

TOQUERVILLE CITY

ORDINANCE 2024.XX

AN ORDINANCE AMENDING TITLE 5, CHAPTER 4 OF THE TOQUERVILLE CITY CODE, KNOWN AS THE TOQUERVILLE DOG CONTROL ORDINANCE, TO INCLUDE UPDATED DEFINITIONS, CLARIFY DOG ATTACK AND BITE REGULATIONS, ESTABLISH REPORTING REQUIREMENTS, AND REVISE PENALTIES.

RECITALS

WHEREAS, Toquerville City is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS, pursuant to Utah Code § 10-8-65, the City has the authority to regulate dogs, address dog-related public health and safety concerns, and enforce related ordinances;

WHEREAS, the City Council has determined that amendments to Title 5, Chapter 4 are necessary to provide clear definitions, ensure proper reporting of incidents, and strengthen enforcement mechanisms for public safety and animal welfare;

ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT OF CHAPTER 4, TITLE 5 OF THE TOQUERVILLE CITY CODE. Chapter 4 (Dog Control) of Title 5 (Public Safety) of the Toquerville City Code is hereby amended and restated in its entirety as follows:

CHAPTER 4 **DOG CONTROL**

SECTION:

- 5-4-1: Title**
- 5-4-2: Definitions**
- 5-4-3: Animal Control Officials**
- 5-4-4: Dog License**
- 5-4-5: Impounding**
- 5-4-6: Dogs Attacking Persons And Animals**
 - 5-4-6-1: Dog Biting Persons**
 - 5-4-6-2: Bites; Duty to Report**
- 5-4-7: Vicious Dogs**
- 5-4-8: Nuisance Dogs**
- 5-4-9: Disruptive Dogs**
- 5-4-10: Female Dogs In Heat**
- 5-4-11: Unlawful Acts**
- 5-4-12: Court Order; Procedure**
- 5-4-13: Civil Disputes**
- 5-4-14: Penalty**

5-4-1: TITLE:

This chapter shall be known as the TOQUERVILLE DOG CONTROL ORDINANCE. (Ord. 2015.03, 6-11-2015)

5-4-2: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section (words in the singular number include the plural, and those in the plural include the singular):

ANIMAL CONTROL OFFICER: *The animal control officer or agents of the City retained by hire or contract.*

AT LARGE: *Off the premises of the owner and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.*

BITE: *An actual breaking of the skin, tear, puncture, laceration or abrasion by the teeth of a dog.*

DOG: *any canine families over four (4) months of age. Any canine families under four (4) months of age are considered a puppy.*

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.*

IMPOUND: *The picking up or the taking into the control or the possession of any animal by the animal control officer.*

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. 2015.03, 6-11-2015)*

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

5-4-3: ANIMAL CONTROL OFFICIALS:

A. Powers:

1. **Enforce Chapter:** *The animal control officer or any person employed by the City 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. **Apprehend And Impound:** *The animal control officer is authorized and empowered to apprehend and impound any dog 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 or unlicensed dogs for any other violation hereof.*

3. **Enter Onto Premises:** *In the enforcement of this chapter, any peace officer and/or animal control officer is authorized to enter onto open premises, excluding dwellings, of any person, to take possession of any dog in violation of this chapter. Any peace officer, and animal control officer, when in the company of a peace officer or animal control officer, when there is probable cause, may enter onto open premises to investigate any violation of this chapter.*

4. **Issue Citations:** *A peace officer or the animal control officer is empowered to issue citations in regard to acts in violation of this chapter.*

B. Duties:

1. *Any peace officer or animal control officer shall:*
 - a. *Enforce this chapter and perform other responsibilities pursuant thereto;*
 - b. *Supervise the City animal shelter under their jurisdiction;*
 - c. *Keep adequate records of all animals impounded and all monies collected;*
 - d. *See that all dogs and animal holding facilities in their jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulations.*
2. *Animal control officers shall:*
 - a. *Enforce this chapter in all respects pertaining to dog control within the jurisdiction, including the care and impounding of dogs and prevention of cruelty to animals.*
 - b. *Carry out all duties prescribed or delegated by City administration. (Ord. 2015.03, 6-11-2015)*

5-4-4: DOG LICENSE:

- A. *Required: All dogs must be licensed each year.*
- B. *Time Limit To Obtain: 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 six (6) months, or in the case of a dog over six (6) months, within five (5) days of acquisition of the dog.*
- C. *Application: License application must be submitted annually to the City office, utilizing a standard form which requests the name, address, telephone number of applicant; breed, sex, color and age of dog; and rabies information. The application shall be accompanied by the prescribed license fee and by current rabies vaccination certificate. Rabies vaccination shall be current and given by a licensed veterinarian.*
- D. *Fees: License fees shall be due and payable at the time of submitting the license application required in this section. The fees shall be as established and may be amended from time to time by resolution of the City Council.*
- E. *Effective Date: The license shall be effective from the date of purchase through the end of December of the same calendar year. The new license must be purchased between January 1 and the end of February, after which a late fee shall be imposed.*
- F. *Kennels: Any person owning, possessing, maintaining or caring for four (4) or more dogs and/or cats over the age of four (4) months shall constitute operation of a kennel and shall be required to pay the kennel license fee. Any person having two (2) or more dogs and/or cats for the purpose of breeding and selling pedigreed offspring shall constitute operating a kennel and shall pay the required kennel fee, which is as established and as may be amended from time to time by resolution of the City Council. Any person having over five (5) dogs and/or cats shall constitute boarding and shall not be permitted in residential zones, nor within two hundred feet (200') of residential zones. (Ord. 2015.03, 6-11-2015)*

5-4-5: IMPOUNDING:

- A. *Subjected Animals: The animal control officer shall place all dogs which are taken into custody in a designated animal impound facility. The following*

dogs may be impounded and taken into custody by the animal control officer without the filing of a complaint:

- 1. Any dog being kept or maintained contrary to the provisions of this chapter.*
- 2. Any dog running at large contrary to the provisions of this chapter.*
- 3. Any dog which is by this chapter required to be licensed and is not licensed; any dog not wearing a tag shall be presumed to be unlicensed for purposes of this section.*
- 4. Any sick or injured dog whose owner cannot be located.*
- 5. Any abandoned dog.*
- 6. Dogs which are not vaccinated for rabies in accordance with the requirements of this chapter.*
- 7. Any dog to be held for quarantine.*
- 8. Any vicious dog not properly confined.*
- 9. Any dog not having proof of rabies vaccination which bites a person shall be impounded and quarantined for a period of not less than ten (10) days.*

B. Disposition Of Dogs:

- 1. Dogs shall be impounded for a minimum of seventy two (72) hours, excluding weekends and holidays, before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the owner of any dog 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 dog 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, 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 persons desiring to purchase such animal for a price to be determined by the animal control officer, plus license and rabies vaccination if required.*
- 3. Any licensed or unlicensed dog impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention may, at the discretion of the animal control officer, be released to the care of a veterinarian with owner consent or, in the event the owner is not known because of no tags or licenses, be destroyed.*
- 4. When, in the judgment of the animal control officer, it is determined that a dog should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without court order and without permission of the owner.*

C. Redemption:

- 1. The owner of any impounded dog or their authorized representative may redeem such animal before disposition, provided they pay:*
 - a. The impound fees.*
 - b. The daily board charge.*
 - c. The veterinary costs incurred during the impound period, including rabies vaccination.*
 - d. License fees, if required.*
- 2. No impound fee will be charged to the reporting owners of suspected rabid*

animals.

D. 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 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. (Ord. 2015.03, 6-11-2015)*

5-4-6: DOGS ATTACKING PERSONS AND ANIMALS:

A. Unlawful: *It shall be unlawful for any dog to attack, chase or worry any person, domestic animal or any species of hoofed, protected wildlife, or to attack domestic fowl. If any dog attacks any person, domestic animal or any species of hoofed, protected wildlife, or domestic fowl, the owner or person having charge, care, custody or control of said dog is in violation of this section regardless of the precautions taken to prevent the attack.*

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 also be liable for damages to any person injured or to the owner of any animal injured or destroyed thereby.*

C. Defenses: *The following shall be considered in mitigating the penalties or damages, or in dismissing the charge:*

- 1. That the dog was properly confined on the premises.*
- 2. That the dog was deliberately or maliciously provoked.*

D. Dog May Be Killed: *Any public safety officer 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, pursuant to Utah Code Annotated section 18-1-3.*

