

ORDINANCE NO. 06-96

ROLL CALL

VOTING	YES	NO
MAYOR MARIE W. HUFF <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	not present	
MATTHEW D. BARBER <i>Councilmember</i>	X	
THORA L. SHAW <i>Councilmember</i>	X	
CLYDE A. SWENSON <i>Councilmember</i>	X	
REX WOODHOUSE <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Swenson

I SECOND the foregoing motion: Councilmember Woodhouse

ORDINANCE 06-96

ORDINANCE AMENDING VARIOUS SECTIONS OF THE
ANIMAL CONTROL ORDINANCE FOUND IN CHAPTERS 4
AND 8 OF TITLE 6 OF THE SPANISH FORK MUNICIPAL CODE

WHEREAS, Spanish Fork Municipal Code, Title 6, Chapters 4 and 8, regulates animals and animal concerns within the city; and

WHEREAS, it is necessary from time to time to make amendments to the animal control ordinances in order to meet the needs of the city; and

WHEREAS, it is necessary to have an animal control ordinance in order to protect the health, safety, and welfare of the residents of the city; and

WHEREAS, as the city experiences growth and changes from a rural into a suburban area, amendments to the animal control ordinance are necessary in order to protect the health, safety, and welfare of the residents;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

1. Chapter 4 of Title 6 of the Spanish Fork Municipal Code is hereby amended as follows:

6.04.010 Definitions.

For the purpose of this title, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

1. "Animal" means any live, vertebrate creature, domestic or wild.
2. "Animal Control Officer" means any person designated by the State of Utah, a municipal government or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state.
3. "Animal Grooming Parlor" means any establishment offering cosmetological services for animals and for profit.
4. "Animal Shelter" means any facility operated by a humane society or political subdivision of the State of Utah, for the purpose of impounding or caring for animals held under the authority of this chapter or state law.
5. "Attack" means any biting or attempted biting or other action by an animal which places a person or another animal in danger of imminent bodily harm. Actual physical contact shall not be required to constitute an attack.

6. "Cat" means any age feline of the domesticated types.
7. "Custodian" means any person having the charge, care, custody or control of an animal which he/she does not own.
8. "Dog" means any canis familiarize of the domesticated types.
9. "Domesticated Animal" means any animal accustomed to live in or about the habitation of humans, including, but not limited to, cats, dogs, fowl, horses, swine, cattle, sheep and goats.
10. "Guard Dog" means a dog used for the purpose of deterring crime.
11. "Household Pet" means any animal or fowl ordinarily permitted in a house and kept for company or pleasure and not for profit, such as: dogs, cats, canaries, fish, hamsters, mice, and other animals associated with human environments. Household pets shall not include wildlife, livestock, poultry or any animals which are capable of inflicting harm or discomfort or endangering the health, safety or welfare of any person or property. The number of household pets shall be limited to that allowed by the provisions of each respective zone.
12. "Kennel" means any premises where more than two dogs or cats are raised, kept, housed, or boarded; or any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats.
13. "Leash" or "Lead" means any chain, rope, or device used to restrain an animal.
14. "Owner" means any person, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.
15. "Pet Shop" means any establishment, not part of a kennel, containing cages or exhibition pens wherein dogs, cats, birds, or other pets for sale are kept or displayed.

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

17. "Veterinary Clinic" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, or treatment of diseases and injuries of animals.

6.04.020. Premises Confining Animals and Foul-Neat and Sanitary Condition Required.

[No Change]

6.04.030. Repeal.

[Previously Repealed-No Change]

6.04.040. Banning Any Sick or Diseased Animals.

[Unchanged]

6.04.050. Dead Animals.

[Unchanged]

6.04.060. Animals in Streets.

Section 6.04.060 titled "Animals in Streets" is hereby repealed.

6.04.070. Poisoning Animals.

Section 6.04.070 titled "Poisoning Animals" is hereby repealed.

6.04.080. Cruelty to Animals.

A. [Unchanged]

B. [Unchanged]

C. [Unchanged]

D. Every operator of a motor vehicle or self-propelled vehicle within the city shall, immediately upon injuring, striking, maiming, or running down any domesticated animal, notify the department of public safety, furnishing requested facts relative to such injury. A violation of this paragraph is an infraction.

6.04.090. Excessive Noise.

It is unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night. A violation of this section is a Class C Misdemeanor. It shall not be a violation of this section if the excessive noise is caused due to a person trespassing or threatening to trespass upon private property in or upon which the animal is situated.

