

TITLE 3. ANIMAL CONTROL (2005)

Declaration – Adoption of Davis County Animal Control Ordinance. In lieu of establishing a separate Animal Control Ordinance or policy, Clinton City does hereby adopt the 2004 version of the Davis County Animal Control Ordinance. The Ordinance codified to the City Code is as follows:

- Chapter 1. Definitions, 3-1-1**
- Chapter 2. Administration and Enforcement, 3-2-1 to 3-2-13**
- Chapter 3. Licenses and Permits, 3-3-1 to 3-3-13**
- Chapter 4. Animal Nuisance, 3-4-1 to 3-4-14**
- Chapter 5. Impoundment, 3-5-1 to 3-5-6**
- Chapter 6. Rabies Control, 3-6-1 to 3-6-6**
- Chapter 7. Offences Concerning Animals, 3-7-1 to 3-7-7**
- Chapter 8. Fees and Charges, 3-8-1**

Chapter 1. Definitions

3-1-1 Definitions

3-1-1 Definitions. As used in this title:

(1) "Animal" means any and all types of livestock, dogs and cats, and all other subhuman creatures, domestic and wild, male and female, singular and plural.

(2) "Animal boarding establishment" means any establishment that takes in animals and boards them for profit.

(3) "Animal Control Director" means the Director of the Davis County Department of Animal Care and Control.

(4) "Animal grooming parlor" means any establishment maintained for the purpose of offering cosmetological services for animals for profit.

(5) "Animal shelter" means any facility owned and operated by a governmental entity or any animal welfare organization which is incorporated within the state of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domestic animals.

(6) "Animal at large" means any animal, whether licensed or not, when

(a) The animal is off the property of the owner or custodian and is not under the immediate physical restraint by the owner or custodian. "Immediate physical restraint" means a durable restraint device, such as a leash, cage, or other device capable of keeping the animal under physical control,

(b) The animal is on the property of the owner or custodian and is not:

(i) Securely confined in a building, fenced area, cage or kennel;

(ii) Under the immediate physical restraint by the owner or custodian; or

(iii) Under the immediate and effective control of the owner or custodian and does not cause fear to or constitute or appear to present any threat or danger to the safety, comfort or health of other persons.

(c) A working dog while being used for herding sheep, cattle, or other livestock; a hunting dog while lawfully being used to hunt game; or a dog while being trained for herding or hunting shall not be deemed to be an animal at large if the dog is under the proper control of its owner or custodian.7. "Bite" means any actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

(7) "Cat" means any age feline of the domesticated types.

(8) "Cattery" means an establishment for boarding, breeding, buying, grooming or selling cats for profit.

(9) "Center" means the Davis County Animal Control Center.

(10) "Custodian" means a person having formal or informal custody, control, or possession.

(11) "Dangerous animal" means any animal that:

(a) Is dangerously aggressive or uncontrollable, including, but not limited to, any animal which has bitten or in any manner attacked any person or animal with or without provocation whether on public or private property;

(b) Has been previously found to be a potentially dangerous animal, whose owner has 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

(c) Is found to be in violation of any of the restrictions placed upon the animal by the department pertaining to a potentially dangerous animal.

(12) "Department" means the Davis County Department of Animal Care and Control.

(13) "Director" means the Director of the Davis County Department of Animal Care and Control.

(14) "Dog" means any *canis familiaris*.

(15) "Domestic animals" means animals customarily and accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, fowls, horses, swine, cows, sheep, mules, donkeys, cattle and llamas.

(16) "Estray" means any livestock found at large.

(17) "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 that it cannot come into contact with the public.

(18) "Kennel" means land or buildings used in the keeping of

three or more dogs, four months or older.

(19) "Livestock" means any normally domesticated animal that is not a cat, or dog, such as; cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc.

(20) "Owner" means any person having an ownership or proprietary interest in an animal or having formal or informal custody of an animal.

(21) "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.

(22) "Pet shop" means 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.

(23) "Potentially dangerous animal" means any animal:

(a) That, with or without provocation, chases, attacks, threatens or approaches a person, domestic animal or livestock in a threatening or menacing fashion, or apparent attitude of attack;

(b) Any animal with a known propensity, tendency or disposition to attack a person, domestic animal, or livestock with or without provocation; or

(c) That, because of witnessed and documented conduct is reasonably believed to be capable or causing injury to or otherwise poses a threat to the safety of a person, another animal or livestock.

(24) "Quarantine" means the isolation of an animal as required by this title in a substantial and approved enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

(25) "Restraint device" means any chain, leash, cord, rope, or other device used to physically restrain an animal, exclusive of any underground or other electrical or radio device.

(26) "Riding school or stable" means an establishment, person or business which offers boarding and/or riding instruction of any horse or other riding animal or which offers such animal for hire.

(27) "Vicious animal" means any animal which has:

(a) Inflicted severe injury on a human being with or without provocation on public or private Property.

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

(c) 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 chapter 3-4-5 and 3-4-6 of this title.

(28) "Wild animal" means 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:

(a) Alligators, crocodiles, Caiman;

(b) Bears (Ursidae). All bears including grizzly bears, brown bears and black bears;

(c) Cat Family (Felidae). All except the commonly accepted domesticated cats; including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;

(d) Dog Family (Canidae). All, except domesticated dogs, and 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;

(e) Porcupine;

(f) Primates (all subhuman primates);

(g) Raccoon (all varieties);

(h) Skunks;

(i) Venomous snakes or lizards;

(j) Weasels. (All weasels, martens, 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.

Chapter 2. Administration and Enforcement

3-2-1	Animal Control Department Created
3-2-2	Animal Control Director Appointed
3-2-3	Duties of Director
3-2-4	Animal Control Officers—Power and Authority
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3-2-1 Animal Control Department Created. The Davis County Commission has created the Davis County Animal Care and Control Department for the purpose of resolving animal related disputes in the unincorporated areas of Davis County, and by contract with participating cities within the boundaries of Davis County. The department shall participate in the licensing of dogs, impounding of all varieties of domestic animals and the disposing of the same.

3-2-2 Animal Control Director Appointed. There is created the position of Davis County Animal Control Director for the purpose of supervising the animal care and control program, which shall include, but shall not be limited to the licensing of dogs, resolving animal related disputes as well as managing the operation of the Davis County animal shelter. The director shall work under the direction of the commission, and shall be delegated certain duties and responsibilities from time to time as determined by the Board of Davis County Commissioners.

