

## **TITLE 13. ANIMAL OFFENSES.**

### **CHAPTER 13-100. DEFINITIONS.**

For the purpose of this Title, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

**“Abandon”** To intentionally deposit, leave, or drop off any live animal:

(1) without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or

(2) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.

(3) "Abandon" does not include returning wildlife to its natural habitat.

**“Abatement”** shall be defined as the removal, impoundment, disposal, relocation or euthanization of an animal.

**"Animal"** shall be intended to describe any and all vertebrates and invertebrates both mammal and or reptile, and shall encompass a general definition for them. This definition will exclude any and all caprine (goats), bovine (cow), equine (horses), ovine (sheep), camelid (llama), porcine (pigs) with exception given to porcine-pot-bellied or commonly described as and defined “pot-bellied pig”.

**“Animal Shelter”** A facility or program:

(a) Providing services for stray, lost, or unwanted animals, including holding and placing the animals for adoption, including an institution conducting research on animals, as defined by 26-26-1, Utah Code Anno.

**"Animal Services Officer"** shall mean all persons designated as Animal Services Officers by the Tremonton Animal Services Division and all peace officers certified by the State of Utah.

**"Animal Services Director"** shall mean the person appointed for the purpose of supervising the operation of the Animal Services Division.

**"Animal Grooming Parlor"** shall mean any establishment maintained for the purpose of offering cosmetological services for animals for profit.

**“Animals at Large”** shall be intended to mean animals off the owners property; and/or not under the control of the owner by means of an attached restraint device capable of restraining the animal and/or on the owners property and not under the verbal control of the owner or securely confined by the owner to any restraint device capable of restraining the animal that is visible to any passerby or placed within a confined

area by which a visible fence or durable material has been placed or constructed. This excludes the use of any electrical device described as, or made in reference to, an invisible type of fence.

**“Animals per Residence”** shall be defined as the number of associated animals located to, on, or for any personal, association, corporation or private properties and will not exceed two (2) cats over the age of three (3) months and/or two (2) dogs over the age of six (6) months and/or three (3) reptiles on any stated properties within Tremonton City unless the appropriate Kennel License has been obtained and kept in current standing with the provisions of 13-300 License and Registration Required.

**“Attack”** Any menacing or threatening behavior to initiate or indicate aggression by an animal which causes fear, intimidation, or apprehension to a normal person, including baring its teeth, growling, lunging, barking aggressively, and approaching in an aggressive manner.

**“Attack Dog”** An attack dog is any dog bred, trained or used for the purpose of attacking a target either on command or on sight.

**“Bite”** shall mean any actual puncture, tear, abrasion of the skin, or impairment of physical condition, inflicted by the teeth of an animal.

**"Cat"** shall mean any age feline of the domesticated types.

**"Cattery"** shall mean an establishment for boarding, breeding, buying, grooming, or selling of cats for profit.

**"City"** shall mean Tremonton City, Utah.

**“Custodian”** A person having custody of an animal, but not including the Animal Services Director or any Division employees when keeping animals in their care as required by their official duties as Tremonton City employees.

**“Custody”** Ownership, possession or control of an animal; any person keeping, harboring, sheltering or often feeding an animal, within the meaning of this Title.

**"Dangerous Animal"** shall mean any animal that, according to the records of the Tremonton City Animal Services Division, or County agency, or City officer or employee:

(1) Has inflicted substantial bodily injury on a human being with or without provocation on public or private property;

(2) Has killed a domestic animal with or without provocation while off the owner's property;

(3) Has previously been found to be "Potentially Dangerous", the owner having received notice of such, and it is witnessed and documented that the animal

aggressively bites, attacks, or endangers the safety of humans or domestic animals; or

(4) The animal is found to be in violation of any of the restrictions placed upon the animal by the Animal Services Division, pertaining to a potentially dangerous animal, as designated in this Title.

**“Director”** The director of the Animal Services Division of Tremonton City.

**“Direct Physical Control”** Immediate, continuous, physical control of a animal by means of a leash, cord, or chain and by a person of sufficient strength to restrain the animal and to be able to control the animal with voice commands, securely restraining the animal within a vehicle, or keeping the animal within a secure box, cage, enclosure or fence from which it cannot escape.

**“Division”** The Animal Services Division of Tremonton City.

**“Dog”** shall mean any Canis Familiaris over six (6) months of age. Any Canis Familiaris under the age of six (6) months is a puppy.

**“Domesticated Animals”** shall mean animals accustomed to living in or about the habitation of man, including but not limited to, cats, dogs, fowls, horses, swine, goats, sheep, mules, donkeys, and cattle.

**“Feral”** An animal which is normally domesticated but which is now wild.

**“Fowl”** shall refer to gamefowl, waterfowl or landfowl.

**“Guard dog”** shall mean 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 that it cannot come into contact with the public.

**“Impound or Impoundment”** The removal or picking up and confining of an animal by any sworn and certified peace officer who is an employee of a law enforcement agency that is part of, or administered by, the State of Utah or any of its political subdivisions, or by an Animal Services Officer.

**“Jurisdiction”** shall mean Tremonton, Utah.

**“K-9 Assistance animal”** An assistance animal or an animal specially trained and used by police, government, or rescue organizations.

**“Kennel”** shall mean land or buildings used in the keeping of three (3) or more animals, six (6) months of age or older.

**“Leash”** Any tether, chain, rope or similar implement used to restrain an animal.

**“Livestock”** shall mean any normally domesticated animal that is not a cat or dog, such as: cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc.

**“Muzzle”** A fastening or covering of the mouth of an animal which prevents it from biting another animal or person, which does not cause injury to the animal, and which does not significantly interfere with the animal's vision or respiration, such as an appropriately fitted basket muzzle.

