

1995-248

ORDINANCE NO. 248

An Ordinance adopting and establishing the humane control and regulation of animals; the registration and licensing of dogs, cats, and kennels; licensing and animal control officers; and other necessary purposes pertaining to animal control.

THE COUNTY LEGISLATIVE BODY OF THE COUNTY OF CARBON ORDAINS
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1.010 Animal

"Animal" means any and all types of livestock, dogs, and other non-human creatures, both domestic and wild, male and female, singular and plural.

1.020 Animal at large

"Animal at large" means any domesticated animal, whether or not licensed, not under restraint as defined below.

1.030 Animal boarding establishment

"Animal boarding establishment" means any establishment that takes in animals for boarding for profit.

1.040 Animal grooming parlor

"Animal grooming parlor" means any establishment maintained for the purpose of offering cosmetic services for animals for profit.

1.050 Animal shelter

"Animal shelter" means a facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the State of Utah under Section 76-9-302, Utah Code Annotated (1953), as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other domestic animals.

1.060 Animal under restraint

"Animal under restraint" means any animal under the control of its owner or person having charge, care, custody or control, except a dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or within the real property limits of the owner.

1.070 Bite

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

1.080 Carriage

"Carriage" or "horse-drawn carriage" means any device in, upon, or by which any person

is or may be transported or drawn upon a public way and which is designed to be drawn by horses.

1.090 Carriage business

"Carriage business" means any person offering to transport another person for any valuable consideration and by means of a horse-drawn carriage.

1.100 Cat

"Cat" means any age feline of the domesticated types.

1.110 Cattery

"Cattery" means an establishment for the housing of cats in excess of two (2) adults for pleasure or for show, or for the boarding, breeding, buying, grooming, or selling of cats for profit or pleasure.

1.120 Dangerous dog

"Dangerous dog" means any dog that is a hazard to the public health and safety, or has injured a person or persons.

1.130 Dog

"Dog" means any canis familiaris over six (6) months of age. Any canis familiaris under six (6) months of age is a puppy.

1.140 Domesticated animals

"Domesticated animals" means animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine, and goats.

1.150 Driver

"Driver" means any person operating or in actual physical control of a horse-drawn carriage, or any person sitting in the driver's seat of such carriage with the intention of causing it to be moved by a horse.

1.160 Enclosure

"Enclosure" as it relates to dogs, means a fence or structure of adequate height, forming or causing an enclosure suitable to confine a dog in conjunction with other measures which may be taken by the owner or keeper, or as may be required by Animal Control.

"Enclosure" as it relates to cats, means an area totally enclosed by fencing or walls which insures the cat(s) cannot escape.

1.170 Estray

"Estray" or "stray" means any animal at large as defined herein.

1.180 Fierce

"Fierce" means violently hostile or aggressive in temperament.

1.190 Guard dog

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

1.200 Harbor

"Harbor" means permitting any animal to habitually be on or remain, or be lodged or fed within a person's house, yard or premises.

1.210 Holding facility

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

1.220 Impoundment

"Impoundment" means taken into the custody of the Animal Control officer, police agency, or an agent thereof.

1.230 Kennel

"Kennel" means an establishment having more than two (2) dogs for pleasure, or for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, selling, or for the housing of show animals or others, except where such establishment shall be licensed as having sportsman's privileges as provided in Sections 21.010 through 21.040 of this ordinance.

1.240 Leash or lead

"Leash" or "lead" means any chain, rope or device used to restrain an animal.

1.250 On-site impound

"On-site impound" means to place an animal under seizure by law enforcement personnel, Animal Control personnel or an agent thereof, on a property other than an Animal Control Department sheltering facility pending transportation or court order of seizure.

1.260 Overwork

"Overwork" means to work or exercise any animal to a point of physical distress or over exertion.

1.270 Person

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

1.280 Pet

"Pet" means a domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice and other animals associated with man's environment excepting animals considered to be livestock.

1.290 Pet shop

"Pet shop" means any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds or other pets for sale are kept or displayed.

1.300 Provoked

"Provoked" 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 shall not be considered provocation.

1.310 Quarantine

"Quarantine" means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

1.320 Riding school

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

1.330 Set

"Set" means:

- a. 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; and/or
- b. to place a spring-loaded trap which has been opened or fixed so that it would close upon the triggering device being touched, or in a position where a person or animal could become caught therein.

1.340 Shelter

"Shelter" means a covering or surrounding which insures protection from the elements.

1.350 Stable

"Stable" means any place or facility where one or more horses, ponies, donkeys, mules, or burrows are housed or maintained, or which offers such animals for hire.

