

ORDINANCE 16-01

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the Hyrum City Municipal Code, a recodification of municipal ordinances encompassing the Revised Ordinances of Hyrum City and ordinances adopted through July 15, 1993; and

WHEREAS, Title 6 of the Hyrum City Municipal Code sets forth those regulations and conditions governing the keeping and use of certain kinds of animals within the limits of Hyrum City; and

WHEREAS, Chapter Title 6 of the Hyrum City Municipal Code includes specific provisions and conditions regulating the harboring, keeping, and licensing of dogs within the limits of Hyrum City; and

WHEREAS, the Hyrum City Council has concluded, upon the recommendations of animal control personnel and court staff, there is a need to update Title 6 to reflect changes in state laws and city procedures.

NOW, THEREFORE, the City Council hereby adopts, passes and publishes the following:

AN ORDINANCE REPEALING AND REENACTING TITLE 6 (ANIMALS) OF THE HYRUM CITY MUNICIPAL CODE.

BE IT ORDAINED by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Title 6 of the Hyrum City Municipal is hereby repealed reenacted as follows:

**TITLE 6**

**ANIMALS**

**Chapters:**

- 6.04 Animals
- 6.08 Unlawful Acts
- 6.12 Animal Control Regulations  
Generally
- 6.20 Dangerous Dogs
- 6.28 Estrays and Trespassing Animals

## Chapter 6.04

### ANIMALS

#### Sections:

- 6.04.010 Definitions.
- 6.04.020 Duties of Animal Control Officer.
- 6.04.030 Interference with Officer prohibited.
- 6.04.040 Lawful for Officers to go on property.
- 6.04.060 Biting animals quarantined for observation.
- 6.04.080 Retrieval of suffering animals.

#### 6.04.010 Definitions.

As used in this title, unless the context otherwise indicates, the following terms mean:

- A. **Animal Control Officer:** The person or persons designated to enforce this title.
- B. **Animal Establishment:** Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel/cattery or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers.
- C. **Animal Shelter:** A facility designated or recognized by Hyrum City for the purpose of impounding and caring for domestic animals. A veterinarian facility may be designated as an animal shelter.
- D. **At Large:** A domestic animal shall be deemed to be at large when off the property of the owner and not under restraint.
- E. **Dangerous Animal:** An animal that without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals.
- F. **Domestic Animal:** Any animal commonly kept as a pet in family households in the United States, including, but not limited to, dogs, cats, guinea pigs, rabbits, and hamsters; and any animals commonly kept for companion or commercial purposes. Pigs including pot belly pigs are not allowed within Hyrum City limits.
- G. **Estray:** Any valuable animal, except dogs and cats, not wild, found running at large.
- H. **Feral Cat:** Any unowned cat.
- I. **Field Cat:** A cat kept primarily out of doors, not as a pet, but instead kept for the control of

- rodents.
- J. **Fixed Dog Run:** A fenced in and/or covered structure used to house or contain a dog(s) in a relatively limited area. Not meant to include merely keeping a dog attached to a line or keeping a dog in a fenced yard. A fixed dog run must be closer to the owner's residence than the adjoining neighbors' residence. Locations of fixed runs shall be located according to the following setbacks:
1. Front setback - thirty feet (30');
  2. Side setback - ten feet (10');
  3. Side setback adjoining street - twenty feet (20');
  4. Rear setback - ten feet (10'); and
  5. Setback from neighbors' residences (any residence on adjacent property) - thirty feet (30').
- K. **Foster Care Provider:** A person or persons designated by a "rescue agency" and approved by Hyrum City and the animal control officer to provide care for a maximum of two (2) impounded animals.
- L. **Humane Manner:** Care of a domestic animal including, but not limited to, adequate heat, ventilation, sanitary shelter, and wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.
- M. **Kennel:** An establishment of three (3) or more dogs.
- N. **Licensing Authority:** The agency or department of Hyrum City or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this title.
- O. **Livestock Guarding Dogs:** Dogs kept for the primary purpose of protecting livestock from predatory attacks.
- P. **Neutered or Spayed:** To be rendered permanently incapable of reproduction.
- Q. **Nuisance:** A domestic animal which damages, soils, defiles, or defecates on property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on property other than the owner's or on public property.

- R. **Owner:** A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person.
- S. **Person:** Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.
- T. **Pet Shop:** An establishment engaged in the business of buying or selling, at retail, animals for profit making purposes.
- U. **Rescue Agency:** A nonprofit organization (such as Cache Humane Society) whose purpose is the rescue of homeless animals and require humane treatment and medical care including immunizations and prevention of reproduction. Rescue agencies select and approve "foster care providers" who care for homeless animals under their direction and supervision.
- V. **Restraint:** An animal which is within the real property limits of its owner or secured by a leash or lead.
- W. **Wild Animal:** Any animal of a species that in natural life is wild.

**6.04.020 Duties of Animal Control Officer.**

The animal control officer shall perform the following duties:

- A. Carry out and enforce the provisions of this title.
- B. Enforce the licensing and control of all animals within the municipality as hereafter provided.
- C. Issue citations and file complaints in the courts against any person, firm, or corporation failing to comply with the provisions of this title and obtain licenses when required thereunder.
- D. Capture and secure all animals found running at large contrary to the provisions of this title and impound such animals in a humane manner.
- E. Provide for a good and sufficient pound in which an animal duly committed to his charge or otherwise impounded by him shall be maintained.
- F. Enter on the impound record a description sufficient to provide identification thereof in records kept for that purpose stating the kind of animal and the circumstances under which received or impounded, the costs expended for the maintenance of the animal and amounts received arising out of maintenance or sale of animal.

**6.04.030 Interference with Officer prohibited.**

It shall be unlawful for any person to interfere, molest, hinder or obstruct the animal control officer or

any of his authorized representatives in the discharge of their duties as herein prescribed.

**6.04.040 Lawful for Officers to go on property.**

In the enforcement of any provision of this title any police officer or animal control officer is authorized to enter on to the property of any person or entity to take possession of any dangerous or vicious dog or animal, or dog or animal which has committed an act prohibited by city ordinance, when in fresh pursuit of such dog or animal at the time the dog or animal goes onto private property.

**6.04.050 Establishment inspections.**

All establishments required to be permitted under this chapter shall be subject to periodic inspections by the animal control officer. The animal control officer shall make a report of such inspections with a copy to be filed with the city.