**“Nuisance Animal”** A nuisance animal is any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. The term “nuisance animal” shall include, but not be limited to an animal which:

(1) causes damage to the property of anyone other than its owner; or

(2) is a dangerous dog as regulated in Section 13-406 & 13-411 of this Title at large, or a prohibited animal pursuant to Section 13-411 of this Title at large; or

(3) causes unreasonable fouling of the air by odors; or

(4) causes unsanitary conditions in its enclosure, cage, yard, or surroundings; or

(5) 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 person having custody of such animal or his agent shall immediately remove the feces to a proper trash receptacle; This Subsection shall not be applicable to cases where a person is legally blind or so disabled as unable to pick up the feces when such custodian is being assisted by a service animal; or

(6) continuously or persistently barks, whines, growls, or howls, or makes other noises which substantially disturbs the peace or quiet, or causes unreasonable annoyance or disturbance to individuals in close proximity to the premises where the animal is kept; or

(7) though confined on the custodian's premises, jumps on fencing, lunges toward passersby, or behaves in a menacing or attacking manner so as to prevent the neighboring occupants from the quiet enjoyment of their property; or

(8) molests passersby or chases passing vehicles; or

(9) any animal that is found running at large two (2) or more times within a twelve (12)-month period while owned by, or in the custody of the same person; or

(10) is seriously offensive, or a danger to the health, safety, or welfare of the public.

**“Owner”** any person, partnership, corporation or other legal entity owning, harboring, or keeping any animal. An animal shall be deemed to be harbored if it

is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic, boarding kennel or the City Animal Shelter.

**"Pet"** shall mean 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.

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

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

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

**"Residence"** shall be intended to make reference to the owner or owner's location both personal, private or commercial and shall not be limited to the description of the animal or animals' location, whereabouts or destination.

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

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

**"Serious bodily injury"** shall mean bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.

**"Service Animal"**: A domestic animal that is trained, or is in training, to lead, guide, or assist a person who has a disability.

**"Sterilized"** An animal that has been surgically altered, either by the spaying of a female animal or by the neutering of a male animal, so it is unable to reproduce.

**"Stray"** Any animal at large as defined herein.

**"Substantial bodily injury"** shall mean bodily injury, not amounting to serious bodily injury, that

creates or causes protracted physical pain, temporary disfigurement, or temporary loss or impairment of the function of any bodily member or organ.

**"Tag"** A license tag issued by the Animal Services Division.

**"Veterinarian"** A person licensed to practice veterinary medicine in Utah under Utah Code Anno. § 58-28-301, and following sections.

**"Vicious animal"** shall mean any animal which has:

(1) Inflicted serious bodily injury on a human being, with or without provocation, on public or private property;

(2) Has killed a domestic animal, with or without provocation, while off the owner's property; or

(3) Has been previously found to be dangerous, the owner having received notice of such, and the animal again bites, attacks, or endangers the safety of humans or domestic animals, or it is witnessed and documented that the animal is in violation of restrictions placed upon it as a potentially dangerous or dangerous animal pursuant to this Title.

**"Wild animal"** shall mean any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature, or other characteristics, would constitute an unreasonable danger to human life, health, or property if not kept, maintained, or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:

(1) Alligators, crocodiles, Caiman;

(2) Bears (ursidae): All bears including grizzly bears, brown bears, and black bears;

(3) Cat family (felidae): All except the commonly accepted domesticated cats; including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, and wildcats;

(4) Dog family (canidae): All, except domesticated dogs; including wolf, fox, coyote, and wild dingo. Any dog cross bred with a wild animal as described above shall be considered to be a wild animal;

(5) Porcupine;

(6) Primates (All subhuman primates);

(7) Raccoon (All varieties);

(8) Skunks;

(9) Birds of Prey;

(10) Venomous fish and piranha.

(11) Venomous snakes or lizards; and

(12) Weasels (All weasels, martins, wolverines, badgers, otters, ermine, mink, and mongoose, except that the possession of mink shall not be prohibited when raised commercially for their pelts, in or upon a properly constructed legally operated ranch.)

**"Worry"** shall mean to cause apprehension or fear, or to harass by menacing, growling, snapping, tearing, biting, or shaking with the teeth, or approaching aggressively while unconfined or not tethered on a leash.

## **CHAPTER 13-200. ADMINISTRATION.**

**13-201. Animal Services Division.** The Animal Services Division, is a part of and under the supervision of the Tremonton City Police Department.

(1) Whenever any reference is made to any portion of this Title, such reference applies to all amendments and additions thereto, now or hereinafter made. Each gender includes the other gender. Except where the context clearly suggests otherwise, the singular number includes the plural and the plural, the singular.

(2) Whenever a power is granted to, or a duty is imposed upon the Animal Services Division, the power shall be exercised or the duty shall be performed by the Animal Services Director and/or the Animal Services Officer, or by any person or organization, its officers, agents, and employees, designated by contract or otherwise to enforce this Title.

### **13-202. Power and Authority of Animal Services Officials.**

(1) The Animal Services Director, or any person employed by the Division as an Animal Services Officer, shall take the oath of office and shall be vested with the power and authority to enforce the provisions of this Title.

(2) The Director, their deputies, assistants, and Animal Services Officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this Title; including licensable animals for which no license has been procured in accordance with this Title, or any licensed or unlicensed animals for any other violation thereof.

(3) To the extent allowed by the Fourth Amendment of the U.S. Constitution and Article I, Section 14 of the Utah Constitution, any Peace Officer, Animal Services Officer, the Director and their assistants are authorized to enter into the open premises of any person to secure, restrain or take possession of any animal which is reasonably deemed by such officer to be in violation of this Title and issue criminal citations and/or notice of violation and stipulations for violations of this Title to the owner, custodian or handler of such animal.

### **13-203. Animal Services Officers.**

(1) The Animal Services Director shall have the powers and duties contained in the Revised Ordinances of Tremonton City.