1.360 Stray

"Stray" means any animal at large, as defined in this chapter.

1.370 Trap

"Trap" means any apparatus which is utilized to catch animals, objects, or persons, when after being set and the triggering device being activated is designed to close upon an animal, person, or object activating the spring or triggering device.

1.380 Veterinarian

"Veterinarian" means any person legally licensed to practice veterinary medicine.

1.390 Vicious animal

"Vicious animal" means:

- A. Any animal which, in a vicious and terrorizing manner approaches any person in apparent attitude of attack; or
- B. Any animal with a known propensity, tendency or disposition to attack or to cause injury or otherwise endanger the safety of human beings or animals; or

- C. Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property.

1.400 Wild, Exotic or Dangerous animal

"Wild, exotic or dangerous animal" means any animal which is not commonly domesticated, or which is not native to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any other animal which because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner, including hybrids and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These animal, however domesticated, shall include but are not limited to:

- A. Alligators and crocodiles;
- B. Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;
- C. Cat Family (Felidae). Including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc., except the commonly accepted domesticated cats;
- D. Dog Family (Candae). Including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc., except the commonly accepted domesticated dogs;
- E. Porcupine (Erethizontidae);
- F. Primate (Hominidae). All subhuman primates;
- G. Raccoon (Prosynnidae). All raccoons, including eastern raccoon, dessert raccoon, ring-tailed cat, etc.;
- H. Skunks;
- I. Venomous fish and piranha;
- J. Venomous snakes or lizards;
- K. Weasels (Mustelidae). All including weasels, martens, wolverines, black footed ferrets, badgers, otters, ermine, mink, mongoose, etc., except that persons raising members of this family as a business for their pelts shall not be prohibited by this section.

1.410 Work

"Work" with reference to a horse, means that the horse is out of the stable and presented as being available for pulling carriages, in harness, or pulling a carriage.

2.000 Animal Control Department

- 2.010 Animal Control Department
- 2.020 Powers of Animal Control Officials
- 2.030 Duties of Animal Control Officials

2.010 Animal Control Department

There is hereby created an Animal Control Department.

2.020 Powers of Animal Control Officials

- (1) The Animal Control Director, who is appointed by the County Commission, and any person employed by the Animal Control Department as an Animal Control Officer shall take the oath of office and shall be vested with the power and authority to enforce this ordinance.
- (2) The Animal Control Director, his Deputies, Assistants and Animal Control Officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this ordinance.
- (3) In the enforcement of this ordinance any peace officer, the Director of Animal Control, or his assistants are authorized to enter onto the open premises of any person to take possession of any animal in violation of this ordinance.

2.030 Duties of Animal Control Officials

- (1) The Animal Control Director shall:
 - (a) Enforce this ordinance and perform other responsibilities pursuant thereto.
 - (b) Supervise the Animal Shelter (s) under his jurisdiction.
 - © Keep adequate records of all animals impounded and all monies collected.
 - (d) See that all animals and animal holding facilities in his jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulation.

- (e) Establish adequate measures for rabies immunization and control.
- (2) Each Animal Control Officer shall:
 - (a) Enforce this Ordinance in all respects pertaining to Animal Control within the jurisdiction including the care and impounding of animals and prevention of cruelty to animals.
 - (b) Carry out all duties prescribed or delegated by the Director.

3.000 Interference with Officer prohibited

- (1) It shall be unlawful for any person to knowingly and intentionally interfere with the Director or any Animal Control Officer in the lawful discharge of his duties as herein prescribed.
- (2) A person is guilty of interference if he uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with the Director or any Animal Control Officer performing or purporting to perform an official function.

4.000 License

- 4.010 License - Required -- Owner's Age
- 4.020 License- Required -- When
- 4.030 License - Application
- 4.040 License - Fees
- 4.050 License - Renewal
- 4.060 License - Revocation
- 4.070 License - Tag requirements
- 4.080 License - Exemptions

4.010 License - Required -- Owner's Age

All dogs must be licensed each year, except as otherwise provided herein, to a person of the age of eighteen (18) years or older.

4.020 License - Required -- When

Any person owning, possessing, or harboring any dog shall obtain a license for such animal within 30 days after the dog reaches the age of six (6) months; or in the case of a dog over six (6) months of age, within ten (10) days of the acquisition of the dog, or in the case of a new resident immediately after thirty (30) days residency.

4.030 License - Application

License applications must be submitted annually to that municipality, incorporated entity or governing body wherein the dog or owner resides, utilizing a standard form which requests the name, address, and telephone number of the applicant; the breed, sex, color and age of the animal; previous license information; and, the rabies and other immunization, and sterilization information. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccination shall be given by a licensed veterinarian and should protect the dog at least through the end of the year covered by the license.

