EPHRAIM CITY, UTAH
ORDINANCE NO. 23-05

AN ORDINANCE OF EPHRAIM CITY APPROVING AMENDMENTS TO EPHRAIM MUNICIPAL CODE CHAPTER 5.08: ANIMAL CONTROL.

WHEREAS, the Ephraim City Council (the "Council") met in regular session on June 7, 2023, to discuss, among other things, amending Ephraim Municipal Code Chapter 5.08: Animal Control; and

WHEREAS, Ephraim City's animal control code has not been updated since 2013: and

WHEREAS, the City desires to update its animal control code to be more consistent with current animal control policies, practices, procedures, and ethics to better provide the City's residents with efficient animal services through active enforcement, humane sheltering and disposal, and the promotion of responsible pet ownership and animal welfare; and

WHEREAS, after careful consideration, the Council has determined that it would be in the best interests of the health, safety, and welfare of the residence of the City to approve the proposed amendments to Ephraim Municipal Code Chapter 5.08: Animal Control.

NOW, THEREFORE, BE IT ORDAINED by the Ephraim City Council that the proposed amendments to Ephraim Municipal Code Chapter 5.08: Animal Control are hereby approved and are designated by replacing the entirety of the current Chapter 5.08 with the proposed amendments with the underlining words to be added:

CHAPTER 5.08
ANIMAL CONTROL

5.08: Definitions

As used in this chapter, unless the context otherwise indicates, the below-listed words shall have the following meanings:

"ABANDONMENT" means 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 longer than twenty-four (24) hours, or to intentionally deposit, leave, or drop off any live animal. Abandonment includes the failure to reclaim an animal seventy-two (72) hours beyond the time agreed upon with a kennel, grooming service, veterinary hospital, or animal shelter. Abandonment also includes the failure or refusal to either reclaim a pet from an animal shelter or to sign relinquishment authorization.

"ALLOW" means human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.

"ANIMAL" means any and all types of nonhuman creatures, both domestic and wild, male and female, including, but not limited to, a cat or dog.

"**ANIMAL AT-LARGE**: means an animal, whether license or unlicensed, that is off the premises of its owner and not under restraint by the owner, a member of the owner's immediate family, or other duly authorized handler (*e.g.*, by leash, cord, chain or otherwise.)

"ANIMAL BOARDING ESTABLISHMENT" means any establishment that takes in animals for boarding for profit.

"ANIMAL CONTROL OFFICER" means any person employed or appointed by the City who is authorized to investigate violations of laws and ordinances concerning animals, to issue citations in accordance with Utah law, and to take custody of animals as appropriate in the enforcement of the laws and ordinances, and to perform the duties specified in this ordinance.

"ANIMAL EXHIBITION" means any display, event, or contest involving animals.

"ANIMAL GROOMING PARLOR" means any commercial establishment maintained for the purpose of offering cosmetic services for animals for a fee.

"ANIMAL SHELTER" means any facility, lot, premises, or buildings owned, operated, or maintained by the City for the confinement, care, and custody of seized, stray, homeless, quarantined, abandoned, unwanted animals or animals held for the purpose of protective custody under the authority of this ordinance or state law.

"ATTACK" means any bite, attempted bite, or similar fierce behavior by an animal which places a person or another animal in danger of immediate physical harm. Actual physical contact is not required to constitute an attack.

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

"BREEDER" means anyone who causes or allows the breeding of any pet identified within this ordinance or makes such a pet available to be bred.

"CAT" means any feline of the domesticated types more than four (4) months of age. Any feline of the domesticated types less than four (4) months of age is a kitten.

"CATTERY" means an establishment where cats are boarded, bred, bought, sold, or groomed for a fee.

"CITY" means Ephraim City, Sanpete County, State of Utah, and all the territory within its municipal boundaries and shall include any additions thereto by annexation or other legal means or any name change thereto.

"COMMERCIAL ANIMAL ESTABLISHMENT" means any pet shop, animal grooming parlor, guard dog location or exhibition, riding school or stable, zoological park, circus, rodeo, animal exhibition, cattery, kennel, or animal breeding or housing facility

"CUSTODY" means ownership, possession of, harboring, or exercising control over any animal.

"DANGEROUS ANIMAL" means any animal that is a hazard to the public health and safety by virtue of training, treatment, physical condition, or has a known propensity, tendency, or disposition to attack, or any animal which, because of its size, predatory, or 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.

"DIRECTOR" means any person designated by the City as an officer who is authorized to perform the duties of animal services director as specified by this ordinance and who is also designated as the custodian of and responsible for the operation of the City's animal shelter facility

"DIVISION" OR "UNIT" means any person, agency, or entity designated by the City to perform the duties of the division or unit as specified by this ordinance.

"DOG" means any Canis Familiaris more than four (4) months of age. Any Canis Familiaris less than four (4) months of age is a puppy.

"DOMESTIC ANIMALS" means animals accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, ferrets, and livestock. "Domestic animals" shall not include "exotic animals" as defined herein.

"ENCLOSURE" means any structure that prevents an animal from escaping its primary confines.

"ESTRAY" means any valuable animal, except dogs or cats, not wild, found wandering from its owner.

"**EUTHANASIA"** means the humane destruction of an animal accomplished by a method approved by the most recent report of the American Veterinary Medical Association panel on euthanasia that results in unconsciousness and immediate death, or by a method that causes painless loss of consciousness and death during such loss of consciousness.

"**EXOTIC ANIMAL"** means any animal whose native habitat is not indigenous to the continental United States, excluding Alaska, except tropical fish, furbearing animals commercially bred for the furrier trade, birds, and dangerous animals.

"FERAL" means any wild or untamed Animal.

"FERAL CAT" means any homeless, free roaming, wild or untamed cat.

"FERAL CAT COLONY" means a group of three (3) or more feral cats living or growing together.

"**FERRET"** means any domestic Mustela Putorius (except the black footed ferret) more than four (4) months of age. Any Mustela Putorius less than four (4) months of age is a kit.

"FIERCE" means violent, hostile or aggressive temperament.

"GUARD DOG" means any dog that will detect and warn its handler that an intruder is present in or near an area that is being secured and will attack a human pursuant to training or its handler's command.

"HANDLER" means any person who has physical control, i.e., the charge, care, control, custody, or possession, or responsibility for the same, of an animal at any given time. An "owner" shall be presumed to have ultimate responsibility for the physical control of an animal and may divest himself of such responsibility only by the transferring of, or giving permission for, actual physical control of the animal to a legally responsible adult person of age eighteen (18) or more. Whenever such other person of the requisite age has responsibility for physical control of an animal, such person shall be the "handler". At all other times, the "owner" shall be presumed to be the "handler".

"HARBOR" means housing, feeding, or caring for someone else's pet within a person's house, yard, or premises for more than twenty-four (24) hours without the permission of the owner.

"HEALTH DEPARTMENT" means the Central Utah Public Health Department.

"HOLDING FACILITY" means any pet shop, kennel, cattery, animal grooming parlor, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facility used for holding animals.

"HUMANE TREATMENT" means ensuring the provision of appropriate food, human interaction, and care, and of protecting any animal from danger, mistreatment, neglect, or abuse.

"HYBRID" means any animal, however tame or docile, that is the offspring of a breeding between a domestic animal and a wild animal, a domestic animal and a hybrid, or two (2) hybrid animals.

"IDENTIFICATION" means a pet license or identification tag which is attached to the collar or harness of an animal; a microchip implanted as recommended by the manufacturer for the specific species; or a tattoo on the animal's right ear or on its inside right thigh or groin, or other livestock identification such as ear tags, brands, etc.

"IMPOUNDMENT" means being taken into the custody of the City's animal control division or unit or into the custody of any agent, officer, or representative thereof.

"KENNEL" means a commercial establishment having three (3) or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling said dogs.

"LEASH" OR "LEAD" means any chain, rope or other device of sufficient strength used to restrain an animal.

"LIVESTOCK" means animals kept for husbandry, including, but not limited to, fowl, rabbits, horses, mules, burros, asses, cattle, sheep, goats, llamas, swine, and other farm, hoofed domesticated animals, excluding dogs, cats, and ferrets.

"NUISANCE" means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or humans, or substantially interfere with humans' enjoyment of life or property.

"ON-SITE IMPOUND" means to place an animal under seizure by police department personnel, animal services personnel, or an agent thereof, on a property other than an animal shelter facility pending transportation or court seizure order.

"ON-SITE REDEMPTION" means to return an impounded animal to the owner prior to transportation to an animal shelter facility upon collection of all applicable impound and/or license fees.