(2) Each Division officer shall:

(a) Enforce the provisions of this Title in all respects pertaining to animal services 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) The Police Department of Tremonton City may perform the duties of the Animal Services Division.

### **13-204. Interfering with Officers Prohibited.**

(1) It shall be unlawful for any person to knowingly and intentionally interfere with the Animal Services Director or any Division Officer or any person or organization, its officers, agents, and employees, designated by contract or otherwise, to enforce this Title, in the lawful discharge of their duties as herein prescribed.

(2) It shall be unlawful for any person to give or provide false personal identification information to any Animal Services Officer.

(3) Any person convicted of violating this Section shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

## **CHAPTER 13-300. LICENSING AND REGULATORY PERMITS.**

### **13-301. Licensing and Registration of Dogs.**

(1) It shall be unlawful for any person to own, keep, harbor, or maintain a dog over the age of six (6) months of age, without registering and obtaining a license for such dogs from the Tremonton City Office, Animal Services Division or other authorized vendor.

(2) All dogs must be licensed to a person of the age of eighteen (18) years or older.

(3) License applications must be submitted utilizing a standard form provided by the Animal Services Division. The application shall be accompanied by the prescribed license fee (as per the fee resolution) and by a current rabies vaccination certificate.

(4) All dogs brought into the City shall require registering and licensing within thirty (30) days, or

within thirty (30) days after having reached the age of six (6) months.

(5) For any dog not registered within thirty (30) days after having been brought into the City, or within thirty (30) days of being six (6) months old, the owner thereof will be required to pay an additional license late fee amount as contained in the City's Consolidated Fee Schedule, adopted by Resolution of the City Council.

(6) No dog shall be licensed as spayed or neutered without proof that the surgery has been performed.

(7) Dog licenses shall be renewed each year, each license being valid from January 1st through December 31<sup>st</sup> of each year.

(8) A penalty as set in the City's Consolidated Fee Schedule, adopted by Resolution of the City Council, shall be added to delinquent payments. Licenses not renewed by March 31<sup>st</sup> shall be subject to the applicable late fee.

(9) No refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the City before expiration of the license period.

**13-302. Exemptions for Licensing.** The provisions of Section 13-301 of this Title shall not apply to the following:

(1) Licensed dogs whose owners are non-residents, temporarily remaining (up to thirty (30) days) within the City, provided however, that these dogs have a current license from their previous place of residence.

(2) Individual dogs within a properly licensed kennel or other such establishment;

(3) A person sixty (60) years of age or older may obtain a dog license for a spayed or neutered dog for a one-time fee as established by fee resolution; owners will need to obtain a new tag each year for their dog, there will be no charge for each new tag.

(4) Service Animals properly trained to assist blind persons, if such dogs are actually being used by the blind person to assist them in moving from place to place, or Service Animals registered in a recognized training program must be licensed, but will not be assessed a fee;

(5) Service Animals properly trained to assist deaf persons, if such dogs are actually used by deaf persons to aid them in responding to sounds must be licensed, but will not be assessed a fee;

(6) K-9 Assistance animals especially trained to assist officials of governmental agencies in the performance of their duties, which are owned or maintained by such agencies; or

(7) Dogs brought into the City for the purpose of

participating in any dog show. Notwithstanding the foregoing, nothing in this Title shall be construed so as to exempt any dog from having a current rabies vaccination every two (2) years.

**13-303. Tag and Collar Required.**

(1) Every owner shall be required to provide each dog with a collar to which a license tag issued by the Animal Services Division must be affixed, and shall see that the collar and tag are constantly worn. In the event a dog tag is lost or destroyed, the owner shall obtain a duplicate issued by the Animal Services Division.

(2) It shall be unlawful to transfer a license tag from one animal to another. No person shall place or keep on an animal a license tag which was not issued for that animal. Counterfeit or imitation license tags may not be placed or kept on any animal. No refunds shall be made on any license fee for any reason except for significant errors by the Division, and then at the Director's reasonable discretion.

(3) Any person removing or causing to be removed the collar, band, harness or tag from any licensed dog without the consent of the custodian thereof, except a veterinarian or Division Officer who temporarily removes such for medical reasons or other good cause, shall be in violation of this Title.

(4) Additionally, any person removing or causing to be removed any identification collar, band, harness or tag from any dog or cat without the consent of the custodian thereof, except a veterinarian or Division officer who temporarily removes such for medical reasons or other good cause, shall be in violation of this Title.

**13-304. Kennel License.** It shall be unlawful for any person to operate or maintain a kennel without first obtaining a kennel license from the City Planning and Zoning Department and from the Animal Services Division. Owners shall first seek a kennel license from the City Planning and Zoning Department, to be approved by the Planning Commission, and an inspection approval from the Bear River Health Department. Upon receiving a kennel license from the City and an inspection by the Bear River Health Department, the Animal Services Division will perform an additional inspection and upon approval will issue a City Kennel License. Kennel Licenses are valid for one (1) year from the date of issue, and must be renewed annually. No Kennel License shall be issued to any residence within any neighborhood with zoning regulations that prohibit the same. The Kennel License shall be considered as appurtenant to the premises, and not transferable to another location.

**13-305. Number of Animals per Residence.** It shall be unlawful for anyone to own, keep, harbor, maintain or oversee more than two (2) cats over the age of three (3) months old; and/or more than three (3) reptiles per residence; and/or more than two (2) dogs over the age of six (6) months old at any residence unless the appropriate Kennel License has been obtained and kept in current standing within the provisions.

**13-306. Business License.** It shall be unlawful for any person to operate a boarding kennel, cattery, pet shop, groomery, riding stable, or any similar establishment unless such person first obtains a business license from Tremonton City.