3-2-3 Duties of Director. The Animal Control Director of Davis County shall have the following duties and responsibilities:

- (1) The director shall see that taxes and licenses imposed by this title are collected and properly distributed.
- (2) The director shall supervise the collection of carcasses of all dead dogs and cats from the streets of participating communities, and shall supervise the delivery of them together with the carcasses of all animals put to death at the animal control shelter, as hereinafter provided, to the North Davis refuse disposal site or such other place as designated by the Davis County Board of Commissioners.
- (3) The director shall keep an accurate account of all moneys collected by the department and from whom all fees are collected from the sale of licenses, and all other

services rendered by himself or herself or his or her employees, and deliver the funds to the Davis County Auditor as set forth in the County financial policy.

(4) The director shall supervise the keeping of a register showing the breed, sex and color of each animal impounded, the date and reason for such impounding and the disposition of each impounded animal.

(5) The director shall supervise the animal shelter and keep the same in a sanitary and orderly condition.

(6) The director shall supervise the animal control officers and other agents and employees of the Animal Control Department.

(7) The director shall review the unresolved claims, grievances, or complaints regarding the administration and enforcement of this title; the interpretation and application of the provisions of this title; and the actions of the personnel of the Department at the request of a citizen submitting the claim, grievance, or complaint.

3-2-4 Animal Control Officers—Power and Authority.

(1) The Animal Control Director or any person employed by the Department of Animal Control as an animal control officer shall take the oath of office as prescribed by the County Commission, and shall be vested with the power and authority to enforce this title.

(2) The Animal Control Director, assistants, and animal control officers are authorized and empowered to apprehend and take with them and impound any animal found in violation of this title, and all other duties prescribed in the enforcement of this title.

(3) In the performance of his duties, the animal control officer is hereby vested with the power and authority of that office within the County Animal Control Department. Badges of authority shall be issued by the County Animal Control Director, officers having received and been sworn to the oath of office by the Clerk of Davis County.

(4) Animal control officers shall be special function officers and shall have the powers and authority as provided in Section 53-13-105, *Utah Code Annotated* as that section exists or may be subsequently amended.

3-2-5 Animal Shelter. The Davis County Commission shall provide suitable premises and facilities to be used as a County animal control shelter wherein impounded animals can be adequately kept. Davis County shall also purchase and supply adequate food for all impounded animals.

3-2-6 Investigation and Enforcement.

(1) Animal control officers and peace officers may enter upon privately owned property to investigate reports of vicious animals, cruelty to animal cases, rabies and other contagious animal diseases, and to investigate alleged or reasonably suspected violations of the

provisions of this title and to enforce the provisions of this title.

(2) In the enforcement of this title, all peace officers, animal control officers, and employees of the department are authorized to enter onto the open premises of any property to take possession of any animal in violation, or for which there is reasonable cause to believe, is in violation of this title or for the protection of any person.

3-2-7 Interfering with Officers Prohibited. It is unlawful off any person to knowingly and intentionally interfere with the director or any animal control officer hi the lawful discharge of his or her duties as prescribed in this title.

3-2-8 Applicability of Procedure for all Peace Officers. The foregoing provisions of this title shall govern all peace officer in issuing citations for violations of this title, but the procedure prescribed in this title shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for offense of like grade.

3-2-9 Citations.

(1) An animal control officer and/or a peace officer is authorized to issue a criminal citation to any person upon a charge of violating any provision of this title.

(2) The form of the citation, and proceedings to be handled with respect to that citation, shall conform to the provisions of the *Utah Code of Criminal Procedure*, as set forth in Title 77, Chapter 7, *Utah Code Annotated*, as that chapter exists or may be subsequently amended.

3-2-10 Notice of Violation and Stipulation.

(1) In the event of a violation of this title, an animal control officer at the discretion of the officer may, in lieu of issuing a criminal citation and with the consent of the person charged with the violation, issue a notice of violation and stipulation; provided that the person charged signs the notice and stipulation.

(2) The notice of violation and stipulation shall state and describe:

(a) The violation, the pertinent sections of this title, and acceptable remedy, and a compliance date by which the person charged must comply with the remedial requirement;

(b) That the person charged waives all rights to contest the charge and the right to a trial or hearing on the charge;

(c) The amount of any administrative fee to be paid by the person charged to the Department; and;

(d) That the person charged is not required to sign the notice and stipulation but that the refusal or failure of the person charged to sign the notice and stipulation, pay the administrative fee, comply with the remedial requirement by the state compliance date may result in either the issuance of a criminal citation to the person charged or, at the option of the Director, enforcement of the stipulation in court.

(e) The notice of violation, when signed by the person

charged, constitutes a contractual stipulation to resolve the violation which may be enforced in court.

(3) The issuance of a notice of violation in lieu of a criminal citation is intended to provide an equitable method for resolving violations administratively with the consent of the person charged.

3-2-11 Administrative Conference.

(1) In lieu of issuing a criminal citation and in an attempt to resolve disputes or situations, the Director may, at his/her option, conduct an informal conference with the person charged and attempt to resolve the issue by a settlement agreement. The conference shall not be open to the public and no third party intervention or recording of the conference shall be permitted unless the person and Director both agree otherwise.

(2) When good cause appears, the Director may allow a deviation from this procedure as part of a settlement agreement if it is determined that strict compliance with the procedures is impractical, unnecessary, not in the best interests of all concerned, or that justice may be better furthered by such deviation. The Director shall state the good cause and the reasons for the deviation in the settlement agreement.

(3) If an action is commenced in court, whether civil or criminal, regarding the matter, then this procedure shall not be available.

(4) Any settlement agreement shall be in writing signed by the person who would otherwise be charged and the Director.

3-2-12 Review Process.

(1) The Director shall review the unresolved claims, grievances, or complaints regarding the administration and enforcement of this title; the interpretation and application of the provisions of this title; and the actions of the personnel of the Department at the request of a citizen submitting the claim, grievance, or complaint.

(2) If the citizen does not accept the findings and conclusions of the director, the director may consult with or refer the matter to the County Commissioner responsible for overseeing the Department for review, providing that the commissioner is willing to undertake that review.