4.040 License - Fees

License fees shall be set by resolution of the County Commission.

4.050 License - Renewal

The license shall be effective for the calendar year, commencing January 1 and ending December 31 of each year. Licenses for the following year may be purchased any time between December 1 of that year and January 31 of the next year without penalty. A purchase of any license thereafter will be subject to a late fee. The license fee of an original license for a dog shall be a prorata amount for the remaining months of the year, according to the month in which the license is obtained. Any owner of a dog who fails to obtain a license as required by this section shall be subject to a penalty fee in addition to the regular license fee.

4.060 License - Revocation

If the owner of any pet is found to be in violation of this ordinance on three (3) or more different occasions during any twelve month period, the Director of Animal Control may seek a court order pursuant to Section 26.000, revoking for a period of one (1) year any pet license(s) such person may possess, and providing for the Animal Control Department to pick up and impound any pet (s) kept by the person under such order. Any pet impounded pursuant to such an order shall be dealt with in accordance with the provision of this title for impounded animals, except that the person under the order of revocation shall not be allowed to redeem the pet under any circumstances.

4.070 License - Tag Requirements

- (1) Upon payment of the license fee, the Department of Animal Control or any other duly designated licensing agency shall issue to the owner a certificate and tag for each licensed dog. The tag shall have stamped thereon the license number, corresponding with the tag number on the certificate. The owner shall attach the

tag to the collar or harness of the animal and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall be in violation of this ordinance, except those pets which are kept for show purposes are exempt from wearing the collar and tag.

- (2) Tags are not transferable from one dog to another nor from one owner to another.
- (3) No refunds shall be made on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of \$1.00 to that municipality, incorporated entity, governing body, or agency from which the license was obtained.
- (4) Any person removing or causing to be removed, the collar, harness, or tag from any licensed dog without the consent of the owner or keeper thereof, except by a licensed veterinarian, or Animal Control Officer who removes such for medical and other reasons, shall be in violation of this ordinance.

4.080 Licensing - Exemptions

- (1) The provision of Section 4.010 through 4.070 herein shall not apply to:
 - (a) Licensed dogs whose owners are non-residents and only temporarily (up to 30 days) within the jurisdiction. Licensed dogs whose non-resident owners remain within the jurisdiction longer than thirty (30) days may obtain a local license upon payment of a \$1.00 fee and proof of current rabies vaccination and original license. Unlicensed dogs whose owners remain in the jurisdiction longer than thirty (30) days must be licensed immediately after the thirty (30) day period has elapsed;
 - (b) Individual dogs within a properly licensed dog kennel or other such establishment when such dogs are held for resale.
- (2) The fee provisions of Section 4.010 through 4.070 shall not apply to:
 - (a) Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place.
 - (b) Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.
 - © Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

- (d) Service dogs which are properly trained to aid the physically disabled and are actually used by a physically disabled person.
- (3) Nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination.

5.000 Unlawful to harbor stray dogs

It is unlawful for any person, except the Animal Control Department, or an animal welfare society incorporated within the State under Section 76-9-302, Utah Code Annotated (1953), as amended, to harbor or keep any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Animal Control Department within 24 hours. The Department shall have the discretion for the dispensation of said animal.

6.000 Pets running at large

It is unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal at any time to run at large. The owner or person charged with responsibility for the animal found running at large shall be strictly liable for any violation regardless of whether or not such owner or persons knows that the animal is running at large.

7.000 Staking dogs improperly

It is unlawful for any person to chain, stake out or tether any dog on any premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner or lessee of the affected property. This is to include sidewalks and other "public" property.

8.000 Female pets in estrus

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

9.000 Dogs prohibited in designated areas

- (1) It is unlawful for any person to take or permit any dog, 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, including but not limited to restaurants, grocery stores, meat markets, and fruit or vegetable stores.

- (2) This section shall not apply to dogs provided for in Section 4.090 (2) or when the Board of County Commissioners, upon recommendation of the Director of Health and subject to such conditions as are established, shall determine that the public health, safety and welfare is best served by the maintenance of a dog or dogs in the prohibited areas.