**6.04.060 Biting animals quarantined for observation.**

Any animal of a species subject to rabies which is known to have bitten or has been bitten, or injured any person so as to cause an abrasion of the skin shall be placed in confinement under observation of a veterinary hospital or the municipal pound and shall not be killed or released until at least ten (10) days after the biting or injury has occurred in order to determine whether or not the animal has rabies. If the animal dies or has been killed, it shall be immediately taken to the state health or other appropriate laboratory to be examined for rabies.

- A. The owner of such quarantined animal, or if the owner cannot be found then the person having custody and control of the animal, shall be responsible for and reimburse the city for any and all costs incurred for such quarantine regardless of whether or not the animal in fact has rabies.
- B. The owner of such animal may choose to euthanize the animal prior to the ten (10) day quarantine period and take the animal to the proper agency for the required tests.

**6.04.080 Retrieval of suffering animals.**

In the event that Hyrum City finds dogs, or other animals to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when necessary to prevent further suffering. Return to the owner/caregiver may be withheld until the owner/caregiver shall have made full payment for all expenses so incurred.

## Chapter 6.08

### UNLAWFUL ACTS

#### Sections:

- 6.08.010 Trespassing Animals.
- 6.08.020 Killing or poisoning animals prohibited.
- 6.08.030 Keeping animals for fighting.
- 6.08.040 Malicious impounding.
- 6.08.050 Removal of dead animals.
- 6.08.060 Trapping of domestic animals.
- 6.08.070 Trapping of wild and/or nuisance animals.
- 6.08.075 Agreement for use of traps - deposit required.
- 6.08.080 Wild animal restrictions.
- 6.08.090 Nuisance animals.

#### **6.08.010 Trespassing animals.**

It is unlawful for any owner or caregiver of any dog or other animal to permit or negligently allow such dog or other animal to run at large or to trespass upon the property of another person.

#### **6.08.020 Killing or poisoning animals prohibited.**

It is unlawful for any person to willfully kill any domestic animal belonging to another, or to administer poison to any domestic animal or to expose any poisonous substance with the intent that it shall be taken by any such animal. It is unlawful for any person to torture or treat any domestic animal in an inhumane manner.

#### **6.08.030 Keeping animals for fighting.**

- A. It is unlawful for any person, firm or corporation to raise, keep or use any animal, for the purpose of fighting or baiting; and for any person to be party to or be present as spectator at any such fighting or baiting of any animal, and for any person, firm, corporation to knowingly permit the use of his building, sheds, rooms, grounds, or premises for these purposes.
- B. Law enforcement officers or animal control officers may enter any building or place where there is an exhibition of the fighting or baiting of live animals, or where preparations are being made for such exhibitions, and law enforcement officers may arrest persons there present and take possession of all animals being prepared to fight, engaged in fighting or found for the purpose of fighting, along with all implements and other paraphernalia used in such exhibition. This provision shall not be interpreted to

authorize a search or arrest without a warrant when the law requires such.

**6.08.040 Malicious impounding.**

It is unlawful for any person to maliciously hide or impound the animal of another.

**6.08.050 Removal of dead animals.**

The owner of any animal that has died or been killed shall remove or bury the carcass of such animal as soon as possible and at least within two (2) days after its death. No horse, cow, ox, or other such large animal shall be buried on the owner's real property without approval from the local health department.

**6.08.060 Trapping of domestic animals.**

It is unlawful for any person to trap, set a trap or engage in trapping in Hyrum City except under the supervision of the animal control officer. The mayor may authorize any employees of the city to engage in trapping where it is deemed by the mayor to be in the best interest of Hyrum City.

- A. The animal control officer may make available humane "live" traps to the public to trap nuisance animals running at large and trespassing on their property.

**6.08.070 Trapping of wild and/or nuisance animals.**

The trapping of wild and nuisance animals is regulated by state law.

**6.08.075 Agreement For Use Of Traps - Deposit Required.**

- A. The animal control officer may make available humane
- A. Residents borrowing a trap or traps to control nuisance household cats, or feral, abandoned, or stray cats, or raccoons and skunks, will be required to place a deposit equal to the replacement cost of each trap before taking possession of it. Said deposit will be refunded following return of the trap in satisfactory condition.
- B. All borrowers shall be required to sign an agreement indemnifying Hyrum City, its officers and employees, from damage to private property or injury to the user or animals caused by use of the trap.
- C. Borrowers must also commit to follow instructions regarding use and care of the trap.
- D. All traps will be loaned by the municipal animal control department on an as-available basis.
- E. All borrowers are responsible for baiting of traps; however, it is unlawful to use bait containing poison or other harmful materials. All

animals thus caught are to be treated in a humane manner.

#### **6.08.080 Wild animal restrictions.**

It is unlawful for any person to sell, possess, offer for sale, barter, give away, keep or purchase any vicious wild animal which is fierce, dangerous, noxious or naturally inclined to do harm. An animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement park or facility for education of scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

#### **6.08.090 Nuisance animals.**

Any owner or person having charge, care, custody or control of an animal(s) causing a nuisance as defined in this title shall be subject to the penalties provided herein. Residents seeking help with nuisance household cats, or stray, feral, or abandoned cats, as well as skunks and raccoons that are creating a nuisance, will first be given remedies on how to keep them off their property. If such remedies are unsuccessful, they may file an application with the municipal animal control department to borrow a trap for the purpose of catching such animals. Said application will be submitted on a form provided by the city. After the application has been filed, the animal control officers will take such action, at their discretion, as to the best method of dealing with the problem, including the loan of a trap or traps to enable the applicant to catch nuisance animals.

## **Chapter 6.12**

### **ANIMAL CONTROL REGULATIONS GENERALLY**

#### Sections:

- 6.12.010 Licensing and rabies vaccinations
- 6.12.020 For animal establishments.
- 6.12.030 Issuance and revocation of permits and licenses.
- 6.12.040 Owner responsibility.
- 6.12.050 Impoundment.
- 6.12.060 Redemption.
- 6.12.070 Adoption.
- 6.12.080 Rescue.
- 6.12.090 Euthanization.
- 6.12.095 Violation, Penalty, Abatement.

#### **6.12.010 Licensing and rabies vaccinations.**



Except as provided in this section, no person shall own, keep, or harbor any dog over four (4) months of age within Hyrum City unless such dog is vaccinated and licensed. All dogs shall be vaccinated against rabies. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or a licensed government operated animal shelter, a rescue agency or authorized foster care provider.

