

**CITY OF LOGAN, UTAH  
ORDINANCE NO. 19-06**

**AN ORDINANCE REPEALING TITLE 6 OF THE LOGAN MUNICIPAL CODE AND  
ENACTING TITLE 6A OF THE LOGAN MUNICIPAL CODE  
REGULATING ANIMAL CONTROL**

WHEREAS, the state legislature has granted general welfare power to the City Council, independent, apart from, and in addition to, its specific grants of legislative authority, which enables the City of Logan to pass ordinances as are necessary and proper to provide for the safety and preserve the health, promote the prosperity, improve the peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property and the City; and

WHEREAS, the City Council has determined that the repeal and enactment of the following ordinances are in the City's best interest;

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH, AS FOLLOWS:

**SECTION 1.** Title 6, "ANIMALS" is hereby repealed in its entirety.

**SECTION 2.** Title 6A, "COMPREHENSIVE ANIMAL CONTROL" is hereby enacted as follows:

**6A.02 - TITLE, PURPOSE, AND DEFINITIONS**

**6A.02.010. - Title.**

This title is known as "Comprehensive Animal Control."

**6A.02.020. - Purpose and intent.**

It is the purpose and intent of this title to provide for comprehensive animal control regulations to govern the city and protect life and property. It is the intent of this title that the city's animal services provider administer and comply with:

- A. The Animal Welfare Act set forth in Utah Code § 11-46-101 et seq.
- B. The Animal Shelter Pet Sterilization Act set forth in Utah Code § 11-46-201 et seq.
- C. The Community Cat Act set forth in Utah Code § 11-46-301 et seq.

**6A.02.030. - Definitions.**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Animal* means any and all types of livestock, birds, reptiles, dogs and cats, and all other subhuman creatures, domestic and wild, male and female, singular and plural.

*Animal boarding establishment* means any person, entity or establishment that boards or otherwise provides accommodations for other people's animals. This definition is inclusive of a kennel, cattery, or related establishment where it exceeds the permissible number allowed by city ordinance of dogs or cats boarded, bred, bought, sold, adopted, or donated.

*Animal control* means the entity and officers providing animal control services to Logan City by contract or otherwise.

*Animal grooming establishment* means any entity or establishment maintained for the purpose of offering grooming or cosmetology services for animals.

*Animal shelter* or *shelter* means any facility operated by a governmental entity or an animal welfare organization duly organized under state law for the purpose of preventing cruelty to animals and used for the care and custody of seized, homeless, quarantined, abandoned, stray, or unwanted dogs, cats, or other domestic animals.

*Animals for family food production* means any domesticated animal commonly kept for utility or food production rather than pleasure and includes, but is not limited to, cattle, sheep, goats, mules, burros, horses, chickens, geese, ducks, turkeys, llamas, swine, bees, or similar animal.

*Animals at-large* means an animal shall be considered to be "at-large" when, except as provided in sections 6A.08.050 and 6A.08.070, said animal is off the owner's property and not under immediate control, by means of a durable restraint device, capable of keeping the animal restrained; or an animal that is on the property of the owner and not securely confined by a leash, building, fenced area, appropriate transport device or other effective means.

*Bite* means any actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.

*Cat* means any age feline, of the domestic type.

*Community cat program* means a feral cat program established in accordance with Utah Code § 11-46-301 et seq. The same definition as set forth in Utah Code § 11-46-302 is adopted and incorporated herein.

*Dangerous animal* means any animal that, according to the records of animal control or another law enforcement/animal control agency:

- A. Has inflicted a serious bite or injury on a human being, with or without provocation, on public or private property;
- B. Has killed a domestic animal, with or without provocation, while off the owner's property;
- C. Causes an animal to be euthanized due to injury inflicted by said animal;
- D. Has previously been found to be potentially dangerous, as provided herein, and subsequently aggressively bites, attacks, or endangers the safety of a human or domestic animal; or

*Director* means the person or persons with supervisory authority over the day-to-day affairs of animal control and the animal shelter.

*Dog* means any *Canis familiaris* over four months of age. Any *Canis familiaris* under the age of four months is a puppy.

*Domesticated animal* means any animal, excepting wild animals as defined herein, that is accustomed to living in or about the habitation of man that is kept for utility or pleasure, including, but not limited to, cats, dogs, and animals for family food production.

*Emotional Support Animal* means an assistance animal that provides solely emotional support or well-being, comfort or companionship. An emotional support animal is not a service animal.

*Enclosure*, as it relates to dogs, means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering the vicious dog.

*Exotic pet* means a rare or unusual non-protected animal species that is classified by the U.S. Department of Agriculture and under state law as approved for keeping as a pet, unless otherwise restricted by this title. Permitted exotic pets only include those species commercially available at typical retail pet shops in the area and include non-venomous snakes, non-poisonous small reptiles, non-poisonous amphibians, tortoises, ferrets, potbelly pigs, exotic birds, sugar gliders, degas, hedgehogs, domesticated silver fox, and non-poisonous insects.

*Feral cats* means cats that exist in a wild state and determined not to have an owner and have reverted to wild state.

*Government working dog* means a dog trained to assist government officials in public safety or law enforcement.

*Guard dog* means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, and on a leash or under absolute control while working so that it cannot come into contact with the public.