10.000 Attacks by animals -Owner liability -- Destruction authorized when

- (1) **Attacking animals.** It is unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal to attack, charge, chase or worry any person, any domestic animal, any species of protected wildlife, or to attack domestic fowl. "Worry" as used in this section means to harass by chasing, biting, tearing, gouging or shaking with the teeth, or snatching with jaws.
- (2) **Owner liability.** The owner in violation of subsection (1) of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection (1), the owner of such animal shall also be liable for damages to any person injured, or to the owner of any animal(s) injured or destroyed thereby.
- (3) **Defenses.** The following shall be considered in mitigating the penalties or damages, or in dismissing the charge:
 - (a) That the animal was properly confined on the premises;
 - (b) That the animal was deliberately or maliciously provoked;
 - (c) That the animal had no previous history of escape from the premises;
 - (d) That the animal was protecting the owner's property.
- (4) **Dogs may be killed.** Any person may kill a dog while it is committing any of the acts specified in subsection (1) of this section or while such dog is being pursued thereafter, but only under such circumstances where there is justifiable fear of immediate physical injury or death to the animal or person being worried by the dog in question.

11.000 Fierce, dangerous or vicious animals.

It shall be unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner

or person having charge, care or control of such animal, so that it shall not injure any person or property is a hazard to public safety, and may be impounded by the Animal Control Director.

12.000 Nuisance animal

- (1) Any owner or person having charge, care, custody or control of an animal or animals causing a nuisance, as defined below, shall be in violation of this ordinance and subject to the penalties provided in this ordinance
- (2) The following shall be deemed a nuisance;
 - (a) Any animal which:
 - (1) Causes damages to the property of anyone other than its owner;
 - (2) Is a vicious animal as defined in this title and kept contrary to Section 11.000;
 - (3) Causes unreasonable fouling of the air by odors.
 - (4) Causes unsanitary conditions in enclosures or surroundings;
 - (5) Defecates on any public property, park or building, or on any private property without the consent of the owner of such private property, unless the person owning, having a proprietary interest in, harboring or having care, control, custody or possession of such animal shall remove any such defecation to a proper trash receptacle.
 - (6) Barks, whines, or howls, or makes other disturbing noises in an excessive, continuous or untimely fashion.
 - (7) Molests passersby or chases passing vehicles;
 - (8) Attacks other domestic animals or people;
 - (9) Otherwise acts so as to constitute a nuisance or public nuisance under the provisions of Chapter 10, Title 76, Utah Code annotated (1953);
 - (b) Any animals which, by virtue of the number maintained, are offensive or dangerous to the public health, welfare or safety.

13.000 Animal bites - Report requirements

- (1) Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately upon gaining that knowledge to the Department of Animal Control.
- (2) The owner of an animal that bites a person, and any person bitten by an animal shall report the bite to the Department of Animal Control or the Health Department within 24 hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.
- (3) Any physician, or other medical personnel, who renders professional treatment to a person bitten by an animal shall report the fact that he has rendered professional treatment to the Department of Animal Control within 24 hours of the first professional attendance. He shall report the name, sex and address of the person bitten as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Department of Animal Control in ascertaining the immunization status and whereabouts of the animal.
- (4) Any person treating an animal bitten, injured or mauled by another animal shall advise the owner of the bitten animal to report the incident to the Department of Animal Control. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner of the offending animal, if known, and a description of the animal which caused the injury, and the location of the incident.
- (5) Any person not conforming with the requirements of this section shall be in violation of this ordinance.

14.000 Control of Rabies and Rabid Animals

- 14.010 Dogs and cats rabies vaccination requirements
- 14.020 Vaccination - Veterinarian duties -- Certification and tags
- 14.030 Vaccination - Transient animal exception
- 14.040 Impoundment of animal without valid vaccination tags
- 14.050 Report of rabid animals
- 14.060 Quarantining and disposition of biting or rabid animals
- 14.070 Unvaccinated bitten animals
- 14.080 Vaccinated bitten animals
- 14.090 Removal of quarantined animal

14.010 Dogs and cats rabies vaccination requirements

- (1) The owner or person having the charge, care, custody or control of a dog or cat six (6) months of age or over shall have such animal vaccinated within thirty (30) days after it reaches such age. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for the vaccination. Unvaccinated dogs or cats over six (6) months of age acquired by the owner or moved into the jurisdiction must be vaccinated within ten (10) days of acquisition or arrival.
- (2) Every dog and cat shall be revaccinated as required based upon the requirements of the specific vaccine administered. It shall be the responsibility of the administering veterinarian to specify the date of vaccination, the type of vaccine used, and the date when revaccination is required.
- (3) Revaccination shall be required prior to licensing or renewal of license if the previous vaccination will expire within the term of the license.
- (4) This provision shall not apply to veterinarians or kennel operators temporarily maintaining on their premises animals owned by others.

