

# ORDINANCE NO. 16-96

## ROLL CALL

VOTING	YES	NO
MAYOR MARIE W. HUFF <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
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 Woodhouse

I SECOND the foregoing motion: Councilmember Swenson

## ORDINANCE 16-96

### AN ORDINANCE REPEALING THE ANIMAL CONTROL REGULATIONS AND RE-ENACTING NEW REGULATIONS

WHEREAS, Spanish Fork City has adopted an animal control ordinance; and

WHEREAS, the growth of the city has made the existing animal control ordinance unworkable; and

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

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

## SECTION I

Title 6 of the Spanish Fork City Municipal Code, entitled "Animals", is hereby repealed in its entirety.

## SECTION II

Title 6 of the Spanish Fork City Municipal Code, entitled "Animals", is hereby created to read as follows:

### TITLE 6 - ANIMALS

Chapter 6.04. General Animal and Livestock Regulations.

Chapter 6.08. Dogs

Chapter 6.12. Rabies Control.

Chapter 6.16. Kennels.

Chapter 6.04. General Animal and Livestock Regulations.

6.04.010. Definitions.

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

6.04.030. Abandoning Sick, Diseased, or Disabled Animals.

6.04.040. Disposal of Animals.

6.04.050. Cruelty to Animals.

6.04.060. Excessive Noise.

6.04.070. Animals Running at Large.

6.04.080. Impound.

6.04.090. Keeping Certain Animals Unlawful.

6.04.100. Detention of Animals.

6.04.110. Intra seizure of Animals.

6.04.120. Animal Bites.

6.04.130. Defecation and Urinating.

6.04.140. Enforcement.

6.04.150. ~~Interfere with Officer.~~ Interference with Officer

6.04.160. Quarantine of Animals.

6.04.170. Licensing of Animals.

6.04.180. Revocation of License -- Animals.

6.04.190. Female Cats in Heat/Season Running <sup>at</sup> ~~At~~ Large.

6.04.200. Threatening Passers-By.

6.04.210. Penalties.

**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:

“**Animal**” means any live, vertebrate creature, domestic or wild.

“**Animal at Large**” means any animal whether or not licensed, not under restraint.

“**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.

“**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.

“**Animal Under Restraint**” means an animal on a leash or lead which is held by a person or attached to a stationary object or confined within a vehicle or confined upon the real property of the owner or custodian.

“**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. Attack may include jumping upon, chasing, nipping, or otherwise threatening.

“**Cat**” means any age feline of the domesticated types.

“**Custodian**” means any person having the charge, care, custody or control of an animal which he/she does not own.

“**Dog**” means any canis familiarize of the domesticated types.

“**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.

“**Euthanize**” means humane killing of an animal.

“**Guard Dog**” means a dog used for the purpose of deterring crime.

“**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.

“**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.

“**Leash**” or “**Lead**” means any chain, rope, or device used to restrain an animal.

“**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.

“**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.

“**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.

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

**“Vicious Animal”** is an animal 1) with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; 2) which attacks a human being or other domestic animal without provocation; or 3) which is trained or used to fight or to attack humans.

**“Wild Animal”** means all animals commonly accepted as being “wild” and includes, but is not limited to, the following, no matter how domesticated they may be:

- (A) Alligators and crocodiles.
- (B) Bears (ursidae).
- (C) Cat family (felidae), except the commonly accepted domesticated cats.
- (D) Coyotes, foxes and wolves.
- (E) Porcupine (ercthizontiade)
- (F) Nonhuman primates (hominidae).
- (G) Raccoon (prosynnidae).
- (H) Skunks.
- (I) Venomous snakes or venomous lizards.
- (J) Weasels (mustelidae).
- (K) Ferrets.

**6.04.020. Premises Confining Animals and Fowl--Neat and Sanitary Condition Required.**

A. Wherever animals, including fowl and pigeons, may be tethered, corralled, confined and sheltered or fed, the premises shall be maintained in a neat and sanitary condition so that no nuisance due to unsightliness, odor or pest breeding or harborage shall be caused by such animals or premises.

B. All barns or stables intended for or presently used to shelter livestock which are now erected and maintained or may be erected, constructed, altered or repaired within the city shall conform to the requirements of the applicable zoning ordinance, the building code and all other applicable laws of the city.

