

TITLE 5
PUBLIC SAFETY

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CHAPTER 1
POLICE DEPARTMENT

SECTION:

- 5-1-1: Established
5-1-2: Chief Of Police
5-1-3: Powers And Duties

5-1-1: **ESTABLISHED:** There is hereby established a regularly constituted police force to be known as the police department, which shall consist of a chief of police and such other police officers as shall be employed by the city. (1980 Code § 13-111)

5-1-2: **CHIEF OF POLICE:** The chief of police shall:

- A. Control Department Function: Organize, supervise and be responsible for all the activities of the police department and shall define and assign the duties of the different police officers. (1980 Code § 13-112B)
- B. Attend City Council Meetings: When required, attend meetings of the city council to consult with and advise them on matters of public safety. He shall execute all lawful orders of the mayor and city council and see that all orders and judgments of the justice of the peace are carried into effect. (1980 Code § 13-112C)

5-1-3: **POWERS AND DUTIES:** The chief of police and all police officers of the city shall have the following powers and duties in addition to those that may be assigned to them as provided above:

- A. Suppress Riots: To suppress riots, disturbances, and breaches of the peace, and to apprehend all persons committing any offense against the laws of the state or ordinances of the city.

- B. **Execute And Serve Warrants:** To execute and serve all warrants, processes, commitments, and writs whatsoever issued by the justice of the peace.
- C. **Preserve Public Peace:** To preserve the public peace, prevent crime, detect and arrest offenders, protect persons and property, remove nuisances existing in the public streets, roads, highways and other public places, enforce every law relating to the suppression of offenses, render such assistance in the collection of licenses as may be required by the license collector and perform all duties enjoined upon them by law and ordinance. (1980 Code § 13-113)
- D. **Maintain Register Of Arrests:** The chief of police shall provide and cause to be kept a register of arrests. Upon such register shall be entered a statement showing the date of each arrest, the name of the person arrested, the name of the arresting officer, the offense charged and a description of any property found upon the person arrested. (1980 Code § 13-114)
- E. **Stolen Property Disposition:** It shall be the duty of the chief of police to keep all lost or stolen property that comes into the possession of the police department or any of its members. He shall make all reasonable efforts to discover the owners thereof. (1980 Code § 13-117)
- F. **Register Of Property:** The chief of police must enter or cause to be entered in a suitable book a description for every article of property alleged to be stolen or embezzled and brought into his office or taken from the person of the prisoner and must attach a number to each article and make a corresponding entry thereof. (1980 Code § 13-116)
- G. **Property Taken From Person Arrested:** When money or other property is taken from a person arrested upon a charge of a public offense, the officer taking it must at the time issue triplicate receipts therefor, specifying particularly the amount of money or kind of property taken. One of the receipts he must deliver to the person arrested. Another he must forthwith file with the clerk of the court to which the complaint and other papers in the case are required by law to be sent. The third receipt must be sent at once to the office of the police department. (1980 Code § 13-115)

CHAPTER 2
ANIMAL CONTROL

SECTION:

- 5-2- 1: Definitions
- 5-2- 2: Animal Control Department
- 5-2- 3: Animal Shelter
- 5-2- 4: Licensing Requirements; Fees
- 5-2- 5: Regulatory Permits
- 5-2- 6: Cruelty To Animals Prohibited
- 5-2- 7: Dangerous Or Vicious Animals
- 5-2- 8: Nuisance Animals
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- 5-2-10: Bites; Duty To Report
- 5-2-11: Animals At Large
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- 5-2-13: Impounding
- 5-2-14: Revocation Of License
- 5-2-15: Court Order; Procedure
- 5-2-16: Penalty

5-2-1: **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

ANIMAL AT LARGE: Any domesticated animal, whether or not licensed, not under restraint, as defined in this section.

ANIMAL BOARDING ESTABLISHMENT: Any establishment that takes in animals for boarding for profit.

ANIMAL GROOMING PARLOR: Any establishment maintained for the purpose of offering grooming services for animals for profit.