- A. Application for a license must be made within thirty (30) days after obtaining a dog over four (4) months of age, except that this requirement will not apply to a nonresident keeping a dog within Hyrum City for no longer than thirty (30) calendar days. Temporary dogs must have a valid rabies certificate and are subject to all other ordinances, rules and regulations while in Hyrum City, pursuant to the provisions of this title. The city shall provide applications for a dog license and shall include the name and address of the owner and the name, breed, color, age, and sex of the dog. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.
- B. The licensing period shall begin the first day of the calendar year and shall run for one year. License renewal may be applied for within sixty (60) days prior to the expiration date. New residents must apply for a license within thirty (30) days of establishing residency.
- C. A license shall be issued after payment of a fee according to the prevailing fee schedule for each dog. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a late fee as set forth in the prevailing fee schedule.
- D. Evidence of license for the previous year may be required of all persons desiring to relicense a dog under the provisions of this section. Any person attempting to license a dog that was not properly licensed during the previous year, had passed the age of four (4) months, and had been in the city more than thirty (30) days prior to January 1 of the current year, shall be required to pay:
  - 1. The appropriate license fee for the previous year;
  - 2. The appropriate license for the current year; and
  - 3. The late fee as provided by subsection D of this section.

- E. License fees shall be waived for dogs serving the disabled or government owned dogs used for law enforcement. All other licensing provisions shall apply.
- F. Upon acceptance of the license application and fee, Hyrum City shall issue a durable license tag including an identifying number, year of issuance, city, county, and state, which must be attached to the collar of the dog. Tags must be worn at all times. Hyrum City shall maintain a record of all licenses issued, and such records shall be available to the animal control officer.
- G. When a resident purchases or otherwise acquires a dog already licensed with Hyrum City for the current year, the new owner may transfer the existing license for a fee in an amount set by resolution of the City Council. This transfer must take place within thirty (30) days from the date of purchase or acquisition or the dog must be relicensed according to the provisions of this chapter. If the newly acquired dog comes from outside Hyrum City, or its owner has moved into Hyrum City and brought the dog with him, and the dog carries a valid license from another jurisdiction, the new owner may obtain a Hyrum City license by offering proof of rabies vaccination and paying a transfer fee in an amount set by resolution of the City Council. This transfer must take place within thirty (30) days from the date the dog is brought into Hyrum City or the dog must be relicensed according to the provisions of this chapter. (Ord. 92-10 § 1 (part): prior code § 13-242 (0); Ord. 08-06)
- H. Each household may own, keep, harbor or maintain no more than two (2) dogs over the age of four (4) months unless they are operating a commercial kennel (see Chapter 20). Other than single family dwellings all other residential buildings will be permitted one (1) dog per dwelling unit, (e.g. Duplex - two (2) dogs total, Fourplex - four (4) dogs total).

**6.12.020 For animal establishments.**

- A. No person shall operate an animal establishment without first obtaining a permit in compliance with this section.
- B. The permit period shall begin with the first day of the calendar year and shall run for one year. Renewal applications for permits may be made within sixty (60) days prior of the expiration date. However, applications for a permit to establish a new animal establishment under the

- provisions of this title may be made at any time.
- C. Annual permits shall be issued upon payment of the applicable fees as found in the prevailing fee schedule.
  - D. A person who maintains a kennel of three (3) or more dogs must pay the kennel permit renewal fee listed in the prevailing fee schedule and must license each dog individually.
  - E. Any animal shelter, rescue agency, and foster care provider operating within the city limits, may have all fees normally required in the prevailing fee schedule, waived by the City Council, for these three (3) entities.
  - F. No person or persons at any one residence within Hyrum City shall at any time own or license more than two (2) dogs except otherwise provided in this title.
  - G. Research facilities where beneficial medical or related research is being conducted, humane shelters and other animal establishments operated by state or local government or which are licensed by federal law are excluded from the permit requirements of this chapter.

**6.12.030 Issuance and revocation of permits and licenses.**

- A. Hyrum City may revoke any permit or license for any dog if the person holding the permit or license refuses or fails to comply with this title, the regulations promulgated by Hyrum City or any other law governing the protection and keeping of animals. In such cases, the animal control officer may pick up and impound any animal kept by the person under such order. Any animal impounded pursuant to such an order shall be dealt with in accordance with the provisions of this title for impounded animals.
- B. If an applicant is shown to have withheld or falsified any material information on the application, Hyrum City may refuse to issue or may revoke a permit or license.
- C. It shall be a condition of issuance of any permit for an animal establishment that Hyrum City shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours. Where a permit is revoked for any cause, or pending appeal of any such action, Hyrum City shall have power of entry on the premises and into all areas where animals are being kept. A person denied a permit may not reapply for a period of at least thirty (30) days. Each reapplication shall disclose any

previous denial or revocation and shall be accompanied by the fee as set forth in the prevailing fee schedule.

**6.12.040 Owner responsibility.**

- A. All dogs shall be kept under restraint.
- B. No dog or cat shall be abandoned, neglected, or allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this title.
- C. Livestock guarding dogs shall be exempt from nuisance regulations when performing duties protecting livestock on premises owned or controlled by the owner.
- D. Dog owners shall ensure that their animal carries identification at all times in the form of a tag, or other means to allow easy determination of the owners. Such identification will assist pet owners in the recovery of missing or impounded animals. Beyond a reasonable attempt, Hyrum City assumes no responsibility to ensure pets, even those with means of identification, are returned to their owners.
- E. The owner or any person having control over or charge of any dog or other animal shall be responsible for the removal of any feces deposited by such dog or animal in any public place, including but not limited to sidewalks, streets, planting strips, parking lots, parks, recreational areas or on private property not in the ownership or control of the person having control or purporting to have control over or charge of such dog or animal. (Ord. 04-06)

**6.12.050 Impoundment.**

Any dog found running at large or suspected of causing a "nuisance" as defined in this title shall be impounded by the animal control officer and confined in a humane manner. Immediately upon impounding a dog the animal control officer shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs not claimed by their owners within a period of three (3) working days in which the shelter is open to the public shall become the property of Hyrum City and will fall under the jurisdiction of the animal control officer.

- A. When any animal is found running at large or causing a nuisance, and its ownership is verified by the animal control officer, the officer may exercise the option of serving the owner with a citation in lieu of impounding the animal if it

is the animal's first offense.

- B. Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.