**6.04.030. Abandoning Sick, Diseased, or Disabled Animals.**

It is unlawful for any person to abandon or to turn out at large any sick, diseased or disabled animal, but such animal shall, when rendered worthless by reason of sickness or other disability, be disposed of by the owner thereof in the manner as provided in section 6.04.040.

**6.04.040. Disposal of Animals.**

It is unlawful for the owner of any animal or fowl that die or are killed within the limits of this city, to fail to remove or bury the carcass of such animal within ten hours after its death; provided that no horse, cow, ox, pig, sheep, goat, ostrich, llama, emu, any wildlife or other animal shall be buried within the limits of the city.

**6.04.050. Cruelty to Animals.**

A. Except as authorized by law, it shall be unlawful for any person to willfully or maliciously kill, injure, maim, disfigure, torture, beat, mutilate, burn or scald, overdrive or otherwise cruelly set upon any animal. Each such act shall constitute a separate violation and shall be guilty of a class B misdemeanor.

B. It shall be unlawful for any person to hobble livestock in such a way as to cause injury or damage to the animal.

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

D. Every operator of a motor vehicle or self-propelled vehicle within the city shall, immediately upon injuring, striking, maiming or running down any animal, fully comply with all requirements set forth in UCA Section 41-6-30.

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

**6.04.060. 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. 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.

**6.04.070. Animals Running at Large.**

It shall be unlawful for any animal to be at large at any time within the corporate limits of the city. The owner or custodian of any animal which is at large shall be in violation of this section, regardless of the precautions taken to prevent the escape of the animal and regardless of lack of knowledge of the offense at the time it occurs.

**6.04.080. Impound.**

A. 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 animal shelter. Any animal placed in the animal shelter shall be redeemed or euthanized.

B. Any animal impounded at an animal shelter shall be held five working days if it has a current year's license tag. After five working days, if the animal is not claimed, it shall be euthanized.

C. Any animal impounded at an animal shelter shall be held three working days if it has no current year's license tag. After three working days, if the animal is not claimed, it shall be euthanized.

D. Any animal voluntarily relinquished to the animal control officer or an animal shelter by the owner or custodian thereof for destruction or other disposition need not be kept for the minimum

holding period, but shall be euthanized immediately.

E. The animal control officer or police officer shall have the sole discretion to determine serious injury or disease that will require euthanasia prior to three (3) working days.

F. Any wild animal placed in the animal shelter may be disposed of immediately.

**6.04.090. Keeping Certain Animals Unlawful.**

It shall be unlawful for any person to keep or harbor any animal which is prohibited to be kept or harbored by UCA 23-13-4, 23-20-3 or 23-20-4.

**6.04.100. Detention of Animals.**

It is unlawful for any person to detain or hold the animal of another without notifying the animal control officer or law enforcement agency.

**6.04.110. Intra-seizure of Animals.**

A. Whenever a police officer or an animal control officer shall have probable cause to believe that an animal has been abandoned, although confined upon private property, that is in violation of any of the provisions of Chapter 4 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 animal shelter and such officer shall have the right to enter upon whatever premises the animal may be kept for such purpose.

B. If an animal is summarily impounded without the knowledge of the owner or custodian, a notice that the animal has been impounded shall be given to the owner or custodian of the animal, if the same is known, by attaching the notice to the door at the residence thereof, or by mailing a notice to the last known address of the owner or custodian.

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

D. An animal summarily impounded as provided in this section may be recovered by the owner complying with the regulations of the animal shelter. If, in a subsequent court proceeding, the animal is determined not to be abandoned, vicious or a nuisance, the animal shall be released to the owner or custodian without any charge.

**6.04.120. Animal Bites.**

A. It shall be unlawful for any animal to bite or attack any person or domestic animal. It is in defense that the animal is chained or confined if the chaining or confining is on public or private property where the public has access to be on such property. The owner or custodian of any animal is in violation of this section regardless of the precautions taken to prevent the bite or attack and regardless of the lack of knowledge of the offense at the time it occurs.

B. 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 an animal is a fierce or dangerous animal if it bites or attacks a person or domestic animal. Any police officer or animal control officer may apprehend such animal and may cause it to be impounded at the animal shelter.

**6.04.130. Defecation and Urination.**

It is unlawful to allow an animal to defecate or urinate upon private property not owned by the person owning or in control of such animal.

