

CASTLE DALE CITY ORDINANCE NO. 2-10-11

Whereas, the City of Castle Dale as authorized by the State of Utah under Utah Code, Ann. § 10-8-84 (1953 ed.) as amended, desires to promote responsible pet ownership, humane control, and regulation of animals; and

Whereas, the City of Castle Dale is authorized by Utah Code Ann. §§ 10-8-59, 10-8-60, 10-8-64, and 10-8-77 (1953 ed.) as amended, to regulate owners of pets and live-stock by establishing certain duties, responsibilities, and liabilities as stated in §§ 18-1-1, 18-1-2, and 18-1-3; and

Whereas, the City of Castle Dale seeks to control, confine, and prevent the spread of communicable diseases such as rabies or other animal diseases and protect citizens of said city as authorized by the Utah Code Ann. §§ 26-6-11 to 15 (1953 ed.) as amended; and

Whereas, the City of Castle Dale seeks to license and regulate dogs according to Utah Code Ann. § 10-8-65 (1953 ed.) as amended;

Be it Ordained by Castle Dale City, a Public Corporation, State of Utah:

SECTION 1. DEFINITIONS

As used in this Ordinance the following terms mean:

Animal: Any living creature classified as a member of the animal kingdom including, but not limited to, birds, fish, mammals, and reptiles, but specifically excluding human beings.

Animal Control Officer: A person or persons designated by Castle Dale City to enforce the provisions of this Ordinance, including the collection of licensing and permit fees and performance of other delineated duties; said officer shall, where feasible, meet the qualifications set forth in the Utah Code Ann. § 76-9-302, (1953 ed.) as amended

Animal Shelter: Any facility operated by a humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of the Ordinance or State law.

Applicant: The owner as defined in this ordinance of a dog who is applying for a license or registration.

At-large: Any animal not located on the premises or property of its owner and/or custodian and not leashed or otherwise physically restrained so as to prevent direct contact with people or other animals. Whether and animal is restrained or not it is still considered At-large if it is on another person's private property without that person's consent.

Circus: A commercial variety show featuring animal acts for public entertainment.

City: Castle Dale City.

Commercial Animal Establishment: Any pet shop, grooming shop, riding school or rental business, zoological park, circus performing an animal exhibition, or kennel.

County: All unincorporated areas of Emery County.

Dangerous animal: Any animal which demonstrates vicious or savage behavior and/or possesses the propensity to inflict bodily injury or death upon human beings and/or other animals and constitutes an actual danger to human life or other animals; or any animal which has behaved in such a manner that the owner thereof knows, or reasonably should know, that the animal is possessed of tendencies to commit unprovoked attacks upon or to injure human beings or other animals; or any animal certified by a doctor of veterinary medicine, after observation thereof, as posing a danger to human beings or animals; or any animal, that assaults an individual or animal without provocation; or any animal that commits an unprovoked act that causes a person, acting in a reasonable and non-aggressive manner, to reasonably believe that the animal will attack and cause bodily injury to that person or animal.

‡ Direct Control: Immediate, continuous physical control of a dog at all times by means of a leash, cord, secure fence, electrical or radio controlling device, or chain of such strength to restrain the dog and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle.

Grooming Shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Euthanasia/Humane Killing: Killing by any instantaneous and/or painless method.

Kennel: Any business or establishment other than a veterinary hospital, whether operated separately or in connection with another business or establishment that breeds, keeps, boards, and/or trains dogs and/or cats or other animals, which may legally be present in such facilities, for profit. Kennels must be established, maintained and operated in compliance with all applicable zoning and land use regulations of the city and all State Statutes and regulations of the State of Utah and, in addition, possess a current Castle Dale City business license.

Livestock: Cows, horses, pigs, sheep, and any other animal commonly kept for its meat, hide, milk, eggs, hair, or fur, or for riding purposes.

Licensing Authorities: Any authorized agent by the city of Castle Dale including but not limited to city clerk, recorder, and animal control officer.

Owner: Any person, partnership, corporation or association owning, keeping or harboring one or more animals, or any said person, partnership, or corporation who allows another person, partnership, or corporation to keep or harbor one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Performing Animal Exhibition: Any spectacle, display, act, or event other than circuses or rodeos, in which performing animals are used.

Pet: Any animal which may be legally owned in accordance with the provisions of this ordinance, normally kept for pleasure rather than utility, excluding livestock, which is in the owner's possession, and for which it can be reasonably demonstrated that the care of said pet is the responsibility of a given individual or individuals.

Pet Shop: Any person, partnership, or corporation, whether operating separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells, or boards any species of animal other than livestock or farm animals.