**13-307. Exemptions.** Research facilities where bona fide medical or related research is being conducted, humane shelters and other animal establishments operated by state or local government or which are licensed by federal law are excluded from the licensing requirements of this Title.

**13-308. Inspections.** All establishments required to obtain a license under this Title 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 Services Division.

**13-309. Suspension or Revocation of License.** A license may be suspended or revoked or a license application rejected on any one (1) or more of the following grounds:

- (1) Falsification of facts in an application;
- (2) Violation of any of the provisions of this Title or any other regulation governing the establishment, including noise, building and zoning ordinances, or maintaining or selling illegal species; or
- (3) Conviction of a charge of cruelty to animals.

**13-310. Cat Trap Permit Required.** It shall be unlawful for any person or group to trap detain, or cage capture any feline (cat) without first obtaining a City Cat Trap Permit. Permits, allow the individual a five (5) work day period, specified by the City, during which the holder may trap cats on their own real property only. A Permit fee, as per the fee resolution, will be assessed. Persons trapping cats must use only live traps that have been inspected and authorized by an Animal Services Officer. All trapped cats must be turned over to the Animal Services Division within eight (8) hours of the cat being trapped. Water and/or food should be provided to the animal as needed by the permit holder prior to the animal being turned over to

the Animal Services Division.

City live traps are available on a limited basis for a rental fee, as per the fee resolution. Issuance of a Permit is limited to space availability at the shelter and availability of rental traps. No trapped cats will be accepted at the Animal Services Shelter without the appropriate permit.

## **CHAPTER 13-400. NUISANCE ANIMALS.**

### **13-401. Nuisance Animals.**

(1) Any owner or custodian of an animal causing a nuisance shall be in violation of this Title and shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council

(2) A court may require a dog, its owner or custodian to complete obedience and/or behavior training or other classes or training related to dog behavior or training approved by the court.

(3) A court may reduce fines or other penalties if a dog, its owner or custodian, have completed obedience and/or behavior training classes approved by the court.

### **13-402. Abatement of Public Nuisance Animals.**

When it reasonably appears to the Animal Services Division that any animal is a nuisance as defined in this Title, and that such nuisance should be abated, the Animal Services Division shall first attempt to obtain the written consent of the animal's owner to abate the animal. If the animal owner's consent cannot be readily obtained, the Animal Services Division may file a complaint in the Justice Court charging the maintenance of a nuisance. The charge shall set forth the facts according to the best of the Animal Services Division's information and belief, indicating that the owner is maintaining a nuisance, and the nuisance should be abated. Until such time as the owner may be summoned to appear before the court, the animal(s) may be taken into impound by the Animal Services Division and held there pending a decision by the court. If the complaint is denied, a hearing will be set pursuant to the normal procedure of the court. If the court finds that the complaint of maintaining a nuisance has been proven, the Animal Services Division will seek an order from the court setting out the method of abatement. Abatement by relocation shall not be an option, if the animal represents a continuing threat of serious harm, such as in the case of a dangerous animal. If relocation is ordered, the court may set whatever conditions are necessary to

guarantee that the said animal shall not constitute a nuisance in the future.

In the event the court determines that the animal is a nuisance, the owner shall pay the cost of all impoundment fees, maintenance fees, or any other fee that may incur as a result of such impoundment, as per the fee resolution.

#### **13-403. Control and Fencing.**

(1) It is unlawful for any person owning or having the custody, possession, or control of any livestock to allow, either negligently, recklessly, knowingly, or intentionally, the livestock to run at large in or about a public property or roadway, where such is not permitted by law, or to otherwise permit the animal to be herded, pastured, or to go upon the land of another without permission.

(2) All fencing of property where livestock are kept shall be of sufficient construction to prevent the escape of or injury to the animals 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.

(3) Failure to properly confine any class of livestock shall constitute a violation of this Title. Any person found in violation shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

**13-404. Female Animals in Heat.** Any owner or person having charge, care, custody or control of any female animal in heat shall, in addition to restraining such animal from running at large, cause such animal to be constantly confined in a building or enclosure so as to prevent it from coming into contact with male animals of the same species old enough to attempt to breed with the female animal. This prohibition shall not apply to planned breeding which occurs with the permission of the custodians of the male and female animal which attempt to breed, and which occurs on the property of the custodian of either the male or female animals, or at a kennel. Any person found in violation of this Ordinance shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

#### **13-405. Possession of a Potentially Dangerous Animal.**

(1) Any person who owns or maintains a

potentially dangerous animal shall use all reasonable means at his or her disposal to restrict a potentially dangerous animal from injuring any other person or animal. The Animal Services Division may, at their discretion, from time to time impose specific restrictions regarding the housing of potentially dangerous animals.

(2) Any person convicted of violating this Section shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

#### **13-406. Failure to Properly Confine a Potentially Dangerous Animal.**

(1) It shall be unlawful for any owner of any potentially dangerous or dangerous animal(s) to allow to run at large or to fail to hold the same in the manner specified for such animal by the Animal Services Division.

(2) Any person convicted of violating this Section shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

**13-407. Animals Running at Large Prohibited.** It shall be unlawful for any owner to allow any animal as defined herein to run at large.

**13-408. Allowing Domestic Fowls to Trespass Prohibited.** It is unlawful for the owner of any domestic fowls such as turkeys, ducks, geese, chickens, peacocks, or any other variety of fowl to permit such fowls to trespass or go upon the premises of another or to run at large on any public property or roadway. Fowls kept and maintained by municipalities within the confines of public parks or aviaries are exempt.

See Tremonton City Code Zoning Ordinance 1.19.065 (Keeping Chickens) for additional information.

**13-409. Staking Animals Improperly on Unenclosed Premises.** It is unlawful for any person to chain, stake out, or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line, unless such person has permission of the owner of the affected property, or the person with whom they share joint tenancy. It shall be unlawful to chain, stake out or tether any animal to public property or to allow an animal so staked or tethered to go upon public property.