#### **6.12.060 Redemption.**

- A. Any dog impounded may be redeemed by the owner/caregiver thereof within three (3) working days upon payment of a mandatory impound fee as listed in the prevailing fee schedule plus any additional costs incurred in caring for the impounded animal. If any such dog has been previously impounded within the past twenty-four (24) months, the impoundment fee shall be increased as listed in the prevailing fee schedule. Payment of impoundment fees is not considered to be in lieu of any fine, penalty, or license fees.
- B. The owner/caregiver of an impounded dog may redeem their animal by the following procedure:
  1. Owner/caregiver will report to the Hyrum City Animal Control Office to request the redemption of the animal.
  2. An animal control officer will locate the proper impound record and calculate the daily board charges incurred as per the prevailing fee schedule. (The city employee may also call the impound facility to obtain the current daily boarding charges.)
  3. The owner/caregiver will pay Hyrum City for all impound fees, fines, and daily board charges. The city will then issue the owner/caregiver an itemized paid receipt listing all charges paid for.
  4. Owner/caregiver will then present the paid receipt at the impound facility and request the redemption of the dog. Owner will pay the impound facility for all expenses incurred for any veterinarian care, vaccinations, spaying, neutering, or other charges.
  5. The impound facility will then release the animal to the owner/caregiver and bill Hyrum City for the daily board charges incurred for the dog.
- C. Any dog confined for rabies, quarantine, evidence or other purposes may be redeemed by the owner, following the confinement period, and upon payment of all costs incurred in caring for the animal as specified in HCC B of this section.
- D. No dog required to be licensed or vaccinated under this title may be redeemed until provisions for such licensing and vaccinations have been fulfilled.

#### **6.12.070 Adoption.**

No dog over four (4) months shall be released for adoption without being spayed or neutered except to an authorized rescue agency. Vaccination fees, licensing fees, boarding charges, and veterinary costs may be assessed above and beyond, or as part of, the adoption fees.

#### **6.12.080 Rescue.**

In the event an animal is neither redeemed or adopted, it may be rescued by an authorized rescue agency (such as Cache Humane Society). No rescue agency will be assessed any fees for the rescue of any animal from impound. The rescue agency immediately assumes responsibility and legal ownership for the animal.

#### **6.12.090 Euthanization.**

Any animal not redeemed, adopted or rescued within three (3) working days may be euthanized. Any animal deemed by the animal control officer to be feral, dangerous, sick, injured or suffering may be euthanized immediately.

#### **6.12.095 Violation, Penalty, Abatement.**

Any person who is found guilty of violating any provisions of this chapter, either by failing to conform to the requirements and regulations found herein, or by engaging in a prohibited activity, shall be guilty of a class C misdemeanor.

- A. In all instances where the violation of this chapter is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.
- B. The city attorney may initiate legal action, civil or criminal, requested by the animal control officer to abate any condition that exists in violation of these rules and regulations.
- C. In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating any of these regulations shall be liable for all expenses incurred by the animal control officer or his deputy in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation.

## DANGEROUS DOGS

### Sections:

- 6.20.010 Definitions.
- 6.20.020 Owner responsibility.
- 6.20.030 Actions permitted against dangerous dogs.
- 6.20.040 Judicial hearing procedure.

### 6.20.010 Definitions.

As used in this chapter the following terms mean:

- A. **ATTACK:** Aggressive physical contact initiated by the dog.
  - B. **DANGEROUS DOG:** Any dog which without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. A dog's breed shall not be considered in determining whether or not it is "dangerous".
    - 1. No dog may be declared "dangerous":
      - a. If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
      - b. If at the time the person was committing a crime or offense upon the property of the owner, or custodian, of the dog;
      - c. If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog;
      - d. If the dog was attacked or menaced by a domestic animal, or the domestic animal was on the property of the owner, or custodian, of the dog;
      - e. If the dog was responding to pain or injury, or protecting itself, its kennel or its offspring;
- Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be "dangerous".
- C. **DOMESTIC ANIMAL:** Any animal commonly kept as a pet in family households in the United States, including, but not limited to, dogs, cats, guinea pigs, rabbits, and hamsters; and any animals commonly kept for companion or commercial purposes.
  - D. **SERIOUS INJURY:** Any physical injury consisting of

broken bones or a permanently disfiguring laceration requiring either multiple stitches or cosmetic surgery.

**6.20.020 Owner responsibility.**

Every "dangerous" dog, as determined by the animal control officer, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

**6.20.030 Actions permitted against dangerous dogs.**

- A. If any dog shall attack a person or domestic animal who was peaceably conducting himself in any place where he may lawfully be, any person, for the purpose preventing imminent injury or further injury, may use such force as is required to stop the attack.
- B. A police officer or animal control officer acting pursuant to his statutory duties may, where the threat of serious injury to a person or domestic animal is imminent and unjustified, use such force as is required to prevent such injury.

**6.20.040 Judicial hearing procedure.**

- A. Any person may make a complainant of an allege "dangerous dog" as that term is defined herein to the animal control officer or a police officer of Hyrum City. Such officer(s) shall immediately inform the complainant of his right to commence a judicial hearing as provided for in HCC B of this section, and if there is reason to believe the dog is a "dangerous" dog, the officer shall forthwith commence such judicial hearing himself.
- B. Any person may, and any police officer, or animal control officer acting within the scope of his statutory duties, shall make a complaint under oath or affirmation of an alleged "dangerous" dog as that term is defined herein to any municipal judge or justice. Thereupon, the judge or justice, shall immediately determine if there is probable cause to believe the dog is a "dangerous" dog and, if so, shall issue an order to any police officer pursuant to his statutory duties or animal control officer directing such officer to immediately seize such dog and hold same pending judicial determination as herein provided. Whether or not the judge or justice, finds there is probable cause for such seizure, he shall, at the next available court date, and upon written notice of not less than three (3) days to the owner of the dog, hold a judicial hearing on the complaint.



- C. Where a dog is determined pursuant to clear and convincing evidence at a duly constituted hearing to be "dangerous", the judge or justice, shall require the owner of said animal to register such animal with Hyrum City, and to provide prompt notification to Hyrum City of any changes in the ownership of the animal; names, addresses and telephone numbers of new owners; any change in the health status of the animal; any further instance of attack; any claims made or lawsuits brought as a result of further instances of attack, or the death of the animal. The owner must, at the time of licensing, provide proof of a fully paid homeowners or rental insurance policy containing a personal liability clause in the minimum amount of one hundred thousand dollars (\$100,000.00). Hyrum City must be listed on the policy as an additional insured. In addition, the judge or justice, may require any or all of the following, but HCC C5 and C6 of this section may only be imposed where there has been serious injury to a person.
1. Indoors, when not alone, the dog must be under the control of a person eighteen (18) years or older. Provisions for the dog to be outdoors must also be made.
  2. Outdoors and unattended, the dog must be kept within a locked fenced area from which it cannot escape.
  3. When outdoors the dog must be attended and kept within a fenced area from which it cannot escape.
  4. When outdoors the dog must be attended and kept on a leash no longer than six (6) feet and under the control of a person eighteen (18) years of age or older.
  5. When outdoors the dog must be attended and muzzled. Such muzzle shall not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animals.
  6. Outdoors and unattended the dog must be confined to an escape proof fixed dog run of the following description:
    - a. Such fixed dog run shall allow the dog to stand normally and without restriction and shall be at least two and one-half ( $2\frac{1}{2}$ ) times the length of the dog, and shall protect the dog from the elements.
    - b. Fencing materials shall not have openings with a diameter of more than two (2) inches, and in the case of

wooden fences, the gaps shall not be more than two (2) inches.

c. Any gates within such fixed dog run or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the dog is confined to such kennel and unattended such locks shall be kept locked.

d. The fixed dog run may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.