14.020 Vaccination - Veterinarian duties -- Certification and 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:

- (1) Owner's name and address;
- (2) Description of the animal (breed, sex, markings, age, name);
- (3) Date of vaccination;
- (4) Rabies vaccination tag number;
- (5) Manufacturer's serial number of vaccine;
- (6) Date revaccination is required.

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 section.

Additionally, a metal or durable plastic rabies vaccination tag, serially numbered, shall be securely attached to the collar or harness of the animal. An animal not wearing such tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this ordinance.

14.030 Vaccination - Transient animal exception

The provisions of this section with respect to vaccination shall not apply to any animal owned by a person remaining within the jurisdiction for less than 30 days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the jurisdiction which does not comply with the animal health laws and import regulations.

14.040 Impoundment of animal without valid vaccination tags

- (1) Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.
- (2) Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees. The owner will also provide proof of rabies vaccination and license within five (5) working days after reclaiming the animal. Failure to timely provide this proof will result in immediate citation.
- (3) Any animal not reclaimed prior to the period shall be disposed of pursuant to provision of Section 17.030 of this ordinance.

14.050 Reporting of rabid animals

Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies; or of any animal or person bitten by such a suspect animal, shall notify the Department of Animal Control or the State Division of Health.

14.060 Quarantining and disposition of biting or rabid animals

- (1) An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal affected with rabies or that has been exposed to rabies shall be reported by the owner as set forth above and shall immediately be confined in a secure place by the owner. The owner shall turn over the animal to the Department of Animal Control upon demand.
- (2) The owner of any animal which has been bitten by a rabid animal or an animal that has rabies or shows signs of having rabies must surrender the bitten animal to

an authorized official upon demand. Any person authorized to enforce this ordinance may enter upon private property to seize the animal; if the owner refuses to surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.

- (3) Any animal that bites a person or animal, or is suspected of having bitten a person or animal, or is suspected of having rabies may be seized and be examined by a veterinarian to determine the health of the animal at the time of the biting incident, and be quarantined for observation for a period of not less than ten (10) days by the Department of Animal Control. The owner of the animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the Director of Animal Control if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception.

A person who has custody of an animal under quarantine shall immediately notify the Department of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a Health or Animal Control Officer to make an inspection or examination during the period of quarantine.

If, at the end of the ten (10) day period, the Director of Animal Control, and/or a veterinarian examines the animal and finds no sign of rabies, the animal may be released to the owner or in the case of a stray, it shall be disposed of as provided in Section 17.030. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately notify the Department of Animal Control or immediately remove and deliver the head to the State Health Laboratory to be examined for rabies.

14.070 Unvaccinated bitten animals

- (1) In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately destroyed.
- (2) If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.

14.080 Vaccinated bitten animals

- (1) If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within twenty-four hours and quarantined under veterinarian supervision for a period of thirty (30) days following revaccination, the cost of such confinement to be paid in advance by the owner; or
- (2) If the animal is not revaccinated within twenty-four hours, the animal shall be isolated and quarantined under veterinary supervision for six (6) months, the cost of such confinement to be paid in advance by the owner; or,
- (3) The animal shall be destroyed if the owner does not comply with subdivision 1 or 2 of this subsection.

14.090 Removal of quarantined animal

It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Department of Animal Control.

15.000 Vicious

If any animal bites or attacks a person or animal two times or more in a twelve-month period and/or is deemed vicious by virtue of the severity of the bite, such animal may be immediately impounded by the Department of Animal Control without court order and held at owners expense pending court action. Any biting animal may be deemed a vicious animal, and the Director of Animal Control may seek a court order, as provided in Section 26.000 for destruction of the animal. Parties owning such animals shall, if possible be notified immediately of the animal's location by Animal Control.

16.000 Animal Shelter

- (1) The governing authority shall provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. They shall purchase and supply food and supply humane care for the impounded animals.
- (2) The governing authority shall provide for the humane destruction of dogs and other animals required to be destroyed by this ordinance or by the laws of the State of Utah.
- (3) The governing authority may furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this ordinance.

17.000 Impounding

- 17.010 Impounding - Animals to be impounded
- 17.020 Impounding - Records to be kept
- 17.030 Impounding - Disposition of animals
- 17.040 Impounding - Redemption

17.010 Impounding - Animals to be impounded

The Animal Control Director shall place all animals which he takes into custody in a designated animal impound facility. The following animals may be taken into custody by the Animal Control Director and impounded without the filing of a petition:

- (1) Any animal being kept or maintained contrary to the provisions of this ordinance;
- (2) Any animal running at large contrary to the provisions of this ordinance;
- (3) Any animal which is by this ordinance required to be licensed and is not licensed. Any animal not wearing a tag shall be presumed to be unlicensed for purposes of this action;
- (4) Sick or injured animals whose owner cannot be located;
- (5) Any abandoned animal;
- (6) Animals which are not vaccinated for rabies in accordance with the requirements of this ordinance;
- (7) Any animal to be held for quarantine;
- (8) Any vicious animal not properly confined as required by Section 11.000 herein.