E. Destruction Of Animal: *Upon trial of any offense under this section, or upon failure to appear after citation, the court may, after attempting to notify the animal's owner, order the animal control officer or other authorized person of the City, to destroy the animal, or may order such other disposition of the animal, as will protect the inhabitants and animals of the City. (Ord. 2015.03, 6-11-2015)*

F. Penalty: *Any person violating this provision of this chapter shall be guilty of a class B misdemeanor.*

5-4-6-1: DOG BITING PERSONS:

A. *It shall be unlawful for any person to own a dog that bites a person without provocation, or to own a dog that has a known propensity to attack or bite human beings without provocation. (This shall not prohibit ownership of particular breeds of dogs, but is meant only to apply to individual dogs who have such a propensity.) After a dog bites a person, the animal control officer may impound the dog and the dog may not be redeemed while awaiting final decision of the*

court as to the disposition to be made of the dog.

B. Upon the trial of any offense under this section, the court may, upon conviction and in addition to the usual judgment of conviction, order the director of public safety, animal control officer, or any authorized person of the City to put the dog to death or may order such other disposition of the dog as will protect the inhabitants of the City.

C. Any person violating this provision of this chapter shall be guilty of a class B misdemeanor.

5-4-6-2: BITES; DUTY TO REPORT:

A. Reporting Required: 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.

B. Owner Report: The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the 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. Physician Or 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 animal control officer in ascertaining the immunization status of the animal.

D. Person Treating Bitten Animal: Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the director of public safety, animal control officer, or the City. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury, and the location of the incident.

E. Violation: Any person not conforming with the requirements of this section shall be in violation of this chapter.

5-4-7: VICIOUS DOGS:

A. Court Order For Destruction: Every dog so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious dog not effectively controlled by its owner or person having charge, care or control of such dog, so that it shall not injure any person or property, is a hazard to public safety and the animal control officer shall seek a court order for destruction of the dog. If any dog attacks or bites a person or animal two (2) times or more in a twelve (12) month period, such dog may be immediately impounded by the animal control officer without court order and held at owner expense pending court action. Any such dog shall be deemed a vicious animal and the animal control officer shall seek a court order for destruction of the dog. Parties owning such dogs shall, if possible, be notified immediately of the dog's location by the animal control officer. This section shall not limit any other section in this chapter.

B. Ownership Unlawful: It shall be unlawful for any person to own a dog that

bites a person or domestic animal without provocation, or to own a dog that has a known propensity to attack or bite human beings or domestic animals without provocation. (This shall not prohibit ownership of particular breeds of dogs, but is meant only to apply to individual dogs who have such a propensity.) After a dog bites a person or domestic animal, the animal control officer may impound the dog, which may not be redeemed while awaiting final decision of the court as to the disposition to be made of the dog. (Ord. 2015.03, 6-11-2015)

C. Penalty: Any person violating this provision of this chapter shall be guilty of a class B misdemeanor.

5-4-8: NUISANCE DOGS:

A. Defined: Any owner or person having charge, custody or control of, or caring for or feeding a dog causing a "nuisance", as defined below, shall be in violation of this chapter and subject to the penalties provided herein. Any dog falling under one or more of the following shall be deemed a nuisance. Any dog which:

- 1. Causes damage to the property of anyone other than its owner;*
- 2. Is a "vicious animal", as defined herein;*
- 3. Causes unreasonable fouling of the air by odors;*
- 4. Causes unsanitary conditions in enclosures or surroundings;*
- 5. Defecates on any public sidewalk, park or building, or on any private property without the consent of the owner of such private property, unless the person owning, having a proprietary interest in, harboring or having care, charge, control, custody or possession of such dog shall remove any such defecation to a proper trash receptacle;*
- 6. Barks, whines or howls or makes other disturbing noises in an excessive, continuous or untimely fashion; persons making a complaint must sign the summons against the violator which will subsequently be delivered by the animal control officer;*
- 7. Molests passersby by barking, snapping, pawing, clawing, biting or growling;*
- 8. Chases passing vehicles;*
- 9. Attacks other domestic animals;*
- 10. Is determined by the department of public safety to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare or safety;*
- 11. Is "boarding", as defined herein, in or within two hundred feet (200') of a residential zone.*

B. Citation; Remedy: Nuisances will be cited pursuant to the violation section of the City's fee schedule. Persons cited shall have five (5) days to remedy the nuisance. If the nuisance continues for more than five (5) days, each day of continuance will constitute a separate offense and may be cited as additional violations. (Ord. 2015.03, 6-11-2015)

