

TOWN OF ALTA

ORDINANCE NO 2018-O-1

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE ANIMAL CONTROL ORDINANCE

WHEREAS, the Town Council finds and determines that provisions of Title 5, Chapter 2: Animal Control Ordinance of the Alta Town Code needs to be amended in order to clarify their meaning, change the qualifications for licensing, exempt ADA dogs from licensing and fees, limit total number of licenses by resolution and name a unique identifier for licensed dogs to wear by resolution.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

Section 1. Amended Provisions: The following provisions of the Town code are added, deleted or amended as follows: ~~indicate deletions~~ and underline indicates changes or amendments.

Chapter 2 ANIMAL CONTROL

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5-2-1: DEFINITIONS:

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

ALTA DOG LICENSE: Any Class A, B, C, D, E, F, or G license as defined in section 5-2-3(C)(1).

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

ANIMAL UNDER RESTRAINT: Any animal under the control of its owner or person having charge, care ~~or~~, custody or control, except a dog shall not be considered under the control of the owner unless on a leash or lead, confined within a vehicle, ~~or~~ [under voice and sight control \(as defined in this section\)](#) within the real property limits of the dog owner, [or otherwise confined within real property limits of a premises at which a dog is permitted by the owner thereof.](#)

ANIMALS: Any and all types of livestock, dogs and other nonhuman creatures, both domestic and wild, male and female, singular and plural.

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

CAT: Any age feline of the domesticated type.

CATTERY: An establishment for boarding, breeding, buying, grooming or selling cats.

DOG: Any canis familiaris over ten (10) weeks of age.

GROOMERY: Any establishment maintained for the purpose of offering cosmetological services for animals.

HOUSEHOLD: An individual person who resides alone, or a group of people who reside together as roommates, partners, or family members.

KENNEL: An establishment having three or more dogs for the purpose of boarding, breeding, buying, grooming, letter for hire, training for fee, or selling.

LEASH OR LEAD: any chain, rope or device used to restrain an animal.

PET: An animal kept for pleasure rather than utility, including, but not limited to, birds, cats, dogs, fish, hamsters, mice, pigs, chickens, and other animals associated with man's environment, which are not prohibited by other governmental regulations.

PET SHOP: Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

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.

RESIDENCE: A dwelling unit with provisions dedicated for sleeping, cooking, and sanitation, separated from any other dwelling unit by walls and a lockable door, where a household may reside.

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

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

VOICE AND SIGHT CONTROL: A dog is under "voice and sight control" if the behavior of a dog that is not leashed or otherwise physically restrained by its owner does not, without regard to circumstances or distractions:

- A. Leave direct visual contact with the owner;
- B. Charge, chase, or otherwise display aggression toward any person or behave toward any person in a manner that a reasonable person would find harassing or disturbing;
- C. Charge, chase or otherwise display aggression toward any animal; or
- D. Fail to come to and stay with the owner immediately upon command by such person.

WILD, EXOTIC OR DANGEROUS ANIMAL: Any animal which is not completely domesticated, or which is not native to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any other animal which, because of its size, growth propensity, vicious nature or other characteristics would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner. 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 and black bears;
- C. Cat family (Felidae): All except the commonly accepted domesticated cats, and including cheetah, cougars, leopards, lions, lynx, panthers, mountain lions, 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 nonhuman primates;
- G. Raccoon (Procyonidae): All raccoons, including eastern raccoon, desert raccoon, ringtailed cat, etc.;
- H. Skunks;
- I. Venomous fish and piranha;

J. Venomous snakes and lizards; and

K. Weasels.

~~K.~~(Ord. 1994-O-3, 2-10-1994; amd. Ord 1995-O-4, 11-9-1905; Ord. 1999-O-3, 6-17-1999; 2010 Code; Ord 2014-O-3, 3-13-2014)

5-2-2: ADMINISTRATION:

A. Department ~~Of~~of Animal Control: The department of animal control is the town marshal department, any persons designated by the town marshal department, and town administrative staff. (Ord.2014-O-3, 3-13-2014)

B. Powers of ~~animal~~Animal Control Officials:

1. The town marshal department or any person designated by the department shall enforce this chapter.

2. The town marshal, his or her deputies, and recognized animal control officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this chapter, including licensed and unlicensed dogs.