3-2-13 Administrative Fee Schedule. Administrative fees to be assessed and collected with respect to Animal Control violation notices shall be:

	First Offense	Second Offense	Third Offense
Licensing and Registration	25.00	50.00	100.00
Tag and Collar Require	25.00	50.00	100.00
Unlawful Removal of Dog Tag	100.00	100.00	100.00
Kennel License	75.00	100.00	300.00
Number of Dogs Per Residence	75.00	100.00	300.00
Regulatory Permits	75.00	100.00	300.00
Nuisance Animals	25.00	50.00	100.00
Livestock and Control Fencing	25.00	50.00	100.00

Female Dogs in Heat	25.00	50.00	100.00
Failure to Properly Confine Potentially Dangerous or Dangerous Animal	100.00		
Animal at Large Prohibited	25.00	50.00	100.00
Allowing Domestic Fowl to Trespass	25.00	50.00	100.00
Staking Animals Improperly	25.00	50.00	100.00
Animal Waste	25.00	50.00	100.00
Animals Rabies Requirements	25.00	50.00	100.00
Duty to Report	25.00	50.00	100.00
Places Prohibited to Animals	25.00	50.00	100.00

Chapter 3. Licenses and Permits

3-3-1	Licensing and Registration of Dogs
3-3-2	Exemptions for Licensing
3-3-3	Tag and Collar Required
3-3-4	Removal of Tag Unlawful
3-3-5	Kennel License
3-3-6	Number of Dogs per Residence
3-3-7	Regulatory Permits
3-3-8	Display of Permit
3-3-9	Renewal of Permit
3-3-10	Exemptions
3-3-11	Inspections
3-3-12	Suspension or Revocation of Permit
3-3-13	Notice Served

3-3-1 Licensing and Registration of Dogs. It is unlawful for any person to own, keep, harbor or maintain a dog over the age of four months of age, without registering and obtaining a license for such dogs from the Animal Control Department or authorized vendor. All dogs brought into Davis County shall require registering and licensing within thirty (30) days after they enter Davis County, or within thirty (30) days after having reached the age of four months. The annual fee for all dog licenses shall be from time to time set by resolution by the Board of County Commissioners. For any dog not registered within thirty (30) days after having been brought into Davis County, or within thirty (30) days of being four months old, the owner thereof will be required to pay an additional license late fee which shall be set from time to time by resolution of the Board of County Commissioners. No dog shall be licensed as spayed or neutered without proof that the surgery has been performed. Dog licenses shall be renewed each year, with each license being valid from the date of purchase for twelve (12) consecutive months with the license expiration date one year from the date of purchase. Licenses not renewed within thirty (30) days of expiration shall be subject to the applicable late fee.

3-3-2 Exemptions for Licensing. The provisions of Section 6.12.010 shall not apply to the following:

- (1) Licensed dogs whose owners are nonresidents, temporarily (up to thirty (30) days) within Davis County; provided, however, that licensed dogs whose owners remain within Davis County longer than thirty (30) days may transfer current license from another county to Davis County upon payment of a transfer fee and proof of current rabies vaccination;
- (2) Individual dogs within a properly licensed kennel or other such establishment;
- (3) A person sixty (60) years of age or older may, upon proof of age, obtain a dog license for an un-sterilized dog or cat at a reduced rate as set from time to time by the commission. A person sixty (60) years of age or older may obtain a dog license for a spay or neutered dog for a one-time fee as established by the County Commission;

(4) "Seeing-eye" dog properly trained to assist blind persons if such dog are actually being used by the blind person to assist them in moving from place to place, or "seeing-eye" dogs registered in a recognized training program;

(5) "Hearing" dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds;

(6) Dogs especially trained to assist officials of governmental agencies in the performance of their duties, and which are owned or maintained by such agencies

Notwithstanding the foregoing, nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination every two years.

3-3-3 Tag and Collar Required. Upon payment of the license fee, there shall be issued to the owner, a metallic tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In the event a dog tag is lost or destroyed, a duplicate will be issued by the Animal Control Department upon presentation of a receipt showing payment of the license fee for the current year, and payment of a duplicate tag fee as set from time to time by the Board of County Commissioners. The license shall not be transferable from one dog to another and no refund shall be made on any dog license for any reason whatsoever.

3-3-4 Removal of Tag Unlawful. It is unlawful to deprive a registered dog of its collar and or its tag.

3-3-5 Kennel License. It is unlawful for any person to operate or maintain a kennel, as described in Chapter 6.04 without first obtaining a kennel license from the Animal Control Department, which license shall be in addition to all other required zoning and health inspections and permits as required by city and state law. Animal owners making application for a kennel license shall first seek approval from the city or County Zoning Department, and an inspection approval from the Davis County Health Department. Upon notification from the Health Department that the kennel facility has been inspected and approved, Davis County animal control personnel will perform an additional and final inspection, and upon approval, issue a kennel license. Kennel licenses shall also be valid for one year from the date of purchase. No kennel license shall be issued to any residence within any neighborhood with zoning regulations that prohibit the same.

3-3-6 Number of Dogs per Residence. No person or persons at any one residence within the jurisdiction of this title shall at any one time own, harbor, license or maintain more than two dogs in any combination, except as otherwise provided in this chapter.

3-3-7 Regulatory Permits. It is 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 regulatory permit from the Animal Control Department, which permit shall be 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. Before the permit is issued, approval shall be granted by the Davis County Health Department, and appropriate zoning authority and the Animal Control Division. Establishments in existence prior to the ratification of this title shall obtain such regulatory permit within ninety (90) days of written notification of the regulatory inspector that such a permit is necessary.

3-3-8 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 permittee shall notify the Animal Control Department within thirty (30) days of any change of its establishment, or operation which may affect the status of the permit. In the event of a change in ownership of the establishment, the permittee shall notify the Department of Animal Control immediately. Permits shall not be transferable from one owner to another.

3-3-9 Renewal of Permit. Any permit issued pursuant to this chapter shall automatically expire one year immediately following the date of issue. Within two months prior to the date of expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee. Any application made after the expiration date, except in 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.

3-3-10 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.

3-3-11 Inspections. All establishments required to obtain a permit 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 Department of Animal Control.

3-3-12 Suspension or Revocation of Permit.

(1) Grounds. A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

- (a) Falsification of facts in a permit application;
- (b) 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;
- (c) Conviction of a charge of cruelty to animals.

(2) Procedure.

(a) If an inspection of any facility operating with a regulatory permit reveals a violation of this title, 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:

- (i) Set forth the specific violation found;
- (ii) Establish a specific and reasonable period of time for the correction of the violation(s) found;

(iii) State that any failure to comply with any notice issued in accordance with the provisions of this title shall result in immediate suspension of the permit;

(iv) State that an opportunity for an appeal from any notice of inspection finding shall be provided if a written request for hearing is filed with the Department of Animal Control within five days of the date of notice.

