



Regular City Council Meeting

Tuesday, August 27, 2024 at 6:00 pm

AGENDA

A regularly scheduled meeting of the Duchesne City Council will be held at the Duchesne City Office Building, 500 East Main, Duchesne, UT at the above date and time. The agenda will be as follows:

1. Roll Call, Prayer, Pledge

2. Minutes

3. Bills

4. Business License

- Bruton Consulting LLC - Thomas J Bruton

5. Planning And Zoning

6. UDOT US 191 Indian Canyon Update - Sharice Walker and Larry Montoya

7. Financial Policy - Nate Zilles

8. Rocky Point Ditch Company

- Water being supplied to Old Farm Road
- Duchesne City meters coming off of the Rocky Point Ditch

9. Duchesne County Sheriff Animal Control Contract

10. Dog Vaccines - Rabies - Jason Baker

11. Council Chamber Use - Kim Hanson

12. Public Works Department Update - Lane Genereaux

13. 15-Minute Open Session

The City of Duchesne welcomes you and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address the Council. Your comments will be limited to three (3) minutes. The Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and provide direction to the appropriate member of City Staff for follow-up. Thank you.

14. Book Of Complaints, Concerns And Comments

15. Mayor And Council Review Of Old Business

16. Work Session

17. Executive Session

18. Adjournment

Attest:

Myra Young, Recorder: _____



Regular City Council Meeting

Minutes

Tuesday, August 13, 2024 at 6:00 pm

AGENDA

A regularly scheduled meeting of the Duchesne City Council will be held at the Duchesne City Office Building, 500 East Main, Duchesne, UT at the above date and time. The agenda will be as follows:

1. Roll Call, Prayer, Pledge

Minutes:

Mayor Rowley conducted the meeting. City Recorder, Myra Young, took minutes. City Council Members present were Bryce Hamilton, Tom Bruton, Jenny Adams, Jason Baker, and Cody Ivie. Council Member Bruton offered the prayer. Mayor Rowley led the Pledge of Allegiance. Council Member Hamilton had to unexpectedly leave the meeting at 7:15 pm. Public Attendees: Kim Hanson, Kimberly Silvester, Lane Genereuax, Deborah Herron, Wes Hanberg, Cindy Bruton, Jodi Reinhardt, Susan Hamilton, Shelley Brennan, Mel Tanner, Rashae Harrison.

2. Minutes

Minutes:

MOTION by Council Member Bruton, seconded by Council Member Baker to approve the minutes from July 23, 2024.

- Council Member Hamilton – Aye
- Council Member Bruton - Aye
- Council Member Adams - Aye
- Council Member Ivie – Aye
- Council Member Baker – Aye

Motion carried by unanimous vote.

3. Bills

Minutes:

MOTION by Council Member Baker seconded by Council Member Hamilton to pay the bills.

- Council Member Hamilton– Aye
- Council Member Bruton - Aye
- Council Member Adams - Aye
- Council Member Ivie – Aye
- Council Member Baker – Aye

Motion carried by unanimous vote.

4. Charges and Credits

Minutes:

The Council reviewed the Charges and Credits Report.

5. Business License

Minutes:

No business licenses brought before the Council.

6. Planning And Zoning

Minutes:

Deborah Herron Planning & Zoning Commissioner presented to the Council the following items.

- The Planning and Zoning Commission, after a discussion with Jerry Allred, had suggested to the Council to consider changing setbacks from 20' to 30' during the meeting held on July 23, 2024. This suggestion is for the front lot line only. They would like to know where the council stands on this and if they need an ordinance brought before them. The Council had concerns about how this would reduce each property's square footage and would like to discuss this with the Commission in a Planning and Zoning meeting before an ordinance is drafted. Deborah Herron wanted to know who would write the ordinance. Mayor Rowley indicated the City Council would need to direct the Commission to draft the ordinance.
- The Commission is in the process of completing a flow chart/check list for the planning development department for the Council's review. Council Member Adams requested a flow chart/checklist for ADU's also be created.
- Survey for Tiny Home/ADU's is completed and ready to go. Danita will reach out to the office to ensure it runs through Duchesne City's Gmail account. Posters will be placed around town with a QR code for access to the survey.

7. JUB - Kim Silvester/Grant Application Rehabilitate South Apron & Taxilane

Minutes:

Kimberly Silvester with J-U-B Engineers reported on the Rehabilitate South Apron/Taxilane Grant Application. This has already been submitted and the FFA is getting ready to issue the grant. She requested the Council give authorization to Mayor Rowley to sign said grant when it is delivered which should be within the next few days.

Kim stated that this grant is for the federal infrastructure bill, Duchesne receives \$150k annually due to being in the National Plan Integrated Airport Systems and has been receiving these funds for 20 plus years.

She also explained that the Bipartisan Infrastructure Legislation Bill (airport infrastructure grants) are being awarded for around \$110k a year in addition to the \$150k. City match must be less than 5% and is only for the design and bidding phase. When construction begins next year congress did pass for years 2025 and 2026 an increase on their match to 95%.

MOTION by Council Member Hamilton, seconded by Council Member Bruton to authorize Mayor Rowley to sign the Grant approval for Rehabilitate South Apron/Taxilane when it arrives.

- Council Member Hamilton - Aye
- Council Member Bruton - Aye
- Council Member Adams - Aye
- Council Member Ivie – Aye
- Council Member Baker – Aye

Motion carried by unanimous vote.

8. Road Crossing Fees - Kirk Neerings Construction - John & Camille Lefler

Minutes:

John and Camille Lefler were not in attendance. Mayor Rowley explained the situation.

The total amount paid was \$1,800. The Lefler's feel they paid too much for the road crossing on a home they were building. They would like a refund on a portion of the payment. The Council discussed whether the finished job was to City standards and what costs were incurred by the City. It was determined that the city had to inspect it and it meets city standards. Mayor Rowley suggested we refund them \$1k, the Council agreed.

9. Zoning Map - Myra Young

Minutes:

Myra Young presented to the Council. She explained that the GIS mapping lacks having the zoning application overlay. It would be a great addition to the system and would take the guesswork out of what zone someone is in. After speaking with Chuck Richins with Horrocks Engineering, he provided an estimated cost of \$1,200 to implement this feature. Council Member Bruton wanted to know if there is anything else that should be added. Lane Genereaux indicated RH Gordan who cleaned the sewer lines is going to share the file with Horrocks Engineering and it will be added to the GIS system. It was discussed that all water/sewer lines, including the age is also included in the system. Mayor Rowley and the City Council gave their approval to move forward with this added zoning feature.

10. Airport Overlay Zone

Minutes:

Kimberly Silvester reported on the following items.

- Neal Fraser, Aviation Planner will attend the County Planning and Zoning meeting on September 4th.
- There were only minor changes made to the original proposed ordinance by Duchesne County.
- Some people were uncomfortable with how big the zones were.
- Need to properly zone the area off the runways, statistically they have the highest accident rates.
- Disclosure for development in the airspace – such as noise/vibration.

The Council discussed their concerns about the restrictions in the proposed ordinance and how they would have a negative effect on the growth in Duchesne. The Duchesne School District owns property in those zones for the future development of two schools. Kimberly stated, the ordinance still allows for development, but cautions to be mindful of what will be developed in those zones and there are air restrictions and the closer you get to the airport there will be more restrictions. The Council will have a work meeting on August 20th at 6:00 pm.

11. Hogan RV Park

Minutes:

Council Member Baker in reference to City Council Work Meeting 7/16/24 had requested Mayor Rowley complete a list of the top 8 – 10 items to be addressed. The Council would like an update of what is on the list and what has been completed.

Mayor Rowley reported on the following.

- Alleyway – Not completed. The tenant is not cooperating with moving her items, she is going to require help to complete this. The tenant next to her did move to allow the ability to clean the alleyway.
- Yard light – There is lighting on the wash house.
- Dumpster – Fence around the dumpster and have it dumped twice a week.
- Park Manager – Hire someone.