3. In the enforcement of this chapter, the town marshal, any deputy or a person authorized by the town marshal department, are authorized to enter onto the open premises of any person to take possession of any dog in violation of this chapter. (Ord.1994-O-3, 2-10-1994)

4. The ~~town council~~Town Council shall have the ability to enter into an interlocal agreement with an animal control facility for purposes of transportation and impoundment of animals.

C. Duties of Animal Control Officials: The town marshal department shall: (Ord.2014-O-3, 3-13-2014)

1. Enforce this chapter and perform other responsibilities pursuant thereto; ~~;~~

2. Keep adequate records of all animals impounded; and (Ord. 1994-O-3, 2-10-1994)

3. Establish, in cooperation with the Salt Lake Valley health department, and other applicable governmental agencies, adequate measures for rabies immunization and control.

D. Administrative Staff: The town administrative staff shall see that all domesticated animals in the jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance

and /or regulations. In addition, the administrative staff shall keep licensing records, collect completed applications and fees, distribute license tags to owners and administer the annual licenses.

- E. Interference ~~With~~with Officer Prohibited: It shall be unlawful for any person to knowingly and intentionally interfere with the town marshal department in the lawful discharge of duties as herein prescribed ~~-(~~(Ord. 2014-O-3, 3-13-2014)

5-2-3: DOG LICENSING:

- A. License Required; Renewal: ~~any dog found~~All dogs within the boundaries of the town must be licensed by the town. It shall be unlawful for any person to bring a dog within the boundaries of the town, whether in a motor vehicle or otherwise, which is not licensed by the town. All dog owners which receive dog licenses from the town must renew said licenses annually, except as ~~otherwise~~provided in section 5-2-3(L). (Ord.1999-O-1, 4-8-1999)

- B. Term; Renewal Time Limit:

1. ~~1.~~ Class A, B, C, F, and G dog licenses shall be effective beginning on January 1 of each calendar year, and shall be valid through December 31 of each calendar year.
2. ~~2.~~ If the holder of a Class A, B, C, F, or G dog license dog license wishes to renew the license, he or she shall obtain an application for license renewal from the town which shall be submitted with the appropriate fee before December 1 of each year. If the application is found to be in order, the license shall be issued.
3. ~~3.~~ For good cause shown, the town may accept a renewal application after December 1; however ~~the~~the fee shall be two hundred percent (200%) of the current licensing fee.
4. ~~4.~~ In no event shall a license renewal application be accepted after December 15 in any calendar year. A dog license which is not renewed by December 15 shall be forfeited.
5. ~~5.~~ If licenses are issued after January 1 of any given year, the licensee shall be required to pay the full license fee for the year.
6. ~~6.~~ License applicants must present written evidence that they qualify for a license. The sufficiency of an applicant's evidence is within the discretion of the town administrative staff.

- C. Number; Classification: Due to the location of the town within a watershed area, the ~~town~~Town Council shall impose limits on the total number of Class A, B, C, and F dog licenses issued by resolution. The number of licenses shall be reviewed annually and may be increased

or decreased upon a finding by the ~~town council~~ Town Council in regard to licensee compliance and consideration of the watershed.

1. Classifications: There shall be classes of dog licenses as follows:

a. Class A Licenses: Any full-time resident qualifies for a Class A license. For purposes of this license class, a “full-time” resident is one who (1) has physically resided within the town for at least six (6) months (consecutively or cumulatively) during the last calendar year; (2) intends to continue doing so; and (3) is registered to vote in the town. If the resident does not own their residence, they must present written proof, in addition to other license requirements, that the owner of the residence allows the presence of the dog.

b. Class B licenses: Those who have a fifty percent (50%) or greater ownership interest in (1) an improved residential property, (2) an improved commercial property, or (3) a business licensed by the town and located within a premises leased within the Town qualify for a Class B license.

c. Class C licenses: The following people qualify for a Class C license:

(1) Those who have resided part-time in the town for each of the past three consecutive years. For the purposes of this C(1) license, “part-time” means a minimum of five months (consecutively or cumulatively) during the calendar year. Applicants for a C(1) license if the applicant under this C(1) does not own the part-time residence, the applicant must present written proof, in addition to other license requirements, that the owner of the residence allows the presence of the dog.