(v) Upon request of a hearing, a minimum of five days notice shall be given to the permittee advising him or her of the date and time of such hearing and listing the cause or causes for such suspension or revocation.

(b) 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 or until all requirements of this title have been met.

(c) Any permit granted under this title may be suspended or revoked by the Animal Control Department for violations listed in this chapter.

3-3-13 Notice Served. Notice provided for under this title 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 or license holder. A copy of such notice shall be filed with the records of the Department of Animal Control. (Amended during 2001 codification)

Chapter 4. Animal Nuisances

- 3-4-1 Nuisance Animals
- 3-4-2 Abatement of Public Nuisance Animals
- 3-4-3 Livestock—Control and Fencing
- 3-4-4 Female Dogs in Heat
- 3-4-5 Possession of a Potentially Dangerous Animal
- 3-4-6 Possession of Dangerous Animals
- 3-4-7 Failure to Properly Confine Potentially Dangerous or Dangerous Animal
- 3-4-8 Animal at Large Prohibited
- 3-4-9 Allowing Domestic Fowls to Trespass Prohibited
- 3-4-10 Staking Animals Improperly on Unenclosed Premises
- 3-4-11 Animal Waste
- 3-4-12 Control and Fencing of Livestock
- 3-4-13 Possession of Wild Animals Prohibited – Prohibited Exceptions

3-4-1 Nuisance Animals.

- (1) All persons having custody of animals shall exercise proper care and control of his or her animal(s) in order to prevent them from becoming a nuisance. It shall be unlawful for any owner or custodian to keep a nuisance animal contrary to the provisions of this title.
- (2) An animal shall be deemed to be a nuisance if the animal:
- (a) Causes damage to the property of anyone other than its owner;
 - (b) Causes unreasonable odors;
 - (c) Causes unsanitary conditions;
 - (d) Barks, whines, howls, or makes other disturbing noises for an extended period of time;
 - (e) Chases vehicles;
 - (f) Is an animal which on more than one occasion has been impounded for being at large or its owner or custodian has been convicted for the animal being at large;
 - (g) Is an animal previously declared potentially dangerous or dangerous and is found in violation of restrictions placed on that dog by the Department of Animal Care and Control.
 - (h) Is found by a court to be a public nuisance under state law;
 - (i) Repeatedly molests or intimidates neighbors, pedestrians, or passersby by lunging at fences, chasing, or acting aggressively towards such person or persons unless provoked by such person or persons.
 - (j) Is a wild animal as defined in this title and the possession of the wild animal is prohibited.

3-4-2 Abatement of Public Nuisance Animals.

- (1) When it reasonably appears to the Director that any

animal is a nuisance as defined in this chapter, and that such nuisance should be abated, the director shall first attempt to obtain the written consent of the animal's owner or custodian to abate the animal.

(2) "Abatement" shall be defined to include the euthanization, relocation, or placement of the animal under conditions acceptable to the owner or custodian of the animal and the Director. 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 vicious dog.

(3) If the consent of the animal's owner or custodian cannot be readily obtained, the Director may file a complaint with a court of competent jurisdiction charging the owner or custodian of the animal with the maintenance of a nuisance and alleging the facts according to the best of the Director's information and belief, indicating that the owner or custodian is maintaining a nuisance and the nuisance should be abated.

(4) Until such time as the owner or custodian may be summoned to appear before the court, the animal(s) may be impounded by the Department and held at the Center or such other place as the Director deems appropriate pending a decision by the court.

(5) If the court finds that the owner or custodian of the animal is maintaining a nuisance, the department will seek an order from the court setting out the method of abatement. If relocation is ordered, the court may set whatever conditions are necessary to guarantee that the animal shall not constitute a nuisance in the future. In the event the court determines that the animal is a nuisance, the owner or custodian shall pay the cost of all impoundment fees, maintenance fees, or any other fee that may incur as a result of such impoundment and the County shall be entitled to a judgment for that amount and for the costs of enforcement.

3-4-3 Livestock - 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 or with specific intent, 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.

Failure to properly confine any class of livestock shall constitute a violation of this section.

3-4-4 Female Dogs in Heat. Except for planned breeding, any owner or person having charge, care,

custody or control of any female dog in heat shall, in addition to restraining such dog from running at large, cause such dog 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 dogs and creating a nuisance.

3-4-5 Possession of a Potentially Dangerous Animal.

- (1) Any person who owns or maintains a potentially dangerous animal shall:
 - (a) Use all reasonable means at his or her disposal to restrict that potentially dangerous animal from injuring any person or animal; and
 - (b) Have a microchip inserted and maintained in that potentially dangerous animal, at the expense of the owner or the person who maintains the potentially dangerous animal, for identification purposes. If the animal is in the custody of animal control, that animal may not be released until that microchip is inserted.
- (2) The department may, at the discretion of the Animal Control Director or the authorized agents of the Animal Control Director, from time to time impose specific restrictions regarding the housing and conditions for the keeping of potentially dangerous animals.

3-4-6 Possession of Dangerous Animals.

- (1) Any dangerous animal, while on the owner's property, must be securely confined indoors, or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure for a dangerous animal shall have secure sides and top and shall also provide protection from the elements for the animal. The structure shall be such that the animal cannot burrow or dig under the sides of the enclosure.
- (2) Dangerous animals, when outside the proper enclosure, must be under immediate control of a responsible adult by means of a restraint device and muzzled. The muzzle shall be made in such a manner that it will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any person or animal.
- (3) The Director of Animal Control or his or her authorized agents may take into immediate possession any dangerous animal if the officer determines that the animal is:
 - (a) Not maintained in a proper enclosure;
 - (b) Is outside of the dwelling of the owner, or outside of a proper enclosure and not under physical restraint of the person; or
 - (c) If there are any further violations of any legal restrictions previously placed on such animal by the Davis County Animal Control Department as provided in this title.

3-4-7 Failure to Properly Confine Potentially

Dangerous or Dangerous Animal. Any owner of any potentially dangerous or dangerous animal who allows it to go at large or who fails to hold the same in the manner specified for such animal by the Department of Animal Control is guilty of a misdemeanor.

3-4-8 Animal at Large Prohibited. It is unlawful for any animal to be allowed to be "at large" as defined in this title.

3-4-9 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, except that they shall not be allowed on public roadways.

3-4-10 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 he shares joint tenancy. No animals are to be staked along public roadway easements.