Council Member Baker asked if there are contracts with the tenants and if the park manager would be enforcing those rules and what are the consequences of not complying with the rules. Mayor Rowley indicated yes, weed eating, no dogs, and garbage pickup. There are no consequences listed in the contract and eviction provisions are always changing and usually involve the law. There were suggestions made to Mayor Rowley to have consequences listed in the contract and follow through with those. Mayor Rowley indicated he could create a new contract and have them sign it but does not believe the City should have involvement on how he operates his business or tell him what should be in the contract between his tenants. Council Member Baker stated he is only trying to make suggestions to help with the situation and offering his personal help to review the contracts. He understands Mayor Rowley is trying to help people that are in a bind and his heart is in the right place, but this is causing a difficult situation. The Council needs answers on how these issues will be addressed.

Council Member Baker stated the public has the most difficulty with appearance, as an observer you observe that each individual should have a designated space, but they are encroaching onto the surrounding areas. This could be resolved by assigning designated areas.

Council Member Bruton stated he spoke with Jodi Reinhardt and reviewed the situation at Hogan RV Park. He believes there are two different levels of exposure. One being the contracts Mayor Rowley holds with the tenants is his personally. If the contract provisions are not being abiding by, he will be held personally accountable if something was to happen on the grounds. He needs to decide the level of exposure he is willing to accept. Council Member Bruton explained with these types of situations there is a standard called the Reasonable Prudent Standard. Second exposure is with the City Ordinances. With them being in written form and if a council member, mayor or city employee chooses to ignore them, it opens exposure to the city as a whole, The Council, Mayor and the Mayor privately in this situation. There was discussion about who decides when there is a violation of an ordinance, the ordinances give the responsibility to the Mayor, which in this case is a conflict. Council Member Bruton suggested Mayor Pro Tempore should be given the authority in this situation. Council Member Bruton is personally concerned that we are not abiding by the ordinances and looking at it from a liability standpoint, you must enforce and if you don't enforce and there is a violation, the city could be held accountable. The other option would be for the city to rescind the ordinance. Council Member Baker revisited a situation where the Council enforced this ordinance on another business located on Main Street due to a broken window being unsightly, having squatters inside and a potential fire hazard. It was discussed that it cannot be selective enforcement. Council Member Bruton offered his help to Mayor Rowley.

- Susan Hamilton approached the Council. She explained she uses a property management company for each of her businesses. She had taken a Landlord Tenant Law class where they had landlord attorneys, and tenant attorneys teaching both sides of the law. Having

contracts doesn't mean a thing, the officers try but cannot provide much help. There are laws in place to restrict the landlord from placing any type of hardship on the tenant. There are many costs involved in trying to evict the tenant, who seem to have all the rights. Council Member Bruton sympathizes with landlords and understands the struggles brought on by bad renters. As a city we are bound to enforce the ordinances. Susan stated we are going to have homeless people and who is to blame for that, the landlords are going to get the blame for it.

Council Member Bruton wants to know if the city currently enforces all other ordinances regarding nuisances or should they be rescinded. He believes the ordinances are good, fair and common across other cities. But has some concerns.

- Rashae Harrison approached the Council wanting to know if the landlords get references or do background checks. The census was no, the tenants would have to sign a release giving permission to gain that information.
- Council Member Adams noticed the squatter that was behind Al's Food Town is now at the Hogan RV Park and wanted to know if he is a squatter or does he have a contract with Mayor Rowley. The answer was yes, there is a contract.
- Jodi Reinhardt approached the Council. She explained this has never been about evicting the tenants that are there. It is about cleaning it up, having designated paved spots and determining how many spots should be allowed according to the original building permit. Jodi offered her help to clean up. Jodi feels like Mayor Rowley will not own his fault in this. He wanted the city to get involved when he wanted them to send the letter to Sid Minor but now does not want the city's involvement. She requested that the definition of temporary still be defined.

The Council discussed there is a conflict with who is to enforce said ordinances and a discrepancy of the number of items on the requested list. There are 25 plus residents who have their own list of complaints and the owner who does not see it the same way. We need to find the common ground and fix these items.

- Next steps.

The following Items were discussed.

- Alleyway – This will be cleaned tomorrow morning by the city crew.
- Dumpster – Increase the number of times dumped. Discussing if a fence could be placed around the dumpster.
- Hire a park manager.
- Suggestion made to have the RV Park surveyed per the original plan to define designated spots. Mayor Rowley indicated the tenants park on either side of the pedestal depending on their hook ups. They are designated by the water, power and sewer hook ups.
- Rashae Harrison approached the Council wanting to know if Hogan RV Park has a valid business license. Council Member Ivie stated yes there is a valid business license, we are lacking the original documents that were provided when the business license was approved. Those documents may have been lost in the flood.

12. 15-Minute Open Session

Minutes:

Lane Genereuax, Public Works Director reported on the Central Utah Water Meeting he attended.

Fruitland water has officially run out of water rights, they are unable to sell any more hook ups. Fruitland wants to know if Pinion Ridge and Duchesne City are willing to allow Tri County Health to issue building permits for those hauling water to Fruitland. They estimate this to be for 1-3 years.

Council Member Ivie is opposed to this. Lane expressed his opposition; we currently have 107 residential people hauling water and we know the issues we already have with the fill station. Tri County Health had stated that they will not be issuing any permits unless they receive a letter from Duchesne City giving our okay.

Shelley Brennan, Central Utah Water Trustee approached the Council to also report on the meeting. She stated they were looking for a long-term solution which is a new water treatment plant located on the westside. Her response to them was Central Utah Water would be happy to partner with an entity within their district on a project. She explained that Fruitland Water has more wet water than paper water and they have no data due to a lack of metering. She reported that Clyde Watkins, East Duchesne, Johnson Water and others were in attendance.

The Council discussed that any water related problem in Duchesne County should be addressed by Clyde's group.

Council Member Ivie is grateful to have Council Member Bruton on the City Council with his water experience. Duchesne City may have a lot of water, but it is an asset we need to protect and have a plan in place that protects our community first. Council Member Ivie stated we need to be cautious of making Fruitland's problem our problem. There was discussion about not doing this, it has no benefit for Duchesne City. The city charges \$45 up to 8000 gallons, less than a penny a gallon.

13. Book Of Complaints, Concerns And Comments

Minutes:

There was one new entry into the book and a thank you card. Myra Young, City Recorder read them aloud.

- 8/12/24 Nate Robinson - The City is in violation of Code 4-2-5 weed control all over town, including vacant lots and city rights-of-way. Private landowners need to be held responsible for the weeds on their property.
- The Arts Council sent a thank you card expressing their appreciation for all the work to make the 4th of July a success and the city looked wonderful.

14. Mayor And Council Review Of Old Business

Minutes:

- Council Member Adams asked if Nate Zilles with UBAOG had done anything with the International Fire Code. Myra stated the last time she spoke with him, he was still working on it. She explained he is tasked with helping us rewrite our policies and procedures manual including job descriptions for many of our positions. This has been quite extensive.

15. Work Session

Minutes:

A work session was scheduled for August 20, 2024, at 6:00 pm to discuss the Airport Overlay Zone.

16. Executive Session

Minutes:

There was an executive session held to discuss personnel.

17. Adjournment

Minutes:

MOTION by Council Member Baker, seconded by Council Member Bruton to adjourn the regular City Council meeting at 8:01 pm. and go into executive session to discuss personnel.

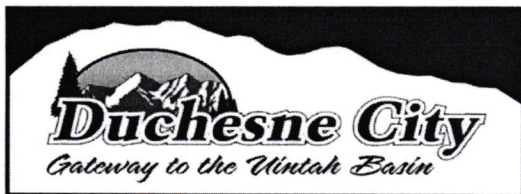
- Council Member Hamilton – Absent
- Council Member Bruton - Aye
- Council Member Adams - Aye
- Council Member Ivie – Aye
- Council Member Baker – Aye

Motion carried by unanimous vote.

Attest:

Myra Young, Recorder: _____

Contact: Myra Young (myoung@duchesnecity.com 435-738-2464)



500 E Main St. Duchesne, Utah 84021
PO Box 974, Duchesne, Utah 84021
phone (435) 738-2464
fax (435) 738-5394
office@duchesnecity.com

BUSINESS LICENSE APPLICATION

Application and all other items must be completed on the attached checklist BEFORE a business license is issued.