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

**6.04.140. Enforcement.**

In the enforcement of any provision of this chapter, any police officer or animal control officer is authorized to enter the premises of any person to take possession of a fierce, dangerous, or vicious animal or animals running at large, when in fresh pursuit of such animal at the time the animal goes onto the private property.

**6.04.150. Interference with Officer.**

A. It shall be unlawful for any person to interfere with, molest, hinder or prevent any police officer or animal control officer in the discharge of their duties as herein prescribed.

B. Any person who shall hinder, delay, interfere with or obstruct any police officer or animal control officer while engaged in capturing, securing or taking to the animal shelter any animal or animals liable to be impounded, or who shall break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal control vehicle or other vehicle used for the collecting of any such animals shall be deemed guilty of a class B misdemeanor.

**6.04.160. Quarantine of Animals.**

Whenever any animal attacks or bites a person, 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. At the end of the ten-day quarantine period, the animal may be released from quarantine, upon a veterinarian's examination that such animal 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 animal dies within the ten-day quarantine period, its brain shall be sent to the State Department of Health for examination for rabies.

**6.04.170. Licensing. (Registration of Animals Shall be Voluntary.)**

Any person owning an animal within the city limits may license such animal by following the provisions of this chapter.

A. Licensing, Fees, and Registration.

1. All licenses and late fees required by this chapter shall be in amounts established by city council resolution.

2. It shall be the duty of the animal control officer to register any animal on application of the owner or keeper and to issue a registration receipt and metallic registration tag on payment by the owner or keeper. Such registration receipt and metallic registration tag shall be valid and in force from the date issued until the expiration date.

B. Information Required for Registration. Before receiving a registration receipt and metallic registration tag, each owner must state at the time of application for such a permit, the name and address of the owner and sex, breed, age and color of each animal to be registered. The owner must also present a certificate from a veterinarian stating that the animal has been vaccinated for the prevention of rabies. Such certificate must give the last date of vaccination and the number of the vaccination tag used by the veterinarian at the time of vaccination.

C. Collar-Tag Attachment. It shall be the duty of the owner or keeper of any animal so registered to provide a suitable collar for such animal to wear and to attach thereto the metallic registration tag having a number corresponding with the certificate of registry inscribed thereon.

D. Removal of Collar and Registration Tag. It is unlawful for any person other than the owner to remove the collar from any animal to which collar has been attached the metallic registration tag herein required, or to remove said metallic registration tag from the collar to which it has been attached.

**6.04.180. Revocation of License -- Animals.**

If the owner of any animal is convicted of a violation of this chapter on two or more different occasions during any twelve (12) month period involving the same animal, the license of the animal involved shall be revoked. The animal control officer or other police officer shall be authorized to immediately impound and pick up any animal whose license has been revoked. Any animal impounded following revocation of its license shall be dealt with in accordance with the provisions of city ordinances for impounded animals. Under no conditions shall the animal be allowed to be brought back into the city.

**6.04.190. Female Cats in Heat/Season Running at Large.**

Females in Heat/Season Running at Large. The owners or custodians of female cats shall cause such cats, when in heat/season, to be penned or enclosed in such a manner as to preclude other cats from attacking such female cat or from being attracted to such female cat. It shall be unlawful for the owner or custodian of any female cat to cause, permit, or allow such cat to be at large, or to enter upon a street or sidewalk while such female cat is in copulating heat/season regardless of lack of knowledge of the offense at the time it occurs. If the female cat cannot be controlled by the owner during the copulating heat/season, such cat may be impounded by the animal control officer.

**6.04.200. Threatening Passers-By.**

It shall be unlawful for any animal to threaten passers-by by nipping, chasing, jumping upon, or attacking. The owner or custodian of such animal shall be guilty of a class C misdemeanor.

**6.04.210. Penalties.**

Unless otherwise specifically provided, every person whose animal violates any provision of this chapter is guilty of a class C misdemeanor.

