

ANIMAL CONTROL

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5-1-1: TITLE:

This chapter shall be known as the *TOQUERVILLE CITY ANIMAL CONTROL ORDINANCE*. **5-1-**

2: PURPOSE:

- A. The purpose of this chapter is to promote the health, safety and general welfare of the residents of the City by regulating and governing the keeping and controlling of animals in the City limits.
- B. The Toquerville dog control ordinance is intended to govern and regulate the keeping and controlling of dogs in the City limits. The provisions of this chapter may be interpreted and used to supplement the Toquerville dog control ordinance. However, in the event of any conflict or inconsistency between this chapter and the Toquerville dog control ordinance with respect to the keeping and controlling of dogs in the City limits, then the Toquerville dog control ordinance shall govern and control.

5-1-3: DEFINITIONS:

As used in this chapter, unless the context otherwise indicates, the following words shall mean:

ABANDONED: An animal whose owner cannot be immediately identified through reasonable diligence.

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

ANIMAL SHELTER: A facility owned and/or operated by a governmental entity or any society incorporated in the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other small domestic animals.

AT LARGE: Any animal off the premises of the owner or custodian of the animal, and not under immediate control of the owner or custodian.

IMPOUNDED: Having been received into the custody of an animal control officer for confinement in an animal shelter or into the custody of any authorized agent or representative of the City.

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.

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

5-1-4: CARE AND KEEPING OF ANIMALS AND LIVESTOCK:

- A. The keeping of livestock shall be a permitted use in the Agricultural District or Zone. The keeping of livestock shall be a conditional use in the Single-Family Residential Districts as specified in section [10-10A-3](#) of this Code.
- B. For the keeping of livestock in the Single-Family Residential Districts, a conditional use permit, with payment of required fees, must be reviewed and approved by the Planning Commission; City Council review of permits may be requested by Planning Commission; and permits may be reviewed annually for Code compliance.
- C. The keeping of livestock within residential lots or parcels that are one (1) acre or smaller shall also be limited to the following provisions:

Animal	Minimum Square Feet	Square Feet Per Animal	Maximum Number Of Animals	Square Feet For 1 Animal	Square Feet For 2 Animals	Square Feet For 3 Animals
Over 5 chickens/ any roosters/ any ducks	500	25	50	500	500	500
Cow (all types)	8,000	4,000	3	8,000	8,000	12,000
Horse, mule, donkey	8,000	4,000	3	8,000	8,000	12,000
Llama, alpaca, emu	8,000	4,000	3	8,000	8,000	12,000
Mini: horse, mule, donkey	8,000	4,000	3	8,000	8,000	12,000
Ostrich	10,000	5,000	2	10,000	10,000	n/a
Pigeons/game birds	500	25	50	500	500	500
Rabbits	500	30	25	500	500	500
Sheep/goat	6,000	3,000	3	6,000	6,000	9,000
Swine	500	250	4	500	500	750
Turkey/goose	1,000	50	50	1,000	1,000	1,000

Notes:

"Minimum square feet" means the minimum amount of land dedicated for the sole use of the animal(s). "Dedicated for the sole use of the animal(s)" can include barns, shelters, etc., and does not require the animal to freely move about the entire land dedicated to its use, but does require the land to benefit the animal(s).

"Square feet per animal" means the minimum land that each animal must have.

"Maximum number of animals" means the maximum an applicant in a residential zone can apply for if the parcel of land is 1 acre or smaller. **Agriculture or residential parcels larger than 1 acre, have no imposed maximums.** The keeping of livestock in commercial and industrial zones is not permitted.

1. Adequate containment of the animal(s) shall be provided by the applicant.
2. Swine shall be kept in a shelter at all times. Mud wallows are not allowed.
3. Manure shall be cleaned at least weekly and odors shall be controlled.
4. Up to five (5) hens will be allowed with a minimum of two hundred (200) square feet and must meet Building Code separation requirements and must not be in the front yard; no rooster or peafowl in all residential zones; in Agricultural Zones roosters and peafowl are allowed.

5-1-5: UNLAWFUL ACTS:

It shall be unlawful:

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

B. Animals At Large:

1. For the owner or custodian of any animal, other than domestic cats, to allow such animals at any time to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this subsection, regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not he knows that the animal is running at large.

2. For cattle, horses, mules, sheep, goats or swine to be allowed to run at large, or to be picketed or staked out upon any street, sidewalk or other public place within the limits of this City, and all such animals so found may be impounded.