*Holding facility* means an animal impound, animal shelter, humane establishment, or any other similar facility used for holding animals.

*Impounded animal* means any animal taken into custody by animal control, the police department, another governmental entity, or a facility.

*Leash or lead* means any chain, rope, strap or similar device designed and used to restrain an animal.

*Licensed dog* means a dog wearing its current dog license tag obtained from the animal services provided designated by the city.

*Livestock* means livestock defined by state law and includes the typical domesticated animals for family food production.

*Neutered animal* means an animal having had the testicles removed or castrated.

*Officer* means an animal control officer, governmental official, law enforcement officer, or other individual authorized to enforce or act within the scope of this title.

*Open wound* means any puncture, laceration, tear, or injury that causes blood loss of any amount.

*Owner* means any person who is the legal owner, keeper, possessor, or the actual custodian of animal. Ownership may be established by a person registering as owner on a license or other legal document or being a person claiming ownership and taking possession of an animal. Ownership may also be established by evidence that would lead a reasonable person to conclude ownership

including, but not limited to, veterinary records, microchip records, license and registration information, pedigree registries, and photographic evidence. Ownership does not include a “trap-neuter-return program” as defined herein.

*Pet* means a domesticated animal kept for pleasure rather than utility, including, but not limited to, birds, cats, dogs, tropical-type fish, rabbits, hamsters, mice, and similar animals.

*Pet shop* means a retail business containing cages or exhibition pens, where dogs, cats, birds or other pets for sale are kept or displayed. A pet shop is not classified as animal boarding establishment, kennel, or cattery for the purposes of this title.

*Potentially dangerous animal* means any animal that, with or without provocation, chases or approaches a person upon the streets, sidewalks, or any public grounds, in a threatening or menacing fashion, or apparent attitude of attack, or any animal with a known propensity, tendency or disposition to attack with or without provocation. In addition, a potentially dangerous animal is any animal that because of witnessed and documented action, is believed capable of causing injury, or otherwise posing a threat to the safety of humans or domestic animals.

*Quarantine* means the isolation of an animal under the observation of a licensed veterinarian or in the custody of the animal shelter or in-home confinement in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

*Residence* means any legally recognized dwelling such as a home, apartment, or condominium.

*Restraint device* means any chain, leash, cord, rope, or other device commonly used to restrain an animal.

*Riding school* or *stable* means an establishment which offers boarding and /or riding instruction of any horse, pony, donkey, mule or burro or which offers such animals for hire.

*Service animal* means any dog that is individually trained, or is in training, to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks must be directly related to the individual’s disability, including assisting an individual who is blind or has low vision with navigation or other tasks; alerting an individual who is deaf or hard of hearing to the presence of people or sounds; providing non-violent protection or rescue work; pulling a wheelchair; assisting an individual during a seizure; alerting an individual to the presence of an allergen; retrieving an item for an individual; providing physical support and assistance with balance and stability to an individual with a mobility disability; or helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors. Emotional support animals and comfort animals are not considered service animals.

*Spayed* means having had the ovaries and uterus removed or extirpated (ovariohysterectomy).

*Stray* means any animal running at-large, whose owner cannot be found after a reasonable search and is governed by Utah Code § 11-46-103. For livestock, stray (or estray) is more specifically defined as set forth in Utah Code § 4-25-101 et seq, 1952 as amended.

*Trap-Neuter-Return Program:* A program established for the purpose of reducing the feral cat population, conducted with the approval of Logan City animal control.

*Vaccinated dog* means a dog inoculated with an approved, currently valid, anti rabies vaccine, and wearing a current dog license tag indicating proof of such vaccination.

*Vicious animal* means a dangerous animal or potentially dangerous animal that presents a continued threat to the safety of a person, property, or another animal.

*Wild animal* means any animal which is not commonly domesticated, listed as protected by federal or state law, or which may be perceived as wild or predatory in nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, or property if not kept, maintained, or confined in safe and secure manner. Such animals include, but are not limited to:

- A. Alligators, crocodiles, caiman.
- B. Bears (Ursidae).
- C. Cat family (Felidae), except commonly accepted domesticated cats. Includes cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wild cat, and similar animals.
- D. Dog family (Canidae), except all domesticated dogs. Includes wolf, part wolf, fox, part fox, coyote, part coyote, dingo, and similar animals.
- E. Porcupine (Erethizontidae).
- F. Primate (Non-human). Includes all subhuman primates.
- G. Raccoon (Prosynnidae). All raccoons, including eastern raccoon, desert raccoon ring-tailed cat, and similar animals.
- H. Skunks.
- I. Venomous fish and piranha.
- J. Venomous snakes and lizards.
- K. Weasels (Mustelidae). All including weasels, martens, wolverines, badgers, otters ermine, mink, mongoose, and similar animals.

*Wild unprotected animals* means a wild animal that is classified by the U.S. Department of Agriculture as an agriculture nuisance animal such as raccoons, foxes, coyotes, and skunks.

## **6A.04 - ADMINISTRATION**

### **6A.04.010 - Animal control designated.**

The City of Logan Mayor may designate the animal control service provider for the city and for the purpose of resolving animal related occurrences within the city. Animal control officers shall comply with all state training and certification prior to acting as an animal control officer under this title.