"OVERWORK" means to work or exercise any animal to a point of physical harm.

"OWNER" means any person, partnership, firm, association, or corporation keeping, possessing, maintaining, having an ownership interest in, or having control or custody of an animal.

"PERFORMING ANIMAL EXHIBITION" means any spectacle, display, act, or event in which animals are used to provide a performance whether a fee is charged or not.

"PERSON" means a natural person or any legal entity, including, but not limited to, a corporation, limited liability corporation, firm, partnership, or trust.

"PET OR COMPANION ANIMAL" means any animal of a species that has been domesticated to live in or about the habitation of humans, is dependent on humans for food and shelter, and is kept by its owner for pleasure rather than utility and/or commercial purposes.

"PET SHOP" means any commercial establishment properly licensed to maintain, keep or display dogs, cats, birds, or other household pets for sale. Pet shops do not include government animal shelters, humane shelters as defined by statute, or veterinary clinics whose major business is veterinary medicine.

"PROTECTIVE CUSTODY" means seizing or receiving an animal into the care of the animal services division or unit, animal shelter facilities, or an authorized agent or representative thereof, in order to hold the animal as evidence of a violation of the law or to protect the animal(s) from further threat or danger.

"PROVOKE" means any deliberate act by a person toward a dog or any other animal done with the intent to tease, torment, abuse, assault, or otherwise cause a reaction by the dog or other animal; provided, however, that any act by a person done with the intent to discourage or prevent a dog or other animal from attacking or molesting shall not be considered provocation.

"PUBLIC PLACE" means any location which is accessible to members of the general public, where members of the public gather, engage in business, or have free access.

"QUARANTINE" means the isolation of an animal in an enclosure so that the animal cannot have physical contact with other animals or persons without recognized authority to be near or about the quarantined animal.

"RESTRAINT" means any animal under the physical control of its owner or person over the age of twelve (12) years having charge, care, custody, or control of the animal, by the means of a leash, tether, or other physical control device or enclosure. A leash or tether shall not exceed eight feet (8') in length when in close proximity to other animals or people. Animals confined in or upon a motorized vehicle shall be considered restrained, provided that the animal's body parts cannot extend beyond two inches (2") from the vehicle, when the vehicle is not in motion and not more than the length of the distance from the animal's shoulders to the tip of its muzzle when the vehicle is in motion. Animals upon real property of their owner, or upon the real property of another (with prior permission of the property owner) and under direct adult supervision shall be considered under restraint, provided, however, that an animal shall not be considered under restraint within the real property limits of the owner or upon the real property of another (with prior permission of the property owner) if an individual engaged in a normal and expected activity may come in conflict with such animal.

"SERVICE ANIMAL" means the same as defined in Utah Code Annotated 62A-5b-102 Subsection (2) or its successor.

"SET" means to cock, open or put a trap in such a condition that it would close when an object, animal or person touches a triggering device.

"SHELTER" means a structure which is substantial in construction and provides protection from moisture, wind and other factors of weather, and is of a size appropriate to the particular animal to ensure retention of body heat within the enclosure. Any shelter shall be maintained to ensure a clean, dry, healthy environment for the animal being housed.

"SPECIES SUBJECT TO RABIES" means any species that has been reported to the Health Department or the Centers for Disease Control and Prevention to have contracted the rabies virus and become a host for that virus.

"STRAY" means any "animal at-large" as defined above.

"TRAP" means an apparatus designed to come together with force so as to clamp or close upon an animal, person, or object when the spring or triggering device is activated.

"UNLICENSED" means an animal for which the license for the current year has not been paid, or to which the tag provided for in this ordinance is not attached.

"VETRINARIAN" means any person properly licensed under the laws of the state of Utah to practice veterinary medicine.

"VETRINARY HOSPITAL" means any establishment operated by a licensed veterinarian for surgery, diagnosis, and treatment of disease and injuries to animals.

"VICIOUS ANIMAL" means:

A. Any animal which, in an aggressive, terrorizing or threatening manner, approaches any person in apparent attitude of attack;

B. Any animal with a known propensity, tendency or disposition to attack unprovoked or to cause injury or otherwise endanger the safety of human beings or other animals; or

C. Any animal which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal on public or private property, except in the case of an injured animal or an animal which is deliberately provoked.

"WILD ANIMAL" means any animal of a species that in its natural life is usually untamed and undomesticated, including hybrids, and animals which, as a result of their natural or wild condition, cannot be vaccinated for rabies. These animals include, but are not limited to the following:

A. Alligators and crocodiles;

B. Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;

C. Cat family (Felidae). All except the commonly accepted domesticated cats, including cheetah, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.;

D. Constrictor snakes;

E. Dog family (Canidae). All except domesticated dogs, including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;

F. Lizards;

G. Porcupine (Erethizontidae);

H. Primate (Hominidae). All nonhuman primates;

I. Raccoon (Procyonidae). All raccoons, including eastern raccoon, desert raccoon, ringtailed cat, etc.;

J. Skunks;

K. Venomous fish and piranha;

L. Venomous snakes or lizards;

M. Weasels (Mustelidae). All including martens, wolverines, black footed ferrets, badgers, otters, ermine, mink, mongoose, etc.

For the purpose of this section, animals that are kept commercially or ranched shall not be wild animals.

"WORRY" means to harass or intimidate by barking or baring of teeth, growling, biting, shaking or tearing with the teeth; or approaching any person in an apparent attitude of attack or any aggressive behavior which would cause a reasonable person to feel they were in danger of immediate physical attack.

"ZOOLOGICAL PARK" means any facility properly and lawfully licensed by applicable federal, state, or local law, operated by a person, partnership, corporation, or government agency, other than a pet shop, kennel, or cattery, displaying or exhibiting one or more species of non-domesticated animals.

5.08.020: ENFORCEMENT AUTHORITY

1. The Animal Services Director shall be appointed by the City Council and is hereby authorized and empowered to enforce this chapter and to apprehend, transport, and impound any animal found in violation of this chapter including licensable animals for which no license has been procured in accordance with this chapter, or any licensed or unlicensed animals for any other violation thereof and to issue criminal citations.

If the City Council has not yet appointed an Animal Services Director or of the position of Animal Services Director becomes vacant at any time, the City's Chief of Police shall act as Animal Services Director ex officio until such time that an Animal Services Director is appointed.

2. Each animal control officer is hereby authorized and empowered to enforce this chapter, under the direction of the Animal Services Director, in all respects pertaining to animal control within the City, including, but not limited to, the apprehension, transport and impoundment of animals found to warrant such action; the care of animals; the prevention of cruelty to animals; the administrative code enforcement hearing program established by Title 18 of this Code; and the issuance of criminal citations. Animal control officers shall further carry out all lawful duties prescribed or delegated by the City by contract or otherwise.

5.08.030: DUTIES.

The Animal Services Director, other designated animal control officers, or any law enforcement officer shall perform the following duties:

1. Enforce the provisions of this chapter and perform other responsibilities inherent thereto;

2. Provide for and supervise a good and sufficient animal shelter under the Animal Service Director's jurisdiction and in which all animals duly committed to his charge or otherwise impounded by him shall be maintained;

3. Take into his possession and impound all strays running at large and dispose of the same as hereinafter provided;

4. Capture and secure all dogs found running at large contrary to the provisions of this chapter and impound such dogs in a humane manner.

5. Keep sufficient records of all animals duly committed or impounded in the animal shelter including, but not limited to, a statement of the kind of animal, the circumstances under which the animal was committed or impounded in the animal shelter, a description of the animal sufficient to identify the animal, the costs expended for the maintenance of the animal, and amounts received arising out of the maintenance or sale of the animal, if applicable;

6. Keep accounts of all monies collected and received in accordance with governing law;

7. Establish rules and regulations for the training of all persons hired as animal control officers to assure professional conduct of said persons and compliance with governing law;

8. Enforce the licensing of domestic animals and control of dogs within the City as provided herein; and

9. File complaints in the courts against any person failing to comply with the provisions of this chapter or to obtain licenses when required thereunder.

5.08.030: RIGHT OF ENTRY FOR ENFORCEMENT

In the enforcement of this chapter, each animal control officer is authorized to enter into the open premises of any person to secure or take possession of any animal which is reasonably deemed by said officer to then and there, in the presence of said officer or official, be in violation of this chapter and issue criminal citations for violations of this chapter to the owner or handler of said animal.