17.020 Impounding - Records to be kept

The impounding records kept by the Animal Control Department shall include the following information:

- (1) Complete description of the animal, including its tag number;
- (2) The manner and date of impound;
- (3) The location wherein the animal was impounded and the name of the officer impounding the animal;

- (4) The manner and date of disposal;
- (5) The name and address of the animal redeemer or purchaser;
- (6) The name and address of any person relinquishing an animal to the impound facility;
- (7) All fees received;
- (8) All expenses accruing during impoundment.

17.030 Impounding - Disposition of animals

- (1) Animals shall be impounded for a minimum of five (5) calendar days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the Animal Control facility or impounded pursuant to Section 4.060 above, need not be kept for the minimum holding period before release or other disposition as herein provided; and may be destroyed or disposed of in the discretion of the Animal Control Department without court order.
- (2) All dogs and cats, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs and cats impounded or voluntarily relinquished to the impound facility may be destroyed or sold as the Animal Control Director shall direct. Any healthy dog or cat may be sold to any person over the age of eighteen years desiring to purchase such animal for a price to be determined by resolution of the County Commission. Proof of licensing, vaccination and sterilization of any animal over six (6) months of age is required within sixty (60) days after adoption of such animal.
- (3) Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, in the discretion of the Animal Control Director, be released to the care of a veterinarian with the consent of the owner.
- (4) When, in the judgment of the Animal Control Director, it is determined that the 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 herein, and without court order.

17.040 Impounding - Redemption

The owner of any impounded animal or authorized representative may redeem such animal before disposition, provided he/she pays:

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

Fees shall be charged at the rates provided for in a Resolution of the County Commission.

18.000 Cruelty to Animals prohibited

- 18.010 Physical abuse
- 18.020 Hobbling animals
- 18.030 Care and maintenance
- 18.040 Animals in vehicles
- 18.050 Abandonment of animals
- 18.060 Animal poisoning
- 18.070 Injury to animals by motorists
- 18.080 Animals for fighting
- 18.090 Malicious impounding
- 18.100 Keeping of diseased or painfully crippled animals
- 18.110 Killing of birds

18.010 Physical abuse

It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald, overdrive or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation.

18.020 Hobbling animals

It is unlawful for any person to hobble livestock or other animals by any means which may cause injury or damage to any animal.

18.030 Care and maintenance

It shall be the duty of that person to whom any animal is in his charge or custody, as owner or otherwise, to provide said animal with adequate food, drink, care, to include veterinary medical care, and shelter. Any person failing to provide such care and maintenance shall be in violation of this ordinance.

18.040 Animals in vehicles

It shall be unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to carrying or confining such animal without adequate ventilation or for an unusual length of time.

18.050 Abandonment of animals

It shall be unlawful for any person to abandon any animal within the jurisdiction.

18.060 Animal poisoning

Except as provided in Section 18 herein, it shall be unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any 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 it by other animals.

18.070 Injury to animals by motorists

- (1) Every operator of a motor or other self-propelled vehicle upon the streets of the jurisdiction shall immediately upon injuring, striking, maiming or running down any domestic animal give such aid as can reasonably be rendered. In the absence of the owner, he shall immediately notify the Animal Control Department, furnishing requested facts relative to such injury.
- (2) Authorized, public emergency vehicles are exempted from the requirements of this provision.

18.080 Animals for fighting

- (1) It shall be unlawful for any person, firm or corporation to raise, keep or use any animal or bird for the purpose of fighting or baiting; and for any person to be a party to or be present as a spectator at any such fighting or baiting of any animal or bird; and for any person, firm or corporation to knowingly rent any building, shed, room, yard, ground or premises for any such purposes as aforesaid, or to

knowingly suffer or permit the use of his buildings, sheds, rooms, yards, grounds or premises for the purposes aforesaid.

- (2) Law enforcement officers or Animal Control Department officials may enter any building or place where there is an exhibition of fighting or baiting of a live animal, or where preparations are being made for such an exhibition, and the law enforcement officers may arrest persons there present and take possession of all animals engaged in fighting, along with all implements or applications used in such exhibition. This provision shall not be interpreted to authorize a search or arrest without a warrant when such is required by law.

18.090 Malicious impounding

It shall be unlawful for any person maliciously to secrete or impound the animal of another.

