximum protection of the public health, unvaccinated dogs, cats, and ferrets bitten or scratched by a confirmed or suspected rabid animal shall be euthanized immediately by a veterinarian or animal control officer. If the owner is unwilling to have the animal euthanized, the animal control officer shall order that the animal be held in strict isolation in the city animal shelter at the owner's expense, for at least four months for dogs and cats, and six months for ferrets. The animal shall be vaccinated one month before being released. If any illness suggestive of rabies develops in the animal, the veterinarian or animal control officer shall immediately report the illness to the local health department and the animal control officer shall direct that the animal be euthanized and the head shall be handled as described in R386-702-12(2)(a).
7. Dogs, cats, and ferrets that are currently vaccinated and are bitten by rabid animals, shall be revaccinated immediately by a veterinarian and confined and observed by the animal's owner for 45 days. If any illness suggestive of rabies develops in the animal, the owner shall report immediately to the local health department and the animal shall be euthanized by a veterinarian or animal control officer and the head shall be handled as described in Subsection R386-702-12(2)(a).
8. Livestock exposed to a rabid animal and currently vaccinated with a vaccine approved by the United States Department of Agriculture for that species shall be revaccinated immediately by a veterinarian and observed by the owner for 45 days. Unvaccinated livestock shall be slaughtered immediately. If the owner is unwilling to have the animal slaughtered, the animal shall be kept under close observation by the owner for six months.
9. Unvaccinated animals other than dogs, cats, ferrets, and livestock bitten by a

confirmed or suspected rabid animal shall be euthanized immediately by a veterinarian or animal control officer

5-1-5: KENNEL PROHIBITED

Except as provided hereinafter, no more than four (4) dogs shall be kept, maintained, or harbored at any residential dwelling unit or commercial establishment within the City of LaVerkin; provided, however, that for purposes of this section, the following dogs shall not be included in the number of permissible dogs:

- A. Certified service dogs, and
- B. Puppies which are the offspring of a dog which is included in the number of permissible dogs and which are under the age of four (4) months and not weaned or vaccinated.

5-1-6 SPECIFIED VIOLATIONS.

In addition to any violation specified elsewhere in this chapter, it shall be unlawful:

- A. For the owner or any person having the care, custody and control of a dog, to allow or permit such dog to attack, chase or worry any person, domestic animal having a commercial value, any species of hoofed, protected wildlife, or to attack domestic fowl.
- B. For any person to own or have the care, custody or control of any animal which without provocation (i) bites or injures a person or domestic animal, or (ii) has a known propensity, tendency or disposition to attack or bite human beings or domestic animals.
- C. For the owner of any dog, or any person having the care, custody and control of a dog, to allow or permit such dog to cause or become a nuisance by:
 - 1 Causing damage to or destruction of the property of another;
 - 2 Exhibiting characteristics of a vicious animal, as defined herein;
 - 3 Causing unreasonable fouling of the air by odors;
 - 4 Causing unsanitary conditions in enclosures or surroundings;
 - 5 Defecating 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;

6. Loud, frequent or continuous barking, whining, howling or making other annoying, disturbing or disruptive noises at such times and in such a manner so as to interfere with the right of another to the quiet enjoyment of his/her property, as attested to by the signing of a complaint by another person;

7. Molesting passersby by barking, snapping, pawing, clawing, biting, chasing or growling;

8. Chasing passing motorcycles, bicycles or other vehicles;

9. Attacking other domestic animals;

10. Exhibiting such other behaviors which are offensive or dangerous to the public health, welfare or safety, as determined by the department of public safety.

D. For the owner or person having the charge, care, custody or control of any cattle, sheep, goat, horse, mule, dog or domestic fowl, to allow such animals to run at large, regardless of the efforts made or precautions taken by such owner or persons to prevent such animal from doing so.

E. Interference With Officer: For any person, after verbal warning, to intentionally interfere with, molest, hinder or obstruct any peace officer or any animal control officer in the lawful discharge of their duties as herein prescribed.