3-4-11 Animal Waste. The owner or custodian of an animal shall be responsible for the immediate removal of any excreta deposited by his or her animal on any public walk, recreation area, or private property other than that belonging to the owner of the animal. It shall be unlawful for the owner or custodian to fail to so remove the excreta.

3-4-12 Control and Fencing of Livestock.

- (1) It is unlawful for an owner or handler of livestock to allow, either negligently or willfully, the same to run at large in an area where such is not permitted by any law or regulation.
- (2) It is unlawful for an owner or handler of livestock to allow, either negligently or willfully the same to be herded, pastured or to otherwise enter upon the land of another person without the consent of that person.
- (3) In areas where livestock are not permitted to run at large, the owner or handler of livestock shall construct adequate fencing and shall maintain such fencing to prevent livestock animals' escape from the owner's or handler's premises.
- (4) For the purposes of this section, "adequate fencing" means, at a minimum, mesh, barbed wire, chain link, rail or post fencing, or metal fence panels.
- (5) Because of the unusual hazards presented by stallions, such animals shall be confined in a fenced enclosure with a minimum fence height of eight feet.
- (6) Failure by an owner or handler to erect and maintain the fencing required by this section, thus permitting the escape of,

or injury to persons, property or other domesticated animals, shall be a violation of this title.

3-4-13 Possession of Wild Animals Prohibited – Exceptions.

(1) It shall be unlawful for any person or entity to:

(a) Own, possess, give, keep, or sell any wild animal as defined in this title except only for the following persons or entities;

(i) The Department which has impounded or otherwise obtained possession of a wild animal;

(ii) Veterinarian or veterinarian facility which is treating the animal;

(iii) A licensed zoological facility or zoo;

(iv) An educational or scientific facility or laboratory owned and operated by a governmental entity or a licensed individual or private non-profit corporation for educational or a scientific purpose;

(v) A circus or other entertainment person or entity having the necessary and appropriate license or governmental permit for the wild animal;

(vi) An animal shelter; or

(vii) A person or entity authorized by the Utah State Department of Wildlife Resources to possess and use the wild animal for educational or scientific purposes.

(b) Keep or maintain a wild animal on the premises of the owner other than under a controlled confinement.

(c) Allow the animal to run at large or to maintain, transport, display, or use the animal in a manner which endangers any person whether on the premises of the owner or elsewhere.

(2) Any person or entity lawfully in possession or custody of a wild animal under this section shall be guilty of a misdemeanor if that person or entity does not:

(a) Maintain, transport, display, and use the wild animal using protective devices and procedures approved by the Department. Such devices and procedures shall be adequate and appropriate to protect the animal, persons, and the public and prevent the animal from escaping, running at large, causing injury to or constituting potential danger for the public or other animals.

(b) Comply fully with all applicable federal, state, city, and county laws, rules, and regulations regarding the care, keeping, treatment, quarantine, and vaccination of the animal.

Chapter 5. Impoundment

- 3-5-1 Impoundment Authorized
- 3-5-2 Impoundment Recordkeeping Requirements
- 3-5-3 Redemption Requirements
- 3-5-4 Impoundment and Disposal
- 3-5-5 Vicious Animal Abatement and Disposal
- 3-5-6 Animal Shelter - Sterilization of Animals

3-5-1 Impoundment Authorized.

- (1) The Animal Control Department 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 reasonable fee for the services rendered;
 - (e) Any abandoned, 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 held for quarantine;
 - (h) Any potentially dangerous or dangerous animal not properly confined as required by Sections 6.16.050 and 6.16.060;
 - (i) Any animal in the custody of any person or persons who are arrested or otherwise detained by any police officer, in the event that the owner or another responsible party who will take custody of the animal cannot be located by the person or persons arrested or detained;
 - (j) Any astray as defined in this title or by state law.

3-5-2 Impoundment Recordkeeping Requirements.

The impounding facility shall keep a record of each animal impounded, which includes the following information;

- (1) Complete description of the animal including any tag numbers;
- (2) The manner and date of impound;
- (3) The location of the pickup and identification number of the impounding officer;

- (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 the animal;
- (7) All fees received;
- (8) All expenses accruing during impoundment.

3-5-3 Redemption Requirements.

- (1) The owner of any impounded animal or his or her authorized representative may redeem such animal before disposition, provided he or she pays:
 - (a) The impound fees;
 - (b) The daily board charge;
 - (c) The veterinary costs incurred during the impound period;
 - (d) License fee, if applicable;
 - (e) A transportation fee if transportation of an impounded animal by specialized equipment is required. "Specialized equipment" is that equipment, other than the usual patrol and operation vehicles of animal control, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers. This fee shall be determined by the Davis County Commission at a level which approximates the cost of utilizing the specialized equipment in the particular situation;
 - (f) 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.
- (2) The Davis County Commission, at the recommendation of the Director of Animal Control shall from time to time set impound fees and daily board charges for the impounding of animals. Such fees shall take into account the type of animal impounded.

3-5-4 Impoundment and Disposal.

- (1) Animals shall be impounded for a minimum of three business 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 business 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 control facility by the owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.
- (2) All animals, except those quarantined or confined by court order, or those subject to Section 4-25-4, Utah Code Annotated, 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 Director of Animal Control shall direct. Any healthy dog or cat may be sold in compliance with the Davis County animal control adoption policy after payment of all applicable fees. Other small animals, not included as livestock may also be sold as determined by the director.

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

(4) When, in the judgment of the Director of Animal Control, it is determined that an animal should be destroyed without delay 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, except as provided in Chapter 6.24, and without court order.

(5) The Animal Control Director or any of his or her agents may destroy an animal upon request of the owner without transporting the animal to County facilities. An appropriate fee shall be charged the owner for the destruction and any subsequent disposal of the carcass done by the Department of Animal Control.

(6) In the event that an impounded animal is to be sold at an administrative auction, notice of the sale shall be given in a newspaper of general publication once at least 10 calendar days prior to the sale.

3-5-5 Vicious Animal Abatement and Disposal.

(1) If the Animal Control Director or any authorized agent of the Animal Control Director determines, as the result of a witnessed incident, that an animal is either dangerous or potentially dangerous, and finds that the animal is in violation of any restrictions the department deems or has deemed necessary and reasonable for the safety of persons and/or animals, the department may declare the animal to be a vicious animal.

(2) The department is authorized to immediately take possession of the vicious animal and place it in an appropriate and approved quarantine facility.