6.04.100. Running at Large.

Every owner or custodian of any animal who permits or allows such animal to run at large within the city or to trespass upon the property of another within the limits of the city is guilty of a Class C Misdemeanor. It is prima facie evidence that the owner or custodian has allowed or permitted the animal to run at large if the animal is not restrained by a leash or lead as defined in Section 6.04.010. It is not a violation of this section if such animal is upon the yard of the owner or custodian of such animal. Any animal running at large within the city may be impounded in the manner provided in this chapter.

6.04.110. Impounding.

The animal control officer may apprehend and impound any animal found at large within the city. Any person apprehending any animal running at large on his/her property may deliver the same to any city police officer or animal control officer, which animal may then be impounded in the

county animal shelter. Any animal placed in the county animal shelter shall be redeemed or disposed of pursuant to the rules and regulations as established from time to time by the shelter.

6.04.120. Keeping Certain Animals Unlawful.

[Unchanged]

6.04.130. Rabies Control.

[Unchanged]

6.04.140. Animal Grooming Parlors.

[Unchanged]

6.04.150. Malicious Impounding.

[Unchanged]

6.04.160. Trespassing Animals-Damages-Impounding.

Section 6.04.160 entitled "Trespassing Animals-Damages-Impounding" is hereby repealed.

6.04.170. Detention of Animals.

[Unchanged]

6.04.180. Violation.

[Unchanged]

2. Chapter 08 of Title 6 of the Spanish Fork Municipal Code entitled "Dogs and Cats" is hereby amended as follows:

6.08.010. Licensing.

Any person owning a dog within the city limits shall license the dog pursuant to the following provisions:

A. Registration-Required-Dogs Only.

1. It is unlawful for any person to own, keep, or harbor a dog over the age of 3 months within the limits of the city without making application to the city for that purpose and paying to the city an annual registration fee.

2. [Unchanged]

3. [Unchanged]

4. [Unchanged]

5. [Unchanged]

B. [Unchanged]

C. [Unchanged]

D. [Unchanged]

E. [Unchanged]

F. [Unchanged]

6.08.024. Seizure of Animals.

A. Whenever a police officer or an animal control officer shall have probable cause to believe that a dog has been abandoned, although confined upon private property, that is in violation of any of the provisions of Chapters 4 or 8 of Title 6 of the Spanish Fork Municipal Code, or is a vicious animal, the officer shall be authorized to immediately seize the animal and may impound the same in the county animal shelter and such officer shall have the right to enter upon whatever premises the animal may be kept for such purpose.

B. [Unchanged]

C. If no response is received to notice of summary impoundment within the time frames established by the rules and regulations of the county animal shelter, such animal shall be disposed

of as an abandoned animal.

D. [Unchanged]

6.08.026. Revocation of License.

[Unchanged]

6.08.030. Vaccination Required.

A. Dog and cat owners shall obtain a rabies vaccination for each dog or cat they own, keep, harbor or have custody of, within ten (10) days after it becomes three months of age, or within ten (10) days after obtaining any dog or cat over three months of age. It shall be unlawful for any person or persons to own, keep, harbor or possess or to have in his or her care, charge or custody, any dog or cat three months of age or over unless such dog or cat has a current and valid rabies vaccination administered by any duly qualified and licensed veterinarian, with a rabies vaccine approved by the State Department of Health for use in dogs and cats. Such vaccination shall be repeated at intervals specified by the State Department of Health in order to maintain adequate immunity.

B. [Unchanged]

6.08.040. Restraint.

Section 6.08.040 titled "Restraint" is hereby repealed and reenacted as follows:

6.08.040. Restraint.

A. Running at Large. Any owner or custodian of any dog or cat who permits or allows such animal to run at large within a city or to trespass on the property of another within the limits of the city is guilty of a Class C Misdemeanor. It is prima facie evidence that such owner or custodian has permitted or allowed such dog or cat to run at large if such dog or cat is off the premises of the owner or custodian without a lead or leash. Any such dog or cat running at large in the city may be impounded and placed in the county animal shelter.

B. Females in Heat Running at Large. The owners or custodians of female dogs shall cause such dogs, when in heat, to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or from being attracted to such female dog. It shall be unlawful for the owner or person having possession, charge, custody, or control of any female dog to cause, permit, or allow such dog to stray or run, or in any other manner, to be at large, or to enter upon a street or sidewalk while such female dog is in copulating season. If the female dog cannot be controlled by the owner during the copulating season, such dog may be impounded by the animal control officer.