**13-410. Animal Waste.** The person having custody of an animal shall be responsible for the immediate removal of any excreta deposited by their animal on any public walk, recreation area, or private property other than that belonging to the owner of the animal.

**13-411. Wild Animals Prohibited.** It shall be unlawful for any person to sell, offer for sale, barter, give away, keep, or purchase any wild animal or reptile, except the animal shelter, a zoological park, veterinarian hospital, humane society, shelter, bona fide laboratory, circus, sideshow, amusement show, a properly licensed individual or a facility for education or scientific purposes. In such cases, animals must be maintained by means of protective devices adequate to prevent such animals from escaping or injuring the public. Every facility controlling or maintaining such animals shall comply with all state and federal regulations regarding quarantine and vaccination as directed for each species. All such wild animals or reptiles shall be kept under confinement on the premises of the owner and shall not be allowed to run at large, and shall be maintained on the premises or private property of the owner in such a manner as to not endanger the life or limb of any persons lawfully entering such premises.

**13-412. Animals Attacking Domestic Animals, Service Animals, Hoofed Protected Wildlife, or Domestic Fowls.** Any person may injure or kill an animal while:

- (1) That animal is attacking, chasing, or worrying:
  - (a) a domesticated animal;
  - (b) a service animal, as defined in Section 62A-5b-102, Utah Code (as amended); or
  - (c) any species of hoofed protected wildlife;
- (2) The animal is attacking domestic fowls; or
- (3) The animal is being pursued for committing an act described in Subsection (a) or (b) above and the pursuit is not maintained in such a manner that continuing it may cause the potential for injury to other persons or property.

**13-413. Restraint of Guard and Attack Dogs**

- (1) Every owner of a guard or attack dog shall keep such dog securely confined in a building, compartment, cage, or other enclosure so that it cannot escape.
- (2) The provisions of this Title shall not apply to dogs owned or controlled by government law enforcement agencies.
- (3) Any person convicted of violating this Section shall be subject to the fine amount and severity

of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

**13-414. Animals Attacking Persons and Other Animals.**

(1) **Attacking animals.** It shall be unlawful for the owner, custodian, or person having charge, care, custody or control of any animal to allow to or fail to prevent said animal from attack, bite, chase or worry any person, any domestic animal or fowl, or any species of hoofed or protected wildlife.

(2) **Custodian liability.** A custodian in violation of subsection (a) above shall be strictly liable for a violation of this Title by an animal in their care.

(3) **Mitigating Factors.** The following factors may be considered in determining the penalties, restitution, or may be considered by the prosecutor in recommending the dismissal of the charge:

- (a) That the custodian of the animal took reasonable precautions to confine or control the animal;
- (b) That the animal was deliberately or maliciously provoked; or
- (c) The animal was responding to pain or injury.

(4) Any person convicted of violating this Section shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council.

## CHAPTER 13-500. IMPOUNDMENT.

**13-501. Impoundment Authorized.**

(1) The Animal Services Division shall place all animals which are taken into custody in a designated animal impound facility.

(2) The following animals may be taken into custody and impounded as deemed necessary:

- (a) Any animal being kept or maintained contrary to the provisions of this Title;
- (b) Any animal running at large, with any reasonable means used to immobilize or capture such animal;
- (c) Any animal which is by this Title required to be licensed and is not licensed; an animal not wearing a tag shall be presumed to be unlicensed for the purposes of this Section;
- (d) Sick or injured animals whose owner cannot be immediately located or whose owner requests impoundment and agrees to pay a fee, as indicated in the fee schedule, for

the services rendered;

(e) Any abandoned or neglected animal whose safety may be threatened should the animal not be readily placed into protective custody;

(f) Animals which are not vaccinated for rabies in accordance with the requirements of this Title;

(g) Any animal needing to be held for quarantine;

(h) Any potentially vicious or dangerous animal not properly confined as required by Sections 13-405 and 13-406 of this Title; or

(i) Any animal in the custody of any person or persons who are arrested or otherwise detained by any police officer, in the event another responsible party cannot be located by the owner.

**13-502. Redemption Requirements.** The owner of any impounded animal or their authorized representative may redeem such animal before disposition, provided they pay the following fees as contained in the City's Consolidated Fee Schedule, adopted by Resolution of the City Council:

(1) The impound fees;

(2) The daily board charge;

(3) The Veterinary costs incurred during the impound period;

(4) License fee, if applicable;

(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 Services, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers.

(6) Any other expenses incurred to impound an animal in accordance with state or local laws, including any reasonable restitution for property damage created by the animal or that occurs as a result of the impoundment.

(7) Any Court ordered fees or fines.

**13-503. Terms of Impoundment, Destruction, and Disposal of Animals.**

(1) Animals shall be impounded for a minimum of three (3) calendar days before further disposition unless the animal is wearing a license tag or other identification, in which case it shall be held a minimum of five (5) calendar days. 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 Shelter by the owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided. A fee shall be charged the owner for the destruction and any subsequent disposal of the carcass done by the Animal Services Division, as per the fee resolution. The owner shall also sign a relinquishment consent.

(2) All animals, except those quarantined or confined by court order, or those subject to Section 4-25-4, Utah Code (as amended), which are held longer than the minimum impound period, and all animals voluntarily relinquished to the impound facility, may be destroyed or disposed of as the Animal Services Director shall direct. Any healthy dog or cat may be sold in compliance with the City Animal Services Division Adoption Policy after payment of all applicable fees, as per the fee resolution. Other small animals, not included as livestock, may also be adopted as determined by the Animal Services Director.

(3) Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention may, at the discretion of the Animal Services Director, be released to the care of a Veterinarian with or without the consent of the owner.