(3) After placing the vicious animal in an appropriate and approved quarantine facility, the Animal Control Director shall attempt to obtain the written consent of the owner of the vicious animal to euthanize the animal in a humane manner. If the animal owner's consent cannot be readily obtained or the owner refuses to consent to the proposed euthanization, the Animal Control Director shall seek an ex parte order authorizing continued impoundment from a court of competent jurisdiction and an order determining that the animal is vicious as defined by this title and authorizing the euthanization of the animal in a humane manner.

(4) If the court determines that the animal is a vicious

animal, the owner shall pay all costs and fees for the impoundment, maintenance and costs incurred as the result of the impoundment and euthanization.

3-5-6 Animal Shelter - Sterilization of Animals.

(1) For the purposes of this section, the following definitions shall apply:

(a) "Proof of sterilization" means a written document signed by a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act, stating: (i) A specified animal has been sterilized; (ii) The date on which the sterilization was performed; and (iii) The location where the sterilization was performed.

(b) "Recipient" means the person to whom an animal shelter transfers an animal for adoption.

(c) "Sterilization deposit" means the portion of a fee charged by an animal shelter to a recipient or claimant of an un-sterilized animal to ensure the animal is timely sterilized in accordance with an agreement between the recipient or the claimant and the animal shelter.

(d) "Sterilized" means that an animal 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.

(e) "Transfer" means that an animal shelter sells, gives away, places for adoption, or transfers an animal to a recipient.

(2) An animal shelter may not transfer an animal that has not been sterilized, except as provided in this section.

(a) An animal shelter may transfer an animal for adoption that has not been sterilized only if the animal shelter:

(i) Establishes a written agreement, executed by the recipient, stating the animal is not sterilized and the recipient agrees in writing to be responsible for ensuring the animal is sterilized:

(A) Within thirty (30) days after the agreement is signed, if the animal is six months of age or older, or

(B) If the animal is younger than six months of age, within thirty (30) days after the animal becomes six months of age; and

(C) Receives from the recipient a sterilization deposit as provided under this section the terms of which are part of the written agreement executed by the recipient under this section.

(3) A sterilization deposit may be:

(a) A portion of the adoption fee or purchase price of the pet, which will enable the adopter to take the pet for sterilization to a veterinarian with whom the animal shelter has an agreement that the veterinarian will bill the animal shelter directly for the sterilization;

(b) A deposit that is:

- (i) Refundable to the recipient if proof of sterilization of the animal within the appropriate time limits under this section is presented to the animal shelter not more than three months after the date the animal is sterilized, and
- (ii) Forfeited to the animal shelter if proof of sterilization is not presented to the animal shelter in compliance with subsection (i) above of this section; or
- (iii) A deposit under this section required for an owner to claim an un-sterilized animal impounded at the animal shelter.
- (c) Sterilization deposits under subsection (3) of this section shall reflect the average reduced cost of a sterilization of an animal, based on the gender and weight of the animal, that is reasonably available in the area where the animal shelter is located, but the deposit may not be less than twenty-five dollars (\$25.00).
- (d) If a female dog or cat and her litter are transferred to one person, a sterilization deposit is required only for the female dog or cat.
- (e) All sterilization deposits forfeited or unclaimed under this section shall be retained by the animal shelter and shall be used by the animal shelter only for:
- (i) A program to sterilize animals, which may include a sliding scale fee program;
- (ii) A public education program to reduce and prevent overpopulation of animals and the related costs to local governments;
- (iii) A follow-up program to assure that animals transferred by the animal shelter are sterilized in accordance with the agreement executed under this section; and
- (iv) Any additional costs incurred by the animal shelter in the administration of the requirements of this section.
- (4) If a recipient fails to comply with the sterilization agreement under this section:
- (a) The failure is ground for seizure and impoundment of the animal by the animal shelter from whom the recipient obtained the animal;
- (b) The recipient relinquishes all ownership rights regarding the animal and any claim to expenses incurred in maintenance and care of the animal; and
- (c) The recipient forfeits the sterilization deposit.
- (5) Upon the second impound within a twelve (12) month period and upon any subsequent impound of an animal that is claimed by its owner, an animal shelter may release the impounded animal to its owner only upon payment of all impound fees required by the shelter and:
- (a) Receipt of proof the animal has been sterilized; or
- (b) A sterilization deposit.
- (c) The sterilization deposit shall be refunded to the owner only if the owner provides proof of sterilization to the animal shelter within thirty (30) days of release of the animal to the owner.
- (6) A person who knowingly commits any of the violations in subsection (5)(b) of this section is subject to a civil penalty of not less than two hundred fifty dollars (\$250.00) on a first violation of said subsection, and a civil penalty of not less than five hundred dollars (\$500.00) on any second or subsequent violation of said subsection.
- (a) The administrator of the animal shelter imposes the civil penalties under this section.
- (b) A person is subject to the civil penalties under subsection (5)(a) of this section who:
- (i) Falsifies any proof of sterilization submitted for the purpose of compliance with this section;
- (ii) Provides to an animal shelter or a licensed veterinarian inaccurate information regarding ownership of any animal required to be submitted for sterilization under this section;
- (iii) Submits to an animal shelter false information regarding sterilization fees or fee schedules; or d. Issues a check for insufficient funds for any sterilization deposit required of the person under this chapter.
- (c) A person who contests a civil penalty imposed against him or her under this section is entitled to an administrative hearing that provides for the person's rights of due process.
- (d) All penalties collected under this section shall be retained by the animal shelter imposing the penalties, to be used solely for the purposes under this section.

Chapter 6. Rabies Control

- 3-6-1 Animal Rabies Vaccination Requirements
- 3-6-2 Exception for Animals Temporarily in Davis County
- 3-6-3 Vaccination Certification and Tags
- 3-6-4 Impoundment of Animals Without Current Vaccination Tags
- 3-6-5 Quarantine and Disposition of Biting, Exposed, Potentially Exposed, Suspected or Rabid Animals
- 3-6-6 Duty to Report

3-6-1 Animal Rabies Vaccination Requirements.

(1) All dogs, cats or other animals susceptible to rabies for which there is a federally approved vaccine shall be vaccinated at four months of age by a licensed veterinarian or rabies clinic.

(2) Any unvaccinated dog, cat, or other animal over four months of age susceptible to rabies for which there is a federally approved vaccine adopted or brought into this jurisdiction must likewise be vaccinated initially immediately.

(3) All dogs, cats, or other animals susceptible to rabies for which there is a federally approved vaccine shall be revaccinated as often as specified by the current Compendium of Animal Rabies Control. All dogs and cats over the age of four months and other animals susceptible to rabies for which there is a federally approved vaccine shall be currently vaccinated for rabies at all times and the owner or custodian of the animal shall keep and present as required a certificate showing that the vaccination period has not expired.