BUSINESS LICENSE # _____

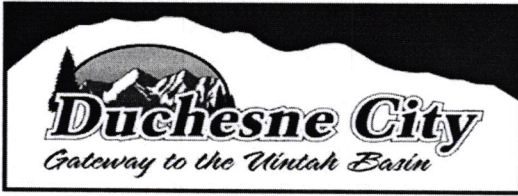
(OFFICE USE ONLY)

APPLICANT INFORMATION

Applicant Name: Thomas J. Bruton
Date of Birth: 3 Apr 1960
Home Address: 384 W 100 S
City, State and Zip Code: Duchesne, UT 84021
Mailing Address: P.O. Box 352, Duchesne, UT 84021
Home Telephone: — Cell Phone: 435-671-5041
Email Address: tombruton78@gmail.com

BUSINESS INFORMATION

Legal Name of Business: Bruton Consulting LLC
Home Based ☒ Commercial Based ☐ Unknown ☐
Business Address: 384 W 100 S, P.O. Box 352
City, State and Zip Code: Duchesne, UT 84021
Business Telephone: 435-671-5041 Business Fax: —
Business Email: tombruton78@gmail.com
Professional License #: —
(Contractor, Real Estate, Federal Firearms, Cosmetology, etc.)
Utah Entity #: 14103879-0160
(you must register your business with the Utah Department of Commerce)
Utah Sales and Use Tax #: —
(if you are selling goods you must file for a sales tax number with the Utah State Tax Commission)



500 E Main St. Duchesne, Utah 84021
PO Box 974, Duchesne, Utah 84021
phone (435) 738-2464
fax (435) 738-5394
office@duchesnecity.com

BUSINESS INFORMATION CONT'D

Describe the nature of your business:

Water Management Consulting

Please list the location of where your equipment, tools, and supplies to conduct your business will be stored:

Home

If storage is located at home, what percentage will be stored and where?

Home office

100 %

LICENSE STIPULATIONS

Please initial next to each item

TJB All Business Licences are issued for a period of one year, which extends from July 1st to June 30th.

TJB License fees are due and payable July 1st, or upon approval of application.

TJB To engage in the business for which this license is issued, you must comply with all City Ordinances and County Health and Safety Codes. These include zoning, building codes, accessibility codes, health and fire safety. If now, or in the future, you do not comply with these codes, this license may be revoked upon the majority vote of Duchesne City Council.

TJB I am responsible to read and understand the requirements of Duchesne City's Business License Ordinance and agree to comply with the same.

(Note: To read about Duchesne City Business and License requirements visit Duchesne City Offices or go to Title 3 of the Municipal Code found at https://duchesnecity.com/government/municipal_code.php)

TJB Duchesne City requires at least 20 days after application submittal for investigative purposes.

TJB Business License Certificate, once issued, shall be posted in a conspicuous place on the wall of the building, room or office of the place of business so that the same may be easily seen.

AFFIDAVIT

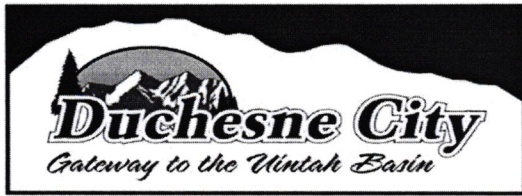
I, Thomas J. Bruton BEING DULY SWORN, DEPOSE AND SAY THAT I AM THE ABOVE NAMED APPLICANT AND THAT THE STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE AND CORRECT.

Applicant Signature:

Thomas J. Bruton

Dated:

12 Aug 2024



500 E Main St. Duchesne, Utah 84021
PO Box 974, Duchesne, Utah 84021
phone (435) 738-2464
fax (435) 738-5394
office@duchesnecity.com

BUSINESS LICENSE CHECKLIST

All items listed below must be completed BEFORE a business license is issued. Application fees will be due and payable upon successful completion of the application process.

✓ **Completed Application**

N/A **Letter of Permission** (if you are not the property owner)

N/A **Copy of Required State License** (contractor, cosmetology, real estate, daycare, etc.)

✓ **Copy of Entity Registration**

Department of Commerce (801) 530-4849 or visit
www.corporations.utah.gov

N/A **Copy of Sales Tax License** (if applicable)

Utah State Tax Commission (801) 530-4849 or visit
www.tax.utah.gov/sales

N/A **Building Inspection** (if applicable)

Cody Fisher, Inspector
(801) 719-9337

N/A **Fire Inspection, \$50 Fee**

Russ Young, Fire Marshall
(435) 630-4113

N/A **Health Inspection** (if applicable)

Board of Health
(435) 722-6300

 Appear before Duchesne City Council to present your business and application



STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF CORPORATIONS & COMMERCIAL CODE
PO BOX 146705
SALT LAKE CITY UT 84114-6705

August 2, 2024

FIRST CLASS



Certificate of Registration

Entity Type: LLC - Domestic
Entity Number: 14103879-0160
Issue Date: July 23, 2024
Access Code #: 7400484

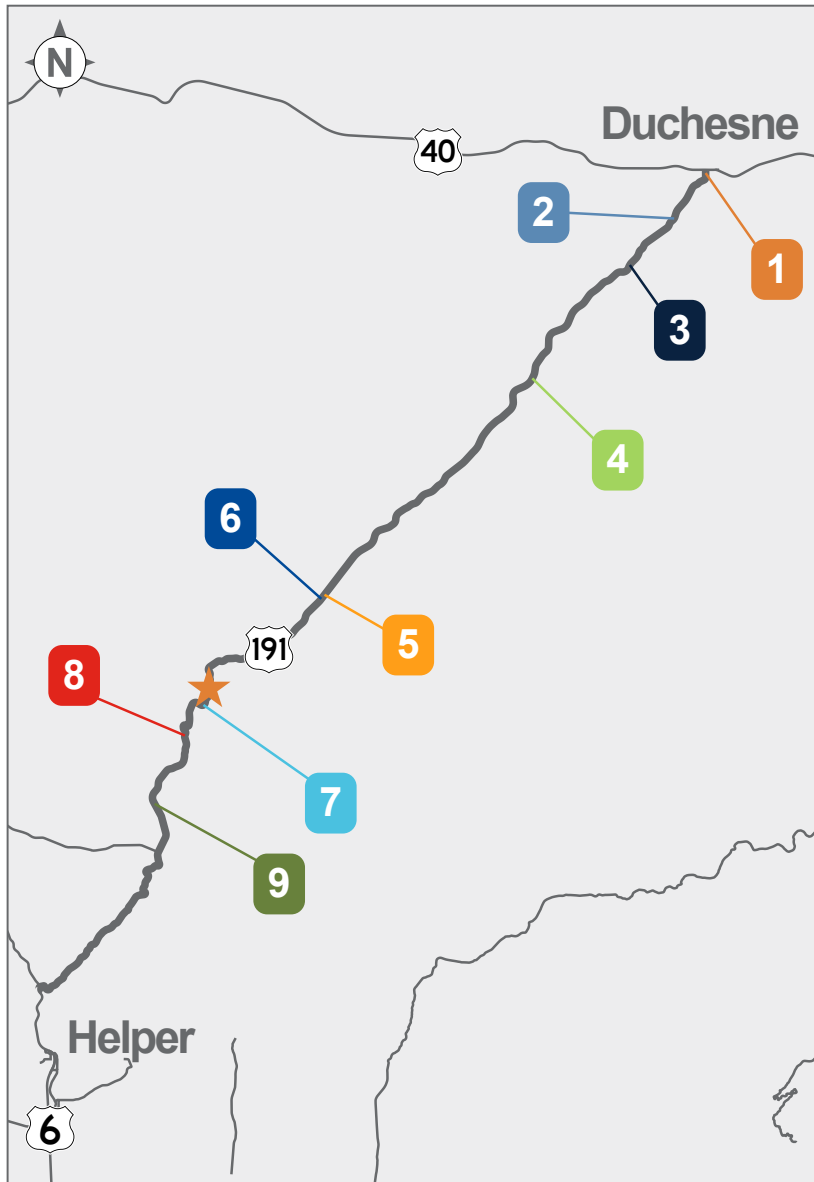
BRUTON CONSULTING LLC
THOMAS J BRUTON
384 W 100 S
PO BOX 352
DUCHESNE UT 84021



This certifies that this entity has been filed & approved and has been issued a registration number in the office of the Division and hereby issues this Certification thereof.