(2) Full-time employees of businesses within the town who have worked in the town for at least the past three (3) consecutive years. For the purposes of this C(2) license, “full-time” means employment by a business within the town of at least 32 hours per week for a minimum of five months (consecutively or cumulatively) during the calendar year. A C(2) license allows the employee to bring the licensed dog to the place of employment within the town on condition that the dog return home (out of Little Cottonwood Canyon) with the employee at the end of the employee’s shift. The applicant for a C(2) license shall show, in addition to other license requirements, written proof that the owner of the business at which the employee works allows the presence of the dog and has a suitable location for it.

d. Class D licenses: The mayor shall have the authority to issue a temporary dog license for demonstrated necessity or extraordinary hardship. The term of a Class D license shall not exceed two weeks. Any license issued under this authority shall be reported at the

next regularly scheduled ~~town council~~Town Council meeting. Any dog licensed under this class must wear the applicable Alta dog license tag and pay a fee set by resolution.

e. Class E licenses: The mayor or his/her designee shall have the authority to issue temporary licenses to rescue dogs or other groups of dogs requiring for purposes of receiving specialized training within the town.

f. Class F licenses: The person chiefly responsible for the care of each Alta Ski Lifts Company avalanche dog qualifies for a Class F license.

g. Class G licenses:

1. ~~1.~~ Beginning May 11, 2018, all existing Alta dog license holders will be re-classified as Class A, B, C, or F license holders as allowed by the definitions stated above.

2. ~~2.~~ To the extent any holder of an Alta dog license ~~holder as of July 13, 2018~~ does not qualify for a Class A, B, C, or F license under the definitions ~~stated above on May 11 set forth in this Chapter, 2018, that such~~ license holder shall receive a Class G license.

3. ~~3.~~ Class G licenses may be renewed annually during the remaining life of the dog that is subject to the license on ~~May 11~~July 13, 2018, if, in the judgment of the Mayor, the circumstances supporting the original issuance of the license continue to exist.

2. Allocation; ~~drawing~~Drawing:

a. The ~~town council~~Town Council may allocate new and forfeited licenses to one or more of Classes A, B, C, and F.

b. In the event that the number of qualified applicants for a Class A, B, C, or F license exceeds the number of licenses available, a lottery will be held, within thirty (30) days of the Town Council's annual review of the number of licenses, to determine which qualified applicant(s) will receive a license.

c. The procedure and rules for any Alta dog license lottery shall be established through a resolution adopted by the ~~town council~~Town Council.

D. Form of Application; Rabies Certificate; Fee: License applications must be submitted annually to the town administrative staff, utilizing a standard form which requests ~~owners the name and,~~ address, ~~and~~ email address of the owner, and the dog's name, sex, color, ~~and~~ age, sterilization status and rabies vaccination 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. The applicant shall also sign a written statement signifying that they have read, understand and will abide by the regulations outlined in this chapter, and all Salt Lake Valley health department and Salt Lake City watershed rules and regulations pertaining to dogs.

E. Violation; Forfeiture: Any licensed dog whose owner does not fulfill the requirements of any of the above dog license classifications, shall forfeit said Alta dog license and watershed tag. (Ord. 2014-O-3, 3-13-2014)

F. Fees; ~~Proof of Sterilization~~: Fees for licenses shall be assessed annually by resolution. (Ord 1994-O-3)

G. ~~F.~~ Proof of Sterilization: No dog shall be licensed as spayed or neutered without proof that sterilization was performed. (Ord ~~1994-O-3~~, 2-10-1994)

H. ~~G.~~ Number Permitted:

1. ~~1.~~ No person or entity may hold more than one Alta dog license.