(4) When, in the judgment of the Animal Services 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 limitation otherwise established in this Title, and without court order.

(5) Animal Services Officers may destroy an animal, on site, upon request of the owner without transporting the animal to the City facilities. The destruction will be accomplished through approved euthanasia procedures. A fee, as contained in the City's Consolidated Fee Schedule, adopted by Resolution, shall be charged the owner for the destruction and any subsequent disposal of the carcass done by the Animal Services Division, as per the fee resolution. The owner will sign a form agreeing to the destruction and fee.

**13-504. Declaration and Disposal of Vicious or Dangerous Animals.** If the Animal Services Director, any Animal Services Officer, or the City determines, as a result of a witnessed incident, that an animal is potentially dangerous or dangerous, and finds that the animal is in violation of such restrictions as the Animal Services Division deems necessary for the safety of

persons and/or animals in the community, the Animal Services Division may declare the animal to be a vicious or dangerous animal. The Animal Services Director or any Animal Services Officer are hereby authorized to immediately take possession of the vicious or dangerous animal and place the animal in a proper quarantine facility.

After placing the animal in the Animal Services facility, the Animal Services Director shall first attempt to obtain the written consent of the animal's owner to destroy the animal in a humane manner. If the animal owner's consent cannot be readily obtained, the City shall file a complaint in Tremonton City Justice Court claiming that the animal is vicious or dangerous and needs to be destroyed. If the court finds that the animal is vicious, then the City will seek an order from the court allowing the City to destroy the animal in a humane manner.

In the event the Court determines that the animal is a vicious or dangerous animal, the owner shall pay all costs of impoundment fees, maintenance fees, or any other fees that may incur as a result of such impoundment and/or disposal, as per the Court's order or the City's Consolidated Fee Schedule, adopted by Resolution of the City Council.

**13-505. Impoundment Records.** The impounding facility shall keep a record of each animal impounded which includes the following information:

- (1) Complete and reasonably detailed information about the animal including the approximate size and weight of the animal, its breed(s) if it can reasonably be determined, digital photo (to be taken at the time of impound), its color, markings, sex, and other information which the Animal Services Director deems appropriate, including license tag numbers;
- (2) The manner and date of impound;
- (3) The location of the pickup and the name of the officer or person picking up the animal;
- (4) The manner and date of disposal;
- (5) The name and address of the redeemer or purchaser;
- (6) The name and address of any person relinquishing an animal to the impound facility;
- (7) All fees and costs incurred and received for keeping the animal; and
- (8) All expenses accrued during impoundment.

## **CHAPTER 13-600. RABIES CONTROL.**

### **13-601. Animal Rabies Vaccination Requirements.**

All dogs, cats, or other animals susceptible to rabies for which a federally approved vaccine is available shall be vaccinated at six (6) months of age by a licensed veterinarian or rabies clinic. Every dog shall be revaccinated every twenty-four (24) months and every cat revaccinated every twelve (12) months thereafter. Any unvaccinated dog or cat over six (6) months of age adopted or brought into the jurisdiction must likewise be vaccinated initially. Thereafter valid vaccination must be maintained.

**13-602. Exception for Transient Animals.** The provisions of this Title with respect to vaccination shall not apply to any animal owned by a person temporarily remaining within the jurisdictions for less than thirty (30) days. Such animals shall be kept under strict supervision of the owner. It is unlawful to bring any animal into the jurisdiction, which does not comply with the animal health laws and import regulations.

### **13-603. Vaccination Certification and Tags.**

(1) 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;
- (c) Date of vaccination;
- (d) Rabies vaccination tag number;
- (e) Type of vaccine administered; and
- (f) Manufacturer's serial number of vaccine.

(2) A copy of the certificate shall be distributed to the owner of the animal, 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 Title.

(3) 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 a tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this Title.

### **13-604. Impoundment of Animals 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 a rabies vaccination and payment of all impoundment fees, as per the fee resolution, prior to release.

(2) Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees and by

obtaining a rabies vaccination within seventy-two (72) hours of release.

(3) Any animal not reclaimed within the prescribed period of time shall be disposed of pursuant to provisions of 13-503.

### **13-605. Animal Bites - Duty to Report.**

(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 to the Tremonton Animal Control or Tremonton Police Department.

(2) The owner of an animal that bites a person, and any person bitten by an animal, shall report the bite to the Tremonton Animal Control or the Tremonton Police Department within twenty-four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

(3) A physician or other medical personnel who renders professional treatment for, or having knowledge of, any individual being bitten, scratched, or involved in an exposure to any possible zoonotic disease (from any animal) including but not limited to Rabies, shall report the fact that he has rendered professional treatment to the Tremonton Animal Control or the Tremonton Police Department within twenty-four (24) hours of his first professional attendance. He/she 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 Animal Control or the Police Department.

(4) Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the Tremonton Animal Control or the Tremonton Police Department. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury, and the location of the incident.

(5) Any person not conforming with the requirements of this Chapter shall be in violation of this ordinance.

### **13-606. Quarantine and Disposition of Biting or Rabid Animals.**

(1) Quarantining and Disposition of Biting or Rabid Animals.

(a) An animal that has rabies or which is reasonably believed to have rabies, and every non-human mammal bitten by another animal reasonably believed to have rabies shall immediately be confined to a secure place by

the custodian. The custodian shall turn over the animal to the Division upon demand.

(b) The custodian of any animal of a species subject to rabies which has been bitten by another animal reasonably believed to have rabies shall surrender the animal to an authorized Division or Bear River Health Department or Utah State Department of Health official upon demand.

(i) Any person authorized to enforce this Title may enter upon private property to seize an animal that has rabies or reasonably believed to have rabies; if the custodian refuses to surrender the animal, the officer may obtain a search warrant or court order authorizing seizure and impoundment of the animal as allowed by law.