**Chapter 6.08. Dogs.**

- 6.08.010. Licensing.**
- 6.08.020. Revocation of License -- Dogs.**
- 6.08.030. Dogs Running at Large.**
- 6.08.040. Female Dogs in Heat/Season Running at Large.**
- 6.08.050. Cruelty to Dogs.**
- 6.08.060. Dog Bites.**
- 6.08.070. Inseizure of Dogs.**
- 6.08.080. Dog Noise Disturbance.**
- 6.08.090. Defecation and Urinating.**
- 6.08.100. Detention of Dogs.**
- 6.08.110. Abandoning Sick, Diseased, or Disabled Dogs.**
- 6.08.120. Disposal of Dogs.**
- 6.08.130. Quarantine of Dogs.**
- 6.08.140. Enforcement.**
- 6.08.150. Interfere with Officer.**
- 6.08.160. Dogs in Prohibited Areas.**
- 6.08.170. Allowable Number of Dogs.**
- 6.08.180. Impound.**
- 6.08.190. Threatening Passers-By.**
- 6.08.200. Penalties.**

**6.08.010. Licensing.**

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

**A. Licensing, Fees, and Registration.**

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

2. A late fee shall be imposed unless a new license is purchased prior to the expiration of the current license. Licenses for the following year may be purchased within ninety (90) days prior to the expiration date.

3. All licenses and late fees required by this chapter shall be in the amounts established by city council resolution.

4. It shall be the duty of the animal control officer to register any dog on application of the owner or keeper and to issue a registration receipt and metallic registration tag on payment

by the owner or keeper. Such registration receipt and metallic registration tag shall be valid and in force from the date issued until the expiration date.

5. The provisions of this section shall not apply to dogs whose owners are nonresidents temporarily within the city for thirty (30) days or less, nor to dogs brought into the city for the purpose of participating in any show.

B. Information Required for Registration. Before receiving a registration receipt and metallic registration tag, each owner must state at the time of application for such a permit, the name and address of the owner and sex, breed, age and color of each dog to be registered. The owner must also present a certificate from a veterinarian stating that the dog has been vaccinated for the prevention of rabies. Such certificate must give the last date of vaccination and the number of the vaccination tag used by the veterinarian at the time of vaccination. It is unlawful for the owner to misrepresent the age of any dog for the purpose of avoiding the payment of the license required by this chapter.

C. Collar-Tag Attachment. It shall be the duty of the owner or keeper of any dog so registered to provide a suitable collar for such dog to wear and to attach thereto the metallic registration tag having a number corresponding with the certificate of registry inscribed thereon. All dogs not so registered and collared as prescribed by this chapter may be impounded by the animal control officer or any police officer or other designated official of the city.

D. Removal of Collar and Registration Tag. It is unlawful for any person other than the owner to remove the collar from any dog to which collar has been attached the metallic registration tag herein required, or to remove said metallic registration tag from the collar to which it has been attached.

E. The owner of any dog of registration age shall make application for permit and obtain a permit tag for such dog within ten (10) days after acquisition or age attainment.

F. Licensing and Fee Exemptions.

1. The provisions of §6.08.010.(A)(1) shall not apply to:
  - a. Seeing eye dogs properly trained to assist blind persons, if such dogs are actually being used by blind persons to assist them in moving from place to place.
  - b. Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to an auditory stimulus.
  - c. Dogs specifically trained to assist officials of governmental agencies in the performance of their duties and which are owned by such agencies.
2. Nothing in this section (F)(1) shall be construed to exempt any dog from having a current rabies vaccination.

#### **6.08.020. Revocation of License -- Dogs.**

If the owner of any dog is convicted of a violation of this chapter on two or more different occasions during any twelve (12) month period involving the same dog, the license of the dog involved shall be revoked. The animal control officer or other police officer shall be authorized to immediately impound and pick up any dog whose license has been revoked. Any dog impounded

following revocation of its license shall be dealt with in accordance with the provisions of city ordinances for impounded dogs. Under no conditions shall the dog be allowed to be brought back into the city.

**6.08.030. Dogs Running at Large.**

It shall be unlawful for any dog to be at large at any time within the corporate limits of the city. The owner or custodian of any dog which is at large shall be in violation of this section, regardless of the precautions taken to prevent the escape of the dog and regardless of lack of knowledge of the offense at the time it occurs.

**6.08.040. Female Dogs in Heat/Season Running at Large.**

The owners or custodians of female dogs shall cause such dogs, when in heat/season, 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 custodian of any female dog to cause, permit, or allow such dog to be at large, or to enter upon a street or sidewalk while such female dog is in copulating heat/season regardless of lack of knowledge of the offense at the time it occurs. If the female dog cannot be controlled by the owner during the copulating heat/season, such dog may be impounded by the animal control officer.