### **6A.04.020 - Director.**

The animal control service provider shall designate a person to act as the director. The director shall be the contact person for the city and may oversee one or more animal control officers as well as the animal shelter operations.

### **6A.04.030 - Duties of animal control.**

Animal control and any officer of the same are hereby vested with the power and authority to carry out the purpose of this title, and to:

- A. Issue dog licenses.
- B. Issue licenses for an animal boarding establishment after receipt of approval or other licenses that may be required by the city, including business licenses.
- C. Issue citations for violations of this title.
- D. Issue a determination relating to a potentially dangerous animal or dangerous animal, apply reasonable restriction to the same, and monitor such animals as necessary to protect life and property.
- E. Conduct inspections relating to animal control and act as humane officer in the care of all dogs and animals living within City limits.
- F. Seek and bring proceedings for the abatement of certain animals as provided by law or regulation.
- G. In accordance with the procedures and rules prescribed by state code, may apprehend, restrain, impound, and/or quarantine any animal found in violation of law or that constitutes a nuisance.
- H. Advise on issues relating to animals.
- I. Administer state and local law relating to animals.
- J. Administer the provisions of this title.

**6A.04.040. - Interfering with officers prohibited.**

It is unlawful for any person to knowingly and intentionally interfere with the director or any animal control officer in the lawful discharge of their duties.

**6A.04.050. - Fees.**

Fees adopted for animal service are the same as the most current fees adopted by the Logan City Council for the same. Late fees may apply as specified in the applicable adopted fee schedule.

**6A.06 - LICENSING AND REGULATIONS**

**6A.06.010. - Limits on the number of dogs and cats per residence.**

No person or persons at any one residence living in Logan City shall at any time own, harbor, license, or maintain more than four (4) dogs or four (4) cats, with no combination exceeding six (6) except as provided herein. Persons that wish to possess more than the allowable number of animals shall apply for and meet the conditions of a kennel/cattery license as outlined in section 6A.06.080.

**6A.06.020 - Limits on exotic animals.**

No person or persons at any one residence shall at any time own, harbor, license, or maintain more than five permitted exotic animals as defined in this title.

**6A.06.030 - Limits on animals for family food production.**

The type and number of animals for family food production that may be kept is limited and governed exclusively by the city's land use ordinances and regulations set forth in city ordinance. It is presumed that if a type of animal is not expressly allowed as either a permitted or conditional

use in a specific land use zone as determined by city ordinances then that animal is deemed prohibited.

**6A.06.040 - Dog license required and issuance.**

It shall be unlawful for any person to own, keep, harbor, or maintain a dog over the age of four months, without registering and obtaining a license for such dogs from animal control. All dogs in the city shall require licensing within 30 days after they enter the city or within 30 days after having reached the age of four months. Dog licenses shall be issued to a person eighteen (18) years or older and based upon:

- A. Applicant filing a complete application.
- B. Applicant paying the applicable fee.
- C. Applicant providing legitimate documentation whether a dog is spayed or neutered.
- D. Applicant providing proof that the dog has received current rabies vaccination. The owner of any dog under the age of four months shall present to the animal control officer within fifteen (15) days after the dog reaches the age of four (4) months a certificate from a veterinarian stating that the dog has been vaccinated for the prevention of rabies, otherwise the registration for such dog is void.
- E. An owner who fails to properly register his or her dog shall be guilty of an infraction. Any citation issued to an owner for failure to properly register his or her dog will be dismissed upon the owner providing proof of registration within fourteen (14) days of receiving the citation.

**6A.06.050 - Dog licenses generally.**

Animal control shall issue a tag for each dog license granted under this chapter. The dog license is:

- A. To be placed and maintained on a dog collar for each dog licensed under this chapter.
- B. Valid for the term provided by animal control.
- C. Non-transferable from one dog to another.
- D. Non-refundable for any reason whatsoever.
- E. The director or his/her designee may revoke any license if the person holding the license refuses or fails to comply with any provision of this title or any state or local laws governing cruelty to animals or the keeping of animals. Any person whose license is revoked shall, within ten (10) days, humanely dispose of all dogs being owned, kept or harbored by such person and no part of the licensing fee shall be refunded.

**6A.06.060 - Dog licensing fees.**

Except as provided herein, owners shall pay a licensing fee to the City at the time of registration. Owners of dogs in the following classifications shall not be required to pay a fee:

- A. Service animal.

- B. Any dog which has been duly or properly trained and placed in custody of a police officer being used in police department work.
- C. Any dog which has been trained as a service animal, but has not been spayed or neutered, is not exempt from registration fees.

**6A.06.070 - Dog license exemptions.**

The following license exemptions apply:

- A. Dog owners who are non-residents located within the city for less than 30 days, provided that the dog is duly licensed by another agency.
- B. Government working dog.
- C. Individual dogs within a bona fide retail pet shop or veterinary establishment.
- D. Notwithstanding subsections (A) through (C) of this section, nothing shall be construed so as to exempt any dog from having a current rabies vaccination at all times.