ANIMAL SHELTER:	A facility owned and/or operated by Carbon County, and used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other small domestic animals.
ANIMAL UNDER RESTRAINT:	Any animal under the control of its owner or person having charge, care, custody or control, except a dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or within the real property limits of the owner.
BITE:	An actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
CAT:	Any age feline of the domesticated types.
CATTERY:	An establishment for boarding, breeding, buying, grooming or selling cats for profit. May have up to six (6) cats.
DOG:	A canis familiaris over four (4) months of age. Any canis familiaris under four (4) months of age is a puppy.
DOMESTICATED ANIMALS:	Animals accustomed to lie in or about the habitation of man, including, but not limited to, cats, dogs, fowl, horses, swine and goats.
GUARD DOG:	A canis familiaris over four (4) months of age used to guard the premises and properties of any individual.
HOLDING FACILITY:	Any pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facility used for holding animals.
KENNEL, GENERAL:	An establishment having fifteen (15) or more dogs for the purpose of boarding, breeding, buying, grooming, training for fee, or selling.

LEASH OR LEAD:	Any chain, rope, strap or other device used to restrain an animal.
PET:	A domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice and other animals associated with man's environment.
PET SHOP:	Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds or other pets and animals kept for sale are displayed and held.
QUARANTINE:	The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
RIDING SCHOOL OR STABLE:	An establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burro, or which offers such animals for hire. May have up to four (4) animals.
STRAY:	Any "animal at large", as defined in this section.
VICIOUS ANIMAL:	Any animal which is dangerously aggressive, has a propensity to bite and attack, including, but not limited to, any animal which has bitten or in any other manner attacked any person or animal.
WILD ANIMAL:	Any animal of a species that in its natural life is wild. Those animals considered wild, notwithstanding however domesticated, shall include, but are not limited to: A. Alligators and crocodiles. B. Bears (ursidae). All bears, including grizzly bears, brown bears, black bears, etc. C. Cat family (felidae). All except commonly accepted domesticated cats, and including

cheetas, cougars, leopards, lions, lynx, mountain lions, tigers, wildcats, bobcats, etc.

D. Dog family (canidae). All except domesticated dogs, and including wolf, fox, coyote, dingo, etc.

E. Porcupine (erethizontidae).

F. Primate (hominiddae). All subhuman primates.

G. Raccoon (prosynnidae). All raccoons, including eastern raccoon, desert raccoon, ring tailed cat, etc.

H. Skunks.

I. Venomous fish and piranha.

J. Venomous snakes or lizards.

K. Weasels (mustelidae). All, including weasels, martens, wolverines, blackfooted ferrets, badgers, otters, ermine, mink, mongooses, etc., except that persons raising members of this family as a business for their pelts shall not be prohibited by this chapter. (Ord. 04-07, 8-10-2004)

5-2-2: ANIMAL CONTROL DEPARTMENT:

A. Created: There is hereby created an animal control department under the supervision of the police department.

B. Powers, Duties And Authority Of Police Department Officials:

1. Impoundment: The police chief, his deputies, assistants and animal control officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this chapter.

2. Enter Premises: In the enforcement of this chapter, any peace officer is authorized to enter onto the open premises of any person to take possession of any animal in violation of this chapter.

3. Generally:

a. Enforce this chapter and perform other responsibilities pursuant thereto.

b. Keep adequate records of all animals impounded and all monies collected.

c. See that all animals and animal holding facilities in their jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulation.

d. Establish adequate measures for rabies immunization and control.

e. Enforce this chapter in all respects pertaining to animal control within the city, including the care and impounding of animals and prevention of cruelty to animals.

C. Interference With Officer Prohibited:

1. It shall be unlawful for any person to knowingly and intentionally interfere with any animal control officer in the lawful discharge of his duties as herein prescribed.

2. A person is guilty of interference if he uses force, violence, intimidation or engages in any other unlawful act with a purpose to interfere with any animal control officer performing or purporting to perform an official function. (Ord. 04-07, 8-10-2004)

5-2-3: **ANIMAL SHELTER:** Animals will be held at the city facility or transported to Carbon County animal shelter. (Ord. 04-07, 8-10-2004)