5.08.040: INTERFERING WITH ANIMAL CONTROL OFFICERS PROHIBITED

It is unlawful for any person to knowingly and intentionally interfere with, molest, hinder, or obstruct any animal control officer in the lawful discharge of his duties as prescribed in this chapter. For the purpose of this section, interfering with animal control officers shall include, but not be limited to, failing to hand over to or release to an officer an identifiable animal which has been pursued but not captured by said officer, failing to make payment of agreed upon fees, and knowingly and intentionally failing to comply with an abatement order lawfully issued by the city or the division.

5.08.050: FEES FOR ANIMAL SHELTER SERVICES

The Animal Services Director shall charge, and the owners of animals taken into the Animal Services Director's possession for impound, disposal, or other services shall pay such fees and charges for services performed by the animal shelter facility as the City Council shall establish from time to time by resolution. All fees and charges received by the Animal Services Director shall be forwarded to the City Treasurer.

5.08.060: ANIMAL SHELTER FACILITIES

The City Council may, by way of a separate interlocal cooperation agreement, contract with another municipality, the County, or a private entity to provide cost-effective and suitable premises and facilities to be used by the City as its animal shelter facility and which shall be sufficiently operated and maintained so as to properly feed, water, and protect the animals committed or impounded therein, upon a determination by the City Council that doing so would be in the best interest of the health, safety, and welfare of the City's citizens.

5.08.070: LICENSING REQUIREMENTS

1. ***License Requirement; Age and Residence of License Holder.*** All dogs, cats and ferrets must be licensed each year, except as otherwise provided in this chapter, to a person eighteen (18) years old or older and who has a residence or property within the City.

2. ***License Requirement; Age of Animal.*** Any person owning, possessing or harboring any dog, cat or ferret within the City shall obtain a license for such animal within thirty (30) days after the animal reaches the age of four (4) months, or, in the case of a dog, cat or ferret over four (4) months of age, within thirty (30) days of the acquisition of ownership or possession of the animal by said person.

3. ***License and Registration Application.*** License and registration applications must be submitted to the Animal Services Division, utilizing a standard form provided by the Division and which requests the name, address and telephone number of the applicant; breed, sex, color and age of the animal; previous license information, rabies and sterilization information; and the number, location or other information applicable to an identifying tattoo or implanted microchip of the animal. The application shall be accompanied by the prescribed license fee and by a rabies vaccination certificate current for a minimum of six (6) months beyond the date of application. A license shall not be issued for a period that exceeds the expiration date of the rabies vaccination. A licensed veterinarian shall give rabies vaccinations with a vaccine approved by the current compendium of animal rabies control.

A. ***Lifetime Animal License.*** Notwithstanding Subsection (3), a lifetime animal license requires a written agreement requiring proof of rabies revaccination thirty (30) days prior to the expiration of the current rabies vaccination to maintain the lifetime license.

4. ***Fees.***

A. General. Applicants shall pay all initial licensing and registration fees as set forth in the consolidated fee schedule adopted by the City Council and amended from time to time, at the time of application submission. The City shall not issue a license until all licensing and registration fees are paid in full. The license fee shall cover the calendar year in which the license was issued, expiring on December 31 of the year of is expiration, regardless of the date when issued or the number of years it was issued for. Annual license fees due and payable pursuant to this chapter shall be due by January 31 of each year and shall be delinquent as of March 1 of each

year. All license fees paid on or after March 1 shall be the amount of one and one half (1 ½) times the license fee as set by resolution.

B. ***Service Animal.*** Notwithstanding Subsection (4)(A), no licensing fee will be charged for a license issued for a Service Animal upon filing an affidavit with the Division showing the animal qualifies as a Service Animal.

C. Kennel Fees. Anyone owning, keeping, harboring or maintaining five (5) or more dogs over the age of four (4) months shall be considered operating a dog kennel. Dog kennels shall only be allowed as designated in ECC 10.20.030, "Table B, Land Use Matrix". Kennel operators shall be required to pay a yearly kennel license fee as established by resolution of the City Council. Each such person having five (5) or more dogs shall be required to post a one thousand-dollar ($1,000.00) bond or show proof of liability insurance covering any damage caused by said dogs.

5. ***License Revocation.*** If the owner of any dog(s), cat(s) or ferret(s) is found to be in violation of this chapter on three (3) or more different occasions within a twelve (12) month period, the Animal Services Director may seek a court order revoking for a period of one (1) year any and all license(s) such person may possess and providing for the Division to pick up and impound any animal kept by the person under such order. Any animal impounded pursuant to such an order shall be dealt with in accordance with the provisions of this chapter for impounded animals, except that the person under the order of revocation shall not be allowed to redeem such animal, as provided in this chapter, unless successfully making reapplication of the license with the Division. Persons seeking reapplication of said license must comply with conditions as set forth by the Director that may include, but not be limited to, sterilization of the animal(s), enclosure requirements and confinement conditions.

6. License Tag Requirements.

A. Upon payment of the all applicable license and registration fees, the Division shall issue to the owner a receipt and a metallic tag for each pet licensed. The tag shall have stamped thereon the license number, corresponding with the tag number on the receipt. The owner shall attach the tag to the collar or harness of the animal and see that the animal constantly wears the collar and tag. Failure to attach the tag as provided shall be a violation of this chapter, except that dogs or cats which are kept for show purposes are exempt from wearing the collar and tag while participating in an animal exhibition.

B. Tags are not transferable from one animal to another or from one owner to another. No refunds shall be made on any dog, cat, or ferret license fee for any reason whatsoever including, but not limited to death of the licensed animal or the owner leaving the City before expiration of the license period.

C. A duplicate tag for lost or destroyed tags may be issued by the Division upon presentation of a receipt showing the payment of the license fee for the current year, and any such extra fees as established by resolution.

D. Any person who removes, or causes the removal of, the collar, harness, or tag from any licensed dog, cat, or ferret without the consent of the owner or keeper thereof, except a licensed veterinarian or animal control officer who removes such for medical or other reasons, shall be in violation of this chapter.

E. Owners may have an identifying microchip implanted in their animals. If owners take such action, they may be exempt from the requirement that such animals wear identifying tags at all times while on the owner's premises, provided that the microchip information has been registered with the Division. Owners shall assume the risk of the loss or destruction of an unrestrained animal whose microchip either cannot be located after a reasonable search therefor or owner information cannot be found after a reasonable records search. Microchips replanted or reassigned will void the license issued.

F. It is the responsibility of any vendor of microchips to provide information to the Division as to the identification of the owner of an animal that has been microchipped by said vendor.

7. Number of Dogs, Cats, and Ferrets Per Residence or Property. No person or persons at any one residence or property within the City shall at any one time own, harbor, or license more than two (2) adult dogs, cats, or ferrets of any one species and no more than four (4) total dogs, cats, or ferrets in any combination except as otherwise provided in this chapter.

8. Licensing Exemptions: The licensing provisions of this chapter shall not apply in the following circumstances:

A. The dog, cat or ferret is properly licensed in another jurisdiction and the owner thereof is within the City temporarily, for a period not to exceed thirty (30) consecutive days. If the owner shall be within the City temporarily, but for a period longer than thirty (30) consecutive days, he may transfer the dog, cat or ferret license to the local license required by this chapter by payment of the fee set forth in the consolidated fee schedule and upon presentment of proof of a current rabies vaccination for the animal.

B. Individual dogs, cats or ferrets housed within a properly permitted facility or other such establishment when such animals are held for resale for a period not to exceed twelve (12) months.

C. Seeing eye dogs trained and certified to assist blind persons, if such dogs are actually used by blind persons to assist them in moving from place to place;

D. Hearing dogs trained and certified to assist deaf persons to aid them in responding to sounds and in use for that purpose;

E. Assistance dogs trained and certified to assist persons with a physical disability and in use for that purpose; or

F. Dogs trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

Nothing in this section shall be construed so as to exempt any dog, cat or ferret located within the City from having a current rabies vaccination.

5.08.080: CRUELTY TO ANIMALS PROHIBITED.

1. ***Care and Maintenance Responsibility.*** It shall be unlawful for an owner or handler of an animal to withhold adequate food, drink, care, veterinary care, grooming, adequate space and shelter from said animal, which is reasonably necessary to maintain said animal in good health, comfort and safe from potential hazards. To ensure the availability of adequate space for large animals, notwithstanding anything in this code to the contrary, it shall be unlawful to keep any horse, mule, burro, ass or cattle on a lot or other parcel of ground that is not over one-half ($^1/_2$) acre in size.