**6.08.050. Cruelty to Dogs.**

A. Except as authorized by law, it shall be unlawful for any person to willfully or maliciously kill, injure, maim, disfigure, torture, beat, mutilate, burn or scald, overdrive or otherwise cruelly set upon any dog. Each such act shall constitute a separate violation and shall be guilty of a class B misdemeanor.

B. It shall be unlawful for any person to carry or to confine any dog in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such dog without adequate ventilation.

C. Every operator of a motor vehicle or self-propelled vehicle within the city shall, immediately upon injuring, striking, maiming or running down any dog, fully comply with all requirements set forth in UCA Section 41-6-30.

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

**6.08.060. Dog Bites.**

A. It shall be unlawful for any dog to bite or attack any person or domestic animal. It is in defense that the dog is chained or confined if the chaining or confining is on public or private property where the public has access to be on such property. The owner or custodian of any dog is in violation of this section regardless of the precautions taken to prevent the bite or attack and regardless of the lack of knowledge of the offense at the time it occurs.

B. It is unlawful for any person to keep, own, harbor, or have the control of any fierce or dangerous dog. It is prima facie evidence that a dog is a fierce or dangerous dog if it bites or

attacks a person or domestic animal. Any police officer or animal control officer may apprehend such dog and may cause it to be impounded at the animal shelter.

**6.08.070. Intraseizure of Dogs.**

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, 8, 12 or 16 of Title 6 of the Spanish Fork Municipal Code, or is a vicious dog, the officer shall be authorized to immediately seize the dog and may impound the same in the animal shelter and such officer shall have the right to enter upon whatever premises the dog may be kept for such purpose.

B. If a dog is summarily impounded without the knowledge of the owner or custodian, a notice that the dog has been impounded shall be given to the owner or custodian of the dog, if the same is known, by attaching the notice to the door at the residence thereof or by mailing a notice to the last known address of the owner or custodian.

C. If no response is received to the notice of summary impoundment within the time frames established by the rules and regulations of the animal shelter, such dog shall be euthanized as an abandoned dog.

D. A dog summarily impounded as provided in this section may be recovered by the owner complying with the regulations of the animal shelter. If, in a subsequent court proceeding, the dog is determined not to be abandoned, vicious or a nuisance, the dog shall be released to the owner or custodian without any charge.

**6.08.080. Dog Noise Disturbance.**

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

**6.08.090. Defecation and Urination.**

A. It is unlawful to allow a dog to defecate or urinate upon private property not owned by the person owning or in control of such dog.

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

B. 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 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 shall be issued a citation. 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.

**6.08.100. Detention of Dogs.**

It is unlawful for any person to detain or hold the dog of another without notifying the animal control officer or law enforcement agency.

**6.08.110. Abandoning Sick, Diseased, or Disabled Dogs.**

It is unlawful for any person to abandon or to turn out at large any sick, diseased or disabled dog, but such dog shall, when rendered worthless by reason of sickness or other disability, be disposed of by the owner thereof in the manner as provided in section 6.08.120.

**6.08.120. Disposal of Dogs.**

It is unlawful for the owner of any dog that dies or is killed within the limits of this city, to fail to remove or bury the carcass of such dog within ten hours after its death.

**6.08.130. Quarantine of Dogs.**

Whenever any dog attacks or bites a person, the owner of the dog shall immediately notify the police department, which shall cause the dog to be impounded or otherwise quarantined for a period of ten days. At the end of the ten-day quarantine period, the dog may be released from quarantine, upon a veterinarian's examination that such dog is free from rabies. The expenses incurred in the inspection of such dog shall be paid by the owner or person in control of such dog, in addition to any other fines or charges due. Such expenses shall be paid prior to the release of the dog. If the dog dies within the ten-day quarantine period, its brain shall be sent to the State Department of Health for examination for rabies.

**6.08.140. Enforcement.**

In the enforcement of any provision of this chapter, any police officer or animal control officer is authorized to enter the premises of any person to take possession of the registered or unregistered, fierce, dangerous, or vicious dog or dogs running at large, when in fresh pursuit of such dog at the time the dog goes onto the private property.