18.100 Keeping of diseased or painfully crippled animals

- (1) It shall be unlawful for any person to abandon or turn out at large any sick, diseased or disabled animal, but such animal shall when rendered worthless by reason of sickness or other disability, be killed in a humane manner either by the owner thereof, or veterinarian or Animal Control/welfare personnel and disposed of as instructed after contacting the Department of Animal Control.
- (2) It is further unlawful for the owner or person having the charge, care, custody and control of such animal infected with dangerous or incurable and/or painfully crippling condition to have, keep or harbor such animal without placing the same under veterinary care, or to dispose of the same. The failure to take such care is a violation of this ordinance, and the Department of Animal Control may take custody of such animals and deal with them as deemed appropriate under the circumstances.

18.110 Killing of birds

It is unlawful for any person to take or kill any bird(s), or to rob or destroy any nest, egg, or young of any bird in violation of the laws of the State of Utah.

19.000 Sale of animals

19.010 Sale of Animals - Rabbits or fowl

19.020 Sale of Animals -Premiums and novelties

19.030 Sale of Animals - Pet turtles

19.010 Sale of Animals - Rabbits or fowl

It shall be unlawful for any person without the appropriate license to sell, offer for sale, barter or give away any baby rabbits or fowl under two (2) months of age in any quantity less than six (6). Such animals shall not be artificially dyed or colored. Nothing in this provision shall be construed to prohibit the raising of such rabbits and fowl by a private individual for his personal use and consumption, provided that he shall maintain proper brooders and other facilities for the care and containment of such animals while they are in his possession.

19.020 Sale of Animals - Premiums and novelties

It shall be unlawful for any person to offer as a premium, prize, award, novelty, or incentive to purchase merchandise, any live animal.

19.030 Sale of Animals - Pet turtles

It shall be unlawful for any pet shop to raise or sell any *Pseudemys Scripta-Elegans*, of *P. Troostii* family Testudinidae, "Pet Turtles".

20.000 Wild animals

- (1) It shall be unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any wild animal as defined in Section 1 above which is fierce, dangerous, noxious, or naturally inclined to do harm, except an animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.
- (2) It shall be unlawful for any person to keep an animal of a species prohibited or protected by Title 50 of the Code of Federal Regulations or by any regulation or law of the State of Utah.

21.000 Permits

- 21.010 Commercial Permit requirements
- 21.020 Sportsman's Permit - Authorized when
- 21.030 Display of permit
- 21.040 Renewal of permit
- 21.050 Fees
- 21.060 Permits - Suspension or revocation - Grounds
- 21.070 Permits - Suspension or revocation -- Procedure

- 21.080 Permits - Revocation or suspension
- 21.090 Emergency suspension of permits

21.010 Commercial permit requirements

It is unlawful for any person to operate or maintain a kennel, pet shop, groomery, riding stable, carriage business, or any business which in its normal operation handles, maintains, or uses animals unless such person first obtains a regulatory permit from the Department of Animal Control, in addition to all other required licenses. All applications for permits to operate such establishments shall be submitted, together with the required permit fee, on a printed form provided by the Animal Control Department to that Department. Before the permit is issued, approval shall be granted by the Carbon County Health Department, the appropriate zoning authority, and the Animal Control Department.

21.020 Sportsman's Permit - Authorized when

- (1) Where permitted by the Board of Commissioners, owners of dogs may obtain a permit to keep up to five (5) dogs in a residential area provided:
 - (a) Such dogs are individually licensed;
 - (b) Approval is granted by the appropriate zoning authority and Animal Control Department;
 - (c) Adequate runs (not necessarily concrete) are provided;
 - (d) Other provisions of this ordinance are complied with, and no dog or premises is deemed to be a nuisance.
- (2) The holder of a permit issued under this section may keep one litter intact until the dogs reach six (6) months of age; one animal from the litter may be retained until it reaches twelve (12) months of age. At no time may the holder of the permit retain more than six (6) dogs of six (6) months of age, nor more than five (5) dogs over one year of age.

21.030 Display of permit

A valid permit shall be posted in a conspicuous place in each establishment, and said permit shall be considered as appurtenant to the premises and not transferable to another location. The holder of the permit shall notify the Animal Control Department within 30 days of any change in his establishment or operation which may affect the status of his permit. In the event of a change in ownership of the establishment, the holder of the

permit shall notify the Animal Control Department immediately. Permits shall not be transferable from one owner to another.

21.040 Renewal of permit

Any permit issued pursuant to this section shall automatically expire on December 31st immediately following the date of issue. Within two (2) months prior to the expiration of the permit, the holder of the permit shall apply for a renewal of the permit and pay the required fee. Any application made after December 31st, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.