7. Placement of a sign or signs of a description and in places directed by the judge or justice, advising the public of the presence and tendencies of said animal.

8. Attendance by the dog and its owner/caregiver at training sessions conducted by a certified applied animal behaviorist, board certified veterinarian behaviorist or other recognized expert in the field and completion of training or any other treatment as deemed appropriate by such expert. The owner of the dog shall be responsible for all costs associated with the evaluation and training ordered under this section.

9. Neutering or spaying of the dog at the owner's expense, unless medically contraindicated.

10. That the dog be permanently identified by tattooing or by injecting an identification microchip, using standard veterinary procedures and practices, identification number and the identification of the person performing the procedure to be registered with Hyrum City.

D. If a dog has been determined to be a "dangerous dog" by a judge or justice following a hearing as described above, and is involved in another attack as defined herein, the judge or justice may impose or reimpose any applicable directives listed above. Humane destruction of the dog may be ordered by the judge or justice following repeat attacks, but only where further incident involves serious injury to a person.

## Chapter 6.28

## **ESTRAYS AND TRESPASSING ANIMALS**

### Sections:

- 6.28.010 Impounding and disposal of estrays generally
- 6.28.040 Record of estrays.
- 6.28.060 Trespassing animals, appraisement of damages; detaining.
- 6.28.080 Malicious impounding.
- 6.28.090 Removal of dead animals.
- 6.28.100 Trapping of domestic animals.
- 6.28.110 Trapping of wild and/or nuisance animals.
- 6.28.120 Agreement for use of traps - deposit required.
- 6.28.130 Wild animal restrictions.
- 6.28.140 Nuisance animals.
- 6.28.160 Retaking animal unlawfully.

### **6.28.010 Impounding and disposal of estrays generally.**

It is made the duty of the animal control officer(s) to take into his possession and impound all estrays running at large within the boundaries of the city and attempt to determine the name and location of the animal's owner. The local state brand inspector may assist with any or all responsibilities assigned to the animal control officer regarding estrays.

### **6.28.040 Record of estrays.**

The animal control officer shall keep an accurate record of all estrays received by him, their age, color, sex, marks, and brands, the time and place of taking and the expense of keeping and selling the same, all animals claimed and taken away, all animals sold and to whom sold and the amount paid, all monies paid to owners after sale, all monies paid into the treasury, and all other matters necessary for compliance with the provisions of this chapter. The city shall provide the animal control officer with a suitable book in which shall be entered the records required by law to be kept by the animal control officer. Such records shall be open to the inspection of the public at all reasonable hours, and shall be deposited by the animal control officer with his successor in office.

### **6.28.060 Trespassing animals; appraisement of damages; detaining.**

If any cattle, horses, asses, mules, sheep, goats, swine or other animals shall trespass or do damage upon the premises of any person, the party aggrieved, whether he be the owner or the occupant of such premises, may recover damages by an action at law against the owner of the trespassing animals or by detaining and impounding any or all of said animals trespassing or doing damage thereon. He

shall, within forty-eight (48) hours thereafter, deliver said animals to the animal control officer together with a certificate of the appraisal of damage done by such animals. Such appraisal must be made by some disinterested person. It must state the amount of the damage, the time when committed, the name of the person damaged, the name of the owner of the animals, if known, and if not known, it must state that fact together with a description of the animals, including all visible marks and brands. If the animals appear to be owned by different parties, a separate appraisal and a separate certificate thereof shall be made of the damage done by the lot or group of animals which appear to belong to each of the different owners. In such cases, the owners shall be notified separately, and each lot or group of animals shall be advertised and sold separately in the same manner as though the damage had been done by different animals at different times. If deemed appropriate the animal control officer or state brand inspector may authorize the person in possession of the stray to maintain and care for it pending determination and location of its owner. A person authorized to care for any stray(s) is entitled to be reimbursed for expenses incurred according to the prevailing fee schedule.

**6.28.080 Failure to notify; waiver of damages.**

No person who finds an stray is entitled to reimbursement for feed and maintenance or for any other cost incurred on behalf of the stray before such time as notice of the stray is given to the animal control officer or state brand inspector. If the party detaining any animals shall fail to deliver them or the certification of appraisal to the animal control officer or the state brand inspector within forty-eight (48) hours after he receives the same or to deposit the same in a post office as provided in this chapter, he shall not be entitled to recover damages under the provisions of this chapter.

**6.28.090 Duty of animal control officer.**

Whenever any animals are delivered to the animal control officer and the certificate of appraisal is filed with him as provided in this chapter and such certificate states that the owner is unknown, the animal control officer shall immediately examine all brand books or brand sheets in his possession. If the owner be ascertained hereby or if the owner be already known to the animal control officer, he shall, if the owner lives within ten (10) miles, immediately deliver a copy of such certificate of appraisal to such owner, or leave the same at his residence if he cannot be found. If the owner lives more than ten (10) miles away, the animal control officer may at his option deliver such copy personally to

the owner, or deposit the same in the nearest post office in a registered letter addressed to such owner. He shall, however, serve a copy in one of the ways provided in the section: provided, that whenever personal service of a copy of any paper is required by this chapter, service by an authorized agent shall be deemed sufficient.

**6.28.100 Notice of sale of detained animals.**

As soon as any such animal(s) are delivered to the animal control officer, he shall immediately proceed to advertise the same as provided in this section except when the owner is known and has been notified, in which case he shall hold said animal forty-eight (48) hours before advertising the same. He shall advertise in a newspaper published in and having general circulation in the county, by publishing a notice in at least one issue of said paper, by posting notices in three (3) public places within the city, one of which shall be at or near the post office, and he shall deliver a copy of the same to the county clerk or send the same by deputy or registered mail. The clerk should preserve such notice and post a copy thereof. The notice provided for in this section shall state the time when the damage was done and the amount thereof, the name of the party damaged, a description of the animals, including all visible marks and brands, and the day, hour and place at which such animals will be sold, which shall not be less than ten (10) or more than twenty (20) days from the time of posting such notice. The proper notice form shall be provided by the city.