Adam Watson

ADAM WATSON
Division Director



1 Northbound right turn lane onto US-40

200 South to US-40

2 Shoulder widening at Sower's Canyon

MP 292.7

3 Shoulder widening at Skitz Canyon

MP 291.6

4 Shoulder widening at Right Fork Canyon

MP 285

5 Southbound 12-foot passing lane

MP 273 – 275

Widen road for a new 2-mile-long passing lane

6 Southbound chain up and Northbound chain off areas

MP 272 – 273

Widen road to provide 16-foot-wide shoulders

7 New pavement

MP 259 – 269

8 Shoulder widening

MP 264 – 269

Widen road to provide 6-foot shoulders

16-foot brake check areas at the summit (MP 266 – 267)

2 new southbound pull-off areas (MP 264 & 267)

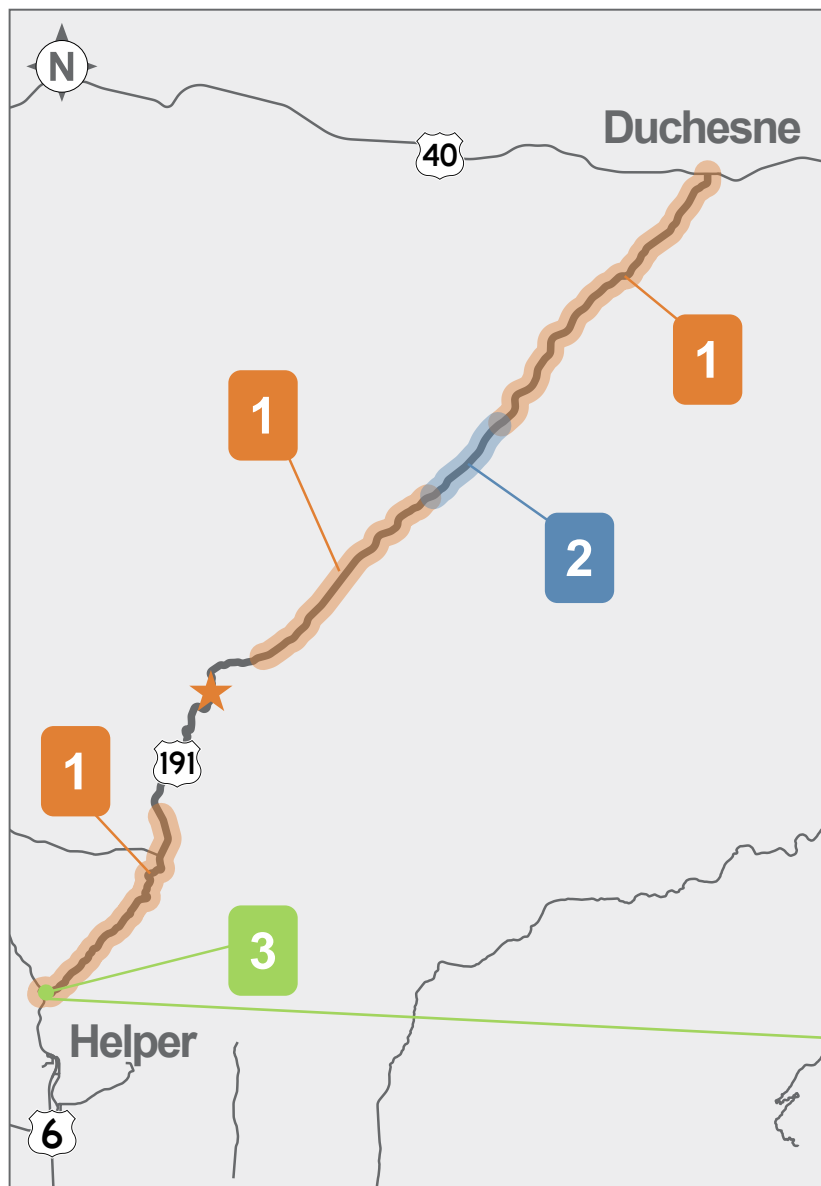
3 new northbound pull-off areas (MP 265 – 266)

9 Northbound chain up and Southbound chain off areas

MP 260 – 262

Widen road to provide 16-foot-wide shoulders

- Installation of ITS conduit and fiber throughout the corridor.
- Improvements to guardrail, drainage, striping, and signage at various points throughout the canyon.



1 Pavement Preservation (active)

3 segments: MP 251 – 260
MP 269 – 280
MP 282 – 295

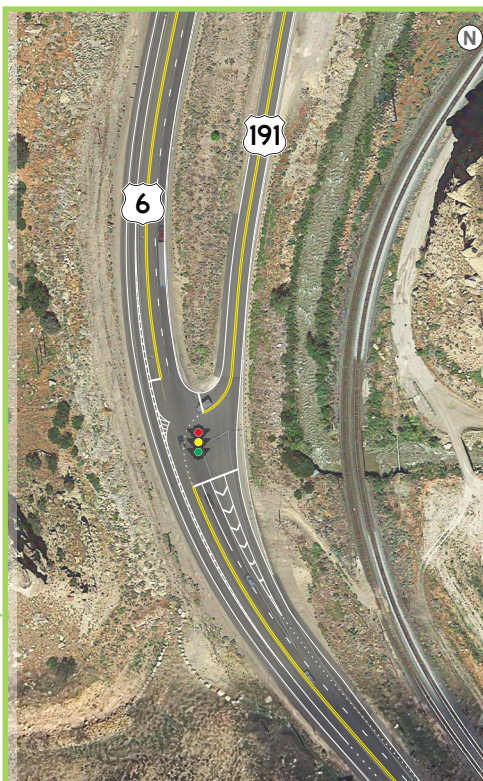
New pavement, 4 new cattleguards and updating guardrail

2 Southbound 12-foot-wide passing lane (complete)

MP 280 – 282

Widen road to add a 2-mile long passing lane

3 US-191 and US-6 Intersection Improvements (active)



US-191 and US-6 Junction

- Installing a traffic signal
- Reconfiguring lanes and new paint striping
- Southbound US-6 traffic will not need to stop
- Dedicated lanes for accelerating/decelerating on US-6 and turning right onto US-191

INTERLOCAL AGREEMENT BETWEEN DUCHESNE CITY AND DUCHESNE COUNTY FOR ANIMAL CONTROL SERVICES

This Interlocal Agreement, hereinafter "Agreement", is made and entered into pursuant to § 11-13-101, Utah Code Annotated, 1953, as amended, commonly referred to as the Interlocal Cooperation Act, by and between Duchesne County, a body corporate and politic of the State of Utah, hereinafter referred to as "County", and Duchesne City, a municipal corporation of the State of Utah, hereinafter referred to as "City".

Recitals

WHEREAS, City wants a safe and secure environment for its citizens, businesses and all others within the city boundaries; and

WHEREAS, City desires to make the most cost-effective use of tax dollars to provide animal control services (hereinafter "Services"); and

WHEREAS, City believes that the Duchesne County Sheriff will provide excellent, cost effective, Services within the City boundaries; and

WHEREAS, the Duchesne County Sheriff's Office is able and willing to provide Services needed by City; and

WHEREAS, City and County have determined that it is mutually advantageous to enter into this Agreement for the Duchesne County Sheriff's Office to provide Services (as defined below) in the City; and

WHEREAS, it is agreed that the Services provided will be paid for by City as hereinafter set forth and the respective entities have determined and agree that the amount set forth herein is reasonable, fair and adequate compensation for providing the described Services;

NOW THEREFORE, pursuant to the Utah Interlocal Cooperation Act the parties hereby agree as follows:

Section One Agreement

- 1.01 The County, through the Duchesne County Sheriff's office agrees to furnish Services and to enforce the City's animal control ordinances within the corporate limits of Duchesne City, to the extent and in the manner hereinafter set forth, but at all times consistent with sound and professional law enforcement standards and requirements.
- 1.02 This Agreement terminates and supersedes any existing animal control agreement, whether oral or written, between the parties.
- 1.03 The concepts set forth in the above recitals are recognized and incorporated as an integral part of this Agreement and not as mere recitals.

Section Two Scope of Services

- 2.01 The County will furnish all necessary equipment and personnel for the enforcement of City's animal control ordinances.

- 2.02 The Sheriff's Office will attend staff and City Council meetings as reasonably requested, and oversee the delivery of Services under this Agreement.