F. Retaking Animal: For anyone to take any animal out of the possession of anyone lawfully holding the same under the provisions of this chapter, either by stealth, force, fraud or to intercept or hinder any person lawfully taking up or attempting to take up such animals.

G. Abandonment: For any person to abandon an animal.

H. Harbor Stray Dogs: For any person to harbor or keep any dog which appears to be lost or strayed, or fail to notify the animal control officer within twenty-four (24) hours after finding such lost or strayed dog and the department shall impound the dog as herein provided.

I. Unenclosed Premises: For any owner to chain, stake out or tether any dog, cattle, horse, sheep, goat, mule or domestic fowl on any unenclosed premises in such a manner that the animal may go onto the neighboring property owner's property, unless such owner has permission of the neighboring property owner.

J. Killing Or Poisoning: For any person to purposely and intentionally kill any domestic animal by poisoning, or expose any domestic animal to any poisonous substance with the intent that such substance be ingested by such animal.

K. Mistreating: For any person to overdrive, overwork, overload, drive when overloaded,

torture, beat, mutilate, carry or transport in any vehicle or other conveyance in a cruel or inhumane manner, or otherwise inflict serious physical injury on any animal or cause any of these acts to be done.

L. Fail To Provide Sustenance and Shelter: For any person to fail to provide any animal in his charge, care or custody with necessary sustenance, drink and shelter from the elements, or cause any of these acts to be done.

M. Animal Fighting Exhibition: For any person to participate or engage in any animal fighting exhibition, whether as a sponsor, venue provider, participant or spectator; provided, however, that this section shall not apply to the lawful hunting of, fishing for, or trapping of, wildlife.

N. Intentional Exhibition: For any person to intentionally exhibit any stud, horse or bull or other animal in a manner which is indecent or offensive, or let any male animal to any female animal for the purpose of providing entertainment or viewing to any person.

O. Trespassing Animals or Fowl: It shall be unlawful for any owner or person having the care, custody and control of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person.

N. Wild Animals: It shall be unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any wild animal which is not domesticated, or an animal belonging to an endangered species, except for the animal shelter, a zoological park, veterinary hospital, circus, sideshow, amusement show or facility for education or scientific purposes if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

5-1-7 VICIOUS ANIMALS.

A In connection with the issuance of a citation for a violation of 5-1-6 B., an animal control officer may:

1. require the owner or custodian of a vicious animal to deliver possession of the animal to an animal control officer, or
2. summarily impound a vicious animal which is at large or which is an immediate danger to humans or domesticated animals

B. If, after demand, the owner or custodian fails or refuses to deliver possession of the animal to an animal control officer, the animal control officer may request an order from a court of competent jurisdiction requiring the owner or custodian to deliver possession of the animal to an animal control officer.

C. If a vicious animal is impounded without the knowledge of the owner or custodian, notice that the animal has been impounded shall be given to the owner or custodian of the animal, if the same is known, by attaching a notice to a door at the residence thereof or by mailing a notice thereto. The notice shall state that:

1. the animal has been impounded without a court order,
2. the owner or custodian may contest the impoundment by filing a written objection with the court within five (5) days after receipt of the notice of impoundment, and
3. if no objection is filed, that the animal shall remain impounded at the cost of the owner or custodian until the court issues an order for disposition of the animal.

D. The owner or custodian of an animal impounded other than by a court order may contest the impounding by filing a notice with the proper court within five (5) days after the impounding.

E. A vicious animal impounded with or without a court order shall be disposed of as ordered by the court.

5-1-8 KILLING OF DOG AUTHORIZED:

- A. Any person, including an animal control officer, may injure or kill a dog while:
1. the dog is attacking, chasing or worrying domestic fowls, other domestic animals having a commercial value, a service animal, or any species of hoofed protected wildlife, or
 2. the dog is being pursued for having committed any act described in subparagraph 1 above.