**6A.06.080 - Animal boarding establishment license (kennel/cattery license).**

No person shall operate or maintain an animal boarding establishment without first obtaining a license from animal control. This license is separate from, and in addition to, a business license required by the City. Applicants must satisfy the following requirements before an animal boarding establishment (kennel or cattery) license will be issued:

- A. Applicant shall make application to the city and receive the appropriate approval.
- B. Applicant shall receive any approvals required from the local health department.
- C. Applicant shall comply with applicable federal, state, and local regulations.
- D. Applicant shall submit all city and any health department approvals to animal control with an application for an animal boarding establishment license (kennel/cattery license).
- E. The city will provide to animal control in writing the total number of dogs and/or cats allowed at the animal boarding establishment.
- F. Animal control and/or the city building inspector will perform one or more on-site inspections, and upon satisfactory inspection and completion of the requirements herein, animal control will issue an animal boarding establishment license (kennel/cattery license).
- G. Any person conducting, operating or maintaining an animal boarding establishment shall pay to the city an annual fee as set by the city.
- H. Animal boarding establishment licenses shall also be valid for one year from the date the license is issued.

**6A.06.090 - Animal boarding establishment licenses generally.**

A license granted to an animal boarding establishment:

- A. Shall be kept valid during the operation of the animal boarding establishment.
- B. Shall be posted at the animal boarding establishment in a conspicuous location on the premises.
- C. Is non-transferable to a new business or location.

- D. Does not exempt the animal boarding establishment from having to obtain individual dog licenses for each dog owned by the establishment.

**6A.06.100 - Notice of change for animal boarding establishment.**

The licensee of an animal boarding establishment shall notify the city and animal control within thirty (30) days of any change of its establishment or operation which may affect the status of land use/conditional use permit or license. The duty to notify as provided in this section is on the licensee.

**6A.06.110 - Renewal.**

Licensees shall renew animal boarding establishment licenses annually. Late fees will be applied in the event that a renewal is after the established deadline.

**6A.06.120 - Animal boarding establishment exemptions.**

The following are not subject to the animal boarding establishment license regulation of this title:

- A. Bona fide research facilities where medical or related research is conducted in accordance with law.
- B. Government shelters.
- C. Humane shelters operated by a nationally recognized non-profit organization.
- D. Bona fide retail pet shops where the selling of dogs or cats is ancillary to the retail sales of the establishment.

**6A.06.130 - Inspections of an animal boarding establishment.**

As a condition of an animal boarding establishment license, the location of the establishment is subject to periodic inspections by the city and/or animal control. An animal boarding establishment shall be maintained within general industry health and sanitation standards, and follow related industry standards for the operation and maintenance of an animal boarding establishment. Inspection reports may be filed with animal control as necessary.

**6A.06.140 - Basis for adverse action and appeal.**

- A. A license applied for or issued under this chapter may be denied, suspended, or revoked by animal control for reasons that include, but are not limited to the following: if:
  - (1) Application filed is found to be incomplete.
  - (2) Applicant failed to pay the required fee.
  - (3) Applicant provided false or misleading information.
  - (4) Applicant is in violation of any land use/condition use permit, animal control regulation, building code, zoning ordinance under this or another jurisdiction which relates to the establishment.
  - (5) Applicant is found to be maintaining or selling illegal species, wild animals, or prohibited animals.
  - (6) Applicant fails an inspection.
  - (7) Applicant's operations are determined to be a nuisance.
  - (8) Applicant, owner, or operator is convicted of a charge of cruelty to animals.

- B. The procedure for adverse action.
- (1) Animal control shall provide written notice to the applicant/licensee on the address provided on the application stating:
    - a. State the nature of the violation(s).
    - b. Establish a specific and reasonable period of time for correction of the violation(s).
    - c. State that any failure to comply with any notice issued in accordance with the provisions of this ordinance shall result in immediate denial, suspension, or revocation as the case may be.
    - d. State that an opportunity for an appeal of a final decision may be filed with the city's appeal authority as provided for in section 5.02.160 of the Logan City Municipal Code.
  - (2) No license shall be issued to any person whose license has been revoked within the prior twelve (12) months. After the elapse of twelve (12) months, a person may reapply for a license subject to this title.
- C. Notice provided for under this chapter is deemed to have been properly served upon certified mailing of the notice to the address in the application.
- D. The appellate process shall be conducted in accordance with the section 5.02.160 of the Logan City Municipal Code.

## **6A.08 - CONDUCT AND PROHIBITED ACTS**

### **6A.08.010 - Cruelty to animals.**

The provisions relating to cruelty to animals as specified in Utah Code Ann. § 76-9-301, 1953, as amended, is hereby adopted and incorporated herein by this reference.

### **6A.08.020 - Animals at-large prohibited.**

It shall be unlawful for any animal to run at-large. An animal runs at large by reason of some other person's actions or failure to act shall not be a defense to prosecution under this section. The following exceptions apply to the prohibition against animals running at large:

- A. Animals may be at-large while participating in field trials and obedience classes.
- B. Animals properly controlled by a participant as part of a recognized dog club.
- C. Animals assisting their owner or trainer in legal hunting or in herding of livestock.
- D. Animals assisting a peace officer engaged in law enforcement duties, or while being trained for the same.
- E. Animals on the owner's private property so long as such animals are under the direct and effective sound or gesture control and within sight of owners or such individuals noted above, to assure that such animals do not violate any provisions of this title.
- F. Animals may be at large in specific areas and times authorized and posted by Logan City.