3-6-2 Exception for Animals Temporarily in Davis County. The provisions of this chapter with respect to rabies vaccination shall not apply to any animal which remains within the jurisdictions of Davis County for a period not exceeding thirty (30) days, regardless of the residency or location of the owner; provided, however that if the animal does remain within the jurisdiction of Davis County for more than thirty (30) days, the animal must be vaccinated for rabies and comply with all provisions of this title. It is unlawful to bring any animal into the jurisdiction which does not fully comply with all applicable federal, state and local animal health and import laws, rules, regulations and standards, and specifically those relating to rabies.

3-6-3 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;

(f) Manufacturer's serial number of vaccine.

(2) A copy of the certificate shall be given or delivered to the owner or custodian of the animal, and the original retained by the issuing veterinarian. The veterinarian and the owner or custodian shall retain their copies.

(3) A metal or durable plastic rabies vaccination tag, authorized by the Animal Control Director, and serially numbered, shall be securely attached to the collar or harness of the vaccinated animal. An animal not wearing a current rabies vaccination tag shall be deemed to be unvaccinated and may be impounded, held, released or disposed of pursuant to this chapter.

3-6-4 Impoundment of Animals Without Current Vaccination Tags.

(1) Any animal impounded because it is not wearing a current rabies vaccination tag may be reclaimed by its owner or custodian furnishing a currently valid rabies vaccination tag or adequate documentary proof of a valid and unexpired rabies vaccination showing that the animal had been vaccinated within the immediate prior two years and license if required, obtaining a current vaccination tag, and paying all impoundment fees prior to release.

(2) Any unvaccinated animal which has not been exposed or potentially exposed to rabies and is not suspected of having rabies may be reclaimed by the owner or custodian prior to disposal by payment of impound fees and required costs and by obtaining a rabies vaccination within seventy-two (72) hours of release. Any animal not reclaimed within the prescribed period shall be disposed of pursuant to the provisions of this chapter.

(3) Any animal not reclaimed by the owner or custodian within the prescribed period of time shall be disposed of pursuant to the provisions of this title.

(4) An animal that has been previously vaccinated will be deemed to be unvaccinated if the owner or custodian is unable to provide adequate documentary proof that the previous vaccination has not expired and occurred within the immediate prior two years.

(5) For the purposes of this section, "adequate documentary proof shall consist of the certificate of vaccination or a letter from the veterinarian who vaccinated the animal verifying the date of vaccination and the date of expiration of that vaccination.

3-6-5 Quarantine and Disposition of Biting, Exposed, Potentially Exposed, Suspected or Rabid Animals.

(1) Any animal that has rabies, shows signs of having rabies, and every animal has been exposed or potentially

exposed to rabies, has bitten or been bitten by another animal or a wild animal, or has bitten a person, any animal suspected of any of the foregoing shall be reported by the owner, custodian, or any person having reason to believe that any of the foregoing has occurred or exists as set forth in Section 6.24.060 to the department, State Department of Health, or the Davis County Health Department. The animal shall be immediately confined in a secure place by the owner or custodian. The owner or custodian shall turn the animal over to an animal control officer upon demand.

(2) The owner or custodian of any animal of any species which is subject to rabies and which has been exposed or potentially exposed to rabies, has bitten or been bitten by another animal or a wild animal, or has bitten a person, any animal suspected of any of the foregoing shall surrender the animal to an animal control officer upon demand. Any person authorized to enforce this title may enter upon private property to seize the animal if the owner or custodian refuses to surrender the animal.

(3) An animal that has rabies, shows signs of having rabies, has been exposed or potentially exposed to rabies, has bitten or been bitten by another animal or a wild animal, or has bitten a person, any animal suspected of any of the foregoing may be received, taken or seized and placed into quarantine for observation for a period of not less than ten (10) days, or longer as otherwise provided in this title or applicable state and health standards and regulations or as circumstances may reasonably necessitate, by the department.

(a) The owner or custodian shall pay the costs of the confinement and quarantine.

(b) The animal shelter shall be the preferred place for the quarantine. The department may, at its discretion, make arrangements for the quarantine to be at another place, including confinement by the owner, but only if the department determines that the animal had a current and valid rabies vaccination at the time of the exposure, potential exposure, or bite, or that there are special circumstances which justify a place other than the animal shelter for the quarantine.

(c) The person having custody of the animal under quarantine shall immediately notify the department if the animal displays any signs of rabies, sickness, disease, injury, or unusual or otherwise notable behavior, or if the animal has escaped confinement.

(d) It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health officer or animal control officer to inspect and examine the animal or place of quarantine.

(e) If the animal dies within ten (10) days from the date of the exposure, potential exposure, or bite, the person having custody of the quarantined animal shall immediately notify the department. The department shall immediately remove the animal carcass and deliver the head to the State Health

Department.

(f) If at the end of the observation period, a veterinarian or an investigating officer of the department examines the animal and finds no indication of rabies, the animal may be released to the owner. If the owner of the animal is unknown or fails or refuses to reclaim the dog within a reasonable time after notice, the department may dispose of the animal as provided in this title.

(4) In the case of an animal of a species subject to rabies, which is known to have been bitten by or exposed or potentially exposed to a known rabid animal, and that animal has not been vaccinated or if the owner or custodian of that animal is unable to provide adequate documentary proof that the previous vaccination has not expired and occurred within the immediate prior two years. Such bitten or exposed animal shall be immediately destroyed, except as provided in subsection (4)(a) of this section.

(a) If the owner or custodian is unwilling to destroy or consent to the destruction of the bitten, exposed or potentially exposed animal, the animal shall be immediately isolated and quarantined for a six months period under veterinary care.

(b) The animal shelter shall be the preferred place for the quarantine. The department may, at its discretion, make arrangements for the quarantine to be at another place, including confinement by the owner, but only if the department determines that the animal had a current and valid rabies vaccination at the time of the exposure, potential exposure, or bite, or that there are special circumstances which justify a place other than the animal shelter for the quarantine.

(c) The cost of such confinement and quarantine shall be the responsibility of and paid by the owner.

(d) The animal shall be destroyed if the owner does not comply with the provisions of this section. E. 1. If the animal which has been, exposed or potentially exposed to rabies, has bitten or been bitten by another animal or a wild animal, or has bitten a person, or is an animal suspected of any of the foregoing, is currently vaccinated, as prescribed in this chapter.