**6.08.150. Interference with Officer.**

A. It shall be unlawful for any person to interfere with, molest, hinder or prevent any police officer or animal control officer in the discharge of their duties as herein prescribed.

B. Any person who shall hinder, delay, interfere with or obstruct any police officer or animal control officer while engaged in capturing, securing or taking to the animal shelter any dog or dogs liable to be impounded, or who shall break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal control vehicle or other vehicle used for the collecting of any such animals shall be deemed guilty of a class B misdemeanor.

**6.08.160. Dogs in Prohibited Areas.**

A. It shall be unlawful for any person to take or to permit any dog, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets, food or vegetable stores; and it shall be unlawful for any person to allow any dog to enter or be in any place of worship during public services; and it shall be unlawful for any person to allow any dog to enter in or be upon any public park or cemetery where it is posted that no dogs are allowed.

B. An exception to this section shall be for any dog trained and used for physically handicapped persons, such as dogs for the blind or hearing impaired.

**6.08.170. Allowable Number of Dogs.**

Except as otherwise provided in this chapter, no more than two (2) dogs which are 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 kennels, grooming parlors, or veterinary clinics.

**6.08.180. Impound.**

A. Any dog impounded at an animal shelter shall be held five working days if it has a current year's license tag. After five working days, if the dog is not claimed, it shall be euthanized.

B. Any dog impounded at an animal shelter shall be held three working days if it has no current year's license tag. After three working days, if the dog is not claimed, it shall be euthanized.

C. Any dog voluntarily relinquished to the animal control officer or an animal shelter by the owner or custodian thereof for destruction or other disposition need not be kept for the minimum holding period, but shall be euthanized immediately.

D. The animal control officer or police officer shall have the sole discretion to determine serious injury or disease that will require euthanasia prior to three (3) working days.

**6.08.190. Threatening Passers-By.**

It shall be unlawful for any dog to threaten passers-by by nipping, chasing, jumping upon, attacking, chasing bicycles or motor vehicles.

**6.08.200. Penalties.**

Unless otherwise specifically provided, every person whose dog violates any provision of this chapter is guilty of a class C misdemeanor.

## **Chapter 6.12. Rabies Control.**

- 6.12.010. Rabies Control.**
- 6.12.020. Vaccination Required.**
- 6.12.030. Penalties.**

### **6.12.010. Rabies Control.**

A. A Report of Bites. All persons bitten and the parents or guardians of minor children bitten by a dog, cat, skunk, fox, bat, coyote, bobcat, or other animal known to constitute a serious threat of rabies shall notify the animal control officer immediately thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.

B. Report of Suspected Rabid Animals. Any person who observes or has knowledge of an animal which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion that it may have rabies shall notify the animal control officer and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the state or city-county health departments.

C. Isolation of Biting or Suspected Rabid Animals. Upon the reasonable order of the animal control or public health officer, a biting or suspected rabid animal shall be isolated, at the owner's expense if owned, in strict confinement under proper care and under the observation of a licensed veterinarian in an animal shelter or veterinary hospital in a manner approved by the animal control officer.

D. Examination of Head. Any biting or suspected rabid animal may be humanely euthanized immediately, and such animal's undamaged and properly packaged and properly refrigerated head shall be delivered promptly to an approved medical facility having the capability of performing tests to demonstrate the presence of rabies.

E. Release. Ten (10) days after the day of infliction of a bite by an animal, such animal may be released to its owner after a licensed veterinarian has examined that animal and in his/her opinion found it not to have had rabies in a transmittable stage on the day of infliction of the bite. Non-immunized animals shall be vaccinated for rabies before release.

F. Animals Possibly Exposed to Rabies. Any animal of a species subject to rabies which has been bitten by a known rabid animal, or which has been in intimate contact with such an animal, shall be isolated, at the owner's expense if owned, in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of six (6) months, or euthanized. Notwithstanding the foregoing, the following alternative is permitted in case of dogs and cats. If the dog or cat has been vaccinated against rabies at least thirty (30) days prior to the suspected exposure with a type of vaccine produced under U.S.D.A. license and within the time period approved by the state veterinarian, the dog or cat may be re-vaccinated and isolated in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of thirty (30) days.

**6.12.020. 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. In addition to the current years license, the vaccination tag shall be attached to or otherwise worn by the dog or cat. It shall be unlawful for any person or persons to remove or cause to be removed the vaccination tag from any dog or cat without the consent of the owner, keeper, or harborer thereof. The vaccination tag shall not be transferrable from one dog or cat to another.