2. ***Keeping of Diseased or Painfully Crippled Animals.*** It is unlawful for any person to abandon or turn out at large any sick, diseased or disabled animal. It is also unlawful for the owner or handler of an animal rendered worthless to said owner or handler by reason of disease or disability, to allow said animal to continue to live in a diseased or disabled state. Said owner or handler shall dispose of such animal by euthanizing the same in a humane manner, or by contacting the Division. Upon such contact, the Division may assume responsibility for disposition of the animal, not including livestock, provided that the owner or handler shall pay a fee, in advance, to the Division to pay for Division's cost in disposing of the animal. If the owner or handler fails to pay such fee, and fails to dispose of the diseased or disabled animal as required above, such person shall be in violation of this chapter. It is also unlawful for an owner or handler of an animal which is infected with a disease, or is in a painfully crippled condition, to have, keep or harbor such animal without placing the animal under veterinary care and/or to dispose of such animal as required in this chapter.

3. ***Abandonment.*** It is unlawful for any person to abandon any animal within the geographical boundaries of the City.

4. ***Hobbling Animals.*** It is unlawful for any person to hobble livestock or other animals by any means that may cause injury or damage to any animal.

5. ***Animals in Vehicles.*** It is unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such animal without adequate ventilation or for an unusual length of time. Persons transporting an animal in the open bed of a vehicle must physically restrain the animal in such a manner as to prevent the animal from jumping or falling out of the vehicle. It is unlawful for any person to allow a vehicle to be used as a shelter or housing for pets.

6. ***Physical Abuse of Animals.*** It is unlawful for any person to kill without legal justification, maim, disfigure, torture, beat, whip, mutilate, burn or scald, overwork, cause to fight, or in any

manner treat any animal in a cruel or malicious manner. Each instance of such treatment shall constitute a separate offense.

7. Injury to Animals by Motorists; Duty to Stop and Assist.

A. The operator of a motor vehicle or other self-propelled vehicle being operated upon the streets of the City shall, in the event said vehicle should strike and injure or kill any domesticated animal, give reasonable aid and assistance and/or protection to said animal, without placing himself at unreasonable risk, and call and report the facts pertaining to the incident to one of the following authorities:

1. The police department having jurisdiction in the City;
2. The Animal Services Director; or
3. The Division.

B. After making the report required above, the operator shall comply with the instructions given by the agency contacted and shall, if instructed, remain at the scene until appropriate police or animal control authority arrives. After arrival of appropriate authority, the operator shall cooperate with said authority in the investigation and reporting of the incident.

C. As an alternative to complying with the requirements set forth above, the motor vehicle operator may transport the animal which has been struck to the Division's animal shelter facility, or, in the case of an animal which is injured and not dead, to a veterinarian for treatment of the animal's injuries. If the operator chooses the latter course of action, he shall be responsible for the cost of treatment if required by the veterinarian. The Division shall not be responsible for the cost of treatment unless it has accepted responsibility after the operator's compliance with any of the requirements of this chapter.

D. This chapter shall not apply to operators of emergency vehicles if such vehicles are being operated in response to a bona fide emergency situation at the time the animal is struck. Emergency vehicle operators who strike an animal during a response to a bona fide emergency situation shall notify the Director or the Division of the incident as soon as is practicable thereafter.

8. *Poisoning Animals.* Except as provided in this chapter, it is unlawful for any person by any means to knowingly or recklessly make accessible to any animal, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health, when applied in such a manner as to reasonably prohibit access to other animals.

9. *Steel Jaw Traps.* It shall be unlawful for any person to use steel jaw traps to trap animals, unless authorized by the Director.

10. *Mistreatment of Animals.* It shall be unlawful for any person to provoke any animal.

11. *Killing Birds.* It is unlawful to kill any bird, or to rob or destroy any nest, egg, or young of any bird, in violation of Utah law.

12. ***Giving Animals as Sales Premiums.*** It is unlawful for any person or business to offer any live animal, fowl, bird, reptile, or fish as a premium, prize, award, novelty or incentive to purchase merchandise. Nothing herein shall be construed to prohibit the offering or sale of animals in conjunction with the sale of food or equipment designed for the care or keeping of such animals in compliance with all necessary permits. This section does not apply to groups whose purpose is to enhance a particular species and/or educate its members on the proper care and handling of a particular species, and which may offer as a prize an animal of the type specific to the group's purpose, only to members of the group.

13. ***Prohibit Display of Animals for Sale or Gift.*** It is unlawful for anyone except licensed businesses, humane societies recognized by the state of Utah, and government animal shelters, to offer or display any pet for sale or gift in any public place or facility frequented by the public. It is a class C misdemeanor, subject to penalty as provided in ECC 1.16.010, 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. It is a class C misdemeanor, subject to penalty as provided in ECC 1.16.010, 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.

14. ***Dead Animals.*** It shall be unlawful for any person knowingly to permit any dead animal to remain upon the premises of such person, or for the owner of any dead animal knowingly to permit the same to remain upon any public property or upon any premises within the City. The owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal within ten (10) hours after its death; provided, that no horse, cow, ox, or other animal shall be buried within the closely inhabited portions of the City. A violation of this section is a class C misdemeanor, subject to penalty as provided in ECC 1.16.010. If the owner of such dead animal does not remove the dead animal himself or cause the dead animal to be properly disposed of within the time specified above, the City may cause it to be removed and thereupon assess the actual costs of such removal and disposal against the owner, and may avail itself of all remedies in law and equity to enforce such removal and recover the costs thereof.

15. ***Intentional Exhibition.*** It shall be unlawful for any person to knowingly and intentionally exhibit any stud, horse, 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.

16. ***Maintain Place of Exhibition.*** It shall be unlawful for any person to maintain any place where fowl or any animals are suffered to fight upon exhibition or for sport upon any wager.

5.08.090: PROHIBITIONS RELATING TO WILD, DANGEROUS, VICIOUS AND EXOTIC ANIMALS; EXCEPTIONS

A. It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor, or purchase any wild, dangerous, vicious or exotic animal or which is otherwise a "nuisance" as defined in this chapter.

B. The prohibitions of subsection A of this section shall not apply to a person, animal shelter, zoological park, veterinary hospital, section 501(c)(3) of the internal revenue code animal welfare shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific research if such organizations or individuals are otherwise licensed or permitted pursuant to a permit as provided in this title, provided that said animals are restrained or confined in such a manner as to prevent their escape and/or injury to the public.

C. It shall be unlawful for any person to own and possess a vicious animal within the City. Whenever a prosecution for this offense is commenced under this section, the dog so involved may not be redeemed, pursuant to the provisions of this chapter, while awaiting final decision of the court as to the disposition to be made of such animal. Upon the trial of any offense under this section, the court may, upon conviction and in addition to the usual judgment of conviction, order the Director or other authorized personnel of the City to put the animal to death or may order such other disposition of the animal as will protect the inhabitants of the City.

D. Any person violating any provision of this section shall be guilty of a class B misdemeanor.

5.08.100: RABIES CONTROL

1. **Vaccination Requirements.** The owner or person having charge, care, custody, and control of a ferret, cat, or dog four (4) months of age or older shall have such animal vaccinated against rabies and shall thereafter ensure that said animal is revaccinated as often as is required to maintain the animal in a current rabies vaccination status. Any person permitting any 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 vaccinations of the animal. Unvaccinated ferrets, 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 acquisition or arrival. Every dog, cat, and ferret shall have a current rabies vaccination with a rabies vaccine approved by the current compendium of animal rabies control. Veterinarians, cattery and kennel operators shall be responsible for determining that dogs, cats and ferrets are currently vaccinated for rabies prior to accepting the animal, from their owners or caretakers, for temporary housing on their premises. The provisions of this section shall not apply to a veterinarian providing emergency medical care to a sick or injured animal.

2. **Valid Vaccination.** Animals that have had a valid vaccination for rabies will not be considered to have a current vaccine until thirty (30) days following the first vaccination and will be considered unvaccinated the day following the expiration of the last documented valid vaccination. For the purpose of management of bite cases, an owner may, within the six (6) months of expiration of the last vaccine, submit proof of protection against rabies. Such proof shall be in the form of a written statement from a veterinarian based upon a blood titer paid for by the owner, drawn after the bite and prior to, or within ten (10) days of, any revaccination.

3. **Veterinarian Duties; Certification; Tags.** It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination, in duplicate, which includes the following information:

A. Owner's name and address;
B. Description of the animal (breed, sex, markings, age, name);
C. Date of vaccination;
D. Vaccination expiration date;
E. Rabies vaccination tag number;
F. Type of rabies vaccine administered; and
G. Manufacturer's serial number of vaccine.

A copy of the certificate shall be distributed to the owner and the original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this chapter. Additionally, a metal or durable plastic rabies vaccination tag, serially numbered, may be securely attached to the collar or harness of the animal. An animal discovered in public view and not wearing a rabies tag, or current license tag, shall be deemed to be unvaccinated and may be impounded or seized in accordance with law and dealt with pursuant to this chapter.