2. ~~2.~~ No business within the town may have more than one Class C(2) license associated with it.

3. ~~3.~~ The total number of Alta dog licenses held by the members of a single household may not be greater than one.

4. ~~4.~~ No more than one dog may reside at any residence in the town. Multiple licensed dogs may simultaneously visit a residence in the town from time to time.

5. The limitations imposed by this section 5-2-3(G) do not apply to Class G licenses.

L. ~~H.~~ Unlicensed dogs-Dogs Prohibited; Exception: No unlicensed dogs are allowed in the town except those exceptions set forth in subsection ~~K-L~~ of this section. Any owner or caretaker of a dog who brings an unlicensed dog into the jurisdiction is subject to the penalty described in subsection 5-2-14 of this chapter.

J. ~~I.~~ Planned Unit Developments; Condominium Properties: If any applicant for a dog license lives within a planned unit development or condominium property, said applicant for any ~~of the above dog licenses~~ class of dog license set forth in this Chapter 2 must submit, with the application, written verification from the property manager, owners' association, or similar entity of said development setting forth that the issuance of a dog license does not violate regulations governing said property.

K. ~~J.~~ License Tag; Identification:

1. Upon payment of the license fee, the town administrative staff may issue to the owner an Alta dog license tag and a watershed tag. ~~Each dog shall have stamped thereon a setting forth the~~ tag number and ~~the~~ current year. The owner of the licensed dog shall attach the tags to the collar or harness of the animal and see-ensure that the collar and tags are constantly worn when the animal is within town boundaries. Failure to attach the tags as provided shall be in violation of this subsection.
2. Dog tags are not transferrable from one dog or dog owner 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 of a fee as established by resolution of the ~~town council~~ Town Council, to the administrative staff. (Ord. 2014-O-3, 3-13-2014)
3. Any person removing or causing to be removed the collar, harness or tags from any licensed dog without the consent of the owner or keeper thereof, except a licensed veterinarian or police officer who removed such for medical or other reasons, shall be in violation of this subsection. (Ord. 1994-O-3, 2-10-1994; amd. Ord. 2014-O-3, 3-13-2014)
4. In an effort to more easily identify Alta-licensed dogs from dogs that are not Alta-licensed, the ~~town council~~ Town Council shall mandate a unique identifier by resolution. The dog owner shall be responsible for the cost of the unique identifier and for ensuring that the dog ~~is wearing it~~ wears such identifier when within town boundaries.
5. Upon the death of an Alta-licensed dog, the owner must notify the town administrative staff within ninety (90) days after the death. The owner of a Class A, B, C, or F license shall have one year after the death of the dog in which to obtain a new dog and Alta dog license, subject to the qualifications listed in this section 5-2-3. If the owner does not obtain a new dog within one year, the owner forfeits the Alta dog license tag and watershed tag and must apply for future tags as outlined in this section. (Ord. 2014-O-3, 3-13-2014)

L. ~~K.~~ Exemptions To Licensing:

1. The licensing and fee provisions of this section shall not apply to:
 - a. Dogs that are individually trained to do work or perform tasks for people with disabilities, as defined by the Americans with Disabilities Act;
 - b. Dogs that are in training to become either a service animal under the Americans with Disabilities Act or a police service canine under Utah Code § 53-16-102 (2018); and

- c. Dogs required for search and rescue operations or extraordinary circumstances for which the town marshal requires additional assistance for public safety as allowed by the mayor or town marshal on a temporary basis. (Ord. 1995-O-4, 11-9-1995; amd. Ord. 2014-O-3, 3-13-2014)

- 2. ~~Nothing in this subsection shall be construed so as to exempt any dog from having~~The foregoing notwithstanding, all dogs within the town boundaries shall be required to have a current rabies vaccination. (Ord. 1994-O-3, 3-13-2014)