5-2-4: **LICENSING REQUIREMENTS; FEES:**

A. Fees:

1. Fees shall be set by resolution.

2. The animal shelter establishes its own additional impound fees.
 3. Kennel fees shall be set by resolution.
- B. License Required: All dogs must be licensed by city.**
1. All dogs must be licensed each year, except as otherwise provided herein, to a person of the age of eighteen (18) years or older.
 2. Any person owning, possessing or harboring any dog shall obtain a license for such animal within thirty (30) days after the dog reaches the age of six (6) months; or in the case of a dog over six (6) months, within ten (10) days of the acquisition of the dog.
- C. Application For License: License applications must be submitted annually to the city, utilizing a standard form which requests the name, address and telephone number of the applicant; the breed, sex, color and age of the animal; and rabies and other immunization information. The application shall be accompanied by the prescribed license fee and a current rabies vaccination certificate. Rabies vaccinations shall be given by a licensed veterinarian every two (2) years. No dog will be licensed as spayed or neutered without proof that such surgery was performed. Fees for licenses shall be in such amount as established by resolution of the city council.**
- D. Term; Delinquency: The license shall be effective for the calendar year, commencing January 1 and ending December 31 of each year. Licenses for the following year may be purchased any time between December 1 of that year and January 31 of the next year without a late fee. A purchase of any license thereafter will be subject to a late fee. The license fee of an original license for a dog shall be a pro rata amount for the remaining months of the year, according to the month in which the license is obtained. Any owner of a dog who fails to obtain a licenses as required by this section shall be subject to a late fee in addition to the regular license fee.**
- E. License Tag:**
1. Upon payment of the license fee, the department of animal control shall issue to the owner a certificate and a tag for each licensed dog. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the animal and see

that the collar and the tag are constantly worn. Failure of the owner to attach the tag as provided shall be a violation of this chapter.

2. Dog tags are not transferable from one dog to another.

3. No refunds shall be made on any dog license fee for any reason whatsoever. Replacement for lost or destroyed tags shall be issued upon payment of fee to the city.

4. Any person removing or causing to be removed the collar, harness or tag from any licensed dog without the consent of the owner or keeper thereof, except by a licensed veterinarian, animal control officer, or in cases of urgent medical or other exigent circumstances, shall be in violation of this chapter.

F. Exemptions:

1. The provisions of subsections A through E of this section shall not apply to:

a. Licensed dogs whose owners are nonresidents and only temporarily (up to 30 days) within the city. Licensed dogs whose nonresident owners remain within the city longer than thirty (30) days may obtain a local license upon payment of fee as established by resolution of city council, and proof of current rabies vaccination and original license.

b. Individual puppies within a properly licensed dog kennel or other such establishment when such puppies are held for resale.

2. The fee provisions of subsection A of this section 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 sounds.

c. Dogs specially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

3. Nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination. (Ord. 04-07, 8-10-2004)

5-2-5: REGULATORY PERMITS:

- A. **Commercial Permits:** It shall be unlawful for any person to operate or maintain a kennel, cattery, pet shop, groomery, riding stable or any similar establishment unless such person first obtains a valid city business license before a permit to operate any of these establishments will be given by the city council. All applications for permits to operate such establishments shall be submitted, together with the required permit fee, on a printed form provided by the police department. Before the permit is issued, approval shall be granted by the city council and the police department. No kennel establishments will be allowed in residential zones and must be at least three hundred (300) yards from the nearest residence.
- B. **Display of Permit:** A valid permit shall be posted in a conspicuous place in each establishment, and said permit shall be considered as appurtenant to the premises and not transferable to another location. The holder of the permit shall notify the police department within thirty (30) days of any change in his establishment or operation which may affect the status of his permit. In the event of a change in ownership of the establishment, the holder of the permit shall notify the police department immediately. Permits shall not be transferable from one owner to another.
- C. **Renewal Of Permit:** Any permit issued pursuant to this section shall automatically expire on December 31 immediately following the date of issue. Within two (2) months prior to the expiration of the permit, the holder of the permit shall apply for a renewal of the permit and pay the required fee. Any application made after December 31, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.
- D. **Fees For Permit:** Permit fees shall be in such amounts as established by resolution of the city council.
- E. **Inspections:** All establishments required to be permitted under this chapter shall be subject to periodic inspections, and the inspector shall make a report of such inspection with a copy to be filed with the police department.