4. **Impoundment 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 the owner furnishing a valid rabies certificate including the animal's description and payment of all fees attributable to said animal's apprehension and impoundment accrued up to the date of release.

B. Any unvaccinated animal may be reclaimed by its owner prior to disposal of said animal under the procedures set forth in this chapter by payment of all fees attributable to said animal's apprehension and impoundment and by the owner posting a rabies deposit as specified in the comprehensive fee schedule. Said deposit may be recovered by owner upon showing proof of rabies vaccination within seventy-two (72) hours of release.

C. Any animal not reclaimed prior to the period specified in this chapter shall be disposed of pursuant to this chapter.

5. Rabid Animal Reports.

A. Any person having knowledge of the presence or whereabouts of an animal known to have been exposed to or reasonably suspected of having rabies and any person having knowledge of an animal or person bitten by a wild or domestic mammal or bat shall report such knowledge and all pertinent information available to the Division and the Health Department. Any person having custody of such animal shall confine the animal pending direction from the Division or the Health Department.

B. It shall be unlawful for any person having knowledge of the presence or whereabouts of an animal known to have been exposed to, or reasonably suspected of having, rabies, or of an animal or person bitten by such an animal, to harbor, protect, or otherwise interfere with the apprehension or identification of said animal or persons by willfully withholding such knowledge from an animal control officer or any other officer of the City, the Division, the Health Department or the Utah State Department of Health.

C. It shall be a violation of this chapter for an owner, or other person having the care, custody and control of an animal known, suspected, or deemed to have been exposed to rabies as set forth in this chapter to fail to surrender said animal immediately upon demand by any animal control officer or officer of the City, the Division, the Health Department or the Utah State Department of Health.

6. Animals Exposed to Rabies. Any animal potentially exposed to rabies virus by a wild or domestic mammal or a bat shall be regarded as having been exposed to rabies pending successful completion of testing and/or quarantine of the biting animal.

A. Unvaccinated dogs, cats, and ferrets exposed to a rabid animal shall be euthanized immediately. If the owner is unwilling to have this done, the animal shall be placed in quarantine for up to six (6) months in a location agreeable to the Director and monitored by a veterinarian, at the owner's expense, and vaccinated one (1) month before being released.

B. Dogs, cats, and ferrets that are exposed to a rabid animal and that are currently vaccinated shall be revaccinated immediately, kept under the owner's control and observed for forty-five (45) days. If any illness suggestive of rabies develops in the animal, the owner shall report immediately to the Division and the animal shall be euthanized immediately in a humane manner.

C. Livestock exposed to a rabid animal shall be handled as per the current compendium of animal rabies control.

7. Management of Animals That Bite Humans.

A. An apparently healthy dog, cat, or ferret that bites a person shall be quarantined and the following provisions shall apply:

1. The animal shall be observed for a period of not less than ten (10) days by the Division and/or the Health Department, and the owner of the animal shall be responsible for the cost of such quarantine.

2. The normal place for such quarantine shall be the Division's animal shelter; however, other arrangements suitable to the Director may be made for the period of observation specified herein upon the condition that the biting animal had a current rabies vaccination at the time the bite is inflicted.

3. A person having custody of an animal under quarantine at a place other than the Division's animal shelter shall immediately notify the Division if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes from quarantine.

4. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow an officer of the City, the Division, the Health Department or a designated veterinarian to inspect or examine the animal during, and/or at the end of the period of quarantine.

5. If the quarantined animal dies within ten (10) days from the date of the bite for which the animal was quarantined, the person having custody of said animal shall immediately notify the Division of such fact and immediately deliver the animal to that person's veterinarian or the Division for the removal and delivery of the head of said animal to a laboratory specified by the Utah State Department of Health for examination for rabies.

6. At the end of the quarantine period, the Director or designee shall examine the quarantined animal and if no sign of rabies is present in the animal, the animal may be released to its owner. Stray animals shall be disposed of as provided in this chapter.

7. If, during the quarantine, the animal exhibits symptoms of rabies, it shall be immediately destroyed and tested.

8. Any stray or unwanted dog, cat or ferret that bites a person may be euthanized immediately and submitted for rabies examination if an immediate examination is determined necessary by the Director or the Health Department.

B. Animals other than dogs, cats, or ferrets that might have exposed a person to rabies shall be reported immediately to the Division and the Health Department. Case management shall be a collaborative effort between the Health Department and the Division.

C. If any animal bites or attacks a person or another animal two (2) or more times in a twelve (12) month period, or if the Director deems the bite or attack to be vicious by virtue of the severity of the bite, such animal may be immediately impounded, pending legal action, at the scene by the Division without court order and held at the owner's expense.

D. The Director may seek a court order for the destruction of an animal as he deems necessary.

8. Management of Animals that Bite Other Animals.

A. An apparently healthy dog, cat, or ferret that bites another animal shall be quarantined as determined by the Division, and the following provisions shall apply:

1. The animal shall be observed for a period of not less than ten (10) days by the Division and/or the Health Department at a location determined by the Division, and the owner of the animal shall be responsible for the cost of such quarantine.

2. The normal place for such quarantine shall be the Division's animal shelter; however, other arrangements suitable to the Director may be made for the period of observation specified herein upon the condition that the biting animal had a current rabies vaccination at the time the bite is inflicted.

3. A person having custody of an animal under quarantine at a place other than the Division's animal shelter shall immediately notify the Division if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes from quarantine.

4. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow an officer of the City, the Division, the Health Department or a designated veterinarian, to inspect or examine the animal during, and/or at the end of the period of quarantine.

5. If the quarantined animal dies within ten (10) days from the date of the bite for which the animal was quarantined, the person having custody of said animal shall immediately notify the Division of such fact and immediately deliver the animal to that person's veterinarian or the Division for the removal and delivery of the head of said animal to a laboratory specified by the Utah State Department of Health for examination for rabies.

6. At the end of the quarantine period, the Director or designee shall examine the quarantined animal and if no sign of rabies is present in the animal, the animal may be released to its owner. Stray animals shall be disposed of as provided in this chapter.

7. If, during the quarantine, the animal exhibits symptoms of rabies, it shall be immediately destroyed and tested.

8. Any stray or unwanted dog, cat or ferret that bites another animal may be euthanized immediately and submitted for rabies examination, if an immediate examination is determined necessary by the Director or the Health Department.

5.08.110: NUISANCE ANIMALS

1. Nuisance; Penalties. Any owner or person having charge, care, custody or control of an animal or animals causing a "nuisance", as defined in this chapter, shall be guilty of allowing a nuisance in violation of this chapter and subject to the penalties provided herein.

2. Animal Causing a Nuisance. An animal causing a nuisance includes, but is not limited to, any animal that:

A. Is repeatedly found at large;

B. Damages the property of anyone other than its owner;

C. Repeatedly molests or intimidates neighbors, pedestrians, cyclists, or passersby by lunging at fences, chasing, or acting aggressively toward such person(s), unless provoked by such person(s) or acts in such a way to cause unreasonable annoyance, disturbance or discomfort;

D. Chases vehicles;

E. Makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other noise which causes unreasonable annoyance, disturbance, or discomfort to neighbors or others;

F. Causes fouling of the air by odors and thereby creates unreasonable annoyance or discomfort to neighbors or others;

G. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

H. Defecates on any public sidewalk, park or building, or on any private property without the consent of the owner of such private property, unless the handler of such animal shall have in his possession the instruments to clean up after his animal and shall remove the animal's feces to a proper trash receptacle;

I. Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals kept or harbored;

J. Attacks people or other animals, whether such attack results in actual physical harm to the person or animal to whom or at which the attack is directed or not;

K. Has been found by a court or by any other commission or board lawfully established under Utah law, to be a public nuisance under any other provision(s) of Utah law;

L. Cannot be restrained by normal restraints, such as standard leashes, standard chains, or muzzles; or

M. Cannot be effectively controlled by its owner or handler.

3. Loud or Offensive Animals. No person shall own, keep, or harbor any animal which, by loud, continued, or frequent barking, howling, yelping, or by noxious or offensive odors shall annoy, disturb, or endanger the health and welfare of any person or neighborhood. A violation of this section shall be a class C misdemeanor, subject to penalty as provided in ECC 1.16.010, and such is hereby declared to be a nuisance, and each day a violation is permitted to exist or continue shall constitute a separate offense. This section shall not apply to the City's animal shelter facilities, veterinary hospitals, or medical laboratories.