**6A.08.030. - Lost or stray animals.**

Stray animals shall be governed by Utah Code § 11-46-103 or its successor statute. It is unlawful for any person to harbor or keep within the city any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify animal control within seventy-two (72) hours so that the rightful owner may be located or the animal may be adopted if no owner claims the animal.

**6A.08.040 - Places prohibited to animals.**

A. *Food Establishments:* It shall be unlawful for any person to take or permit any animals, whether on a leash or in the arms of their owners, into any establishment or place of business where food or food products are sold or distributed, including, but not limited to, restaurants, grocery stores, meat markets, and fruit or vegetable stores.

B. *Schools.* It is unlawful for any person to permit any dog or other domesticated animal whether loose, or on a leash, or in arms, in or on any school grounds except for purposes of instruction when authorized by a teacher at the said school directly involved with the said instruction.

C. *City Owned Land:* It is unlawful for any person to take or permit any dog or other domesticated animal whether loose, or on a leash or in arms, in any city park, sports field. Or sports park, city cemetery, and city zoo, except specific area authorized and posted by Logan City.

This section does not apply to service animals, government working dogs, or similar animals used for educational programs, law enforcement exercises, or authorized events.

**6A.08.050 - Restraining animals and leash law.**

It is unlawful for any person owning or having the custody, possession, or control of any animal to, either negligently or with specific intent, improperly restrain or fence the animal in a manner that allows the animal to escape or to run at-large. Except for specific areas and times authorized and posted by Logan City, dogs are to be restrained on a proper leash at all times on the public right-of-way and in public places.

**6A.08.060 - Restraining animals on unenclosed premises.**

It is unlawful for any person to restrain, confine, pen, chain, stake, or otherwise tether any animal on an unenclosed premises in a manner that allows the animal to go beyond the property line unless permission is obtained from the owner of the affected property or owner of the animal owns a legal property interest in the affected property.

**6A.08.070 - Public right-of-way and property.**

Except for specific areas and times authorized and posted by Logan City, no animal is allowed to be kept on the public right-of-way or public property without permission from the affected entity. Animals walked on the public right-of-way or designated public property shall be handled on a leash at all times.

**6A.08.070 - Dogs attacking domestic animals.**

Regardless of any provision in city ordinance that may state otherwise, any person may kill a dog attacking domestic animals as provided in Utah Code Ann. § 18-1-3, 1953, as amended, as adopted and incorporated herein by this reference.

**6A.08.080 - Female dogs or cats in heat.**

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

**6A.08.090 - Communicable diseases.**

No person shall knowingly harbor, keep or sell any animal afflicted with mange, ringworm, distemper, parvovirus, kennel cough, or any other contagious disease, unless such animal is being given adequate necessary treatment to control and eliminate the disease.

**6A.08.110 - Disposal of dead animals.**

Dead domestic animals shall be disposed in accordance with Utah Code Ann. § 4-31-102, 1953, as amended, as adopted and incorporated herein by this reference.

**6A.08.120 - Animal waste.**

A. The person having custody or control of an animal shall have in his possession a bag or similar means of removing waste deposited by his animal and be responsible for the immediate removal of any waste deposited by his animal on any public right-of-way, public place, recreation area, or private property other than that belonging to the owner of the animal.

B. A violation of this section shall be an infraction, the penalty for which shall be twenty-five dollars (\$25.00).

**6A.08.130 - Nuisance animals.**

All persons having custody of any animal or animals shall exercise proper care and control over such animal or animals in order to prevent said animal or animals from becoming a nuisance.

A. An animal shall be deemed to be a nuisance if such animal:

- (1) Causes damage to the property of anyone other than its owner.
- (2) Causes unreasonable odor.
- (3) Is in unsanitary condition in its being or habitat.
- (4) Is diseased.
- (5) Is in heat and uncontrolled.
- (6) Makes unreasonable barking, whining, howling, or disturbing noises.
- (7) Chases vehicles, people, or livestock.
- (8) Has previously been found at-large by animal control on three separate occasions within a 12-month period.
- (9) Has been declared a potentially dangerous animal or dangerous animal and is found at-large or found in violation of any animal control restriction placed on that animal.
- (10) Is a vicious animal.
- (11) Severely bites a human or animal, or kills another animal unprovoked.

- B. In addition to other remedies allowed by law, animal control may abate a nuisance animal as provided by law.

**6A.08.140 Abatement of nuisance animals.**

When it reasonably appears to the director or his designee that any animal is a nuisance as defined in this chapter, animal control may abate as follows:

- A. Either relocate or euthanize the animal after obtaining written consent from the owner.
- B. If written consent from the animal owner cannot be readily obtained, the director may file a complaint with the local justice court seeking abatement of the animal. The complaint shall:
  - (1) Set forth the facts as determined by animal control.
  - (2) Indicate that the owner is maintaining a nuisance animal.
  - (3) State the nature of the nuisance.
  - (4) State the recommended abatement measure sought by animal control.
- C. Until such time as abatement can be taken voluntarily or ruled upon by the court, the nuisance animal(s) may be impounded by animal control.
- D. Abatement by relocation is not a viable option for animal(s) that bite or are a serious threat, such as a vicious dog.
- E. In the event the court determines that the animal is a nuisance, the owner shall reimburse animal control for impoundment fees incurred during the course of the proceeding.