**6.12.030. Penalties.**

Unless otherwise specifically provided, every person who violates any provision of this chapter is guilty of a class C misdemeanor.

## **Chapter 6.16. Kennels.**

**6.16.010. Allowable Number of Dogs and Cats.**

**6.16.020. Permit Required.**

**6.16.030. Fees.**

**6.16.040. Violations -- Permit Revocation.**

**6.16.050. Inspection.**

**6.16.060. Definition -- Exception for Puppies/Kittens.**

**6.16.070. Penalties.**

### **6.16.010. Allowable Number of Dogs and Cats.**

Except as otherwise provided in this chapter, no more than two (2) dogs or cats which are 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 kennels, grooming parlors, or veterinary clinics.

### **6.16.020. Permit Required.**

(1) Permit required. No person shall operate or maintain a kennel without first obtaining a permit from the division of animal control.

(2) Application. All applications for permits to operate or maintain a kennel, shall be submitted in writing upon printed forms provided for such purposes by the city. The application shall first be referred to the city animal control officer. Upon approval, the city shall issue the permit upon payment of the fee herein provided.

(3) Before the permit can be issued the following conditions concerning the location of the kennel must be met.

- a. The location where the dogs or cats are kept, raised, housed, or boarded must be 200 feet away from any neighboring house, and;
- b. Must be 150 feet from any road.

(4) The following minimum standards shall be complied with to obtain and maintain a kennel permit.

- a. Enclosure must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an appropriate material as required by the specific breed of animal and also to permit proper cleaning and disinfecting.
- b. Adequate ventilation shall be maintained and an appropriate temperature provided as required by the specific breed of animal housed therein.
- c. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.
- d. Runs shall provide an adequate exercise area and protection from the weather.

- e. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
- f. The food shall be free of contamination, palatable and of sufficient nutritive value as to meet the normal daily requirements for the condition and size of the animal.
- g. Fresh water is to be available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.

(5) Holders of existing kennel permits which do not meet the distance requirements required in this chapter shall be exempt from the distance requirements for their existing animals. As animals die, are sold, given away, or are otherwise removed from the property, they may not be replaced unless all of the conditions of this chapter are met.

(6) The city shall have the power to revoke the kennel permit in the event that the permit holder is convicted of any other violation of the provisions of this title. Amended December 2, 1992.

**6.16.030. Fees.**

Any person conducting, operating or maintaining a kennel shall pay to the city for the privilege of conducting, operating or maintaining such kennel an annual permit fee of twenty-five dollars (\$25.00) for each calendar year.

**6.16.040. Violations - Permit Revocation.**

Whenever the animal control officer or police officer finds or discovers any violations of any rule or regulation promulgated as herein provided by the city-county health department, it shall, upon receipt of such notice, immediately notify the owner or custodian of such kennel, to appear before the city council at a day and time certain to show cause why the permit should not be revoked for such violation.

**6.16.050. Inspection.**

It shall be the duty of the animal control officer or police officer to periodically inspect all registered kennels, to see that the provisions of this chapter pertaining to the sanitation and care of such places are being observed.

**6.16.060. Definition - Exception for Puppies/Kittens.**

(A) Kennel as defined in §6.04.010 shall be applicable to this chapter.

(B) This chapter shall not apply to the birth of puppies or kittens in a situation which is not an intentional commercial breeding business so long as the number of dogs or cats is reduced down to two (2) or less within three (3) months from the birth of the puppies or kittens.

**6.16.070. Penalties.**

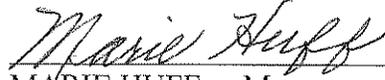
Unless otherwise specifically provided, every person who violates any provision of this chapter is guilty of a class C misdemeanor.

**SECTION III**

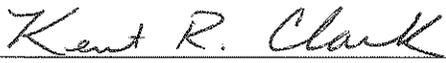
This ordinance shall become effective on the 1st day of January, 1997.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF  
SPANISH FORK, UTAH, this 4th day of December, 1996.

DATED this 4th day of December, 1996.