The fact, or evidence of the fact, that the factors alleged to have caused the animal to be a nuisance are inherent and/or natural behavior for such animal, or the action of the owner or animal are otherwise legal, shall not negate or excuse a charge of nuisance.

5.08.120: FIERCE, DANGEROUS, OR VICIOUS ANIMALS.

It is 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 to prevent it from injuring any person or property. Every animal so vicious and dangerous that it is not or cannot be effectively controlled by its owner or person having charge, care, custody, or control of such animal through the use of reasonable restraints, is a hazard to public safety, and the Director may seek a court order for destruction, muzzling, or appropriate housing and confinement of the animal. Any person violating any provision of this section shall be guilty of a class B misdemeanor.

5.08.130: ANIMAL BITES; REPORTING REQUIREMENTS.

1. Persons who obtain knowledge that an animal has bitten another animal or a human shall report the fact(s) to the Department within twenty-four (24) hours of the bite, regardless of whether the biting animal is of a species subject to rabies.

2. A physician, or other medical personnel, who renders professional treatment to a person bitten by an animal shall report that fact to the Division and the Health Department within twenty-four (24) hours of his first professional attendance. Said report shall include the name, gender, and address of the person bitten as well as the type and location of the bite. If known, the person making the report shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Division in ascertaining the immunization status of the animal.

3. A veterinarian, or other person who treats an animal bitten, injured or mauled by another animal shall report that fact to the Division. The report shall contain the name and address of the owner of the injured animal, the name and address of the owner, if known, of the animal which caused the injury, and a description of the animal, if known, which caused the injury, and the location of the incident.

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

5.08.140: ATTACKS BY ANIMALS OWNER LIABILITY; AUTHORIZATION TO DESTROY.

1. It is unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal to attack, chase or worry any human, domesticated animal, any species of hoofed wildlife protected by any law or ordinance, or any pet or companion animal.

2. Any penalty imposed as a result of prosecution of a person under subsection A of this section shall be in addition to any penalties or liabilities imposed upon such person by any other law or ordinance.

3. The following shall be considered in mitigating the penalties or damages, or in dismissing a charge brought under subsection A of this section:

A. The animal was properly confined on the premises;
B. The animal was deliberately or maliciously provoked; or
C. The animal was already injured and was defending itself.

4. Any person may kill (or take other protective action against) an animal while it is committing any of the acts specified in subsection A of this section, while such animal is being pursued after committing any of such acts, or to protect themselves, or members of the public, from any threat of death or personal injury then being posed by the animal.

5. Every person owning or keeping an animal shall be liable in damages for injuries committed by such animal, and it shall not be necessary in any action brought therefor to allege or prove that such animal was of a vicious or mischievous disposition or that the owner or keeper thereof knew that it was vicious or mischievous.

5.08.150: CONTROL AND FENCING OF LIVESTOCK.

1. It is unlawful for any person owning or harboring an animal of a class of livestock to allow, either negligently or with specific intent, the livestock to run at large in an area where such is not permitted by law or to otherwise permit the livestock to be herded, pastured or to go upon the land of another.

2. Adequate fencing shall be erected and maintained to prevent the livestock's escape, as specified in subsection C of this section.

3. All fencing of property where a class of livestock is kept shall be of sufficient construction to prevent the escape of or injury to the livestock being confined within the fencing. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstances, may be broken, damaged or in any way create the possibility of injury to the confined livestock or to allow the escape thereof.

4. Construction, maintenance and repair of fencing shall be the responsibility of the property owner and shall be constructed in a manner which is appropriate to the containment of all types of livestock confined therein.

5.08.160: HARBORING STRAY ANIMALS; UNLAWFUL CONFINEMENT OR CONCEALMENT OF ANIMALS.

It shall be unlawful for any person, except animal establishments operated by state or local governments, to harbor or keep any lost or stray animal. Whenever any animal is found which appears to be lost or strayed, it shall be the duty of the finder to notify the Division within twenty-four (24) hours, and the Division shall impound the animal as provided herein. Whenever any animal shall be found which appears to be lost or stray, it shall be the duty of the finder to notify the Division, which shall impound the animal for running at large contrary to the terms of this

chapter. If there shall be attached to such dog a license tag for the then current fiscal year, the Division shall notify the person to whom such license was issued, at the address given on the license.

5.08.170: ANIMALS AT LARGE.

1. It shall be unlawful for any owner, handler or any person harboring any animal to allow such animal at any time to run at large or go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property. The owner, handler or person harboring an animal found running at large shall be strictly liable for violations of this section regardless of precautions taken to prevent the escape of the animal regardless of whether or not he knows the animal is running at large. The owner, handler or person harboring any animal shall be liable in damages for injuries committed by such animal.

2. No cattle, horses, mules, sheep, goats, or swine shall be allowed to run at large or to be herded, picketed, or staked out upon any street, sidewalk, or other public place within the limits of the City, and all such animals so found may be impounded. Nothing herein contained shall be so construed as to prevent any person from driving cows, horses, mules or other animals from outside the City limits to any enclosure within the City limits or from any enclosure in the City to a place outside the City or from one enclosure to another within limits of the City.

3. Any animal that has been found at large once and then subsequently found at large a second time within six (6) months of the first infraction, shall be a nuisance animal. A violation of this section is a class C misdemeanor, subject to penalty as provided in ECC 1.16.010. The third time the same animal is picked up and impounded for being a nuisance and a menace to the public health and safety, the animal shall be disposed of in a humane manner or the Director may order such other disposition of the animal as will protect the inhabitants of the City

5.08.180: STAKING ANIMALS.

It is unlawful for any person to chain, stake 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. It is also unlawful for any person to chain, stake or tether any animal on any premises in a manner that prevents the animal from having access to food, water, or shelter.

5.08.190: FEMALE PETS IN HEAT.

Any owner or person having charge, care, custody or control of any female pet in heat shall, in addition to restraining such pet from running at large, cause such pet to be constantly confined in a building or other structure so as to prevent it from attracting by scent or coming into contact with other animals and creating a nuisance.

5.08.200: ANIMALS PROHIBITED IN DESIGNATED AREAS.

1. It is unlawful for any person to take or permit any animal, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, or served, including, but not limited to, restaurants, grocery stores, meat markets and fruit or vegetable stores.

2. It is unlawful for any person keeping, harboring or having charge or control of any animal to allow such animal to be within protected watershed areas as designated by either the Health Department or any public water district.

3. It is unlawful for any person to chain, stake or tether any animal in a public place unless the owner or handler of the animal is continually present and the animal is properly restrained so that the animal poses no threat of contact with a person engaged in a normal and expected activity.

4. It is unlawful for any person to take or permit any unrestrained animal in any public park located within the City. Any animal in a public park must be continually kept on a leash, not over eight feet (8') in length, which is of sufficient strength to ensure that the animal's owner or handler shall at all times have absolute control over the animal except for designated off leash areas. The Director may grant exceptions to this subsection for a licensed animal exhibition

5.08.210: ANIMAL TRESPASS.

It is unlawful for the owner or handler of an animal to allow such animal to trespass on the property of another. Any trespassing animal may be confined provided the person confining the animal notifies the Division within twenty-four (24) hours of such confinement.

5.08.220: IMPOUNDMENT.

1. Animal Shelter Facilities.

a. The City shall be responsible to provide sufficient animal shelter facilities consistent with Section 5.08.060 of this chapter.

b. The City, through the Division, shall provide for the destruction of dogs, cats, ferrets, and other animals for which destruction is authorized by this chapter or by Utah law. Destruction shall be accomplished in accordance with standards established by the American Veterinary Medical Association, or in accordance with any other nationally recognized standards established for the proper destruction of animals; or by any method which, in the discretion of the Director, is proper under the then existing circumstances.

c. The Division may furnish, when deemed necessary at the discretion of the Director, medical treatment to animals impounded pursuant to this chapter. Prior consent for such treatment from the owners of such animals shall not be required.

d. The owner of any affected animals shall be required to post a bond and/or pay the cost of the impound and any care and keeping, medical treatment, euthanasia, and disposal provided or performed under the authority of this chapter with respect to such animal.