F. **Standards For Permitted Establishments:** The animal control department shall promulgate rules and regulations governing the operation of kennels, catteries, groomeries, pet shops, riding stables and veterinary clinics or hospitals. Such rules and regulations shall provide for the types of structures, buildings, pens, cages, runways or yards required for the animal sought to be kept, harbored or confined on such premises; the manner in which food, water and sanitation facilities will be provided to such animals; measures relating to the health of said animals, the control of noise and odors, and the protection of persons or property on adjacent premises; and other such matters as the department shall deem necessary. Such rules and regulations shall have the effect of law, and violation of such rules and regulations shall be deemed a violation of this chapter and grounds for revocation of a permit issued by the city council.

G. **General Kennels:**

1. The holder of a permit issued under this section may keep one litter intact until the dogs reach six (6) months of age; one animal from the litter may be retained until it reaches twelve (12) months of age. At no time may the holder of the permit retain more than six (6) dogs of six (6) months of age, nor more than fifteen (15) dogs over one year of age.

2. The following are required:

a. The holder of the permit shall raise purebred dogs.

b. Dogs shall be individually licensed.

c. Dogs shall be registered with a national registry.

d. Adequate kennels shall be provided. The dog must be able to turn three hundred sixty degrees (360°) without touching any one side of the kennel. Enclosures for each animal shall be eight feet by ten feet (8' x 10') and shall have a structured floor to restrict digging out of confinement; must have a roof to protect from rain, snow, sun, etc.; must have a one hundred foot (100') enclosed run for exercising; and, must have at least a four foot by six foot (4' x 6') shed for supplies, food and cleaning equipment.

H. Suspension Or Revocation Of Permit:

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

a. Falsification of facts in a permit application;

b. Violation of any of the provisions of this chapter or any other law or regulation governing the establishment, including noise, building and zoning ordinances;

c. Conviction on a charge of cruelty to animals.

2. Procedure: If an inspection of kennels, catteries, groomeries, pet shops, riding stables, veterinary clinics or hospitals reveals a violation of this chapter, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. The notification shall:

a. Set forth the specific violations found;

b. Establish a specific and reasonable period of time for the correction of the violations found;

c. State that failure to comply with any notice issued in accordance with the provisions of this chapter will result in immediate suspension of the permit;

d. State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the police department within five (5) days of the date of the notice.

3. Notice of Hearing: Any permit granted under this chapter may be suspended or revoked by the city council for violations listed in subsection H1 of this section. A minimum of five (5) days' notice shall be given to the permit holder advising him of the date and time for such hearing, and listing the cause or causes for such suspension or revocation. No new permit shall be issued to any person whose permit has been previously revoked, except upon application for a new permit, accompanied by the required application fee, and unless and until all requirements of this chapter have been met.

4. **Emergency Suspension:** Notwithstanding other provisions of this chapter, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, catteries, groomeries, veterinary clinics or hospitals, riding stables, pet shops, or any similar establishments, which, in his judgment, constitute a substantial hazard to public health, he may without warning or hearing, issue a written notice to the permit holder or operator citing such condition and specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be discontinued. Any person to whom such an order is issued shall comply immediately therewith. Any animals at such a facility may be confiscated by the police department and impounded or otherwise provided for according to the provisions of this chapter.

5. **Service Of Notice:** Notice provided for under this section shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the records of the police department. (Ord. 04-07, 8-10-2004)

5-2-6: CRUELTY TO ANIMALS PROHIBITED:

- A. **Physical Abuse:** It is unlawful for any person to wilfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald, overdrive or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation.
- B. **Hobbling Animals:** It is unlawful for any person to hobble livestock or other animals by any means which may cause injury or damage to any animal.
- C. **Care And Maintenance:** It shall be the duty of that person to whom any animal is in his charge or custody, as owner or otherwise, to provide said animal with adequate food, drink, care and shelter. Any person failing to provide such care and maintenance shall be in violation of this chapter.
- D. **Animals In Vehicles:** It shall be unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such animal without adequate ventilation or for an unusual length of time.