C. Animals On Unenclosed Premises: For any person to chain, stake out or tether any animal 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.

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

- E. Disposal Of Waste: For the owner or custodian of an animal to permit the animal to defecate upon a public street, sidewalk, park or other area, or upon the property of another unless the owner or custodian promptly removes and properly disposes of all animal waste that results.
- F. Abandonment: For any person to abandon or turn out at large any sick, diseased or disabled animal, but such animal shall, when rendered useless by reason of sickness or other disability, be killed by the owner thereof and its carcass disposed of in such manner as to create no nuisance or hazard to health.
- G. Trespassing Animals And Fowl: For any owner or caretaker of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person.
- H. Killing Or Poisoning: For any person wilfully to kill any domestic animal not belonging to them, or to administer poison to any such animal or to expose any poisonous substance with the intent that it shall be taken by any such animal.
- I. Dead Animals; Disposal: For the owner of any animal or fowl that has died or been killed to fail to remove or bury the carcass of such animal within ten (10) hours after its death. No horse, cow, ox or other animal shall be buried within the closely inhabited portions of this city. A violation of this subsection is an infraction.
- J. Diseased Animals:
1. For any person to bring into the city for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.
 2. For any person to bring into the city for sale or to sell, or offer for sale, any cattle, sheep, swine, fish, game, fowl or poultry which is diseased, unsound, and unwholesome or which for any other reason is unfit for human food.
- K. Mistreating: For any person to overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel or inhuman manner, any animal or cause any of these acts to be done. Any person who does so, directly or indirectly, shall be guilty of a class B misdemeanor.
- L. Fail To Provide Sustenance And Protection: For any person to fail to provide any animal in his charge or custody with necessary sustenance, drink and protection from the elements, or cause any of these acts to be done. Any person who does so, directly or indirectly, shall be guilty of a class B misdemeanor.
- M. Cruelty: For any person to engage or take part in any act or behavior considered cruelty to animals, or to cause any such act or behavior to be done. Cruelty to animals shall consist of those acts designated in Utah Code Annotated section 76-9-301, together with injurious hobbling and malicious impounding. Any person who does so, directly or indirectly, shall be guilty of a crime as classified in Utah Code Annotated section 76-9-301.
- N. Intentional Exhibition: For any person to intentionally exhibit any stud, horse or bull or other animal indecently, or let any male animal to any female animal for the purpose of providing entertainment or viewing to any person.

- O. Wild Animals: For any person to sell, offer for sale, barter, give away, keep or purchase any wild animal which is not domesticated, or an animal belonging to an endangered species, except for the animal shelter, a zoological park, veterinary hospital, circus, sideshow, amusement show or facility for education or scientific purposes if protective devices adequate to prevent such animal from escaping or injuring the public are provided.
- P. Vicious Animals: For any person to own and possess a vicious animal, as defined in section [5-1-8](#) of this chapter.
- Q. Exhibition Fighting:
1. For any person to maintain any place where fowl or any animals are suffered to fight upon exhibition or for sport upon any wager. Any person who does so, directly or indirectly, shall be guilty of a class B misdemeanor.
 2. For any person to raise, keep or use any animal, fowl or bird for the purpose of fighting or baiting; and for any person to be a party to or to be present as a spectator at any such fighting or baiting of any animal or fowl. Any person who does so, directly or indirectly, shall be guilty of a class B misdemeanor.
 3. Law enforcement officers or animal control officials may enter any building or place where there is an exhibition of the fighting or baiting of live animals, or where preparations are being made for such an exhibition. The law enforcement officers may arrest persons there present and take possession of all animals engaged in fighting, along with all implements or applications used in such an exhibition. This provision shall not be interpreted to authorize search or arrest without a warrant when such is required by law.