**6A.08.150 - Possession of a potentially dangerous animal.**

Any person who owns or maintains a potentially dangerous animal shall use all reasonable means at his or her disposal to restrict a potentially dangerous animal from injuring any other person or animal.

**6A.08.160 - Possession of a dangerous animal.**

Any dangerous animal may only be kept confined indoors, or in a secure fenced kennel-type enclosure that is locked.

- A. The secure fenced kennel-type enclosure must be:
  - (1) Designed to prevent the entry of children.
  - (2) Designed to prevent the animal from escaping.
  - (3) Have secure sides, top, and foundation that prevent burrowing or digging under.
  - (4) Provide protection from the elements for the animal.
- B. When the dangerous animal is outside its enclosure, the animal must be under immediate control of a responsible adult by means of a restraint device and must also be muzzled. The muzzle shall be made in such a manner that it will not cause injury to the animal or interfere with the animal's vision or respiration, but shall prevent it from biting any person or animal.

**6A.08.170 - Impounding a potentially dangerous or dangerous animal.**

Animal control may:

- A. Impound and take into immediate possession any potentially dangerous or dangerous animal that is:
  - (1) Not maintained as required in this chapter.
  - (2) Outside an enclosure and not properly restrained by a device or not properly muzzled if a dangerous animal.
- B. Any owner of any potentially dangerous or dangerous animal found at-large or who fails to comply with this chapter is guilty of a class B misdemeanor.

**6A.08.180 - Wild animals prohibited.**

It shall be unlawful for any person to import, sell, offer for sale, barter, give away, keep or purchase any wild animal as defined in this chapter.

- A. This section does not apply to the following facilities:
  - (1) Animal shelters.
  - (2) Zoological parks.
  - (3) Veterinarian hospitals.
  - (4) Bona fide research facility.
  - (5) Fairgrounds or a circus.
  - (6) Research facility for educational or scientific purposes.
- B. Every facility controlling or maintaining any wild animal shall:
  - (1) Maintain and keep each wild animal in a manner and by means of protective devices that prevent such animals from escaping or presenting any harm to the public or persons at the facility.
  - (2) Comply with applicable state and federal regulations for handling, maintenance, and vaccinations as directed for each species.
  - (3) Be kept under confinement on the premises and not run at-large.
- C. Notwithstanding the foregoing restrictions, this section does not apply to persons or entities:
  - (1) who have sought and received approved by the city for raising animals for their pelts and for legal commercial purposes consistent with law.
  - (2).who are authorized by state or federal law, regulation or rule to import, export, sell, offer for sale, barter, give away, keep or purchase any wild animal.

**6A.08.180- Wild unprotected animal abatement.**

Wild unprotected animals may be abated in a safe and humane manner under the direction or with the assistance of the U.S. Department of Agriculture.

**6A.08.190 - Abandonment of animals.**

It shall be unlawful for any person to abandon an animal by:

- A. Placing an animal in an unsafe or dangerous environment where the animal is separated from basic needs such as food, water, shelter, or necessary medical attention for a period of longer than 24 hours;
- B. Intentionally depositing, leaving, or dropping off any live animal in a public or private place;
- C. Failing to reclaim an animal within 48 hours of the time agreed upon with a kennel, grooming service, or veterinary hospital;
- D. Failing to reclaim and/or relinquish ownership of an animal 48 hours beyond the time agreed upon with an animal shelter; or
- E. Reporting an animal to any authority as stray with intention of turning over custody of the animal.

## **6A.10 - IMPOUNDMENT**

### **6A.10.010 - Impoundment authorized.**

Animal control ~~shall~~may place ~~all~~ animals which are taken into custody in a designated animal shelter or approved sheltering facilities. Animals may be taken into custody and impounded if:

- A. The animal is being kept or maintained contrary to the provisions of city ordinance or state law.
- B. The animal is stray or running at-large.
- C. Any dog that is not properly licensed as required by this title.
- D. Any dog that is not rabies vaccinated or believed to not be rabies vaccinated.
- E. Any animal that is sick, diseased, or injured.
- F. The animal is abandoned or is neglected to the point that the health and safety of the animal is at risk if it is not immediately placed into protective custody.
- G. Any animal needing to be held for quarantine.
- H. Any animal that is pending a determination of being potentially dangerous or dangerous animal as provided by this title.
- I. Any animal that is determined to be a nuisance animal.
- J. Any animal in the custody of any person or persons who are being arrested or detained by any law enforcement officer.
- K. Any animal adopted/rescued from the animal shelter being kept or maintained contrary to the provisions of the adoption/rescue contract.

### **6A.10.020 - Shelter record keeping requirements.**

The animal shelter shall keep a record of each animal impounded as provided by law and the rules and regulations adopted by the director.

### **6A.10.030 - Redemption requirements.**

- A. The owner of any impounded animal or his authorized representative may redeem such animal upon payment of the required fees and before disposition in accordance with the rules and regulations prescribed by the animal shelter.
- B. In the case of a dog over the age of four (4) months which has not been vaccinated for rabies, such vaccination shall be done and paid for by the owner or keeper before such dog shall be released.
- C. Redemption fees are calculated to include impound costs, daily board charge, any veterinary costs incurred during the impound period, license and vaccination costs where needed, microchipping, transportation costs, any other reasonable expenses incurred as part of the impound of an animal, and any reasonable restitution for property damage caused by the animal or that occurs as a result of the impoundment.