Public Nuisance or Nuisance Animals: Any animal that, due to an owner's failure to control, restrain, or otherwise restrict the animal, either by conduct or condition

1. Molests passers by or passing vehicles by chasing, attacking, or threatening to attack same; provided, however, that mere barking from a distance of 10 feet or greater shall not be considered molesting.
2. Attacks other animals.
3. Trespasses on school grounds.
4. Is repeatedly at large.
5. Damages private or public property (including scattering garbage from garbage cans and depositing excreta on such property).
6. Barks, whines, or howls in an excessive, continuous, or untimely fashion.
7. Produces maggots, flies, odors, or unclean conditions sufficient to annoy or endanger adjacent property owners, residents or other individuals, and where a reasonable effort has not been made to rectify the situation. Reasonable effort shall be determined by the animal control officer or agent of the city.

Restraint: A pet is considered under restraint if it is not At Large and if it is under Direct Control (physical control) of a responsible person.

Riding School or Rental Business: Any place which has available for rent, hire or for riding instruction, any horse, pony, donkey, mule, or burro.

Service Animal: Any animal used in the service of any person that has a legal disability or any animal in the service of law enforcement or rescue work.

Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases, and injuries of animals.

Wild Animal: Any animal not normally considered domesticated and which is now or historically has been found in the wild, or that in their natural life are wild including but not limited to the following:

1. Reptiles; venomous reptiles; any type of crocodile or alligator;
2. Fish: piranha;
3. Mammals: ocelots, lions, tigers, jaguars, leopards, cougars, wolves, raccoon, skunk, fox, panther, lynx or
4. Any species of animal illegal to own under federal, state or local law.

Zoological Park: Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation, or government agency.

SECTION 2. IDENTIFICATION

Required identification for dogs.

- A. A person who owns a dog in the city shall ensure that each dog owned by that person bears a permanent means of identification at all times, such that the owner of a lost or stolen dog can be ascertained quickly and easily.
- B. The means of identification required by this section shall be in addition to any tags required to be worn by dogs by state law or other provision of this ordinance, and shall include at least one of the following:
 1. A permanent tag attached to a durable collar worn at all times by the dog.
 2. Any other means of permanently and/or durably attaching identification to a dog.

SECTION 3. LICENSING

Section 3.1 Licensing of Dogs as authorized by Utah State Code 10-8-65 (1953 ed.)

- A. Any person defined as owning of any dog over six months of age within the city must obtain a license as herein provided.

- B. Written application for licenses shall be made to the city's authorized agents. Said application shall include name and street address of applicant, description of the animal, the appropriate fee, current rabies certificate issued by a licensed veterinarian and any other type of identification.
- C. If not revoked, licenses shall be for the licensing period (1, 2, or 3 years).
- D. Application for a license must be made within thirty days after obtaining a dog over six months of age.
- E. License fees shall not be required for service animals.
- F. Upon acceptance of the license application and fee, the authorized agent shall issue a durable tag stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.
- G. Dogs must have identification at all times when off the premises of the owners.
- H. Castle Dale City shall maintain a record of the identifying numbers of all tags issued.
- I. The licensing period shall begin with the calendar year and shall run for one year. Application for renewal license may be made thirty days before, and up to sixty days after, the start of the calendar year.
- J. Persons who fail to obtain a license as required within the time period specified in this section shall be subject to a late fee of \$5.00 in addition to the license fee.
- K. A license shall be issued after payment of the applicable fee passed by resolution (see current fee schedule).
- L. A duplicate license may be obtained upon payment of a \$5.00 replacement fee.
- M. No person may use any license for any animal other than the animal for which it was issued.
- N. Any homeowner or renter with more than 3 dogs must meet the land use conditions for a kennel and have a kennel license.

Section 3.2 Cats

- A. Cats need not be licensed, however a cat turned in to the Animal shelter will only be returned to the owner after being spayed or neutered, vaccinated for rabies and payment of impound fees. It is required by state law that cats be vaccinated for rabies.
- B. Any cats already spayed or neutered, currently vaccinated for rabies shall be returned to the owner after payment of impound fees. Only those procedures not current need to be performed for the cat to be returned.
- C. A cat may be returned to the owner without being spayed or neutered (i.e. it is to be used for breeding purposes) upon payment of the current spay or neutering fee if all other procedures are current.

- D. A person or family in an individual residence may not own or harbor more than four cats.