5-1-9: IMPOUNDMENT OF ANIMALS:

A. Animal Shelter: The Division of Animal Control shall provide suitable premises and facilities to be used as an animal shelter where impounded animals can be adequately kept and supplied with food and humane care. It shall provide for the painless and humane destruction of animals where necessary, or it may furnish medical treatment for impounded animals as provided hereinafter.

B. Animals Subject to Impoundment: The animal control officer shall take all animals which are taken into custody to the animal shelter to be impounded. The following animals may be impounded and taken into custody by the animal control officer 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 by this chapter required to be licensed and is not licensed; any animal not wearing a tag shall be presumed to be unlicensed for purposes of this section.
4. Any sick or injured animal whose owner cannot be located.
5. Any abandoned animal.
6. Animals which are 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.
9. Any animal not having proof of rabies which bites a person shall be impounded and quarantined for a period of not less than ten (10) days.

C. Notice; Time of Impoundment:

1. Notice of impoundment shall be emailed or mailed to the last known address of the owner of any animal which is wearing a license tag or other identification, or, if the impounded animal is not wearing a license tag or other identification, notice shall be given by the best available means under the circumstances. For animals voluntarily delivered or relinquished by the owner to the animal control facility, no further notice of any kind need be given to the owner.
2. Animals taken to the animal shelter shall be impounded for a minimum of five (5) days, excluding Sunday, except when:
 - (a) The animal is redeemed by the owner prior to the expiration of the five (5) day impound period upon payment by the owner of all impound fees, daily boarding fees, license fees, vaccination fees, and veterinary fees if applicable.
 - (b) The animal is humanely destroyed after a determination by the animal control officer and licensed veterinarian that the animal is suffering from a serious injury, illness or malnutrition and should be destroyed for humane reasons or to preserve the public health, safety and welfare, unless the animal is immediately redeemed by the owner.
3. Any impounded animal suffering from an injury, illness or other condition which, in the judgment of the animal control officer, requires minor veterinary treatment or care, may, with or without the consent of the owner, be taken to a veterinary hospital for any

necessary treatment, the cost of which shall be paid by the owner as part of the cost of redemption, or, unless waived by the city, added to the cost of adoption.

4. Any impounded animal suffering from an injury, illness or other condition which, in the judgment of the animal control officer, requires extensive veterinary treatment or care, may:

(a) at the discretion of the animal control officer and with the owner's agreement, be taken for examination and treatment by a veterinarian, with the cost thereof to be paid by the owner as part of redemption; or,

(b) in the event the owner is not known or unwilling to give consent, the animal shall, at any time before or after the five (5) day impoundment period, be humanely destroyed.

5. Upon the expiration of the five (5) day impoundment period, all healthy impounded animals shall be adopted or otherwise disposed of as determined by the animal control officer, subject to payment of all impoundment fees, daily boarding fees, adoption fees, license fees, and vaccination fees, or as otherwise determined by the animal control officer.

D. Redemption of Impounded Animals:

1. Subject to the provisions of Section 5-1-4 F. 1. and Section 5-1-7 C., the owner of any impounded animal or his/her authorized representative may redeem such animal before adoption or other disposition, provided that he/she pays:

(a) The impound fees

(b) The daily boarding charge.

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

(d) License fees, if required.

E. Records Maintained: The impounding facility shall keep a record of each animal impounded and permanent impound records, which include the following information:

1. Complete description of the animal, including tag numbers.

2. The manner and date of impound.

3. The location of pick up and name of the person 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.

5-1-10 SALE OF DOGS, CATS AND RABBITS

A It shall be unlawful for the owner or operator of any pet store or other business within the boundaries of LaVerkin to sell, lease, trade or adopt out any live dog, cat, or rabbit, unless such dog, cat or rabbit was obtained from a public animal control agency or shelter, society for the prevention of cruelty to animals shelter, humane society shelter or other recognized animal rescue organization. In addition, such pet store or business shall:

1. Obtain and keep on file a certificate of source, as well as a record of a medical exam and clearance, for each of the animals.
2. Upon request, make such certificate and record available to any law enforcement officer, animal control officer, code enforcement officer, or any other city employee responsible for enforcement of the provisions of this chapter.
3. Provide a copy of such certificate and record to any customer purchasing any such dog, cat or rabbit.
4. Maintain a current business license issued by the City of LaVerkin.
5. Permit inspection of the business premises during regular business hours by an animal control officer to ensure compliance with the provisions of this chapter.
6. Operate such store or business in such a manner so as to not constitute a public nuisance.
7. Provide an isolation area for animals which are sick or diseased and which is sufficiently removed from other animals.
8. Keep all animals appropriately caged or under the control of the store or business.
9. At all times operate the store or business in compliance with all provisions of this chapter providing for the general care of animals.
10. Not sell animals which are un-weaned, too young, or whose development is otherwise such that their sale poses a serious risk of death for the animal.
11. Comply with all applicable federal, state and local laws and regulations.

12. Provide to the purchaser of any dog an application approved by the Division of Animal Control for a dog license.

13. Provide the purchaser of an animal with written instructions as to proper care and control of that species.

B. It shall be unlawful for any person to sell, lease, trade or adopt out any dog, cat or rabbit from any public street, sidewalk, right of way, park, swap meet, private business parking lot or from inside any private business.

C. Notwithstanding the foregoing, nothing in this chapter shall prohibit the sale, gift, trade, adoption or other transfer of ownership of animals at a private residence, animal shelter, animal exhibition or show, or in connection with 4-H activities.

5-1-11 LIABILITY; RESTITUTION; ORDER FOR DESTRUCTION;

A The owner of any animal causing damage to the property of another or injury to another person shall be strictly liable for such damage or injuries.

B. A person who owns or keeps a dog is liable for injury or death caused by the dog to another animal, regardless of whether the dog is vicious, or whether the owner knows the dog is vicious, except where:

1. The injury or death occurred on the person's private property while the dog is reasonably secured within a fence or other enclosure, and
2. The animal entered the person's private property without consent.

C. Any court of competent jurisdiction may, in any case where criminal charges are filed and as deemed appropriate by the court, order the payment of restitution by the owner of any dog for the amount of damages or injuries caused by the dog.

5-1-12 PENALTY FOR VIOLATION:

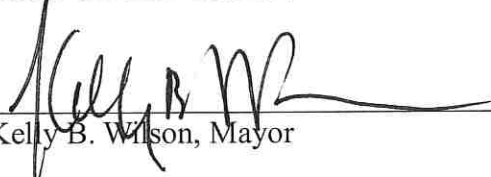
Any person violating the provisions of this chapter shall be guilty of an Infraction and shall be required to pay a fine of not more than \$750, plus restitution if applicable. For purposes of this section, each day that a violation continues shall be considered a separate violation. Nothing in this chapter shall prevent an offense from being charged under the provisions of the Utah Code Ann. 1953, as amended, as a violation of Utah state law.

BE IT FURTHER ORDAINED that the provisions of this Ordinance shall take effect at the effect at the earliest possible date allowed by law after publication and posting and shall supersede all other ordinances in conflict with the terms and conditions contained herein.

APPROVED AND ADOPTED on this 7 day of August, 2024.



CITY OF LAVERKIN


Kelly B. Wilson, Mayor

Attest:


Nancy Cline, City Recorder

The foregoing Ordinance was presented at a regular meeting of the LaVerkin City Council held in the LaVerkin City Council Chambers, located at 111 South Main Street, LaVerkin, Utah, on the 7 day of August, 2024, whereupon, a motion to adopt said Ordinance was made by Patricia Wise and seconded by Micah Gubler.

A roll call vote was then taken with the following results:

NAME	VOTE
<u>Blair Gubler</u>	<u>Yes</u>
<u>Patricia Wise</u>	<u>Yes</u>
<u>Micah Gubler</u>	<u>Yes</u>
<u>Darren Price</u>	<u>Yes</u>
_____	_____


Nancy Cline, Recorder