Section Three
Equipment and Other Facilities

- 3.01 The County will furnish all necessary labor, supervision, equipment, communications facilities, uniforms, badges, firearms and other items of equipment reasonably necessary to provide the Services described herein.

Section Four
Authority and Employment Status

- 4.01 For purposes of liability, County officers or employees shall not be deemed to be City officers or employees except as more fully specified in this Agreement.
- 4.02 All law enforcement officers employed by the County to perform duties under the terms of this Agreement shall be County employees, and shall have no right to any City pension, civil service, or any other City benefit for services provided hereunder. The County will have full supervision authority over all persons employed to carry out the requirements of this Agreement.

Section Five
Indemnification by the City

- 5.01 The City shall be responsible for all damages to persons or property that occur as a result of the negligence or fault of the City in connection with the performance of this Agreement. The City shall also defend and indemnify the County for all claims and expenses that arise out of the enforcement of a City Ordinance that is deemed to be unlawful or unconstitutional.

Section Six
Indemnification by County

- 6.01 The County shall be responsible for all damages to persons or property that occurs as a result of the negligence or fault of the County in connection with the performance of this Agreement. The County shall indemnify and hold the City free and harmless from all claims that arise as a result of the negligence or fault of the County, its officers, agents, and employees.

Section Seven
Responsibility for Salary and Benefits

- 7.01 The City shall not be liable for any salaries, wages, employment benefits or other compensation to any County personnel performing Services hereunder.
- 7.02 The City shall not be liable for compensation or indemnity to any County employee for injury or sickness arising out of their employment, and the County hereby agrees to hold the City harmless against any such claim.

Section Eight
Period of Agreement

- 8.01 Upon signature of this Agreement by all required parties the agreement shall be effective as of January 1, 2025 and continue in effect through December 31, 2028 unless the parties agree to extend the term of this Agreement as provided herein.
- 8.02 In the event the City desires to extend this Agreement, the City Council by October 30th of the year of the expiration, shall notify the Board of County Commissioners that it wishes to renew the agreement, whereupon the Board of County Commissioners, not later than November 30th, shall notify the City Council in writing of its determination concerning the renewal for an additional period together with any adjustments in the rates for the new extended agreement. City shall decide by December 15th whether to accept the extension and renewal of the agreement with any adjusted rates. If the renewal and new rates are not agreed to by December 31, 2028, then this Agreement shall terminate as specified herein.

Section Nine

Cost or Payment

- 9.01 The City agrees to pay the County an annual amount of (Seven Thousand Five Hundred) \$7,500. The County shall provide the following services for such sum annually:
- 9.01.1 The County animal control officer(s) will occasionally patrol the City and enforce any violations of the City's ordinance.
- 9.01.2 The County animal control officer(s) will respond as soon as possible to calls by City citizens regarding violations of the City's ordinances.
- 9.01.3 The County will use its shelters and facilities to house animals from the City that are picked up by the animal control officer.
- 9.01.4 The County and the animal control officer will actively enforce the City's animal control ordinance.
- 9.01.5 The County animal control officer or County Sheriff's law enforcement deputies will issue citations to City citizens if appropriate to further deter violation of the City's animal control ordinance.
- 9.02 The City shall remit the full amount of the annual payment of \$7500 as set forth in 9.01 for year one of this Agreement with three weeks of final approval and execution of this Agreement. Each successive year's annual payment shall be remitted not later than the last business day of January of each year.

Section Ten

Reports and Records

- 10.01 County Sheriff's Office will maintain records showing all animal control Services provided to the City and the records will be accessible to the City at all reasonable times. The Duchesne County Sheriff will prepare a report of Services provided to the City and will review the report with the City Council in September at the Council's regular meeting.

Section Eleven

Problem Resolution

- 11.01 Either party, or its designated representatives, shall have the right upon request to meet and confer with the other party, and/or its designated representatives, to discuss any problems arising from the

Sheriff's Office performance or the individual deputies performing services under this Agreement, the cost for future periods under the agreement, or any other issues related to the agreement.

Section Twelve
Additional Terms

- 12.01 During the term of this Agreement, County shall be responsible, and have the power and authority to conduct animal control services within the City limits.
- 12.02 County will be responsible for duties related to cleaning, reclaims, adoptions and euthanasia as needed and requested by the City. County will purchase and/or provide all controlled substance euthanasia drugs.
- 12.03 Any monies collected for reclaims will remain within the County.

Section Thirteen
Waiver

- 13.01 No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach. All remedies afforded in this Agreement shall be taken and constructed as cumulative, that is, in addition to every other remedy provided therein or by law.

Section Fourteen
Severability

- 14.01 This Agreement is governed by the laws of the State of Utah. The parties expressly agree that if any part, term, or provision of this Agreement is held by the courts to be illegal or in conflict with any law of the State of Utah, the validity of the remaining portions of provisions shall not be affected, and the rights and obligations of the parties shall be constructed and enforced, consistent with achieving the stated intentions of the parties herein, as if the Agreement did not contain the particular part, term or provision held to be invalid.

IN WITNESS WHEREOF, Duchesne City caused this Agreement to be signed by its Mayor and attested by its Clerk; and the County of Duchesne, has caused this Agreement to be signed by the Chair of the Board of County Commissioners and attested by its Clerk, all on the day and year appearing below their respective signatures.

Duchesne City

Mayor

Date

Attest

Duchesne County

Chair

Date

Attest

Sheriff



500 E Main St. Duchesne, Utah 84021
PO Box 974, Duchesne, Utah 84021
phone (435) 738-2464
fax (435) 738-5394
duchesne@ubtanet.com

DOG LICENSE

Tag must remain on dog collar. You are authorized to keep said dog without further payment until Dog Tax for next fiscal year becomes due.

DATE _____ EXPIRES _____ LICENSE TAG # _____

OWNER INFORMATION

Name: _____
Home Address: _____
Home Telephone: _____ Cell Phone: _____

DOG INFORMATION

Name of Dog: _____
Markings: _____

Is the dog spayed or neutered? Yes _____ \$5 Fee No _____ \$10 Fee

What is the sex of the dog? Male _____ Female _____

What breed is the dog?

Boxer _____	Bull _____	Chihuahua _____
Chow _____	Collie _____	Dachshund _____
Lab _____	Hound _____	Pekingese _____
Poodle _____	Retriever _____	Setter _____
Shephard _____	Spaniel _____	Terrier _____

Other Breed: _____

Distemper Vaccination: _____ Date Rabies Vaccination: _____ Date Other: _____ Date

ACKNOWLEDGEMENT

I hereby acknowledge receipt of amount indicated below, being the amount due for a dog license for one dog as described above.

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Amount Received: \$ _____

Received By: _____



the impacts of future hazards and disasters. (Res. 19-5, 11-26-2019)

TITLE 5 - POLICE REGULATIONS

CHAPTER 1 - ANIMAL CONTROL

5-1-1: DEFINITIONS:

The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

ANIMAL AT LARGE: Any domesticated animal, whether or not licensed, not under "restraint", as defined in this section.

ANIMAL BOARDING ESTABLISHMENT: Any establishment that takes in animals for boarding for profit.

ANIMAL GROOMING PARLOR: Any establishment maintained for the purpose of offering cosmetological services for animals for profit.

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 Utah Code Annotated section 76-9-302, as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domestic animals.

ANIMAL UNDER RESTRAINT:

- A. 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 if transported in an open truck, it must be on a leash or lead, or within the real property limits of the owner.
- B. An animal shall not be considered "under restraint" within the real property limits of the owner if an individual engaged in a normal and expected activity may come in contact with such animal on the owner's property. There must be sufficient protection to ensure the individual's safety and warning is given of the presence of such animal.

BITE: Any injury to person or property inflicted by the teeth of an animal.

CAT: Any age feline of the domesticated types.

DOG: Any *Canis familiaris* over four (4) months of age. Any *Canis familiaris* under four (4) months of age is a puppy.

DOMESTICATED ANIMALS: Animals accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, fowl and livestock.



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.

HOLDING FACILITY: Any pet shop, groomery, animal shelter, veterinary hospital, humane establishment or other facility used for holding animals.

LEASH OR LEAD: Any chain, rope or device having tensile strength to restrain an animal.

LIVESTOCK: Animals kept for husbandry, including, but not limited to, cattle, domesticated elk, bison, sheep, swine, goats, poultry, llamas, rabbits, horses, mules, or other equines.