- E. **Abandonment Of Animals:** It shall be unlawful for any person to abandon any animal within the city.
- F. **Animal Poisoning:** It shall be unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health when applied in such a manner as to reasonable prohibit access to it by other animals.
- G. **Injury To Animals By Motorists:**
1. Every operator of a motor or other self-propelled vehicle upon the streets of the city shall immediately upon injuring, striking, maiming or running down any domestic animal give such aid as can reasonably be rendered. In the absence of the owner, he shall immediately notify the police department, furnishing requested facts relative to such injury.
 2. It shall be the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of such authorities, the operator shall immediately identify himself to such authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to the police facility or other appropriate facility and notifying the police department. Such animal may be taken in by the police facility and dealt with as deemed appropriate under the circumstances.
 3. Authorized public emergency vehicles are exempted from the requirements of this provision.
- H. **Animals For Fighting:**
1. It shall be unlawful for any person, firm or corporation to raise, keep or use any animal or bird for the purpose of fighting or baiting; and for any person to be a party to or be present as a spectator at any such fighting or baiting of any animal or bird; and for any person, firm or corporation to knowingly rent any building, shed, room, yard, ground or premises for any such purposes as aforesaid, or to knowingly suffer or permit the use of his buildings, sheds, rooms, yards, grounds or premises for the purposes aforesaid.

2. Law enforcement officers or police department officials may enter any building or place where there is an exhibition of fighting or baiting of a live animal, or where preparations are being made for such an exhibition, and the law enforcement officers may arrest persons there present and take possession of all animals engaged in fighting, along with all implements or applications used in such exhibition. This provision shall not be interpreted to authorize a search or arrest without a warrant when such is required by law.

- I. Malicious Impounding: It shall be unlawful for any person maliciously to secrete or impound the animal of another. (Ord. 04-07, 8-10-2004)

5-2-7: DANGEROUS OR VICIOUS ANIMALS:

A. Dogs Attacking Persons And Animals:

1. Attacking Dogs: It shall be unlawful for the owner or person having charge, custody or control of any dog to allow such dog to attack, chase or worry any person, any domestic animal, or any species of hoofed protected wildlife, or to attack domestic fowl. "Worry", as used in this section, shall mean to harass by chasing, biting, tearing, gouging or shaking with the teeth, snatching with jaws, or barking and growling.

2. Owner Liability: The owner in violation of subsection A1 of this section shall be strictly liable for violation of this subsection. In addition to being subject to prosecution under subsection A1 of this section, the owner of such dog shall also be liable in damages to any person injured or to the owner of any animal or property injured or destroyed thereby.

3. Defenses: The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

- a. The dog was properly confined on the premises.
- b. The dog was deliberately or maliciously provoked.

4. Action: Any person may kill a dog while it is committing any of the acts specified in subsection A1 of this section or while such dog is being pursued thereafter, but only under such circumstances where there is justifiable fear of immediate physical injury or death to the animal or person being worried by the dog in question.

- B. Fierce, Dangerous Or Vicious Animals: It shall be unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal, so that it shall not injure any person or property, is a hazard to public safety and may be impounded by the police department. (Ord. 04-07, 8-10-2004)

5-2-8: **NUISANCE ANIMALS:** Any owner or person having charge, care, custody or control of an animal or animals causing a "nuisance", as defined below, shall be in violation of this chapter and subject to the penalties provided herein. The following shall be deemed a nuisance:

- A. Any animal which:
1. Causes damages to the property of anyone other than its owner;
 2. Is a "vicious animal", as defined in section 5-2-1 of this chapter, and kept contrary to subsection 5-2-7B of this chapter;
 3. Causes unreasonable fouling of the air by odors;
 4. Causes unsanitary conditions in enclosures or surroundings;
 5. Defecates on any public sidewalk, park or building, or on any private property without the consent of the owner of such private property, unless the person owning, have a proprietary interest in, harboring or having care, charge, control, custody or possession of such animal shall remove any such defecation to a proper trash receptacle;
 6. Barks, whines or howls or makes other disturbing noises in an excessive, continuous or untimely fashion;
 7. Molests passersby or chases passing vehicles;
 8. Attacks other domestic animals;

9. Is determined by the police department to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare or safety.

- B. Animals which, by virtue of the number maintained, are so determined by the police department to be offensive or dangerous to the public health, welfare or safety. (Ord. 04-07, 8-10-2004)

5-2-9: RABIES CONTROL:

- A. **Rabies Vaccination Required:** The owner or person having the charge, care, custody and control of a four (4) month of age or older cat or dog shall have said animal vaccinated within thirty (30) days after it reaches said age. Any person permitting any such animal to habitually be on or remain or be lodged or fed within such persons's house, yard or premises, shall be responsible for said vaccination. Unvaccinated dogs or cats over four (4) months of age acquired by the owner or moved into the city must be vaccinated thereafter every twenty four (24) months and every cat shall be revaccinated thereafter every twelve (12) months with a modified virus rabies vaccine. This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others.