**6.28.110 Owner may pay and take animals; disputed appraisal.**

The owner of any trespassing animals taken under the provisions of this chapter may at any time before the sale thereof claim and take such animals away upon paying the amount of damages set forth in the certificate of appraisal and the accrued costs, and if such animals are included in a lot or group of animals belonging to other parties against which the damages and costs are assessed as a whole, he shall pay his proportion of the total amount of damages and costs assessed such animals, according to the number of animals he owns when compared with the number of the entire lot or group. If he deems the appraisal too high, he may choose another appraiser having the qualifications provided in this section who with the first appraiser shall make a new appraisal, and if they cannot agree, they shall choose a third appraiser, and the three (3) shall proceed to make another appraisal, and the decision of the majority shall be final.

**6.28.120 Bill of sale.**

If such animals are not claimed and taken away by the

owner, the animal control officer shall, at the time and place set forth in the notice of sale, proceed to sell such animals, one at a time, to the highest cash bidder. If the owner of any lot of animals to be sold is known, the animal control officer shall sell only enough of the animals to pay the damages and cost, the remainder may be turned over to the owner at any time thereafter; but if the owner be unknown, the animal control officer shall proceed to sell all of said animals so advertised for sale. He shall execute and deliver a bill of sale therefor, and file a copy with the county clerk as provided in this chapter. Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus sold, free and clear of all claims of the owner or any person claiming through the owner. Hyrum City, provided it complies with this chapter, is immune from liability on account of any estray sold at a livestock or other appropriate market.

**6.28.130 Redemption by owner.**

As per State Code requirements.

**6.28.140 Owner entitled to residue of proceeds.**

As per State Code requirements.

**6.28.160 Retaking animal unlawfully.**

It is unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same under the provisions of this chapter, either by stealth, force, fraud, or to intercept or hinder any person lawfully taking up or attempting to take up such animals.

# **ANIMALS**

## **Chapters:-**

<del>6.04</del>	<del>Generally</del>
<del>6.06</del>	<del>Cats, Skunks, and Raccoons</del>
<del>6.08</del>	<del>Dogs</del>
<del>6.10</del>	<del>Foster Care</del>
<del>6.12</del>	<del>Estrays</del>
<del>6.16</del>	<del>Rabies</del>
<del>6.20</del>	<del>Poundmaster</del>

### **~~6.04.030 Cruelty to animals.~~**

- ~~A. A person commits cruelty to animals if he intentionally, knowingly or with criminal negligence:~~
- ~~1. Tortures or seriously overworks an animal;~~
  - ~~2. Fails to provide necessary food, care or shelter for an animal in his custody;~~
  - ~~3. Abandons an animal in his custody;~~
  - ~~4. Transports or confines an animal in a cruel manner;~~
  - ~~5. Kills, injures or administers poison to an animal without legal privilege; or~~
  - ~~6. Causes any animal, not including a dog, to fight with another animal or creature of like kind for amusement or gain; or causes any animal, including a dog, to fight with a different kind of animal or creature for amusement or gain.~~
- ~~B. It is a defense to prosecution under this section that the conduct of the actor towards the animal was by a licensed veterinarian using accepted veterinary practice, or directly related to bona fide experimentation for scientific research; provided, that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.~~
- ~~C. This section does not affect or prohibit the training of animals, so long as the methods used are in accordance with accepted husbandry practices.~~
- ~~D. This section does not affect or prohibit the use of an electronic locating collar by the owner of an animal for the purpose of protecting against loss of that animal.~~
- ~~E. As used in this section:~~
- ~~1. "Abandon" means to intentionally deposit,~~

~~leave or drop off any live animal:~~

~~a. Without providing for the care of that animal; or~~

~~b. In a situation where conditions present an immediate, direct and serious threat to the life, safety or health of the animal.~~

~~2. a. "Animal" means a live, non-human vertebrate creature.~~

~~b. "Animal" does not include animals kept for agricultural purposes in accordance with accepted husbandry practices, and does not include protected wildlife as defined in UCA 23-13-2(27).~~

~~3. "Custody" means ownership or control over an animal.~~

~~4. "Legal privilege" means an act authorized by law, done in conformance with local ordinances, and not otherwise prohibited by law.~~

~~5. "Necessary food, care and shelter" means appropriate and essential food and other needs of the animal, including veterinary care.~~

~~F. Violation of this section is a class C misdemeanor. (Ord. 93-02 § 1 (part): prior code § 13-931)~~

**~~6.04.040 Spectating at organized animal fights prohibited.~~**

~~A. It is unlawful for any person to be a spectator at an organized animal fight.~~

~~B. For the purpose of this section only, "organized animal fight" means a fight between animals for benefit of spectators. There is no requirement that an admission be charged.~~

~~C. A violation of this section is a class C misdemeanor. (Prior code § 13-931.5)~~

**~~6.04.050 Domestic animals-Killing or poisoning prohibited.~~**

~~It is unlawful for any person willfully to kill any domestic animal, or to administer poison to any such animal or to expose any poisonous substance with the intent that it shall be taken by any such animal. (Prior code § 13-224)~~

**~~6.04.060 Running at large-Herding or staking on streets, sidewalks and public places.~~**

~~No cattle, horses, mules, sheep, goats or swine shall be allowed to run at large or to be herded, picketed or staked out upon any street, sidewalk or other public place within the limits of this municipality, and all such animals so found may be impounded. Nothing herein contained shall be so construed as to prevent any person from driving~~



~~cows, horses, mules or other animals from outside municipal limits to any enclosure within the municipal limits or from any enclosure in the municipality to a place outside the municipality or from one enclosure to another within limits of the municipality. Nor shall this section be so construed as to prohibit any person from picketing or staking horses, cattle and similar domestic animals in the green portions of public rights of way and in other similar areas susceptible to grazing, provided such act is done in such a manner as to prevent such animals from coming up on the sidewalks and traveled portion of any streets, and so as not to constitute a nuisance or a menace to the public health and safety. (Ord. 82-06 § 3: prior code § 13-221)~~

~~**6.04.070 Domestic fowl and animals-Trespassing.**~~

~~It is unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person. (Prior code § 13-223)~~

~~**6.04.080 Sick, diseased or disabled animals-Abandonment unlawful-Disposition.**~~

~~It is unlawful for any person to abandon or turn out at large any sick, diseased or disabled animal, but such animal shall, when rendered useless by reason of sickness or other disability, be killed by the owner thereof and its carcass disposed of in such manner as to create no nuisance or hazard to health. (Prior code § 13-222)~~