(c) Any animal of a species subject to rabies that bites a person or animal which is reasonably believed to have rabies may be seized and quarantined for observation for a period of not less than ten (10) days by the Division and/or the Bear River Health Department. The custodian of the animal shall bear the costs of quarantine. The Tremonton City Animal Shelter shall be the normal place for quarantine, but other arrangements, including confinement by the custodian, may be made or approved by the Animal Services Director and/or the Director of Bear River Health Department if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying the exception.

A person who has custody of an animal under quarantine shall immediately notify the Division 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 Department or Division officer to make an inspection of the animal during the period of quarantine. If the animal dies within ten (10)-days from the date of the bite, the person having custody of the animal shall immediately notify the Division. If, at the end of the ten (10)-day period, the Director of Animal Services examines the animal and finds no sign of rabies, the animal may be released to the custodian, or, in the case of a

stray, it shall be disposed of as provided in Section 13-503.

(d) Any wild or feral animal that bites or scratches a person or animal or that is suspected of having rabies may be seized and euthanized for examination of rabies pursuant to Utah Department of Health rules and regulations.

(2) Unvaccinated Bitten Animals.

(a) In the case of an unvaccinated animal species subject to rabies which is known or reasonably suspected to have been bitten, scratched by or otherwise exposed to a known rabid animal, said bitten or exposed animal shall be immediately destroyed.

(b) If the custodian or 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 quarantine to be paid by the custodian. The animal shall be destroyed if the custodian does not comply herewith. The custodian shall immediately notify the Division of the location of the place of quarantine, and shall immediately notify the Division if the animal is moved.

(3) Vaccinated Bitten Animals.

(a) If an animal which is known or is reasonably suspected to have been bitten or exposed by a known rabid animal, has been vaccinated, the animal shall be revaccinated within twenty-four (24) hours and quarantined for a period of thirty (30) days following re-vaccination; or

(b) If the animal is not re-vaccinated within twenty-four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for six (6) months;

(c) The animal shall be destroyed if the custodian does not comply with items (a) or (b) above.

(4) Removal of Quarantined Animal. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission from the Division.

(5) Rabies or Disease Epidemic. Notwithstanding the other provisions of this section, whenever the Mayor or City Council of Tremonton City, upon the recommendation of the Bear River Health Department, the Animal Services Director, or the Chief of Police, shall determine and declare that any disease epidemic exists within the City by reason of rabies, or for any other disease or cause related to

animals, and that it is necessary to protect and preserve the public health and safety, the City Council shall by resolution declare and determine the existence of an epidemic of such disease, and thereupon it shall be the duty of the Director and the Chief of Police of the City when so directed by the City Council, and until such time as it may be determined by the City Council that such disease epidemic no longer exists, to immediately destroy or cause to be destroyed, in the event such epidemic is one of rabies, any dog or dogs which may have bitten any person or persons, dog or dogs, or other animal or animals, or which in the judgment of an officer of the Bear River Health Department is suffering from the disease of rabies, and to immediately destroy, or cause to be immediately destroyed, the dog(s) and such other animal or animals, during the existence of such epidemic, which are declared to be an imminent menace to the public health and safety. During the continuance of such epidemic any person or persons owning any dog(s) within the City shall keep such dog muzzled at all times while it is at large, and any dog(s) un-muzzled and running at large upon any of the public streets, lane, alleys, or other public place of the City during the epidemic shall be impounded and destroyed whether or not such dog(s) be suffering from rabies. Any member of the Animal Services Division or the Police Department is authorized to enforce the provisions hereof.

**13-607. Duty to Report Bites.**

(1) The custodian of an animal that bites a person and any person bitten by an animal having knowledge of such bite shall report the bite to the Tremonton Police Department within twenty-four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

(2) If any animal bites or attacks a person or another animal and thereby causes death, a puncture wound or laceration requiring medical attention, such animal may be immediately impounded by the Division without a court order if otherwise allowed by law, and held at the custodian's expense pending court action. Any such animal may be deemed a vicious or dangerous animal as per 13-504. The Animal Services Division shall promptly serve notice upon the owner and custodian of the animal's impoundment.

(3) The custodian and owner of any animal which bites a person or another person's animal shall promptly provide to such person the name and address of the custodian and (if a different person) the owner, proof of the biting animal's rabies vaccination, and shall provide in writing to the person who was bitten, or if that person is a minor, then to the parent or

guardian of the minor, or to the custodian of the animal which was bitten, any information about the custodian and owner's insurance which might cover the treatment and injury, and any information about the biting animal's likelihood of having rabies.

## **CHAPTER 13-700. ANIMAL CARE AND OFFENSES CONCERNING ANIMALS.**

**13-701. Cruelty to Animals.** A person commits cruelty to animals when said person:

(1) Causes one animal or fowl to fight with another;

(2) Intentionally administers or applies any poisonous or toxic drug or any material injurious to tissues or organs to any animal or livestock, or procures or permits the same to be done, whether the animals are their own property or that of another. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of public health when applied in such a manner as to reasonably prohibit access to other animals;

(3) By act or omission causes pain, suffering, terror or torment, or by act or omission injures, mutilates, or causes disease or death to any animal or fowl;

(4) Administers or applies or procures or permits the administration of application of any trapping mechanism, other than a live capture trap or exposes such a trapping mechanism to domestic animals or livestock, with the intent to harm or take the animal whether the animal is his own property or that of another. All set live capture traps shall be checked and emptied daily. All traps must have owner identification permanently affixed to them;

(5) Neglects or fails to supply such animal with necessary and adequate exercise, care, rest, food, drink, air, light, space, shelter, protection from the elements, and/or medical care;

(6) Raises, trains, purchases, or sells any animal or fowl for fighting or harbors fowl for fighting purposes, which has the comb clipped or the spur altered or who is in possession of an artificial spur;

(7) Is present as a spectator at any animal contest wherein one animal or fowl is caused to fight with another, or rents any building, shed, room, yard, ground, or premises for the purpose of holding such a contest between animals; or knowingly suffers or permits the use of any building, shed, room, yard, ground, or premises belonging to him or under his control for any of these purposes;

(8) Abandons an animal;

(9) Performs or causes to be performed any of the following operations:

(a) Inhumanely removes any portion of the beak of any bird, domestic or wild;

(b) Alters the gait or posture of any animal, by surgical, chemical, mechanical, or any other means, including soring;

(c) Crops or cuts the ears, removes an animal's claws or sterilizes a dog or cat and is not a licensed veterinarian; or

(d) Inhumanely docks the tail of an animal or removes an animal's dewclaws.