M. ~~↳~~Revocation of Dog License: If the owner of any dog is convicted for a third time of a violation of this chapter, the town marshal or his or her deputies or an animal control officer, ~~shall~~ may have the dog immediately impounded and the license ~~shall~~ may be revoked. (Ord. 2014-O-3, 3-13-2014)

5-2-4: COMMERCIAL ESTABLISHMENTS PROHIBITED:

In order to protect the watershed and ensure the public health and safety in the town, it shall be unlawful for any person to operate or maintain a kennel, cattery, pet shop, groomery, riding stable, veterinary clinic or hospital, or any similar establishment within the jurisdiction. (Ord. 1994-O-3, 2-10-1994)

5-2-5: 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 or fail to maintain the animal under restraint. The owner or person charged with responsibility for a dog found running at large or failing to keep the animal under restraint shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not ~~he~~ such person knows or should have known that the dog is running at large or that the animal was not under restraint. (Ord. 1994-O-3, 2-10-1994)

5-2-6: FIERCE, DANGEROUS OR VICIOUS ANIMALS:

It shall be unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled ~~so as~~ or otherwise restrained in a manner to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal so that it shall not injure any person or property, is a hazard to public safety, and the town marshal department shall seek a court order pursuant to section 5-2-13 of this chapter for destruction ~~or~~ muzzling, or other reasonable restraint of the animal. (Ord 1994-O-3, 2-10-1994)

5-2-7: WILD ANIMALS:

It shall be unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any “wild animal” as defined in section 5-2-1 of this chapter, and which by its nature of its kind, is fierce, dangerous, noxious, or naturally inclined to do harm, except a facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided and sanitary conditions are provided for protection of the public health and watershed. (Ord. 1994-O-3, 2-10-1994)

5-2-8: NUISANCE ANIMALS:

Any owner or person having charge, care, custody or control of an animal causing a “nuisance”, as defined in this section, shall be in violation of this chapter and subject to penalties provided herein. The following shall be deemed a “nuisance”:

A. Any animal which:

1. Causes damages to the property of anyone other than its owner;
2. ~~Is~~ a “vicious animal”, as defined in section 5-2-1 of this chapter, and kept contrary to section 5-2-6 of this chapter;
3. Causes unreasonable fouling of the air by odors;
4. Causes unsanitary conditions in enclosures or surroundings;
5. Defecates on any public or private property without the consent of the owner of such property, unless the person owning, having a proprietary interest in, harboring or having care, charge, control, custody or possession of such animal shall remove such defecation immediately and dispose of it in an approved way.
6. Barks, whines or howls or makes other disturbing noises in an excessive, continuous or untimely fashion; (Ord. 1994-O-3, 2-10-1994)
7. Molests a passerby or chases passing vehicles. “Molest”, as used in this section, shall mean to assault or threaten a person in any way -z including aggressively approaching or jumping on a person;
8. Attacks, chases or worries other domestic animals, or any species of wild animal. “Worry” as used in this section, shall mean to harass by tearing, biting or shaking with the teeth -z; (Ord. 2014-O-3, 3-13-2014)

9. Is determined by the town marshal department or Salt Lake Valley health department to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare or safety ~~;~~ or (Ord. 1994-O-3, 2-10-1994)

10. Leaves fecal matter which is not immediately disposed of. (Ord. 1999-O-1, 4-8-1999)

B. Any animals which, by virtue of the number maintained, are determined by the town marshal department or Salt Lake Valley health department to be offensive or dangerous to the public health, welfare or safety shall be deemed nuisance animals pursuant to this Section. (Ord. 1994-O-3, 2-10-1994)

5-2-9: REGULATIONS AND PROHIBITIONS:

A. Harboring Stray Dogs: It shall be unlawful for any person, except an animal welfare society incorporated within 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 town marshal department within twenty four (24) hours.