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.

PET SHOP: Any establishment containing cages or exhibition pens, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

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.

SERVICE DOG: a dog trained to assist a person with a disability or malady that is not related to vision or hearing. (Ord 18-3, 11-27-2018)

STRAY: Any "animal at large", as defined in this section.

VICIOUS ANIMAL: Any animal which is dangerously aggressive or uncontrollable, including, but not limited to, any animal which has bitten or in any other manner attacked any person or animal.

WILD ANIMAL: Any animal of a species that in their natural life are wild. Those animals, however domesticated, shall include, but are not limited to:

- A. Alligators and crocodiles.
- B. Bears (Ursidae): All bears including grizzly bears, brown bears, black bears, etc.
- C. cat family (Felidae): All except the commonly accepted domesticated cats, and including cheetah, cougars, leopards, lions, lynx, panthers, mountain lion, tigers, wildcats, etc.
- D. Dog family (Canidae): All except domesticated dogs, and including wolf, fox, coyote, dingo, etc.
- E. Porcupine (Erethizontidae).
- F. Primate (Hominidae): All subhuman primates.
- G. Raccoon (Procyonidae): All raccoons including eastern raccoon, desert raccoon, ring tailed cat, etc.
- H. Skunks.
- I. Venomous fish and piranha.
- J. Venomous snakes or lizards.
- K. Weasels (Mustelidae): All including weasels, martins, 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 chapter. (Ord. 87-1, 9-8-1987; amd. 2004 Code; Ord. 10-5, 11-9-2010; Ord. 15-2, 12-22-2015)



5-1-2: DEPARTMENT AND OFFICIALS:

- A. Department Of Animal Control: There is hereby created a department of animal control.
- B. Powers Of Animal Control Officials:
 - 1. The animal control director or any person employed by the department 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 chapter.
 - 2. The animal control director, his deputies, 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 chapter and including licensable dogs for which no license has been procured in accordance with this chapter, or any licensed dogs for any other violation thereof.
 - 3. In the enforcement of this chapter, any peace officer or the director of animal control or his assistants are authorized to enter onto the open premises of any person to take possession of any dog in violation of this chapter.

C. Duties Of Animal Control Officials:

- 1. The animal control director shall:
 - a. Enforce this chapter and perform other responsibilities pursuant thereto.
 - b. Supervise the municipal animal shelter under his jurisdiction.
 - 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 county health department and other interested governmental agencies, adequate measures for rabies immunization and control.
- 2. Each animal control officer shall:
 - a. Enforce this chapter in all respects pertaining to animal control within the city, including the care and impounding of animals and prevention of cruelty to animals.
 - b. Carry out all duties prescribed or delegated by the director.
- D. Interference With Officer Prohibited: It shall be unlawful for any person to interfere with, molest, hinder, or prevent an animal control official from discharging his duties. It is unlawful for any person to hinder, delay, interfere with or obstruct such officer while engaged 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, advise, or break open any animal shelter or vehicle used for holding, collecting or conveying any animals to the shelter.
(Ord. 87-1, 9-8-1987)

5-1-3: ANIMAL SHELTER:

- A. The city shall assure that all impounded animals are taken to a licensed animal shelter. (Ord. 87-1, 9-8-1987; amd. 2004 Code)
- B. The city shall provide for the painless and humane destruction of dogs and other animals required to be destroyed by this chapter or by the laws of the state.
- C. The city may furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this chapter. (Ord. 87-1, 9-8-1987)



5-1-4: LICENSING OF DOGS:

A. License Required:

1. All dogs must be licensed each year, except as otherwise provided herein, to a person of the age of eighteen (18) years or older.
2. Any person owning, possessing or harboring any dog shall obtain a license for such animal within thirty (30) days after the dog reaches the age of four (4) months; or in the case of a dog over four (4) months, within ten (10) days of the acquisition of the dog.

B. Application: License applications must be submitted annually to the department of animal control, utilizing a standard form which requests name, address, and telephone number of the applicant; breed, sex, color and age of the animal; and rabies information. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccinations shall be given by a licensed veterinarian every three (3) years. (Ord. 87-1, 9-8-1987)

C. License Fees: License fees shall be in such amounts as established by resolution of the city council. (Ord. 87-1, 9-8-1987; amd. 2004 Code)

D. Term Of License: The license shall be effective from the date of purchase within that quarter to January of the following year. (Ord. 87-1, 9-8-1987)

E. Limited Number: No household/residence at any time within the city shall own, keep, harbor or maintain more than three (3) dogs regardless of licensing or how many people reside in the residence. If more than three (3) dogs are residing in a residence, the owner/owners shall be in violation of this chapter. (Ord. 15-2, 12-22-2015)(Ord. 18-3, 11-27-2018)

F. License Tag:

1. Upon payment of the license fee, the department of animal control shall issue to the owner a certificate and a tag for each dog licensed. The tag shall have stamped therein the license number corresponding with the tag number 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 as provided shall be in violation of this chapter, except that those dogs which are kept for show purposes are exempt from wearing the collar and tag. (Ord. 87-1, 9-8-1987)
2. Dog tags are not transferable from one dog to another. No refunds shall be made on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment to the city of a fee in such amount as established by resolution of the city council. (Ord. 87-1, 9-8-1987; amd. 2004 Code)
3. 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. (Ord. 87-1, 9-8-1987)

G. Exemptions To Licensing:

1. The provisions of subsections A through F of this section shall not apply to licensed dogs whose owners are nonresidents temporarily (up to 30 days) within the city; licensed dogs whose owners remain within the city longer than thirty (30) days may transfer to the local license upon payment of a fee in such amount as established by resolution of the city council and proof of current rabies vaccination. (Ord. 87-1, 9-8-1987; amd. 2004 Code)
2. The fee provisions of subsection C of this section shall not apply to:



- a. Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place.
 - b. Dogs being trained by 4-H club members.
 - c. Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.
 - d. Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.
 - e. Service dogs properly trained and certified to assist a person with a disability that is not related to vision or hearing if such dogs are actually so used, and owner can show documentation of said dog's training and certification. (Ord. 18-3, 11-27-2018)
3. Nothing in the section shall be construed so as to exempt any dog from having a current rabies vaccination. (Ord. 87-1, 9-8-1987)

5-1-5: REVOCATION OF LICENSE:

If the owner of any dogs is found to be in violation of this chapter on three (3) or more different occasions during any twelve (12) month period, the director of animal control may seek a court order pursuant to section [5-1-17](#) of this chapter, revoking for a period of one year any dog licenses such person may possess and providing for the animal control department to pick up and impound any dogs kept by the person under such order. Any dog impounded pursuant to such an 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. (Ord. 87-1, 9-8-1987)

5-1-6: REGULATORY PERMITS FOR PET SHOPS, VETERINARY CLINICS OR HOSPITALS:

- A. Commercial Permits: It shall be unlawful for any person to operate or maintain a pet shop, veterinary clinic or hospital unless such person first obtains a regulatory permit from the department of animal control, 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 animal control department to that department. Before the permit is issued, approval shall be granted by the appropriate zoning authority and the animal control department.
- B. 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 permittee shall notify the department of animal control 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, the permittee shall notify the department of animal control immediately. Permits shall not be transferable from one owner to another.
- C. Renewal Of Permit: Any permit issued pursuant to this section shall automatically expire on June 30 immediately following the 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 June 30, 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. (Ord. 87-1, 9-8-1987)
- D. Permit Fees: Permit fees for pet shops, veterinary clinics or hospitals shall be in such amounts as established by resolution of the city council. (Ord. 87-1, 9-8-1987; amd. 2004 Code)



- E. 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.
- F. Inspections: All establishments required to be permitted 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 animal control department.
- G. Standards For Permitted Establishments:
 - 1. The city council or governing body shall promulgate rules and regulations governing the operation of pet shops, veterinary clinics or hospitals. Such rules and regulations shall provide for the type of structures, buildings, pens, cages, runways or yards required for the animal sought to be kept, 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 said animals, the control of noise and odors, and the protection of persons or property on adjacent premises; and other such matters as the director shall deem necessary.
 - 2. Such rules and regulations shall have the effect of law, and violation of such rules and regulations shall be deemed a violation of this chapter and grounds for revocation of a permit issued by the department of animal control.
- H. 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 noise, building and zoning ordinances.
 - c. Conviction on a charge of cruelty to animals.
 - 2. Procedure: If an inspection of pet shops, veterinary clinics or hospitals reveals a violation of this chapter, 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 found.
 - b. Establish a specific and reasonable period of time for the correction of the violation 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 from any notice or inspection findings will be provided if a written request for a hearing is filed with the department of animal control within five (5) days of the date of the notice.
 - 3. Revocation Or Suspension: Any permit granted under this chapter may be suspended or revoked for violations listed in subsection H1 of this section. A minimum of five (5) days' notice shall be given to the permittee advising him of the date and 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 unless and until all requirements of this chapter have been met.
 - 4. Emergency Suspension: Notwithstanding the other provisions of this chapter, when the inspecting officer finds unsanitary or other conditions in the operation of veterinary clinics, hospitals or pet shops, 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 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 therewith. Any animals at such a facility may be confiscated by the animal control department and impounded or otherwise provided for according to the provisions of this chapter.