(10) Offer chicks, ducklings, goslings, or other fowl for sale; raffles, offers as a prize, a premium, or an advertising device, or displays chicks, ducklings, goslings, or other fowl to the public without providing and operating brooders or other heating devices that may be necessary to maintain the chicks, ducklings, goslings, or other fowl in good health, and without keeping adequate food and water available to the birds at all times;

(11) Carries or causes to be carried any animal in a manner harmful to that animal. Suitable racks, cars, crates, or cages in which such animals may stand, move freely, or lie down during transportation, or while awaiting slaughter, must be provided;

(12) Leaves any animal confined in a vehicle unattended in excessively hot or cold weather;

(13) Continuously drives or works a horse or other animal to a point of observable strain, and denies the animal rest periods. Working animals shall be offered water periodically;

(14) Takes or kills any bird(s) or robs or destroys any nest containing eggs, or young, or any bird in violation of the laws of the state of Utah;

(15) Inhumanely hobbles livestock or other animals;

(16) Leaves any livestock species used for drought, driving, or riding purposes, on the street without protection from the weather and without food and water for a period of time that would endanger the health or safety of the animal;

(17) Recklessly rides or drives any horse, or other livestock species on any street, highway, or avenue within this jurisdiction; or

(18) Induces or encourages an animal to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause physical injury or unnecessary suffering.

(19) Any person convicted of violating this Section shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City

Council.

#### **13-702. Defenses.**

(1) It is a defense to prosecution under this Title that the conduct of the actor towards the animal was by a licensed veterinarian using an accepted veterinary practice or directly related to a bona fide experimentation for scientific research; provided, that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.

(2) Any person may kill a dog while it is attacking, chasing, or worrying any domesticated animal, or any species of hoofed protected wildlife, while attacking domestic fowls, or while such dog is being pursued thereafter.

(3) Any dog making a vicious and unprovoked attack on any person, except when the attack is in defense of the person, family, or property of the dog's owner, may be killed by any person while it is making such an attack.

**13-703. Injuries and Communicable Diseases.** No person shall knowingly harbor or keep any animal with a serious injury, or afflicted with mange, ringworm, distemper, parvo, kennel cough, or any other contagious disease, unless such animal is being given adequate treatment to control or eliminate disease.

#### **13-704. Harboring of Animals Prohibited Duty to Notify.**

(1) It is unlawful for any person to harbor or keep within this jurisdiction any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Animal Services Division within seventy-two (72) hours. The Animal Services Director may take the animal into protective custody.

(2) It shall be unlawful for any person to leave food, shelter or housing structures for animals on public property or on the property of another, except with the owner's permission, which may serve to attract, feed, house or protect stray or feral animals.

#### **13-705. Places Prohibited to Animals.**

(1) It shall be unlawful for any person to take or permit any animals, whether loose, or on a leash or in the person's arms, in any establishment or place of business where food or food products fit for human consumption are sold or distributed, including but not limited to restaurants, grocery stores, meat markets,

farmer's markets, and fruit or vegetable stores. This subsection shall not apply to service animals or K-9 assistance animals.

(2) Dogs, whether on a leash or not on a leash, shall be completely prohibited from all school premises during school hours and school activities, and posted picnic, pond, and play areas.

#### **(3) Exceptions.**

(a) This Subsection shall not apply to service animals in the company of a blind or hearing impaired person, or other certified aid animals, or animals in the presence of their masters for the purpose of public education programs or law enforcement exercises.

(b) This Subsection shall not apply to City owned parks and the City's trail system. However, any person having an animal in the City owned park, or on the trail system shall have a leash on the animal and be in control thereof at all times and shall immediately remove any excreta deposited by their animal as described in section 13-410.

(c) This subsection shall not apply to K-9 assistance animals in the company of their handler.

(4) It is unlawful for the owner of any animal, excluding Service Animals, to permit the animal to enter or be in a place of worship during public service.

(5) All animals shall be required to be properly muzzled while in attendance of any public gathering.

### **CHAPTER 13-800. ENFORCEMENT AND PENALTIES.**

**13-801. Power and Authority of Animal Services Officers.** In the performance of his/her duties, the Animal Services Director and any Animal Services Officer is hereby vested with the power and authority of that office.

**13-802. Investigation.** Animal Services Officers may enter upon privately owned land to investigate reports of vicious animals, cruelty cases, rabies, and other contagious animal disease, and to investigate violations of and enforce the provisions of this Title.

**13-803. Penalties.** Any person convicted of violating any provision of this Title shall be subject to the fine amount and severity of punishment contained in the City's Consolidated Bail Schedule, adopted by Resolution of the City Council, unless designated otherwise, and shall be punished within the confines

of that class as prescribed by the laws of the state of Utah. If any violation be continued, each day's violation shall be deemed a separate offense.

**13-804. Applicability of Procedure for all Peace Officers.** The foregoing provisions of this Title shall govern all peace officers in issuing citations for violations of this Title, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for offenses of a similar class.

REV 07-15.1