B. Dead Animals: It shall be the duty of every owner of any animal found dead within the town to immediately notify the health department, or the town marshal department, of the location of such animal, so that the same may be removed as speedily as possible. It shall be unlawful for any person knowingly to permit the same to remain on any public street or other public property or upon any premises within the county for more than three (3) hours. Without notifying the health department of the location of the same. If the owner of such dead animal does not remove it himself/herself or cause it to be properly removed, the town may cause it to be removed and thereupon assess the actual costs of such against the owner, and may avail itself of all remedies in law and equity to enforce such removal and recover the costs thereof. (Ord. 1994-O-3, 2-10-1994)

~~C. Dogs on Leash:~~

C. ~~(1) Dogs on Leash:~~ Any dog which is outside the property of its owner shall be on a leash and under the control of its owner at all times, with the ~~Alta dog license and unique identifier plainly visible.~~ town dog license plainly visible in the base facilities zone, the town park, all parking lot areas, the transfer tow area, the Albion Basin campground, both Cecret Lake and Catherine's Pass Trail, and any ski lift base facility area. However, in all other areas except the aforementioned, a dog may be unleashed prior to eight thirty o'clock (8:30) A.M. and after seven o'clock (7:00) P.M. on the express condition that the dog remain in visual contact and under the vocal command of its owner, who shall also be in compliance with all other provisions of this chapter. (Ord. 1999-O-1, 4-8-1999)

~~(2) Any dog which is outside the property of its owner may not be present in the following areas:~~

- ~~(a) Within 100 feet of the Albion Meadows Trail.~~
- ~~(b) Within 100 feet of the Cecret Lake Trail.~~
- ~~(c) Within 100 feet of Cecret Lake.~~
- ~~(d) Within 100 feet of Albion Basin Campground.~~
- ~~(e) Within 100 feet of the Snakepit Trail.~~
- ~~(f) Within 100 feet of the Catherine Pass Trail.~~
- ~~(g) During the period from June 15 through November 15 of each year, within 100 feet of the Albion Basin Summer Road (aka Forest Road 028). This limitation does not apply to Alta residents whose property is accessed by the Albion Basin Summer Road.~~
- ~~(h) Within any area defined as a waterway setback under Title 10 of the Alta Town Code.~~
- ~~(i) Between the hours of 8:00 a.m. and 5:30 p.m. on each day that Alta Ski Area is operating lifts:~~

~~(1) within 100 feet of any Alta Ski Lifts Company surface tow apparatus; or~~

~~(2) within 100 feet of any Alta Ski Lifts Company ski lift base area, mid-station, or top station.~~

~~(3) The foregoing subsections (C)(1) and (C)(2) do not apply to a dog licensed under Class E or Class F while it is engaged in training, rescue, or other work-related activities.~~

- D. Animal Waste Disposal: It shall be the responsibility of the owner or person having charge, care, custody or control of any dog to pick up fecal waste immediately and dispose of it as soon as possible in an approved way to prevent contamination of the watershed area. All such owners and persons shall carry with them plastic bag or other like items made for this purpose in order to carry out the objectives of this subsection. Any animal control officer or law enforcement officer may require that the owner or person having charge of a dog produce a plastic bag or like item made for this purpose upon demand. (Ord. 1999__O-1, 4-8-1999)
- E. 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 unless such person has permission of the owner of the affected property. [Likewise, it shall be unlawful for any person to maintain a dog on any unenclosed premises unless such dog is within voice and sight control of the owner or person having charge, care, custody or control of the animal.](#)
- F. Dog Runs: The keeper of any dog permitted to be kept within the boundaries of the town, shall maintain all outdoor areas in which the dog might be kept, whether such area is a pen, [fenced yard](#), runway or other enclosure, and whether the dog is kept in the area permanently or only

from time to time, in a reasonably sanitary condition and must daily remove all fecal matter from the area and dispose of it in the trash or via the sewer system.