**6A.10.040 - Terms of impoundment, destruction, and disposal of animals.**

The director is delegated authority to administer the terms of impoundment substantially as follows, and subject to other rules and regulations of the animal shelter:

- A. In accordance with Utah Code § 11-46-103, as amended, an animal impounded shall be held for a minimum of five business days before further disposition.
  - (1) Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification. Notice shall be deemed given when sent to the last known address of the listed owner.
  - (2) 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.
- B. All animals, except those quarantined or confined by court order, or those subject to Utah Code § 4-25-101 *et seq.* as amended, which are held longer than the minimum impound period, and all animals voluntarily relinquished to the impound facility, may be destroyed or disposed of at the order of the director. Disposition may include being placed for adoption, relinquished to an approved animal welfare organization, rescued by other resources approved by the director or designee, euthanized, or relinquished for educational purposes as provided by law.
- C. Healthy dogs, cats, and small pets may be adopted in compliance with the applicable adoption policy established by the director upon payment of any adoption fee.
- D. Any healthy dog or cat placed into the adoption program may be adopted by a qualified applicant after completion of the adoption application and after agreeing to comply with the adoption contract. Any person adopting a dog or cat from the facility shall have the animal spayed or neutered by a licensed veterinarian within a reasonable time as determined by the director or designee based on the age and health of the animal. Failure to provide written verification by a licensed veterinarian within the required time shall be unlawful. No person adopting a dog or cat shall allow the adopted animal to be used for any experimental or research purposed or for breeding.
- E. An impounded animal that is diseased, overtly frail, or severely injured, or is suspected of being diseased may be destroyed or released to the care of a licensed veterinarian with

or without the consent of the owner and regardless of the time limitation established herein.

- F. In special circumstances, an animal control officer may destroy an animal, upon request of the owner, without transporting the animal to contracted facilities. Animal control may require reimbursement for specialized euthanasia or carcass disposal costs incurred.

**6A.10.050- Declaration and disposal of vicious animals.**

A. If an animal control officer finds that an animal to be a vicious animal, the officer may immediately:

- (1) Take possession and impound the animal.
- (2) Place the animal in a proper quarantine holding facility pending determination.
- (3) Seek written consent of the animal's owner to destroy the animal in a humane manner.
- (4) If the animal owner's consent cannot be readily obtained, seek a court order to destroy the animal in a humane manner.

B. In the event the court determines that the animal is a vicious animal, the owner shall pay the cost of all impoundments fees, disposal fees, or any other fees that may have been incurred.

**6A.10.060- Microchipping of animals.**

Any animal adopted, rescued, or reclaimed from the animal shelter shall be implanted with an identification chip prior to leaving the shelter. The person/organization adopting/rescuing or reclaiming the animal shall be responsible for the related fees. This fee shall be determined by resolution by the Logan City Council.

**6A.12 - RABIES CONTROL AND ANIMAL BITES**

**6A.12.010 - Animal rabies vaccination requirements.**

All dogs, cats, and other animals susceptible to rabies for which a federally approved vaccine is available shall be vaccinated at four months of age and again at 15 months of age by a licensed veterinarian or rabies clinic. Every dog shall be re-vaccinated every 24 and/or 36 months, depending on the type of vaccination, and every cat re-vaccinated every 36 months thereafter. Any unvaccinated dog or cat over four months of age adopted or brought into the jurisdiction must be vaccinated. Vaccination protection must be maintained on dogs, cats, and other animals susceptible to rabies. Evidence of vaccination is a condition for issuance of a dog license.

**6A.12.020 - Vaccination certification and tags.**

A. A veterinarian or rabies clinic is to provide a certificate of rabies vaccination for each animal vaccinated which includes:

- (1) Owner's name and address.
- (2) Description of the animal.
- (3) Date of vaccination.
- (4) Rabies vaccination tag number.
- (5) Type of vaccine administered.
- (6) Manufacture's serial number of vaccine.

B. A copy of the certificate shall be provided to the owner of the vaccinated animal with a copy retained by the issuing veterinarian or rabies clinic for the period that the vaccination is current.

C. A metal or durable plastic rabies vaccination tag, serially numbered, shall be securely attached to the collar or harness of the vaccinated animal. An animal not wearing such a tag is presumed to be unvaccinated and subject to impoundment.

**6A.12.030 - Impoundments of animals without valid vaccination tags.**

A. Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed by its owner upon furnishing proof of a rabies vaccination and payment of impoundment fees.

B. Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees and by signing a commitment to obtain rabies vaccination within 14 days of the release of the animal.

C. Any animal not reclaimed within the prescribed period of time may be disposed of as provided in section 6A.10.040.

**6A.12.040 - Rabid animal report.**

Any person having information of an animal known to have been exposed to rabies, suspected of having rabies, or an animal or person bitten by such a suspect animal shall immediately notify animal control or health department of the same.

**6A.12.050 - Quarantine and disposition of biting or rabid animal.**

A. The owner or keeper of any animal that bites a human or another animal and causes an open wound, that has rabies, that shows signs of having rabies, or an animal bitten by another animal that may have rabies or that have been exposed to rabies shall immediately confine the animal in a secure place and contact animal control.