~~**6.04.090 Diseased animals-Sale prohibited.**~~

- ~~A. It is a class C misdemeanor for any person to bring into the municipality for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.~~
- ~~B. It is a class C misdemeanor for any person to bring into the municipality for sale or to sell, or offer for sale any cattle, sheep, swine, fish, game, fowl or poultry which is diseased, unsound and unwholesome or which for any other reason is unfit for human food. (Prior code § 13-226, 13-227)~~

~~**6.04.100 Vicious animals-Possession and running at large prohibited-Capture-Disposition.**~~

- ~~A. It is unlawful for any person to own and possess a vicious dog or other animal within the municipality. It is unlawful for any person owning or having custody or control of any dog or other animal known by such person to be vicious or dangerous to permit or negligently allow it to~~

~~run at large, or permit or negligently allow it to run loose or within the premises of such person in such manner as to cause injury to any person or other animal. Whenever a prosecution for this offense is commenced under this section, the dog so involved may not be redeemed, pursuant to the provisions of this title, while awaiting final decision of the court as to the disposition to be made of such dog.~~

- ~~B. Any vicious dog or other animal running at large or loose within the premises of the owner or person having custody or control of such dog or other animals where it is reasonably likely to endanger the life or limb or cause injury to any person lawfully entering such premises, shall immediately be captured by the poundmaster, his deputies or any police officer, and humanely destroyed or quarantined as provided in Section 16.16.020.~~
- ~~C. If the capture of such dog or other animal cannot be accomplished without serious risk or harm to the poundmaster, his deputies or police officers, such dog or other animal may be destroyed by the poundmaster, his deputies or any police officer, where found, by the safest and most appropriate means available. It is the duty of the owner or person having custody or control of any vicious dog or other animal, upon request, to assist in the capture of such dog or other animal.~~
- ~~D. Any person violating this section shall be punished by imprisonment not to exceed six months and/or by paying a fine not to exceed two hundred ninety nine dollars.~~
- ~~E. Upon the trial of any offense under this section or Chapter 6.08 of this code, the court may, upon conviction and in addition to the usual judgment of conviction, order the poundmaster or other authorized personnel of the municipality to put the dog to death or may order such other disposition of the dog as will protect the inhabitants of the municipality. (Ord. 82-06 § 7: prior code § 13-250)~~

**~~6.04.110 Vicious animals-Allowing to go at large.~~**

~~Any owner of a vicious animal, knowing its propensities, who willfully allows it to go at large or who keeps it without ordinary care, and any animal, while at large or while not kept with ordinary care, causes injury to another animal or to any human being who has taken reasonable precaution which the circumstances permitted is guilty of a class B misdemeanor. (Prior code § 13-934)~~

**~~6.04.120 Fierce, dangerous or vicious animals-Control~~**

~~required.~~

~~It is 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 is declared to be a nuisance subject to all provisions of this code. (Ord. 82-06 § 10 (part): prior code § 13-259 (A))~~

~~6.04.130 Wild animals Possession and sale prohibited- Exceptions.~~

~~It is unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any wild animal as defined in Section 6.04.010, which is fierce, dangerous, noxious or naturally inclined to do harm, except the 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. (Ord. 82-06 § 10 (part): prior code § 13-259 (B))~~

~~6.04.140 Dead animals or fowl-Disposition.~~

~~The owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal within ten hours after its death; provided, that no horse, cow, ox or other animal shall be buried within the closely-inhabited portions of this municipality. A violation of this section is a class C misdemeanor. (Prior code § 13-225)~~

~~6.04.150 Officers' authority to take possession of animals-Lien for care.~~

~~UCA 76-9-305 is incorporated herein by reference. (Prior code § 13-935)~~

**Chapter 6.06**

**CATS, SKUNKS, AND RACCOONS**

~~Sections:~~

- ~~6.06.010 Definitions.~~
- ~~6.06.020 Budget provided.~~
- ~~6.06.030 License not required.~~
- ~~6.06.040 Nuisance defined.~~
- ~~6.06.050 Application for assistance.~~
- ~~6.06.060 Agreement for use of traps — Deposit~~

~~required.~~

~~6.06.070 Impoundment Redemption Disposition.~~

~~6.06.080 Violation Abatement Penalty.~~

~~6.06.090 Enforcement.~~

~~**6.06.010 Definitions.**~~

~~For the purpose of this chapter, the following definitions shall apply:~~

~~A. "Cat" means any variety of the cat family which are commonly domesticated and generally accepted as household or barnyard pets.~~

~~B. "Feral cat" means any cat bred or born in the wild and running at large without apparent ownership.~~

~~C. "Abandoned or stray cat" means any household cat running at large whose owner no longer provides for its care and keeping.~~

~~D. "Household cat" means any cat whose owner acknowledges responsibility for its care and keeping, whether confined to the house or yard or free to roam beyond the owner's property.~~

~~E. "Raccoon" means any type or breed or type of raccoon running at large within the municipal limits, whether or not such animal has been domesticated.~~

~~F. "Skunk" means any type or breed of skunk running at large within the municipal limits, whether or not such animal has been domesticated.~~

~~**6.06.020 Budget provided.**~~

~~Within the sole discretion of the City Council, the annual budget of the animal control department may include, when funds are available, an allotment designated to assist with the costs of trapping, spaying/neutering, vaccinating, boarding, and euthanizing stray, feral, or abandoned cats.~~

~~**6.06.030 License not required.**~~

~~Hyrum City does not require owners of household cats to license them, however all owners should provide for identification of such cats through either a tag worn on a collar or an imbedded identification chip. Such identification will assist pet owners in the recovery of missing or impounded animals. Beyond a reasonable attempt, Hyrum City assumes no responsibility to ensure pets, even those with means of identification, are returned to their owners.~~

~~**6.06.040 Nuisance defined.**~~

~~All unrestrained cats, whether household cats or stray, feral, or abandoned cats causing a specific and documented problem, are hereby declared a nuisance and may be dealt with according to the provisions of this chapter.~~

**~~6.06.050 Application for assistance.~~**

~~Residents seeking help with nuisance household cats, or stray, feral, or abandoned cats, as well as skunks and raccoons that are creating a nuisance, will first be given remedies on how to keep them off their property. If such remedies are unsuccessful, they may file an application with the municipal animal control department to borrow a trap for the purpose of catching such animals. Said application will be submitted on a form provided by the city. After the application has been filed, the animal control officers will take such action, at their discretion, as to the best method of dealing with the problem, including the loan of a trap or traps to enable the applicant to catch nuisance animals.~~