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

~~H. Dogs Attacking Persons and Animals: 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 worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife. "Worry" as used in this subsection, shall mean to harass by tearing, biting or shaking with the teeth.~~

H. ~~+~~Cruelty To Animals:

1. Physical Abuse: It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald, overdrive or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation.
2. Care ~~And~~ 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. (Ord. 1994-O-3, 2-10-1994)
3. 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. (Ord. 2014-O-3, 3-13-2014)
4. Abandonment of Animals: It shall be unlawful for any person to abandon any animal within the jurisdiction of the town.
5. Animal Poisoning: Except as specifically provided herein, 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 poisonous or harmful substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.
6. Injury ~~To~~ to Animals ~~By~~ by Motorists:
 - a. Every operator of a motor or other self-propelled vehicle upon the streets of the jurisdiction shall immediately upon injuring, striking, maiming or running down any domestic animal, give such aid as can reasonably be rendered, in the absence of the

owner, he shall immediately notify the town marshal department, furnishing requested facts relative to such an 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 an animal control facility or other appropriate facility and notifying the town marshal department. Such animal may be taken into the animal control facility and dealt with as deemed appropriate under the circumstances.
 - c. Emergency vehicles are exempted from the requirements of this provision.
- 7. Killing Of Birds: It shall be unlawful for any person to take or kill any [birds/bird](#), or to rob, [take](#) or destroy any nest, egg or young of any bird in violation of the laws of the state [or federal government](#).
 - 8. Malicious Impounding: It shall be unlawful for any person maliciously to [secrete-sequester](#) or impound the animal of another. (Ord. 1994-O-3, 2-10-1994)

5-2-10: BITES; DUTY TO REPORT:

- A. 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 town marshal department or to the Salt Lake Valley health department.
- B. The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the town marshal department or to the Salt Lake Valley health department within twenty four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.
- C. A physician or other personnel who renders professional treatment within the town to a person bitten by an animal shall report the fact that he has rendered professional treatment to the town marshal department or the Salt Lake Valley health department 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 town marshal department in ascertaining the immunization status of the animal.
- D. A person treating within the town an animal bitten, injured, or mauled by another animal shall report the incident to the town marshal department. 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. Any person not conforming with the requirements of this section shall be in violation of this chapter. (Ord. 1994-O-3, 2-10-1994)

5-2-11: RABIES AND RABID ANIMALS:

- A. Vaccination Required: Rabies vaccinations shall be required for all dogs and cats. The owner or person having the charge, care, custody and control of a dog or cat four (4) months old or older shall have the animal vaccinated within thirty (30) days after it reaches that 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 the vaccination. Unvaccinated dogs or cats over four (4) months of age acquired by the owner or moved into the jurisdiction must be vaccinated within thirty (30) days of purchase or arrival. Every dog shall be revaccinated thereafter every twenty four (24) months and every cat shall be revaccinated thereafter every twelve (12) months, with a modified virus rabies vaccine approved by the Salt lake Valley health department.

- B. Impoundment ~~Of~~of Animal Without Valid Rabies Vaccination Tag:

- 1. ~~The town marshal department may impound any animal for failure to display a rabies vaccination tag as set forth in section 5-2-12.~~

- 2. ~~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.

- 3. ~~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. (Ord. 1994-O-3, 2-10-1994; amd. 2010 Code)

- 4. ~~3-~~Any dog not reclaimed prior to the period shall be disposed of. (Ord. 1994-O-3, 2-10-1994; amd. 2010 Code)

- C. Reporting Of Rabid Animals: Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having, rabies; or of an animal or person bitten by such a suspect animal, shall notify the town marshal department or the Slat Lake Valley health department.

- D. Quarantine ~~And~~and Disposition ~~Of~~of Biting ~~Or~~or Rabid Animals:

1. Reporting Required: 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 above and shall immediately be confined to a secure place by the owner. The owner shall turn over the animal to the town marshal department or a person designated by the town marshal department.
2. Surrender ~~Of~~ of Animal: The owner of any animal of a species subject to rabies which has bitten [another animal or human](#) 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 [voluntarily](#) surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal. (Ord. 1994-O-3, 2-10-1994)
3. Seizure And Quarantine: Any animal of a species subject to rabies that bites a person or animal ~~and~~ or is suspected of having rabies ~~and~~ may be seized and quarantined for observation for a period of not less than ten (10) days by the town marshal department or an authority authorized by the town marshal department, if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying any person who has custody of an animal under quarantine. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately notify the town marshal 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 town marshal department or a designated animal control agency 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. (Ord. 1994-O-3, 2-10-1994; amd. 2010 Code)
4. Unvaccinated Bitten Animals:
 - a. In case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, the bitten or exposed animal should be immediately destroyed.
 - b. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.
5. Vaccinated Bitten Animals:

- a. If the bitten or exposed animal has been vaccinated [against rabies](#), the animal shall be revaccinated within twenty four (24) hours and quarantined for a period of thirty (30) days following revaccination; or
 - b. If the animal is not revaccinated within twenty four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for six (6) months.
 - c. The animals shall be destroyed if the owner does not comply with subsections D5a or D5b of this section.
6. Removal ~~Of~~ Quarantined Animal: It shall be unlawful for any person to remove any ~~such~~ animal [quarantined under this section](#) from the place of quarantine without written permission of the town marshal department or the written permission of the designated animal control facility.
7. Numerous Bites Or Attacks: If any animal bites or attacks a person or animal two (2) times or more in a twelve (12) month period, such animal may be immediately impounded by the town marshal department without court order and held at owner's expense pending court action. Any such animal shall be deemed a vicious animal, and the town marshal department may seek a court order as provided in section 5-2-13 of this chapter for destruction of the animal. Parties owning such animal shall, if possible, be notified immediately of the animal's location by the town marshal department. (Ord. 1994-O-3, 2-10-1994)

5-2-12: IMPOUNDING:

- A. Animals ~~To Be to be~~ Impounded: Any animal taken into custody [pursuant to this chapter](#) shall be placed in an animal impound facility, designated by the town marshal department. The following animals may be taken into custody by the town marshal department and impounded without the filing of a complaint.
- 1. Any animal being kept or maintained contrary to the provisions of this chapter;
 - 2. Any animal running at large contrary to the provisions of this chapter;
 - 3. Any animal which is by this chapter required to be licensed and is not licensed. An animal not wearing a tag [and unique identifier as required by this chapter](#) shall be presumed to be unlicensed for purposes of this section;
 - 4. Sick or injured animals whose owner cannot be located;
 - 5. Any abandoned animal;

6. Animals which are not vaccinated for rabies in accordance with the requirements of this chapter;
 7. Any animal to be held for quarantine [in accordance with the requirements of this chapter; and](#)
 8. Any vicious animal not properly confined as required by ~~section 5-2-6~~ of this chapter.
- B. Records To Be Kept: The impounding facility, designated by the town marshal department, shall keep a record of each animal impounded, and maintain records of each animal in accordance with their jurisdiction's ordinance.
 - C. Redemption: Redemption of animal shall be in accordance with the impounding facility jurisdiction's ordinance.
 - D. Care Of Animals: The care of animals while impounded shall be in accordance with impounding facility jurisdiction's ordinance. (Ord. 1994-O-3, 2-10-1994; amd. 2010 Code)

5-2-13: COURT ORDER; PROCEDURE:

Court orders pursuant to sections 5-2-6 and 5-2-11 of this chapter shall be filed by the town prosecutor. The party against whom the order is sought shall be personally served with notice of the hearing wherein the order is sought at least twenty four (24) hours prior to said hearing. (Ord. 1990-O-3, 6-17-1999)

5-2-14: PENALTY:

In addition to the civil penalties set forth in subsection ~~5-2-3(L)~~ [5-2-3M](#) of this chapter, any person violating the provisions of this chapter, either by failing to do these acts required herein or by doing any act prohibited herein, shall be subject to criminal penalties in the form of a citation which shall be punished as a Class C misdemeanor, punishable by a fine as provided in section 1-4-1 of this code.

Adopted on this ____ day of _____, 2018..

BY:

Mayor Harris Sondak

ATTEST:

Piper Lever, Ass't Town Clerk

[SEAL]