5-4-9: DISRUPTIVE DOGS:

No person shall own, keep or harbor any dog which by loud, continued or frequent barking, howling or yelping endangers the health and welfare of any person or neighborhood. A violation of this section shall be an infraction, subject to penalty as provided in section 1-4-1 of this code, and such is hereby declared to be a nuisance, and each day a violation is permitted to exist or continue shall

constitute a separate offense. This section shall not apply to the City dog pound, veterinary hospitals or medical laboratories. (Ord. 2015.03, 6-11-2015)

5-4-10: 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 coming into contact with other dogs, except for planned breeding. (Ord. 2015.03, 6-11-2015)

5-4-11: UNLAWFUL ACTS:

It shall be unlawful:

A. 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.

B. Running At Large: It shall be unlawful for any dog to run at large. If any dog is at large, the owner or person having charge, care, custody or control of said dog is in violation of this section regardless of the precautions taken to prevent the escape and running at large of said dog.

C. 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.

D. Abandonment: For any person to abandon or turn out at large any sick, diseased or disabled dog, but such dog shall, when rendered useless by reason of sickness or other disability, be humanely destroyed by the owner thereof and its carcass disposed of in such manner as to create no nuisance or hazard to health.

E. Harbor Stray Dogs: For any person 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 officer within twenty four (24) hours, and the department shall impound the dog as herein provided.

F. Unenclosed Premises: For any person to chain, stake out or tether any dog on any unenclosed premises in such a manner that the dog may go beyond the property line, unless such person has permission of the owner of the affected property.

G. Killing Or Poisoning: For any person wilfully to kill any domestic dog not belonging to them, or to cruelly kill or administer poison to any dog or to expose any poisonous substance with the intent that it shall be taken by any such dog. Any person who does so, directly or indirectly, shall be guilty of a class B misdemeanor.

H. Mistreating: For any person to overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel or inhuman manner, any dog or cause any of these acts to be done. Any person who does so, directly or indirectly, shall be guilty of a class B misdemeanor.

I. Fail To Provide Sustenance And Protection: For any person to fail to provide any animal in his charge or custody with necessary sustenance, drink and protection from the elements, or cause any of these acts to be done. Any person who does so, directly or indirectly, shall be guilty of a class B

misdemeanor.

J. Intentional Exhibition: For any person to intentionally exhibit any dog indecently, or let any male dog to any female animal for the purpose of providing entertainment or viewing to any person. Any person who does so, directly or indirectly, shall be guilty of a class B misdemeanor. (Ord. 2015.03, 6-11-2015)

5-4-12: COURT ORDER; PROCEDURE:

Court orders shall be filed according to the following minimum notice and procedure:

A. Petition For Action: The animal control officer shall petition the court for the desired action.

B. Service: 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. 2015.03, 6-11-2015)

5-4-13: CIVIL DISPUTES:

Any emergency incident relating to dogs attacking persons or livestock, and where such incident is not reported within five (5) calendar days constitutes a civil dispute. Neither the City nor its employees shall become involved in disputes arising between persons because of damages caused by animals. Should any dispute arise from a violation of this chapter, and if the animal control officer responds, the limit of the City's responsibility is to provide testimony by order of a subpoena as to what was personally observed and make public records available. Any settlement or claims for damages are strictly a civil matter and must be pursued by the damaged party. (Ord. 2015.03, 6-11-2015)

5-4-14: PENALTY:

Unless otherwise provided, any violation of the provisions of this Chapter, either by failing to do those acts required herein or by doing any act prohibited herein shall be considered an infraction of the law and subject to court fines unless otherwise stated in this chapter. (Ord. 2015.03, 6-11-2015)

2. REPEALER. All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. SEVERABILITY. Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVENESS. This Ordinance shall become effective immediately upon approval by the City Council.

ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL this _____ day of December, 2024, based upon the following vote:

Councilmember:

Gary Chaves	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
John 'Chuck' Williams	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Joey Campbell	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Todd Sands	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____
Wayne Olsen	AYE	_____	NAE	_____	ABSTAIN	_____	ABSENT	_____

TOQUERVILLE CITY
a Utah Municipal Corporation

Attest:

Justin Sip, Toquerville City Mayor

Emily Teaters, Toquerville City Recorder