- B. **Duties Of Veterinarian And Tag Requirements:**

1. It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination (in duplicate) which includes the following information:

- a. Owner's name and address;
- b. Description of animal (breed, sex, markings, age, name);
- c. Date of vaccination;
- d. Rabies vaccination tag number;
- e. Type of rabies vaccine administered;
- f. Manufacturer's serial number of vaccine.

2. A copy of the certificate shall be distributed to the owner and the original retained by the issuing veterinarian. The veterinarian and the

owner shall retain their copies of the certificate for the interval between vaccinations specified in this subsection. Additionally, a metal or durable plastic rabies vaccination tag, serially numbered, shall be securely attached to the collar or harness of the animal. Any animal not wearing such tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this chapter.

- C. **Transient Animal Exception:** The provisions of this section with respect to vaccination shall not apply to any animal owned by a person remaining within the city for less than thirty (30) days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the city which does not comply with the animal health laws and import regulations.
- D. **Impoundment Of Animal Without Valid Rabies Vaccination Tag:**
1. Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.
 2. Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within seventy two (72) hours of release.
 3. Any dog not reclaimed prior to the period established pursuant to subsection D2 of this section, shall be disposed of pursuant to provisions of subsection 5-2-13C of this chapter.
- E. **Reporting Of Rabid Animals:** Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies, or of any animal or person bitten by such a suspect animal, shall notify the police department or the state division of health.
- F. **Quarantine, Disposition Of Biting, Rabid Animals:**
1. **Reporting, Confinement:** An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal affected with rabies or that has been exposed to rabies shall be reported by the owner as set forth above and shall immediately be confined in a secure place by the owner. The owner shall turn over the animal to the police department upon demand.

2. Surrender; Enter Upon Private Property Authorized: The owner of any animal which has been bitten by a rabid animal must surrender the bitten animal to an authorized official upon demand. Any person authorized to enforce this chapter may enter upon private property to seize the animal; if the owner refuses to surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.

3. Period And Terms Of Quarantine: Any animal that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than ten (10) days by the police department. The owner of the animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the police department if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstance justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the police department if the animal shows any signs of sickness or abnormal behavior, or if the animal escaped confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health or police officer to make an inspection or examination during the period of quarantine. If, at the end of the ten (10) day period, the police department examines the animal and finds no sign of rabies, the animal may be released to the owner or, in the case of a stray, it shall be disposed of as provided in subsection 15-2-13C of this chapter. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately notify the department or immediately remove and deliver the head to the state health laboratory to be examined for rabies.

4. Unvaccinated Bitten Animals:

a. In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately destroyed.

b. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.

5. Vaccinated Bitten Animals:

a. If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within twenty four (24) hours and quarantined for a period of thirty (30) days following revaccination; or

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

c. The animal shall be destroyed if the owner does not comply with this subsection.

6. Removal Of Quarantined Animal: It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the police department.

7. Multiple Bites Or Attacks: If any animal bites or attacks a person or animal two (2) times or more in a twelve (12) month period, such animal may be immediately impounded by the police department without court order and held at the owner's expense pending court action. Any such animal shall be deemed a vicious animal, and the police department may seek a court order as provided in section 5-2-15 of this chapter for the destruction of the animal. Parties owning such animals shall, if possible, be notified immediately of the animal's location by the police department. (Ord. 04-07, 8-10-2004)

5-2-10: **BITES; DUTY TO REPORT:**

- A. **Species Subject To Rabies:** Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the police department.
- B. **Reporting Bites:** The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the police department or the health department within twenty four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.
- C. **Physician, Medical Personnel:** A physician or other medical personnel who renders professional treatment to a person bitten by an animal shall report the fact that he has rendered professional treatment to the police department within twenty four (24) hours of

his first professional attendance. He shall report the name, sex and address of the person bitten as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the police department in ascertaining the immunization status and whereabouts of the animal.