2. Authorization to Impound.

a. An animal control officer may impound, or leave an animal in the custody of its owner or handler, according to said officer's discretion, whenever such animal is found to be in circumstances which violate the requirements of this chapter. If left in the custody of the owner or handler, said owner or handler shall nevertheless be required to respond to the administrative code enforcement hearing program established by this code.

b. An animal found in the following circumstances may be impounded by an animal control officer without the filing of a criminal complaint or obtaining a prior order from a court of competent jurisdiction:

(1) The animal is running at large outside its owner's or handler's premises;

(2) Any animal which is required by this chapter to be licensed and is not licensed. An animal not wearing a license tag shall be presumed to be unlicensed for the purpose of this subsection;

(3) The animal is sick or injured and its owner cannot be immediately located;

(4) The animal's owner or handler requests the Division to impound the animal and posts a bond, as provided in this chapter, or pays, in advance, a fee reasonably calculated to pay for the cost the Division will reasonably incur during impoundment and possible destruction of the animal;

(5) The animal is abandoned;

(6) Animals which are not vaccinated for rabies in accordance with this chapter. For the purpose of this subsection, an animal not wearing a rabies tag shall be presumed to be unvaccinated;

(7) The animal is known by the animal control officer to have been exposed to rabies or bitten by a rabid animal;

(8) The animal is to be otherwise held for quarantine;

(9) The animal is a vicious animal and not properly confined or restrained as required by this chapter;

(10) The animal is not being kept or maintained as required by any other provision of this chapter, and as a result thereof, the animal poses an imminent threat to the health and safety of persons, other animals, or itself;

(11) Any animal in physical distress; or

(12) Any animal considered a nuisance or a public nuisance animal.

c. The circumstances set forth above in this section are not intended to be a complete list of those in which the City, the Division, and/or an animal control officer may impound an animal without a prior order from a court of competent jurisdiction; and said officers are authorized to act as necessary to maintain the peace and safety of the City under the requirements of this chapter and all other applicable law.

3. Recordkeeping Requirements. The animal shelter facility, under the direction of the Director, shall keep record of each animal impounded, which shall include the following information:

A. Complete description of the animal, including tag numbers;

B. The manner and date of impound;

C. The location of the pick-up and name of the officer picking up the animal;

D. The manner and date of disposal;

E. The name and address of the person who redeems, purchases or adopts the animal;

F. The name and address of any person relinquishing an animal to the impound facility;

G. All fees received on behalf of the animal; and

H. All costs of impoundment allocable to the animal which accrues during its impoundment.

4. Redemption of Animals.

A. The owner of any impounded animal or his authorized representative (a legally responsible adult of age 18 or more) may redeem such animal before disposition, provided he posts a bond, as provided in this section, or pays:

1. The impound fee;

2. The daily board charge;

3. Veterinary costs incurred during the impound period, including rabies vaccination or rabies vaccination deposit;

4. License fee, if required;

5. A transportation fee if transportation of an impounded animal by specialized equipment is required. "Specialized equipment" is that equipment, other than the usual patrol and operation vehicles of animal control, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers. The Director shall determine this fee at a level that approximates the cost of utilizing the specialized equipment in the particular situation;

6. Any other expenses incurred to impound an animal in accordance with state or local laws;

7. Any unpaid (past due) fees and fines incurred by the owner; and

8. If any dog or cat is fertile, the owner shall also pay a sterilization deposit and comply with any other requirements of Utah law including Utah Code Ann. §11-46-204 *et seq.* For the purposes of this subsection, the term "recipient" contained in the referenced Utah statute shall include an owner or his authorized representative who is redeeming his animal after impound.

B. If an animal is impounded, the owner shall be required to purchase microchip identification.

C. Upon the third impoundment and prior to the release of said animal, said animal shall be sterilized. Payment of all fees shall be required and sterilization completed prior to release.

D. The City Council shall set, and periodically revise when necessary, impound fees and daily board charges for the impounding of animals. Such fees shall be as stated on the consolidated fee schedule. Such fees may consider the type of animal impounded, the owner's compliance with animal licensure requirements, the number of confinements in the preceding twenty-four (24) months, and the duration of the confinement. No impound fees will be charged the reporting owners of suspected rabid animals if they comply with the provisions of this chapter.

E. The Director may require a bond to be posted for the impoundment of neglected, cruelly treated, quarantined, and/or vicious animals being held for revocation of license. Any owner whose animals are impounded for a period exceeding three (3) calendar days that are required to post a bond shall post a bond with the City. The bond must be posted in full within three (3) calendar days of notification of impoundment. Failure to consent to the City's impoundment of such animal and failure to deliver the bond to the City shall constitute abandonment. Upon occurrence of abandonment pursuant to this provision, the animal shall automatically without further action become property of the City, and the decisions regarding the future disposition and/or adoptability of the animal will be the sole responsibility of the Director. Circumstances wherein the Director may require posting of a bond includes quarantines pending determination of a cruelly treated, vicious animal and/or revocation of license. The amount of the bond shall include costs incurred by the City with respect to holding such animal, an amount to

secure thirty (30) days of boarding or until a hearing, and all other fees such as veterinary care and medication. All bond proceeds in excess of the amount to pay the amount set forth above shall be refunded upon disposition of the animal. Notwithstanding the foregoing, if it is determined that the owner of the animal has not neglected the animal or been cruel to the animal, or the animal is not determined to be vicious, or the request for revocation of license is denied, the bond proceeds will be refunded by the City, less veterinary expenses incurred by the City and one-half ($^1/_2$) of the board fee per day for the animal.

5. Impoundment Terms; Destruction or Disposition of Animals.

A. If an animal is not wearing a license tag or other identification, the animal shall be impounded for a minimum of three (3) working days before further disposition. If an animal is wearing a license tag or other identification it shall be held a minimum of five (5) working days.

B. During the impound period, reasonable efforts shall be made to notify the owner of any animal wearing a license or other identification.

1. Notice shall be deemed given when sent to the last known address of the listed owner.

2. In the event an owner is notified of the impoundment of his animal, and fails to either redeem, post a bond as provided by this chapter, or formally release said animal to the Division, the animal shall be deemed voluntarily relinquished to the Division.

C. Any animal voluntarily relinquished to the Division by the owner thereof for destruction or other disposition need not be kept for the minimum holding period.

D. All animals, except those quarantined or confined by court order, or stray livestock or farm animals subject to state law requirements, which are held longer than the minimum impound period, and all animals voluntarily relinquished to the Division, may be destroyed or disposed of as the Director shall deem fit. The fee for animals other than pets (i.e., livestock, birds, snakes, etc.) shall be the market value of the animal.

E. Any healthy domestic animal, excluding livestock, may be sold or adopted by anyone meeting the requirements of the Division for a price to be determined by the Director, to include appropriate registration, rabies vaccination, microchip, and sterilization fees.

F. Any healthy animal which is placed into a new home under this chapter shall be sterilized.

1. In the event the animal is not sterilized prior to going into the new home, the adopter is required to ensure that the surgery is completed within an agreed upon period of time.

2. If the adopter fails to complete the sterilization of the animal within the approved time period or fails to comply with any part of any agreement made within the adoption process, the adopter forfeits all rights to the animal and the Division may reclaim said animal.

G. The Director may recover all costs incurred by the Division in the impoundment and care of any animal sold to a certified research institution pursuant to the laws of the state of Utah.

H. Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, as determined by the Director, may be released to the care of a veterinarian.

I. When, in the judgment of the Director, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established in this chapter and without court order.

J. The Director may authorize the destruction an animal upon the request of an owner without transporting the animal to an animal shelter. An appropriate fee shall be charged the owner for the destruction and any subsequent disposal of the carcass destroyed by the Division.

6. Sterilization of Adopted and Impounded Animals.

A. A dog, cat, or ferret adopted from the Division shall be sterilized.

B. The Division may allow the conditional adoption of an unsterilized dog, cat, or ferret because of the age of the animal, or as otherwise deemed necessary by the Division. Said conditional adoption shall become final upon proof to the Division that the animal has been sterilized. Failure to sterilize results in forfeiture of the animal to the Division.

C. A dog, cat, or ferret owner reclaiming an impounded pet shall comply with any applicable requirements established by UTAH CODE ANN. §17-42-101 *et seq.*, or other applicable Utah law and implemented by the Division to conform with said law.

5.08.230: ESTRAYS

1. **Duty of Animal Shelter Director**: It is hereby made the duty of the Director to take into his possession and impound all estrays running at large, and to dispose of the same as hereinafter provided.

2. **Notice Of Sale**: Within three (3) days after an estray shall come into the possession of the Director, he shall advertise the same in a newspaper published in and having general circulation in the county by publishing a notice in at least one issue of the newspaper, and by posting notices for a period of ten (10) days in three (3) public places in the City, one of which places shall be at or near the post office. The Director shall immediately deliver a copy of such notice to the City Recorder or mail the same to him by registered letter. The notice so filed with the City Recorder should be available during reasonable hours for inspection by the public free of charge. The notice herein provided for shall be on file in the office of the City Recorder and shall contain a description of the animals, including all marks and brands, when taken, and the day, hour, and place of sale,

which shall be not less than ten (10) days or more than twenty (20) days from the time of posting such notice.