5-1-6: STRIKING WITH MOTOR VEHICLE:

The operator of a motor vehicle that strikes and injures any domestic animal shall immediately stop and give such aid as can reasonably be rendered. In the absence of the owner, he shall also immediately notify an animal control officer or law enforcement officer, furnishing requested facts relative to the incident. Emergency vehicles operating in accordance with or responding to an emergency are exempted from the requirements of this provision. **5-1-7: NUISANCE**

ANIMALS:

- A. Specified: Any owner or custodian of an animal causing a "nuisance", as defined below, shall be in violation of this chapter and subject to the penalties provided herein. An animal creates a "nuisance" if it:
1. Causes damage to the property of anyone other than its owner;
 2. Is a vicious animal not in compliance with section [5-1-8](#) of this chapter;
 3. Causes unreasonable fouling of the air by odors;
 4. Causes continuous unsanitary conditions in enclosures or surroundings;
 5. Makes disturbing noises in excessive, continuous or untimely fashion; persons making a complaint must sign the summons against the violator before the city will act;

6. Molests passersby;
7. Chases passing vehicles;
8. Attacks other domestic animals;
9. Is otherwise determined by the city to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare or safety;
10. Any animals kept in violation of section [5-1-4](#) of this chapter.

B. Nuisance Birds: It shall be lawful for any person to take or kill birds deemed pests and that are legal to kill by statute of the state of Utah, including, but not limited to, starlings, sparrows, Eurasian collared doves, etc. **5-1-8: VICIOUS ANIMALS:**

Every animal so vicious and dangerous that it cannot be reasonably controlled shall be considered a hazard to the public safety, and the animal control officer may impound the animal and shall seek a court order for destruction of the animal. An animal impounded pursuant to this section may not be redeemed, pursuant to the provisions of this chapter, while awaiting final decision as to the disposition to be made of the animal. **5-1-9: IMPOUNDING:**

- A. Shelter: The city and/or the animal control officer may provide suitable premises and facilities to be used as an animal shelter where impounded animals can be adequately kept and supplied with food and humane care. It shall provide for the painless and humane destruction of animals where necessary, or it may furnish medical treatment for impounded animals and is empowered to charge the owner of the animal for this service.
- B. Conditions Necessitating Impounding Without Complaint: The animal control officer is empowered to place all animals which he takes into custody in a designated animal impound facility. The following animals may be taken into custody by an animal control officer 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 abandoned animal;
 4. Any vicious animal;
 5. Any sick or injured animal whose owner cannot be located; and
 6. Any animal to be held for quarantine.
- C. Information Maintained: The impounding facility shall keep a record of any animal impounded and permanent impound records, which include the following information:
1. Complete description of the animal;
 2. The manner and date of impound;

3. The location of the pick up and name of the officer picking up the animal;
4. The manner and date of disposal;
5. The name and address of the redeemer or purchaser;
6. The name and address of any person relinquishing an animal to the impound facility;
7. All fees received; and
8. All expenses accruing during impoundment.

D. Disposition: Animals shall be impounded for a minimum of seventy two (72) hours, excluding weekends and holidays, before further disposition, unless relinquished by the owner or custodian for the express purpose of destruction. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner.

E. Destruction: Any animal, except for those quarantined or confined by court order, held longer than the minimum impound period, and any animal voluntarily relinquished to the impound facility, may be destroyed or sold as the animal control officer shall direct. Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, without waiting the minimum impound period, in the discretion of the animal control officer, be released to the care of a veterinarian or destroyed for humane reasons, provided consent be obtained in advance from the owner or custodian, if known and available.

F. Redemption: The owner of any impounded animal or his authorized representative may redeem such animal before disposition as provided in subsection E of this section, provided he pays:

1. The impound fee;
2. The daily board charges;
3. Veterinary costs incurred during the impound period, including rabies vaccination;
4. License fee, if required.

G. Fees For Impound: Impound fees shall be established by the city council.

5-1-10: COURT ORDER; PROCEDURE:

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

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

B. Service: The petition for the action, together with supporting affidavits, shall be served on the party against whom the action is taken at least five (5) days prior to the hearing.

5-1-11: CIVIL DISPUTES:

Any emergency incident relating to animals, and where such incident is not reported within five (5) calendar days constitutes a civil dispute. Neither the city nor its employees shall become involved in disputes arising between persons because of damages caused by animals. Should any dispute arise from a violation of this chapter, and if the animal control officer responds, the limit of the city's responsibility is to provide testimony by order of a subpoena as to what was personally observed and make public records available. Any settlement or claims for damages are strictly a civil matter and must be pursued by the damaged party. (Ord. 2015.04, 6-11-2015)

5-1-12: PENALTY:

Any violation of the provisions of this chapter, either by failing to do those acts required herein or by doing any act prohibited herein shall be considered an infraction of the law and subject to court fines unless otherwise stated in this chapter. (Ord. 2015.04, 6-11-2015)