21.050 Fees

Fees shall be set by Resolution of the County Commission.

21.060 Permits - Suspension or revocation - Grounds

A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

- (1) Falsification of facts in a permit application;
- (2) Violation of any of the provisions of this title or any other law or regulation governing the establishment, including but not limited to noise, building and zoning ordinances;
- (3) Conviction on a charge of cruelty to animals.

21.070 Permits - Suspension or revocation -- Procedure

If the inspection of kennels, catteries, groomeries, pet shops, riding stables, carriage businesses, or the premises of the holder of a Sportsman's permit reveals a violation of this ordinance, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. The notification shall:

- (1) Set forth the specific violation(s) found;
- (2) Establish a specific and reasonable period of time for the correction of the violations(s) found;
- (3) State that failure to comply with any notice issued in accordance with the provisions of this ordinance may result in immediate suspension of the permit;

- (4) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the Animal Control Department within five (5) days of the date of the notice.

21.080 Permits - Revocation or suspension

Any permit granted under this ordinance may be suspended or revoked by the County Commission for violations listed above. A minimum of five (5) days notice shall be given to the permit holder advising him of the date and time for such hearing, and listing the cause or causes for such suspension or revocation. No new permit shall be issued to any person whose permit has been previously revoked except upon application for a new permit, accompanied by the required application fee, and unless and until all requirements of this ordinance have been met.

21.090 Emergency suspension of permits

Notwithstanding the other provisions of this title, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, catteries, groomeries, riding stables, pet shops, or any similar establishments, or premises of the holder of a sports man's permit, which in his judgment constitute a substantial hazard to the animals being housed or to the public health, he may, without warning or hearing, issue a written notice to the permit holder or operator citing such condition specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith. Any animals at such a facility may be confiscated by the Animal Control Department and impounded or otherwise provided for according to the provisions of this title.

22.000 Exemptions

Research facilities where bona fide medical or related research is being conducted, humane shelters, and other animal establishments operated by state or local governments or which are licensed by federal law, and licensed veterinary hospitals and clinics are excluded from the licensing requirements of this title.

23.000 Inspections

All establishments required to be permitted under this ordinance, including holders of Sportsman's permits, shall be subject to periodic inspections, and the inspector shall make a report of such inspection with a copy to be filed with the Animal Control Department.

24.000 Establishments - Rules and Regulations

- (1) The County Commission may adopt by reference rules and regulations governing the operation of kennels, catteries, groomeries, pet shops, riding stables and similar establishments.
- (2) Such rules and regulations shall provide for:
 - (a) The type of structures, buildings, pens, cages, runways or yards required for the animals sought to be kept, harbored or confined on such premises;
 - (b) The manner in which food, water and sanitation facilities will be provided to such animals;
 - (c) Measures relating to the health of such animals, the control of odors, and the protection of persons or property on adjacent premises; and
 - (d) Such other matters as the Commission or Animal Control Department shall deem necessary.
- (2) Such rules and regulations shall, upon publication and following adoption by the County Commission, have the effect of law and violation of such rules and regulations shall be deemed a violation of this title and grounds for revocation of permit issued by the Department of Animal Control. Three copies of the rules and regulations, when adopted, shall be filed for public inspection in the office of the County Clerk.

25.000 Notice service procedures

Notice provided for under this ordinance shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the records of the Animal Control Department.

26.000 Procedure for Court Order

Unless modified by the Court, Court Orders pursuant to Sections 4.060, 14.000 and 15.000 herein shall be filed according to the following minimum notice and procedure:

- (1) The Director of the Animal Control Department or his authorized representative shall petition the Court for the desired action.

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

27.000 Violation

Any person violating the provisions of this ordinance either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to a fine in an amount not to exceed \$1,000.00 or imprisonment in the County jail not to exceed six (6) months, or both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

28.000 Repeal of prior ordinance

Carbon County Ordinances numbered 150 and 150-A are hereby repealed. Any regulations presently in effect which pertain to fees required by the Animal Control Department shall remain valid until replaced by fees set by Resolution of the County Commission.

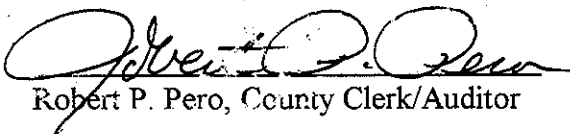
ADOPTED and passed this 1st day of November, 1995.

BOARD OF COUNTY COMMISSIONERS



Michael S. Milovich, Chairman

ATTEST:



Robert P. Pero, County Clerk/Auditor