(i) If the other animal or wild animal cannot be located and tested, the animal shall be revaccinated immediately, kept under the owner's or custodian's control or placed into quarantine and observed for a period of not less than 45 days.

(ii) If the other animal or wild animal can be located and tested, the animal shall be kept under the owner's or custodian's control or placed into quarantine until the test has been completed and the results given to the Director.

(A) If the test result is negative, then the quarantine may be terminated and no further action will be necessary.

(B) If the test result is positive, the animal shall be revaccinated immediately, kept under the owner's or

custodian's control or placed into quarantine and observed for a period of not less than 45 days.

(e) If the animal is not revaccinated within twenty-four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for six months.

(f) The animal shall be destroyed if the owner or custodian does not comply with subdivisions 1 or 2 of this subsection.

(5) It is unlawful for any person to remove any quarantined animal from the place of quarantine without the specific written permission of the Animal Control Director.

3-6-6 Duty to report.

(1) Any person having knowledge of an animal, or any information regarding its whereabouts, which that person knows or has reason to believe has rabies, has been exposed or potentially exposed to rabies, has bitten or been bitten by another animal or a wild animal, or has bitten a person, or of an animal suspected of any of the foregoing, shall notify the division of the department, the State Health Department, or the Davis County Health Department immediately.

(2) The owner or custodian of an animal that has bitten any person and any person that has been bitten by an animal shall report the incident to the department within twenty-four (24) hours regardless of whether or not the biting animal is of a species subject to rabies.

(3) A physician or other medically qualified person who renders medical or first aid treatment to a person bitten by an animal shall report the fact of that treatment to the department with twenty-four (24) hours of the treatment. The report shall include the name, sex, age and address of the person bitten as well as the nature and location of the bite. If known, the report shall also include the name and address of the owner or custodian of the biting animal and any other relevant facts such as the location and circumstances of the biting incident.

(4) A veterinarian or other person treating an animal which has been bitten by another animal shall report the fact of that treatment to the department. The report shall contain the name and address of the owner or custodian of the bitten animal, and, if known, the name and address of the owner or custodian of the biting animal, together with a description of the animals, the nature and location of the bite or bites, and the location and circumstances of the biting incident.

Chapter 7. Defenses Concerning Animals

3-7-1	Cruelty to Animals
3-7-2	Defenses
3-7-3	Injuries and Communicable Diseases
3-7-4	Charge of Violation and Seizure of Animals
3-7-5	Harboring of Animals Prohibited—Duty to Notify
3-7-6	Motorist Duty to Report Upon Striking an Animal
3-7-7	Places Prohibited to Animals

3-7-1 Cruelty to Animals. A person commits cruelty to animals when he or she:

- (1) Causes one animal or fowl to fight with another;
- (2) Intentionally or carelessly 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 be his 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 if he or she 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 be his or her 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 her or under his or her 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,

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

(10) 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;

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

(12) 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;

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

(14) Inhumanely hobbles livestock or other animals;

(15) Leaves any livestock species used for draught, driving or riding purposes, on the street without protection from the weather and without food and water;

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

(17) 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. (Amended during 2001 codification; Ordinance. 7-1992 § 7.01)

3-7-2 Defenses.

(1) It is a defense to prosecution under this chapter 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 domestic animal having a commercial value, 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..

3-7-3 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.

3-7-4 Charge of Violation and Seizure of Animals. It shall be the duty of a person filing charges under this chapter to seize or arrange to be seized an animal found in the keeping or custody of a person being charged, and which are being used or will be used as evidence in the case resulting from such charge. The person making the seizure shall cause such animals to be delivered immediately to the Department of Animal Control, or in such cases as may be necessary to a veterinarian for treatment. It shall be the duty of that department to humanely hold such animals until further court order regarding their disposal. The perpetrator of any such act shall be responsible for the costs of impound, board, and any medical expenses incurred during the holding period of the animal.

3-7-5 Harboring of Animals Prohibited-Duty to Notify. 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 Davis County animal shelter within seventy-two (72) hours. The Animal Control Director may take the animal into protective custody.

3-7-6 Motorist Duty to Report upon Striking an Animal. It shall be the duty of the operator of any motor vehicle or self-propelled vehicle upon the streets of this jurisdiction to immediately notify, upon injuring, striking, maiming or running down any domestic animal, the animal's owner, the Department of Animal Control, or a law enforcement department. In addition, it shall be the duty of the operator of the motor vehicle to remain with the animal or to obtain a responsible person to remain with the animal until professional assistance arrives. Emergency vehicles are exempted from the requirements of this section.

3-7-7 Places Prohibited to Animals.

(1) It is unlawful for any person to take or permit any animals, excluding "hearing" or "seeing-eye" dogs, whether on a leash or carried or transported into any establishment or place of business where food or food products are sold or distributed, including but not limited to restaurants, grocery stores, meat markets, and fruit or vegetable stores.

(2) It is unlawful for any person to take or permit any animals, whether on a leash or not on a leash, onto any school premises or any posted picnic, play, or other public area, excluding "hearing" and "seeing-eye" dogs and trained dogs in the presence of their owners or custodians for the purpose of public education programs or law enforcement purposes, programs or exercises.

Chapter 8. Fees and Charges

3-8-1 Fees & Charges

3-8-1 Fees & Charges. The impound fees, daily board charges for impounded animals, and other animal care and control charges shall be:

<u>Fee Description</u>	
Relinquishment (at the Animal Shelter)	10.00
Relinquishment (in the field with pickup by Animal Control officer)	20.00
Relinquishment (litter)	15.00
Impound of domestic animal	45.00
Impound of livestock (during day operation hours)	65.00
Impound of livestock (after day operation hours)	75.00
Daily board charges for domestic animal	10.00
Daily board charges for livestock	20.00
Euthanasia and disposal	20.00
Quarantine (for 10 day period)	75.00
Adoption/Purchase (unaltered dog or cat)	10.00
Adoption/Purchase (altered dog or cat)	40.00
Adoption/Purchase (small animal excluding dogs and cats)	5.00
Spay/Neuter Feline	45.00
Spay/Neuter Canine	55.00
License for dog or cat (unaltered) for one year	20.00
License for dog or cat (altered) for one year	10.00
License for dog or cat (unaltered) for one year-Senior Citizen owner	8.00
License for dog or cat (altered) for lifetime - Senior Citizen owner	10.00
Late fee for license	20.00
Kennel Fee (annual)	75.00
Duplicate tag	5.00
Regulatory permit	50.00