  
\_\_\_\_\_  
MARIE HUFF as Mayor

ATTEST:

  
\_\_\_\_\_  
KENT CLARK, City Recorder





# 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.

**ORDINANCE 16-96**

**AN ORDINANCE REPEALING THE ANIMAL CONTROL REGULATIONS AND RE-ENACTING NEW REGULATIONS**

WHEREAS, Spanish Fork City has adopted an animal control ordinance; and WHEREAS, the growth of the city has made the existing animal control ordinance unworkable; and WHEREAS, an animal control ordinance is necessary to protect the health, safety, and welfare of the residents of the city;

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

**SECTION I**

Title 6 of the Spanish Fork City Municipal Code, entitled "Animals", is hereby repealed in its entirety.

**SECTION II**

Title 6 of the Spanish Fork City Municipal Code, entitled "Animals", is hereby created.

A summary of the Chapter and Section Headings are as follows:

- TITLE 6 - ANIMALS**  
**Chapter 6.04. General Animal and Livestock Regulations.**  
**Chapter 6.08. Dogs**  
**Chapter 6.12. Rabies Control.**  
**Chapter 6.16. Kennels.**

- Chapter 6.04. General Animal and Livestock Regulations.**  
 6.04.010. Definitions.  
 6.04.020. Premises

- Confining Animals and Fowl--Neat and Sanitary Condition Required.  
 6.04.030. Abandoning Sick, Diseased, or Disabled Animals.  
 6.04.040. Disposal of Animals.  
 6.04.050. Cruelty to Animals.  
 6.04.060. Excessive Noise.  
 6.04.070. Animals Running at Large.  
 6.04.080. Impound.  
 6.04.090. Keeping Certain Animals Unlawful.  
 6.04.100. Detention of Animals.  
 6.04.110. Intra seizure of  
 6.04.120. Animal Bites.  
 6.04.130. Defecation and Urinating.  
 6.04.140. Enforcement.  
 6.04.150. Interfere with Officer.  
 6.04.160. Quarantine of Animals.  
 6.04.170. Licensing of Animals.  
 6.04.180. Revocation of License -- Animals.  
 6.04.190. Female Cats in Heat/Season Running At Large.  
 6.04.200. Threatening Passers-By.  
 6.04.210. Penalties.  
**Chapter 6.08. Dogs.**  
 6.08.010. Licensing.  
 6.08.020. Revocation of License -- Dogs.  
 6.08.030. Dogs Running at Large.  
 6.08.040. Female Dogs in Heat/Season Running at Large.  
 6.08.050. Cruelty to Dogs.  
 6.08.060. Dog Bites.  
 6.08.070. Intra seizure of Dogs.  
 6.08.080. Dog Noise Disturbance.  
 6.08.090. Defecation and Urinating.  
 6.08.100. Detention of

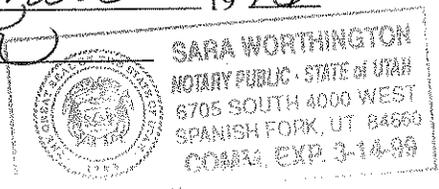
- Dogs.  
 6.08.110. Abandoning Sick, Diseased, or Disabled Dogs.  
 6.08.120. Disposal of Dogs.  
 6.08.130. Quarantine of Dogs.  
 6.08.140. Enforcement.  
 6.08.150. Interfere with Officer.  
 6.08.160. Dogs in Prohibited Areas.  
 6.08.170. Allowable Number of Dogs.  
 6.08.180. Impound.  
 6.08.190. Threatening Passers-By.  
 6.08.200. Penalties.  
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 6.16.050. Inspection.  
 6.16.060. Definition -- Exception for Puppies/Kittens.  
 6.16.070. Penalties.  
**SECTION III**  
 This ordinance shall become effective on the 1st day of January, 1997.  
**PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH,** this 4th day of December, 1996.  
 Complete copies of the Spanish Fork City Animal Ordinance (Title 6) are available at the City Office, 40 South Main Street, Spanish Fork.

for One consecutive weeks,  
 the first publication on the 19th day  
 of December 19 96  
 and the last on the 12th day of  
December, 19 96  
*Jane Henderson*

Published in the Spanish Fork Press December 12, 1996.

Subscribed and sworn to before me this 19th day of December 19 96

*Sara Worthington*  
 Notary Public



Residing at Spanish Fork, Utah

My Commission expires 3-14-99