There is hereby created Section 6.08.045 entitled "Animal Bites" as follows:

6.08.045 Animal Bites.

A. Biting Dog or Cat-Impoundment and Examination.

Whenever any dog or cat attacks or bites a person or domestic animal, the owner of the animal shall immediately notify the police department, which shall cause the animal to be impounded or otherwise quarantined for a period of ten days. The owner or person in control of such dog or cat shall be guilty of a Class C Misdemeanor. In addition to any other penalties, a second violation will be grounds to have such dog or cat removed from the city limits on a permanent basis. At the end of the ten-day quarantine period, the dog or cat may be released from impound or quarantine, as the case may be, upon a veterinarian's conviction that such dog or cat is free from rabies. The expenses incurred in the inspection of such animal shall be paid by the owner or person in control of such animal, in addition to any other fines or charges due. Such expenses shall be paid prior to the release of the animal. If the dog or cat dies within the ten-day quarantine period, its brain shall be sent to the State Department of Health for examination for rabies.

B. Fierce or Dangerous Animals.

It is unlawful for any person to keep, own, harbor, or have the control of any fierce or dangerous animal. It is prima facie evidence that a dog or cat is a fierce or dangerous animal if it bites or attacks a person or domestic animal after having previously bitten or attacked a person or domestic animal. Any fierce or dangerous animal shall be removed from the city limits and may not be returned. Any police officer or animal control officer may apprehend such animal and may cause it to be impounded at the county animal shelter.

C. Fights.

It is unlawful for any person within the limits of the city to, in any manner whatsoever, encourage or urge dogs or cats or any other animal to fight or urge them on after they commence to fight.

There is hereby created and enacted Section 6.08.047 entitled "Disturbing the Peace" as follows:

6.08.047 Disturbing the Peace.

A. Excessive Noise.

It is unlawful for any person to harbor, keep, or own within the limits of the city any dog or cat which barks, whines, howls, or makes other disturbing noises in an excessive, continuous, or untimely fashion. Violation of this section shall be a Class C Misdemeanor. Any police officer or animal control officer may apprehend such an animal and may cause it to be impounded in the county animal shelter. A second conviction of this section by the same animal within a twelve month period shall be grounds for removal of the animal from the city, which animal will not be allowed to return.

B. Waste.

It is unlawful to allow a dog, cat, or other animal to excrete upon private property not owned by the person owning or in control of such animal.

The owner or person in control of any dog, cat, or other animal shall be responsible for the removal of any excretia deposited by such animal on public property, recreation areas, or private property not owned by the person owning or in control of such animal.

C. Guard Dogs.

Guard dogs shall be kept in such a manner so that they cannot come into contact with other persons or animals who are legally upon the premises where a guard dog is maintained. Guard dog warning signs shall be posted in a conspicuous location so that a person approaching the property will receive reasonable notification that a guard dog is on the premises.

D. Abandoning Within the City Limits.

It is unlawful for any person to abandon any dog, cat, or other animal, or turn the same out at large, within the city limits.

6.08.050 Impound.

[Unchanged]

6.08.060 Animal Care.

A. [Unchanged]

B. [Unchanged]

C. Kennels and Runs. It is unlawful for the owner or occupant of any premises on which a kennel, run, or other structure or area for housing or keeping of dogs or cats is situated, to allow such kennel, run, or other structure or area of the premises to become unsanitary, unclean, or to emit undue stench or odor. The owner or occupant of any premises permitting any such condition to exist

that does not abate such condition within 24 hours after notice thereof is guilty of a Class C Misdemeanor. If such a notice is given, the condition must remain abated on a permanent basis. Additional notices shall not be necessary prior to the issuance of a citation.

6.08.070

[Unchanged]

6.08.080 Enforcement.

[Unchanged]

6.08.090 Violation.

[Unchanged]

6.08.100 Animals in Prohibited Areas.

[Unchanged]

6.08.110 Allowable Number of Dogs.

Except as otherwise provided in this chapter, no more than two (2) dogs three (3) months of age or older shall be kept at any residence or commercial establishment at any time. This provision shall not apply to licensed kennel, grooming parlors, or veterinary clinics.

3. Effective date - 20 days after passage.

Proof of Publication

J. Lane Henderson being first duly sworn according to law, disposes and says that he is the *Publisher* of *THE SPANISH FORK PRESS*, a weekly newspaper, printed and published at Spanish Fork, Utah County, Utah, and of general circulation therein; that the Notice, a copy of which is hereto attached, was printed and published in said paper.

for One consecutive weeks,
 the first publication on the 24th day
 of April 19 96
 and the last on the 24th day of
April 19 96
Jane Henderson

The following is a summary of Ordinance 06-96, as passed by the City Council of Spanish Fork, Utah, on April 17, 1996.