SECTION 4. PERMITS

- A. No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.
- B. All such establishments or shelters shall comply with the provision of this Ordinance and other applicable laws.
- C. Upon a showing by an applicant for a permit that he is willing and able to comply with the regulations and provision of this Ordinance, including verification by current rabies vaccination certificate for each animal over 6 months of age, a permit shall be issued upon payment of the application fee.
- D. The permit period shall begin with the calendar year and shall run for one year. Renewal applications for permits shall be made thirty days prior to, and up to sixty days after, the start of the calendar year. Application for permit to establish a new commercial animal establishment under the provisions of the Ordinance may be made at any time. This is in addition to possession of a current Castle Dale City business license.
- E. If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a \$25.00 transfer fee.
- F. Annual permits shall be issued upon payment of the applicable fee as passed by resolution (see current fee schedule)
- G. Every facility regulated by this Ordinance shall be considered a separate enterprise requiring an individual permit and also a current Castle Dale City business license.
- H. Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.
- I. No fee may be required to any veterinary hospital, animal shelter, government-operated zoological park or government-operated rodeo.
- J. Failure to obtain a permit before opening any facility covered in this section shall result in a fine of \$299.00.
- K. Any person who has a change in the category under which a permit was issued shall be subject to re-classification and appropriate adjustment of the permit fee shall be made.

SECTION 5. LICENSE AND PERMIT ISSUANCE AND REVOCATION

- A. The Animal Control Officer may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this Ordinance, the regulations promulgated by said authorities, or any law

governing the protection and keeping of animals, but only after said person is given a hearing with an opportunity to hear the evidence against him and to present evidence in his own defense and only after said licensing authorities shall make written findings of fact from such hearing which justify such revocation.

- B. Any person whose permit of license is revoked shall, within ten days thereafter, deliver to the county animal Shelter or any other licensed facility, or dispose through sale or adoption, or euthanize all animals owned, kept, or harbored by such person and no part of the permit or license fee shall be refunded.
- C. It shall be a condition of the issuance of any permit or license that the Animal Control Officer shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit or license of the refusing owner.
- D. If the applicant has withheld or falsified any information on the application, the Animal Control Officer shall refuse to issue a permit or license, or revoke the same if already issued.
- E. No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- F. Any person having been denied a license or permit may not re-apply for a period of thirty days. Each re-application shall be accompanied by a \$10.00 fee.

SECTION 6. RESTRAINT

- A. All dogs shall be kept under physical restraint so as not to become a public nuisance.
- B. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- C. Every dangerous animal, as determined by the Animal Control Officer, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- D. Any animal which bites, scratches, or otherwise injures any human being, another animal, or the personal property shall be destroyed by the Animal Control Officer, unless he is satisfied that the animal can and will be controlled and confined so as to prevent any further danger to humans and other animals. The owner of such animal shall be liable for any and all damage incurred by said animal and guilty of a Class B Misdemeanor with a minimum fine of \$100.00.

SECTION 7. IMPOUNDMENT AND VIOLATION NOTICE

- A. Unrestrained dogs, at-large animals, nuisance animals or any animal ordered by an authorized city agent may be seized by the Animal Control Officer and impounded in the County animal shelter and there confined in a humane manner.
- B. Impounded dogs and cats shall be kept for not less than five working days unless the animal is a danger to humans or other animals or to themselves or is in obvious pain and suffering.
- C. If by a license tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone, mail, or personal contact. Upon personal contact or telephone notification of owner, they (the owners) have 48 hours in which to contact the impoundment facilities and collect impounded animal or make other arrangements.
- D. An owner reclaiming an impounded animal shall pay a fee of \$15.00 for the first impoundment, plus an \$8.00 boarding fee for each day the animal has been impounded. If the dog is licensed, has a microchip, and is current with rabies vaccinations; it is the first offense during the license period; and the dog is reclaimed from the pound within 48 hours of being contacted, then the city's portion of the fee and boarding fee will be voided. For the second impoundment the fee will be \$25.00. For each and every impoundment thereafter, the fee shall increase by \$10.00 each time to a maximum of \$75.00 (see impoundment fee schedule). This fee schedule will start over annually on January 1st of each year. Fees collected by the pound facility will be paid to the City after the principal pound fee has been subtracted from the total fee, as per Utah Code § 10-8-64.
- E. Any dog *or* cat not reclaimed by its owner within five working days shall become the property of the local government authority and shall be placed for adoption in a suitable home or humanely euthanized.
- F. In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer or the County Sheriff may issue to the known owner of such animal a citation for ordinance violation. This may be done by personal contact or by mail.
- G. Before an animal can be released to the owner, an approved form of identification described in Section 2 will be administered to the animal at the owners' cost.