- D. **Persons Treating Bitten Animal:** Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the police department. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury, and the location of the incident. (Ord. 04-07, 8-10-2004)

5-2-11: **ANIMALS AT LARGE:** It shall be unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal at any time to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not he knows that the animal is running at large. (Ord. 04-07, 8-10-2004)

5-2-12: **PROHIBITED ACTS AND CONDITIONS:**

- A. **Harboring Stray Dogs:** It shall be unlawful for any person, except the police department, to harbor or keep any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the police department within twenty four (24) hours, and the department shall impound the dog as herein provided.
- B. **Dogs On Unenclosed Premises:** It shall be unlawful for any person to chain, stake out or tether any dog on any unenclosed premises in such a manner that the animal may go beyond the property line, unless such person has permission of the owner of the property the dog trespasses.
- C. **Sale Of Animals:**
1. **Rabbits Or Fowl:** It shall be unlawful for any person, without the appropriate license, to sell, offer for sale, barter or give away any baby rabbits or fowl under two (2) months of age in any quantity less

than six (6). Such animals shall not be artificially dyed or colored. Nothing in this subsection shall be construed to prohibit the raising of such rabbits and fowl by a private individual for his personal use and consumption; provided, that he shall maintain proper brooders and other facilities for the care and containment of such animals while they are in his possession.

2. **Premiums And Novelties:** It shall be unlawful for any person to offer as a premium, prize, award, novelty or incentive to purchase merchandise, any live animal.

3. **Pet Turtles:** It shall be unlawful for any pet shop to raise or sell any *Pseudemys Scripta-Elegans*, of *P. Troostii* family *Testudinidae*, "pet turtles".

D. Wild Animals:

1. It shall be unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any "wild animal", as defined in section 5-2-1 of this chapter, which is fierce, dangerous, noxious or naturally inclined to do harm, except an animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

2. It shall be unlawful for any person to keep an animal of a species prohibited or protected by the code of federal regulations title 50, or by any regulation or law of the state. (Ord. 04-07, 8-10-2004)

5-2-13: IMPOUNDING:

A. Animals To Be Impounded: The police department shall place all animals which it takes into custody in a designated animal impound facility. The following animals may be taken into custody by the police department and impounded without the filing of a petition:

1. Any animal being kept or maintained contrary to the provisions of this chapter;

2. Any animal running at large contrary to the provisions of this chapter;

3. Any animal which is by this chapter required to be licensed and is not licensed. Any animal not wearing a tag shall be presumed to be unlicensed for purposes of this section;

4. Sick or injured animals whose owner cannot be located;

5. Any abandoned animal;

6. Animals which are not vaccinated for rabies in accordance with the requirements of this chapter;

7. Any animal to be held for quarantine;

8. Any vicious animal not properly confined as required by subsection 5-2-7B of this chapter.

B. **Records Maintained:** The impounding records kept by the police department shall include the following information:

1. Complete description of the animal, including its tag number;

2. The manner and date of impound;

3. The location wherein the animal was impounded and the name of the officer impounding the animal;

4. The manner and date of disposal;

5. The name and address of the animal redeemer or purchaser;

6. The name and address of person relinquishing an animal to the impound facility;

7. All fees received;

8. All expenses accruing during impoundment.

C. **Disposition Of Animals:**

1. Animals shall be impounded for a minimum of five (5) calendar days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last know address of the listed owner. Any animal voluntarily relinquished to the police facility or

impounded pursuant to section 5-2-15 of this chapter, need not be kept for the minimum holding period before release or other disposition as herein provided, and may be destroyed or disposed of in the discretion of the police department without court order.

2. All dogs and cats, except for those quarantined or confined by court order, held longer than the minimum, and cats impounded or voluntarily relinquished to the impound facility, may be destroyed or sold as the police department shall direct.