5. Notice Deemed Served: 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 department of animal control. (Ord. 87-1, 9-8-1987)

5-1-7: SPORTSMAN PERMIT:

(Rep. by Ord. 10-5, 11-9-2010)

5-1-8: PROHIBITED ACTS AND ACTIVITIES:

- A. Unlawful To Harbor Stray Dogs: It shall be unlawful for any person, except an animal welfare society incorporated with the state under Utah Code Annotated section 76-9-302, as amended, to harbor or keep any lost or strayed dog. 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 department within twenty four (24) hours, and the department shall impound the dog as herein provided.
- B. Dogs Running At Large: It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a violation of this subsection regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he knows that dog is running at large.
- C. Dogs On Unenclosed Premises: It shall be unlawful for any person to chain, stake out, or tether any dog on any unenclosed premises in such a manner that the animal may go beyond the property line.
- D. 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.
- E. Places Prohibited To Animals:
 1. Specified:
 - a. Food Establishments: 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.
 - b. 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.
 - c. 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.



2. Exception: This subsection shall not apply to those dogs mentioned in subsection 5-1-4G2 of this chapter.

F. Cruelty To Animals:

1. Physical Abuse: It is unlawful for any person to wilfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn, scald, overdrive or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation.
2. Hobbbling 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.
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.
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.
5. Abandonment Of Animals: It shall be unlawful for any person to abandon any animal within the city. (Ord. 87-1, 9-8-1987)
6. Animal 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. (Ord. 87-1, 9-8-1987; amd. 2004 Code)
7. Injury To Animals By Motorists:
 - a. Every operator of a motor or other self-propelled vehicle upon the streets of the city shall immediately upon injury, 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 animal control department, furnishing requested facts relative to such injury.
 - b. 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 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 department. Such animal may be taken in by the animal control facility and dealt with as deemed appropriate under the circumstances.
 - c. Emergency vehicles are exempted from the requirements of this provision.
8. Animals For Fighting:
 - a. 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; and for any person to be a party to 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.
 - b. Law enforcement officers or animal control department officials may enter any building or place where there is an exhibition of the 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, or there found for the purposes of 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.

9. Removed (Ord.19-4, 9-10-2019)

10. Malicious Impounding: It shall be unlawful for any person maliciously to secrete or impound the animal of another. (Ord. 87-1, 9-8-1987)

5-1-9: SALE OF ANIMALS:

- A. 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 (2) months of age in any quantity less than six (6). Such animals shall not be artificially dyed or colored. Nothing in this provision shall be construed to prohibit the raising of such rabbits and fowl by a private individual for his personal use and consumption; provided, that he shall maintain proper brooders and other facilities for the care and containment of such animals while they are in his possession.
- B. Premiums And Novelties: It shall be unlawful for any person to offer as a premium, prize, award, novelty as incentive to purchase merchandise, any live animal.
- C. Pet Turtles: It shall be unlawful for any pet shop to raise or sell any *Pseudemys Scripta-Elegans*, or *p. troostii* family Testudinidae, "pet turtles". (Ord. 87-1, 9-8-1987)

5-1-10: DOGS ATTACKING PERSONS AND ANIMALS:

- A. Attacking Dogs: It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase or harass any person, domestic animal, hoofed protected wildlife, or domestic fowl.
- B. Owner Liability: The owner in violation of subsection A of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A of this section, the owner of such dog shall be liable in damages to any person injured or to the owner of any animals injured or destroyed thereby.
- C. Defenses: The following shall be considered in mitigating the penalties or damages or in dismissing the charge:
 - 1. The dog was properly confined on the premises.
 - 2. The dog was deliberately or maliciously provoked.
- D. Dogs May Be Killed: Any person may kill a dog while it is committing any of the acts specified in subsection A of this section or while such dog is being pursued thereafter. (Ord. 87-1, 9-8-1987)

5-1-11: FIERCE, DANGEROUS OR VICIOUS ANIMALS:

- A. 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.
- B. 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 official may seek a court order for destruction of the animal. (Ord. 18-3, 11-27-2018)
- C. Guard Dogs: Subsection A of this section 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 open to the public so they cannot come into contact with the public. Guard dogs shall at all times be properly restrained.



- D. 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. (Ord. 87-1, 9-8-1987)
- E. Hereditary Characteristics: (Rep. by Ord. 15-2, 12-22-2015)
- F. Licensing Requirements: The dogs identified in this section:
 - 1. Must be licensed under the procedures and fees set forth in this chapter.
 - 2. Must be kept in a fenced yard, dog run or other structure which is at least six feet (6') in height, by six feet (6') wide, by ten feet (10') in length.
 - 3. Must be on a leash and properly muzzled when they are out of a fenced area. (Ord. 87-1, 9-8-1987)
 - 4. (Rep. by Ord. 15-2, 12-22-2015)
 - 5. (Rep. by Ord. 15-2, 12-22-2015)
 - 6. These requirements must be met before a dog license will be issued.
 - 7. Must display a sign that can be read from the roadway indicating a vicious animal.
- G. 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. (Ord. 87-1, 9-8-1987)

5-1-12: 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 chapter and subject to the penalties provided herein. The following shall be deemed a nuisance: Any animal which:

- A. Causes damages to the property of anyone other than its owner.
- B. Is a "vicious animal", as defined in section [5-1-1](#) of this chapter, and kept contrary to section [5-1-11](#) of this chapter.
- C. Causes unreasonable fouling of the air by odors.
- D. Causes unsanitary conditions in enclosures or surroundings.
- E. 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.
- F. Barks, whines or howls or makes other disturbing noises in an excessive, continuous or untimely fashion.
- G. Molests passersby or chases passing vehicles.
- H. Attacks other domestic animals.
- I. Is determined by the department of animal control to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare or safety. (Ord. 87-1, 9-8-1987)

5-1-13: WILD ANIMALS:

- A. Prohibition; Exception: 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 [5-1-1](#) of this chapter, which is fierce, dangerous, noxious, or naturally inclined to do harm, except an animal shelter, a zoological park, veterinary hospital, humane society



shelter, public laboratory, circus, side show, amusement show, or facility 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.

- B. 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 or law of the state. (Ord. 87-1, 9-8-1987)

5-1-14: RABIES AND RABID ANIMALS:

- A. Rabies Vaccination Required For Dogs And Cats: The owner or person having the charge, care, custody and control of a four (4) month of age or over dog shall have said dog 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 over four (4) months of age acquired by the owner or moved into the city must be vaccinated within thirty (30) days of purchase or arrival. 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 virus rabies vaccine approved by the county health department. This provision shall not apply to veterinarian operators temporarily maintaining on their premises, animals owned by others.
- B. Duties Of Veterinarian And Tag Requirements:
1. It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination (in duplicate) 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.
 2. 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 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.
- C. 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 city 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 city which does not comply with the animal health laws and import regulations.
- D. Impoundment Of Animal Without Valid 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 subsection 5-1-16C of this chapter.