**ORDINANCE 06-96
 ORDINANCE
 AMENDING
 VARIOUS SECTIONS
 OF THE ANIMAL
 CONTROL
 ORDINANCE FOUND
 IN CHAPTERS 4
 AND 8 OF TITLE 6
 OF THE SPANISH
 FORK MUNICIPAL
 CODE**

WHEREAS, Spanish Fork Municipal Code, Title 6, Chapters 4 and 8, regulates animals and animal concerns within the city; and

WHEREAS, it is necessary from time to time to make amendments to the animal control ordinances in order to meet the needs of the city; and

WHEREAS, it is necessary to have an animal control ordinance in order to protect the health, safety, and welfare of the residents of the city; and

WHEREAS, as the city experiences growth and changes from a rural into a suburban area, amendments to the animal control ordinance are necessary in order to protect the health, safety, and welfare of the residents;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council as follows:

1. Chapter 4 of Title 6 of the Spanish Fork Municipal Code is hereby amended as follows:

6.04.010 Definitions. Amended.

6.04.020. Premises Confining Animals and Foul-Neat and Sanitary Condition Required. [No Change]

6.04.030. Repeal. [Previously Repealed- No Change]

6.04.040. Banning Any Sick or Diseased

Animals.

[Unchanged]

6.04.050. Dead Animals.

[Unchanged]

6.04.060. Animals in Streets.

Section 6.04.060 titled "Animals in Streets" is hereby repealed.

6.04.070. Poisoning Animals.

Section 6.04.070 titled "Poisoning Animals" is hereby repealed.

6.04.080. Cruelty to Animals.

A. [Unchanged]

B. [Unchanged]

C. [Unchanged]

D. Amended.

6.04.090. Excessive Noise. Amended.

6.04.100. Running at Large. Amended.

6.04.110.

Impounding. Amended.

6.04.120. Keeping Certain Animals Unlawful.

[Unchanged]

6.04.130. Rabies Control.

[Unchanged]

6.04.140. Animal Grooming Parlors.

[Unchanged]

6.04.150. Malicious Impounding.

[Unchanged]

6.04.160. Trespassing Animals-Damages-Impounding.

Section 6.04.160 entitled "Trespassing Animals-Damages-Impounding" is hereby

repealed.

6.04.170. Detention of Animals.

[Unchanged]

6.04.180. Violation.

[Unchanged]

2. Chapter 08 of Title 6 of the Spanish Fork Municipal Code entitled "Dogs and Cats" is hereby amended as follows:

6.08.010. Licensing. Amended.

A. Registration-Required-Dogs Only.

1. Amended.

2. [Unchanged]

3. [Unchanged]

4. [Unchanged]

5. [Unchanged]

B. [Unchanged]

C. [Unchanged]

D. [Unchanged]

E. [Unchanged]

F. [Unchanged]

6.08.024. Seizure of Animals.

A. Amended.

B. [Unchanged]

C. Amended.

D. [Unchanged]

6.08.026. Revocation of License.

[Unchanged]

6.08.030. Vaccination Required.

A. Amended.

B. [Unchanged]

6.08.040. Restraint. Section 6.08.040 titled "Restraint" is hereby repealed and reenacted as follows:

6.08.040. Restraint.

A. Reenacted.

B. Reenacted.

There is hereby created Section 6.08.045 entitled "Animal Bites" as follows:

6.08.045 Animal Bites.

A. Biting Dog or Cat-Impoundment and Examination. Created.

B. Fierce or Dangerous Animals Created.

C. Fights. Created.

There is hereby created and enacted Section 6.08.047 entitled "Disturbing the Peace" as follows:

6.08.047 Disturbing the Peace.

A. Excessive Noise. Created.

B. Waste. Created.

C. Guard Dogs. Created.

D. Abandoning Within the City Limits.

Created.

6.08.050 Impound. [Unchanged]

6.08.060 Animal Care.

A. [Unchanged]

B. [Unchanged]

C. Amended.

6.08.070 [Unchanged]

6.08.080 Enforcement. [Unchanged]

6.08.090 Violation.

[Unchanged]

6.08.100 Animals in Prohibited Areas.

[Unchanged]

6.08.110 Allowable Number of Dogs.

Amended.

3. Effective date - 20 days after passage.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 17th day of

April, 1996.

DATED this 17th day of April, 1996. The full text of this ordinance is available for review at Spanish Fork City Offices located at 40 South Main Street.

Published in the Spanish Fork Press April 24, 1996.

Subscribed and sworn to before me this

7th day of January 19 97

Sara

Notary Public



Residing at Spanish Fork, Utah

My Commission expires

5-14-99