SECTION 8. ANIMAL CARE

- A. No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

- B. No person shall beat, cruelly ill treat, torment, overload, overwork, unreasonably confine, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- C. No owner of an animal shall abandon such animal – purposely desert or leave unattended away from the owners’ property, without food, water, and shelter – such animal
- D. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop and render such assistance as may be reasonably possible. Such operator shall at once report the accident to the appropriate law enforcement agency.
- E. No person shall expose any known poisonous substance to be consumed, whether mixed with food or not to any pet or livestock as in State statute 76-9-301.
- F. Any animal confined in a pen or cage shall have a minimum of **20** sq. feet of floor space and 8 inches of clearance above its head when standing.

SECTION 9. KEEPING OF WILD ANIMALS.

- A. No person shall keep or permit to be kept on his premises any wild or dangerous animal for display, as a pet, or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses, or animals duly permitted and licensed by the State Division of Wildlife Resources.

SECTION 10. PERFORMING ANIMAL EXHIBITIONS

- A. No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged 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.
- B. All equipment used on a performing animal shall fit properly and be in good working condition.

SECTION 11. ANIMAL WASTE

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or other’s private property.

SECTION 12. STERILIZATION

No unclaimed dog or cat shall be released for adoption without being sterilized, and the cost of such sterilization being paid by the adopting owner.

SECTION 13. ISOLATION OF BITING ANIMALS

Any animal which bites shall be isolated in strict confinement, at the owner's expense, in the County animal shelter and observed in accordance with the Center for Disease Control Rabies Compendium. Notwithstanding the foregoing provision, the Animal Control Officer may authorize, with the permission of the owner and other legal restrictions permitting, the euthanasia of a biting animal for the purpose of laboratory examination for rabies using the fluorescent rabies and antibody (FRA) test in an approved public health laboratory.

SECTION 14. DUTIES OF ANIMAL CONTROL OFFICER AND ENFORCEMENT

- A. The Animal Control Officer:
1. Shall see that all dogs required to have a license or permit shall comply with this Ordinance.
 2. Shall collect the carcasses of all dead dogs, cats and animals other than livestock from the streets and other public places in the City and deliver them, to such place as may be designated by the Council.
 3. Shall be considered an authorized agent of Castle Dale city and authorized to issue all licenses required hereunder. He/She shall collect fees and keep an accurate account of all moneys collected, and from whom collected, for all animals' licenses, and for any other services rendered by him/her in his/her capacity as an agent of Castle Dale City and account for said funds. He/She shall be notified by the zoning board and assist said board in the granting of permits as described in Section 4 of this ordinance.
 4. Shall keep a record showing the breed, sex and color of each animal impounded; the date of impounding; the reason for impounding; and the disposition of such animal. He/She shall make a reasonable effort to identify and locate the owner of each impounded animal.
 5. Shall perform all duties incumbent on him/her under Chapter 26 of the Utah Agricultural Code (Sections 4-25-1 through 4-25-13 Utah Code Ann., 1953, as amended) provided that any contracts with the State Department of Agriculture shall be approved by the City Council prior to becoming effective.

6. Shall follow the Procedures established for Animal Control Officers by the Castle Dale City Council
- B. It shall be a violation of this Ordinance to interfere with Animal Control Officer in the performance of his/her duties.

SECTION 15. PENALTIES

- A. Any owner violating any provisions of this Ordinance shall be guilty of a Class B Misdemeanor and shall be subject to imprisonment for not more than six (6) months and/or a fine of not more than \$1,000.00, unless provided by this Ordinance.
- B. The approved fee schedule shall be adhered to upon the violation of the provisions of this Ordinance by any person, individual, public or private corporation, government, partnership or unincorporated association, or firm as provided by resolution (see current fee schedule)

SECTION 16. CONFLICTING ORDINANCES

All other ordinances of this City that conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 17. ANIMALS PREVIOUSLY LICENSED ELSEWHERE

Dogs that have a current license from another government entity that begin to reside in Castle Dale shall have that license honored until the next regular license renewal period in Castle Dale. At that time a Castle Dale dog license shall be required.

SECTION 18. SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 19. EFFECTIVE DATE OF ORDINANCE

In the opinion of the City Council of Castle Dale City, this Ordinance is necessary for the peace, health, and safety of Castle Dale City and the inhabitants thereof; therefore, this Ordinance shall become effective immediately upon its passage and upon a copy being published, in accordance with law, and upon a copy being deposited in the office of the Castle Dale City Clerk, Castle Dale, Utah.

PASSED AND APPROVED BY the City Council of Castle Dale City this

10th day of February, 2011

ATTEST: CASTLE DALE CITY BY:

Linda Turner
RECORDER

Paul Peacock
MAYOR