E. 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 contact the city office.

F. Quarantining And Disposition Of Biting Or Rabid Animals:

1. Reporting: An 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 in subsection E of this section and shall immediately be confined in a secure place by the owner. The owner shall turn over the animal to the department of animal control upon demand.
2. Surrender Upon Demand: The owner of any animal of a species subject to rabies which has bitten 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.
3. Seizure And Quarantine: 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 department of animal control. The owner of the animal shall bear the costs 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 director 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 an exception. A person who has custody of an animal under quarantine shall immediately notify the department of animal control and the city 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 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 director 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 subsection 5-1-16C of this chapter.
4. Unvaccinated Bitten Animals:
 - a. In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known 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 owner. The animal shall be destroyed if the owner does not comply herewith.
5. Vaccinated Bitten Animals: If the 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, 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. The animal shall be destroyed if the owner does not comply with this subsection.
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 department of animal control. (Ord. 87-1, 9-8-1987)
7. Bites Or Attacks: If any animal which is dangerously aggressive or uncontrollable, including, but not



limited to, any animal which bites or in any manner attacks any person or animal, said animal may be immediately impounded by the department of animal control without a court order and held at owner's expense pending court action. Any such animal shall be deemed a vicious animal, and quarantined as provided in subsection F3 of this section, or the director of animal control may seek a court order as provided in section [5-1-17](#) of this chapter, for destruction of the animal. (Ord. 15-2, 12-22-2015)

5-1-15: BITES; DUTY TO REPORT:

- A. Reporting: 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 city or to the county health department.
- B. Owner Reporting: The owner of an animal that bites a person and any person bitten by an animal shall report the bite to city within twenty four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.
- C. Medical Personnel: 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 city within twenty four (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 the department of animal control in ascertaining the immunization status of the animal.
- D. Persons Treating Animals: Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the city office. The report shall contain the name and address of the owner and description of the animal which caused the injury, and the location of the incident.
- E. Violation For Failure To Comply: Any person not conforming with the requirements of this section shall be in violation of this chapter. (Ord. 87-1, 9-8-1987)

5-1-16: IMPOUNDING:

- A. Animals To Be Impounded: The animal control officer may place any animals which he takes into custody in a designated animal impound facility. The following animals may be taken into custody by the animal control officer and impounded without the filing of a complaint: (Ord. 19-4, 9-10-2019)
 - 1. Any animal being kept or maintained contrary to the provisions of this chapter. (Ord. 87-1, 9-8-1987)
 - 2. Any animal running at large and any animal deemed a nuisance contrary to the provisions of this chapter. (Ord. 15-2, 12-22-2015)
 - 3. Any animal which is by this chapter 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 requirement of this chapter.
 - 7. Any animal to be held for quarantine.
 - 8. Any vicious animal not properly confined as required by section [5-1-11](#) of this chapter.
 - 9. Any animal deemed to be a nuisance according to the provisions on [5-1-12](#) of this chapter. (Ord. 18-3, 11-27-2018)
- B. 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 numbers.
2. The manner and date of impound.
3. The location of the pick up 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.

C. Disposition Of 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 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 the 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 voluntarily relinquished to the impound facility, may be destroyed or sold as the animal control officer shall direct. Any healthy dog 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 director, but not to exceed thirty dollars (\$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, in the discretion of the animal control director, be released to the care of a veterinarian with the consent of the owner. (Ord. 87-1, 9-8-1987)
4. Any livestock shall be impounded for a minimum of one hundred twenty (120) hours before further disposition, except as provided herein.
5. All livestock, except for those quarantined or confined by court order, held longer than the minimum impound period as provided in subsection C4 of this section and all livestock voluntarily relinquished to the impound facility may be disposed of in accordance with Utah Code Annotated section 4-25-1 et seq., as amended, governing the disposition of stray animals. The price for which any livestock is sold, however, shall not be less than the costs incurred to impound, feed, house and provide any other services for the livestock unless otherwise determined by the animal control officer. Any remaining net proceeds from the sale of any stray animal may be paid to the original owner of the animal if such owner makes request for the payment and demonstrates proof of ownership within sixty (60) calendar days after the sale of the animal.
6. When, in the judgment of the animal control director, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order. (Ord. 10-5, 11-9-2010)

D. Redemption: 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. (Ord. 87-1, 9-8-1987)
5. Impound and boarding fees are to be set by resolution of the City Council. (Ord. 18-3, 11-27-2018)

Impound Policy and Boarding Fees for Dogs: During a 12-month period (Res.18-5, 9-11-2018)		
	1st Offense: owner will receive a documented, verbal warning	
	2nd Offense: owner will receive a written warning	
	3rd Offense: dog will be impounded and owner charged	\$50, plus \$10 per day boarding
	4th Offense: dog will be impounded and owner charged	\$100, plus \$10 per day boarding
	5th Offense: dog will be impounded and owner charged	\$150, plus \$10 per day boarding
After 5th offense the dog will be deemed a habitual offender and will be surrendered to Duchesne County Animal Control		

No impound fee will be charged the reporting owners of suspected rabid animals if they comply with section [5-1-14](#) of this chapter. (Ord. 87-1, 9-8-1987; amd. 2004 Code)

5-1-17: COURT ORDER PROCEDURE:

Unless modified by the court, court orders pursuant to sections [5-1-5](#), [5-1-11](#) and [5-1-14](#) of this chapter shall be filed according to the following minimum notice and procedure: (Ord. 87-1, 9-8-1987; amd. 2004 Code)

- A. Petition: The director of animal control or his authorized representative shall petition the court for the desired action.
- B. Service Of Petition: 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. (Ord. 87-1, 9-8-1987)

5-1-18: PENALTY:

Any person violating the provisions of this chapter, either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to penalty as provided in title 1, chapter 4 of this code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 87-1, 9-8-1987; amd. 2004 Code; Ord. 05-4, 3-22-2005)

5-1-19: LIVESTOCK RUNNING AT LARGE:



- A. It is unlawful for the owner or person having charge, care, custody or control of any livestock to allow such livestock at any time to run at large or be herded, picketed or staked out upon any street, sidewalk, or any other public place within the limits of the city, and all such animals so found may be impounded; provided, that nothing contained in this section shall be so construed as to prevent any person from driving milk cows, cattle, horses, mules or other animals, or poultry from outside the city limits to any enclosure within the city limits, or from any enclosure in the city to a place outside the city or from one enclosure to another within the limits of the city.
- B. The owner or person charged with having the responsibility for the livestock found running at large shall be strictly liable for the violation of this section, regardless of the precautions taken to prevent the escape of the livestock and regardless of whether or not he knows that the livestock is at large. (Ord. 10-5, 11-9-2010)

5-1-20: REGULATORY PERMIT FOR DOMESTICATED ANIMALS:

- A. Duchesne City will grant a regulatory permit for domesticated animals used in 4-H and FFA.
 - 1. This will be a seasonal permit that will be given to each qualified applicant that has proof of registration in 4-H or FFA. Participant must be 8-18 years of age.
 - 2. Participant will be responsible for only 1 animal each, which will be kept at the address of the applicant.
 - 3. Must acquire a permit which will be valid May 1st until 1 week after the fair. Permit will be seasonal only and must be used for the year it is granted.
- B. Grounds and dwellings of domesticated animals:
 - 1. Must be in a fenced area that will keep them from escaping. The property line fencing already in place cannot be used for animal enclosure. Enclosure must be at least 10 feet from adjoining property unless written permission is obtained from adjoining landowners.
 - 2. Animals must be at least 100 feet from neighborhood family dwellings.
 - 3. Feces and any other odorous material must be removed from animal area and kept clean so as not to violate the nuisance ordinance and cause undue offense to the neighbors. (Ord. 4-2-6)
- C. Permitted livestock will be swine, goats, sheep and poultry or any other animal that the council chooses to permit. Large livestock (horses and cows) will not be permitted.
- D. Failure to comply with any of these regulations will cause forfeiture of regulatory permit by the City. Permit may be revoked resultant to a credible complaint by neighbor, if after investigation by City Council deems complaint to be valid and well grounded. (Ord. 18-2, 5-18-2018)

CHAPTER 2 - CRIMES AND OFFENSES

5-2-1: CRIMINAL CODE ADOPTED BY REFERENCE:

Except as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Utah criminal code, Utah Code Annotated title 76, as amended, with a corresponding penalty is hereby adopted by the city. Any and all violations thereof shall be considered violations of this chapter and each such violation shall be subject to the penalties as provided in section [1-4-1](#) of this code. (2004 Code; amd. Ord. 05-4, 3-22-2005; Ord. 10-4, 10-9-2010)