3. **Return to Owner Upon Payment**: If at any time before the sale of any estrays, such animals shall be claimed and proved to be the property of any person, the Director shall release them to the owner upon receiving from him the cost of impounding, keeping and advertising the same.

4. **Unclaimed Animals**:

1. **Sold To Highest Bidder**: If the animals are not so claimed and taken away, the Director shall, at the time and place mentioned in the notice, proceed to sell the same, one at a time, to the highest cash bidder, and shall execute and deliver a bill of sale transferring said animals to the purchaser or purchasers thereof, which bill of sale shall be in such form as is on file in the City Recorder's office.

2. **Bill of Sale Filed with City Recorder**: The Director shall immediately file a copy of such bill of sale with the City Recorder or forward the same to him by registered mail. Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus sold.

5. **Records Maintained By Director**: The Director shall keep an accurate record of all estrays received by him, their age, color, gender, marks, and brands, the time and place of taking and the expense of keeping and selling the same, all animals claimed and taken away, all animals sold and to whom sold and the amount paid, all monies paid to owners after sale, all monies paid into the treasury, and all other matters necessary for compliance with the provisions of this section. The City Council shall provide the Director with a suitable book in which shall be entered the records required by law to be kept by the Director. Such records shall be open to the inspection of the public at all reasonable hours, and shall be deposited by the Director with his successor in office.

6. **Regulations for Trespassing Estrays Causing Damage**:

1. **Recovery of Damages**: If any cattle, horses, asses, mules, sheep, goats or swine shall trespass or do damage upon the premises of any person, the party aggrieved, whether he be the owner or the occupant of such premises, may recover damages by an action at law against the owner of the trespassing animals or by distraining and impounding the animals in the manner provided.

2. **Appraisal of Damages**: The owner or occupant of any property may distrain any or all of said animals trespassing or doing damage thereon. He shall, within twenty-four (24) hours thereafter, deliver said animals to the Director together with a certificate of the appraisement of the damage done by such animals. Such appraisement must be made by some disinterested person. It must state the amount of the damage, the time when committed, the name of the person damaged, the name of the owner of the animals, if known, and if not known, it must state that fact together with a description of the animals, including all visible marks and brands. If the animals appear to be owned by different parties, a separate appraisement and a separate certificate thereof shall be

made of the damage done by the lot or group of animals which appear to belong to each of the different owners. In such cases, the owners shall be notified separately, and each lot or group of animals shall be advertised and sold separately in the same manner as though the damage had been done by different animals at different times.

3. **Owner Notified**: The person distraining the animals must, if the owner of the same be known to him and if he resides within ten (10) miles of the place of the trespass, immediately deliver to such owner, or leave at his place of residence if he cannot be found, a copy of such certificate of appraisement; but if the owner does not live within ten (10) miles of the place of trespass, the party distraining the animals may at his option deliver a copy of such certificate to the owner in person, or deposit the same in the nearest post office in a registered letter addressed to said owner. He shall be entitled to charge fifty cents ($0.50) a mile one way for the first ten (10) miles necessarily traveled in delivering such certificate, and fifty cents ($0.50) for each additional mile, to be taxed as costs against the animals.

4. **Failure To Notify Owner Waives Damages**: If the party distraining any animals shall fail to deliver them or the certificate of appraisement to the Director within forty-eight (48) hours, or shall fail to deliver to the owners of the animals, if known, a copy of the certificate of appraisement within twenty-four (24) hours after he receives the same or to deposit the same in a post office as herein provided, he shall not be entitled to recover damages under the provisions of this section.

5. **Duty of Director If Owner Unknown**: Whenever any animals are delivered to the Director and the certificate of appraisement is filed with him as herein provided and such certificate states that the owner is unknown, the Director shall immediately examine all brand books or brand sheets in his possession. If the owner be ascertained thereby or if the owner be already known to the Director, he shall, if the owner lives within ten (10) miles, immediately deliver a copy of such certificate of appraisement to such owner, or leave the same at his residence if he cannot be found. If the owner lives more than ten (10) miles away, the Director may at his option deliver such copy personally to the owner, or deposit the same in the nearest post office in a registered letter addressed to such owner. He shall, however, serve a copy in one of the ways provided herein; provided, that whenever personal service of a copy of any paper is required by this chapter, service by agent shall be deemed sufficient.

6. **Sale of Delivered Animals**: As soon as any such animals are delivered to the Director, he shall immediately proceed to advertise the same for sale as hereinafter provided except when the owner is known and has been notified, in which case he shall hold said animals forty-eight (48) hours before advertising the same. He shall advertise in a newspaper published in and having general circulation in the county, by publishing a notice in at least one issue of said paper, by posting notices in three (3) public places in the City, one of which shall be at or near the post office, and he shall deliver a copy of the same to the city recorder or send the same by deputy or by registered mail. The City Recorder should preserve such notice and post a copy thereof. The notice herein provided for shall state the time when the damage was done and the amount thereof, the name of the party damaged, a description of the animals, including all visible marks and brands, and the day, hour, and place at which such animals will be sold, which shall

be not less than ten (10) or more than twenty (20) days from the time of posting such notice. The notices shall be in such form as is on file in the office of the City Recorder.

7. **Owner May Claim Animals Upon Payment Of Damages; Disputed Appraisal**: The owner of any trespassing animals taken up under the provisions of this section may at any time before the sale thereof claim and take such animals away upon paying the amount of damages set forth in the certificate of appraisement and the accrued costs, and if such animals are included in a lot or group of animals belonging to other parties against which the damages and costs are assessed as a whole, he shall pay his proportion of the total amount of damages and costs assessed against such animals, according to the number of animals he owns when compared with the number of the entire lot or group. If he deems the appraisal too high, he may choose another appraiser having the qualifications herein provided who with the first appraiser shall make a new appraisal, and if they cannot agree, they shall choose a third appraiser, and the three (3) shall proceed to make another appraisal, and the decision of the majority shall be final.

8. **Sale to Highest Bidder; Bill Of Sale**: If such animals are not claimed and taken away by the owner, the Director shall, at the time and place set forth in the notice of sale, proceed to sell such animals, one at a time, to the highest cash bidder. If the owner of any lot of animals to be sold is known, the Director shall sell only enough of said animals to pay the damages and costs, the remainder may be turned over to the owner at any time thereafter; but if the owner be unknown, the Director shall proceed to sell all of said animals so advertised for sale. He shall execute and deliver a bill of sale therefor, and file a copy with the City Recorder as hereinbefore provided.

9. **Owner Entitled To Residue of Proceeds**: If any estrays or trespassing animals sold under the provisions of this section shall, within a period of six (6) months following the date of sale, be claimed and proved to be the property of any person, it shall be the duty of the treasurer at the expiration of such time to pay the money received for such animals to the owner thereof, less the amount of damages and the expense of taking, keeping, and selling the same. In the event such animals are not claimed as aforesaid, such money shall become the property of the City; provided, that in case there is a contest between two (2) or more persons claiming to be the owners of any such animals, the treasurer shall pay the residue to the party who shall establish by action his right to the same.

10. **Records Maintained by Director**: The Director shall keep an accurate record of all trespassing animals received by him, which record shall contain all the items required by this chapter together with the names of the injured party and the owner of the animals, the amount of the damages claimed, and all other matters necessary to maintain a complete account of the transaction. Such record shall be open for inspection at all reasonable hours without charge.

7. **Retaking Animal Unlawfully**: It shall be unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same under the provisions of this section, either by stealth, force, fraud, or to intercept or hinder any person lawfully taking up or attempting to take up such animals.

This Ordinance, assigned Ordinance No. ECO 23-05, shall take effect upon passage and approval.

PASSED AND APPROVED by the Ephraim City Council this 7th day of June, 2023.

EPHRAIM CITY COUNCIL

By: _____
Mayor

SEAL

VOTING:

Richard Wheeler	Yea ___ Nay ___	Absent
Margie Anderson	Yea ✓ Nay ___	
Tyler Alder	Yea ✓ Nay ___	
Lloyd Stevens	Yea ✓ Nay ___	
Alma Lund	Yea ___ Nay ___	Absent

PRESENTED to the Mayor of the City of Ephraim for approval this 7th day June, 2023.

APPROVED this 7th day of June, 2023.

By: _____
Mayor Pro Tem

ATTEST:

_____
City Recorder

DEPOSITED in the office of the City Recorder this 7th day of June, 2023.

RECORDED this 7th day of June, 2023.