D. Redemption:

1. Animals may be redeemed by the owner after payment of the costs and fees due as established by county animal shelter.

2. No impound fee will be charged the reporting owners of suspected rabid animals if they comply with section 5-2-9 of this chapter. (Ord. 04-07, 8-10-2004)

5-2-14: REVOCATION OF LICENSE: If the owner of any dog is found to be in violation of this chapter on three (3) or more different occasions during any twelve (12) month period, the police department may seek a court order pursuant to section 5-2-15 of this chapter, revoking for a period of one year any dog license such person may possess and providing for the police department to pick up and impound any dog kept by the person under such order. Any dog impounded pursuant to such an order shall be dealt with in accordance with the provisions of this chapter for impounded animals, except that the person under the order of revocation shall not be allowed to redeem the dog under any circumstances. (Ord. 04-07, 8-10-2004)

5-2-15: COURT ORDER; PROCEDURE: Unless modified by the court, court orders pursuant to subsection 5-2-7B, and sections 5-2-9 and 5-2-14 of this chapter, shall be filed according to the following minimum notice and procedure:

- A. The police department shall petition the court for the desired action.
- B. The petition for the action, together with supporting affidavits, shall be served on the party against whom the action is taken at least five (5) days prior to the hearing. (Ord. 04-07, 8-10-2004)

5-2-16: **PENALTY:** Any person violating the provisions of this chapter whether by failing to do those acts required herein or by doing any act prohibited herein, shall be guilty of a class B misdemeanor and, upon conviction, subject to penalty as provided in section 1-4-1 of this code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Ord. 04-07, 8-10-2004)

CHAPTER 3
OFFENSES

SECTION:

- 5-3-1: Criminal Code Adopted By Reference
5-3-2: Firearms Discharge

5-3-1: **CRIMINAL CODE ADOPTED BY REFERENCE:** Except insofar as the application thereof is clearly impractical or inappropriate, in view of the context of purposes or penalty as provided, all of the definitions, requirements, regulations, prohibitions, provisions and sections of the Utah criminal code¹, as amended, are hereby adopted by the city. Any and all violations thereof shall be considered violations of this chapter, and each such violation shall subject the violator thereof to penalty provisions under this chapter if proceeded hereunder. (2005 Code)

5-3-2: **FIREARMS DISCHARGE:**

- A. **Prohibited:** It shall be unlawful for any person to discharge within the city limits any firearm of any description, including, but not limited to, shotguns, rifles, CO² guns, bows and arrows, slingshots or flippers; provided, that this section shall not apply to the use of firearms by persons described in subsection B of this section in the official performance of their duty; and provided also, that the city council may authorize firing on designated target ranges. An offense under this section is a class C misdemeanor, subject to penalty as provided in section 1-4-1 of this code. (Ord. 13-1050-26, 10-12-1982; amd. 2005 Code)
- B. **Exemptions:** The provisions of subsection A of this section shall not apply to any of the following:
1. United States marshals while engaged in the performance of their official duties.

1. UCA title 76.

2. Federal officials required to carry firearms while engaged in the performance of their official duties.
3. Law enforcement officials of this or any other jurisdiction while engaged in the performance of their official duties.
4. Common carriers while engaged in the regular and ordinary transport of firearms as merchandise.
5. Nonresidents traveling in or through this city; provided, that any firearm is unloaded and enclosed in a case, gun box, or securely tied package or held securely in a gun rack or locked in the trunk of an automobile in which the nonresident is transporting the firearm. (1980 Code § 13-1050-23)

CHAPTER 3

OFFENSES

ARTICLE A. MINORS

SECTION:

5-3A-1: Curfew

5-3A-1: **CURFEW:**

- A. **Established:** No person under the age of eighteen (18) years shall be or remain upon any of the streets, alleys or public places or vacant lots at night between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. following, unless such person is accompanied by a parent, guardian or other person having legal custody of such minor person, or unless the employment or lawful business of such minor makes it necessary to be upon the streets, alleys or public places between such specified hours. On any night when school, civil or church functions are taking place, the hours of curfew shall be twelve o'clock (12:00) midnight to five o'clock (5:00) A.M. following, in order to provide adequate time to attend such functions provided for minor persons. (1980 Code § 13-312; amd. 2005 Code)
- B. **Responsibility Of Parents, Guardians:** No parent, guardian or other person having legal charge or custody of any person under eighteen (18) years of age shall allow or permit any such person or child, ward or other person under such age, while in such legal custody, to go or be in or upon any of the streets, alleys or public places when such going or being in or upon such streets, alleys or public places would be in violation by such minor of any provision of subsection A of this section. (1980 Code § 13-313)