B. Animal control ~~shall~~ may immediately impound and quarantine the suspect animal for a period of not less than ten days ~~by the division~~. The owner of the animal is responsible for the quarantine costs.

C. Quarantine shall occur at the animal shelter if the animal is not current on rabies vaccinations, is not licensed as required in section 6A.10.040, has been deemed a dangerous animal, or at the owner's request. An animal requiring quarantine may be home quarantined if the animal is current on rabies vaccination and is currently licensed as required. Any person who has custody of an animal under home quarantine shall immediately notify the animal shelter if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health official or animal control officer to inspect or examine the animal during the period of quarantine. If the animal dies within ten days from the date of the bite, the person having custody shall immediately notify animal control or the health department immediately.

D. If, at the end of ten-day period, an investigating officer examines the animal and finds no sign of rabies, the animal may be released to the owner or if a stray be disposed of as provided in 6A.10.040.

E. Handling of an unvaccinated animal that may have been exposed to rabies shall be as follows:

- (1) Any exposed animal shall be immediately destroyed with consent of the owner.
- (2) If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six months under veterinary supervision, the cost of such confinement is to be paid by the owner.
- (3) A quarantined animal may be released when declared free of rabies by a licensed veterinarian after the elapse of a minimum six-month quarantine. If the quarantined animal is not free of rabies following the six-month quarantine period, the animal shall be destroyed.

F. Handling of a vaccinated animal that may have been exposed to rabies shall be as follows:

- (1) If the bitten or exposed animal is currently vaccinated, as prescribed herein, the animal shall be re-vaccinated within 24 hours and quarantined for a period of 30 days following re-vaccination; or
- (2) If the animal is not re-vaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for six months.

G. It shall be unlawful for any person to remove any such animal from the place of quarantine except under the direction of the director.

#### **6A.12.060 - Duty to report animal bite.**

A. Any person having knowledge of any animal bite on a person or other animal shall immediately report the incident to animal control.

B. To the extent this section does not conflict with HIPAA, a physician, veterinarian, or other medical personnel who renders treatment to a person relating to an animal bite shall immediately report the bite to animal control. Information shall include contact information of the person or animal that was bitten and information on the animal that inflicted the bite, along with any other facts that may assist animal control.

C. Any person treating an animal bitten, injured, or mauled by another animal shall report the incident to animal control within 24 hours.

### **6A.14 – TRAPS AND TRAPPING**

#### **6A.14.010 – Definitions.**

For purposes of this chapter, the following terms shall have the meanings set out in this section:

*Set* means to caulk, open or put a trap in such a condition that it would clamp closed when any object touches a triggering device or to place a trap which has been opened or fixed so that it would close upon the triggering device being touched wherein a person, bird or animal could become caught therein.

*Snare* means any apparatus consisting of a noose for catching part of a body which constricts the airway of any person, bird or mammal.

*Trap* means a clamp like apparatus which is utilized to catch animals, objects, persons or birds when, after being set and the triggering device being activated, clamp like jaws are designed to come together with force as to clamp upon the animal, object, person or bird activating the triggering device.

#### **6A.14.020 – Trapping Prohibited.**

It is unlawful for any person to set a trap or snare within the limits of Logan City.

#### **6A.14.030 – Violation.**

A. Every person who sets a trap or snare within the limits of Logan City is guilty of a class B misdemeanor.

B. Each trap or snare is an individual and separate offense.

#### **6A.16.040 - Exception**

A. The provisions of this chapter shall not apply to those persons who are engaged in the trapping of unprotected rodents, i.e., mice, rats, muskrat, on their owned or leased property.

B. The provisions of this chapter shall not apply to the Logan City division of animal control or their agents who are charged with the responsibility of animal control or to state or federal government officers or their agents who are charged with wildlife management; provided, that those agencies must make notification to the division of animal control when these devices are necessary in the performance of their duty and of the location of these devices.

### **6A.16 - ENFORCEMENT AND PENALTIES**

#### **6A.16.010 - Authority of officers.**

In the performance of their duties, any animal control officer or law enforcement officer is hereby vested with the power and authority set forth in this title. An animal control officer, as a condition of the issuance of any license (including a business license), may enter and inspect the premises of any pet shop, animal boarding establishment, animal grooming establishment, or other establishment which has animals in the enforcement of this title.

#### **6A.16.020 - Right of entry for enforcement and/or investigation.**

In the enforcement of this title and as otherwise provided by law, all law enforcement officers and animal control officials are authorized to enter on the premises of any person or entity take possession of any vicious animal, animal at large, or animal that has committed an act prohibited by this title when in fresh pursuit of such animal at the time animal goes onto private property.,

#### **6A.16.030 - Penalties.**

Unless otherwise stated, any person violating any provision of this title shall be guilty of a class B misdemeanor and shall be punished within the confines of that class as prescribed by laws. Each day a violation continues shall constitute as a separate offense.

**SECTION 3: Effective Date.** This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS \_\_\_\_\_ DAY OF MARCH 2019, BY THE FOLLOWING VOTE:

AYES:

NAYS:

ABSENT:

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/s/ Jeannie F. Simmonds, Chair

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ATTEST:

/s/ Teresa Harris, City Recorder

#### PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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/s/ Jeannie F. Simmonds, Chair

#### MAYOR'S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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/s/ Holly H. Daines, Mayor