**~~6.06.060 Agreement for Use of Traps - Deposit required.~~**

~~A. Residents borrowing a trap or traps to control nuisance household cats, or feral, abandoned, or stray cats, or raccoons and skunks, will be required to place a deposit equal to the replacement cost of each trap before taking possession of it. Said deposit will be refunded following return of the trap in satisfactory condition.~~

~~B. All borrowers shall be required to sign an agreement indemnifying Hyrum City, its officers and employees, from damage to private property or injury to the user or animals caused by use of the trap.~~

~~C. Borrowers must also commit to follow instructions regarding use and care of the trap, as well as agree to notify Hyrum City Animal Control immediately following the successful trapping of a cat or other animal.~~

~~D. All traps will be loaned by the municipal animal control department on an as-available basis.~~

~~E. All residents successfully catching nuisance household cats, or feral, abandoned, or stray cats, as well as skunks or raccoons, shall notify the municipal animal control department immediately upon discovery of the entrapped animal.~~

~~F. All borrowers are responsible for baiting of traps, however it is unlawful to use bait containing poison or other harmful materials. All animals thus caught are to be treated in a humane manner.~~

**~~6.06.070 Impoundment - Redemption - Disposition of trapped animals.~~**

~~A. Animal control officers, having been notified of a trapped animal, will impound and check the animal for identifying tags or microchips or other means of identifying ownership. If the animal bears no means of identification, it will be housed at the Hyrum City pound for a period not less than five days, to provide time for the owner to file a missing animal report with the city.~~

~~B. If the cat is claimed within five days, the owner may retrieve the cat from the pound after signing a statement of ownership and remitting boarding and all other applicable fees. If the owner chooses not to keep the cat, the owner is still responsible for all fees.~~

~~C. After five days, and providing funds for these procedures are available, a healthy, unclaimed cat may be spayed/neutered, vaccinated for rabies and distemper, and returned to the pound after its ear has been clipped to identify it as a sterile feral cat. All cats thus prepared will be kept in the pound for 24 hours for observation. Afterwards, it will be released in the same area it was trapped so long as the temperature is above thirty two degrees Fahrenheit, and the cat is not groggy or bleeding; or the department may contact a local farmer for placement of such cats in a farm setting, or find a caregiver who will assume responsibility to give the cat adequate food, water, and shelter. If budgetary funding does not permit treatment and release of unclaimed cats, such animals may be placed in an adoptive home, transferred to a recognized animal rescue/welfare organization or euthanized.~~

~~D. If the cat is claimed by its owner after it has been spayed/neutered and vaccinated, the owner will sign an affidavit of ownership and reimburse the department for the boarding, spaying/neutering, and vaccination fees, after which the animal will be released to its owner.~~

~~E. When the animal control officer impounds a trapped cat, if the cat is seriously injured or diseased, it may be immediately euthanized in order to prevent unnecessary suffering.~~

~~F. If a feral, abandoned, or stray cat continues to be a nuisance after being spayed/neutered and vaccinated, it may be euthanized upon second impoundment or placed into an adoptive home or transferred to a recognized animal rescue/welfare organization after the minimum impound period described in Section~~

~~6.06.070.~~

~~G. If a household cat is trapped a second time, the cat must be spayed/neutered and vaccinated, if not previously completed, before being released to its owner. The owner shall be warned that following a third offense he/she will lose ownership and incur the possibility that the cat will be euthanized. The owner shall remit all boarding costs and other fees before the cat is released.~~

~~H. Following a third entrapment, household cats will be euthanized if not adopted or relocated to a farm setting or transferred to a recognized animal rescue/welfare agency, and after the minimum impound period as set by Section 6.06.070.~~

~~I. All skunks and raccoons will be euthanized immediately upon impoundment.~~

#### ~~6.06.080 Violation-Penalty-Abatement.~~

~~A. Any person who is found guilty of violating any provisions of this chapter, either by failing to conform to the requirements and regulations found herein, or by engaging in a prohibited activity, shall be guilty of a class B misdemeanor.~~

~~B. In all instances where the violation of this chapter is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.~~

~~C. The city attorney may initiate legal action, civil or criminal, requested by the animal control officer to abate any condition that exists in violation of these rules and regulations.~~

~~D. In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating any of these regulations shall be liable for all expenses incurred by the animal control officer or his deputy in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation.~~

#### ~~6.06.090 Enforcement.~~

~~It shall be the duty of the municipal animal control department officers or any duly appointed deputies to enforce the provisions of this chapter. (Ord. 05-08)~~

## Chapter 6.08

### DOGS

#### Sections:

- ~~6.08.010 Definitions.~~
- ~~6.08.020 License Required.~~
- ~~6.08.025 Non resident dog owners.~~
- ~~6.08.030 License Application.~~
- ~~6.08.040 License Issuing authority.~~
- ~~6.08.050 License Fees.~~
- ~~6.08.060 Relicensing fees.~~
- ~~6.08.070 Kennel license required when.~~
- ~~6.08.080 License Seeing eye dogs.~~
- ~~6.08.090 Temporary dogs.~~
- ~~6.08.100 License Transfer.~~
- ~~6.08.110 Tag Issuance Display Replacement Transfer.~~
- ~~6.08.120 Running at large prohibited.~~
- ~~6.08.125 Animal waste Removal required.~~
- ~~6.08.130 Female in heat.~~
- ~~6.08.140 Strays.~~
- ~~6.08.150 Rabies vaccination required.~~
- ~~6.08.160 Disturbing the peace prohibited.~~
- ~~6.08.170 Attacking, chasing or worrying.~~
- ~~6.08.180 Staking dogs on unenclosed premises.~~
- ~~6.08.190 Presence in establishments where food is sold  
or displayed prohibited.~~
- ~~6.08.200 Dog pound.~~
- ~~6.08.210 Impoundment Circumstances Recordkeeping requirements.~~
- ~~6.08.220 Impoundment Redemption.~~
- ~~6.08.230 Impoundment Disposition of unclaimed, diseased  
and injured dogs.~~
- ~~6.08.240 Impoundment Interference with prohibited.~~

~~\*Prior ordinance history: Ords. 85-07, 86-01 and 89.10, all of which amended portions of prior code § 13-242.~~

#### ~~6.08.010 Definitions.~~

~~As used herein, unless the context otherwise indicates, the following words are defined as follows:~~

~~"At large" or "running at large," when used in reference to dogs, means any dog off or away from the premises of the owner, possessor or keeper thereof unless such dog is under the control of such owner, possessor or~~



~~keeper, or his agent or servant or a member of his immediate family by means of a leash, cord or chain not in excess of ten feet in length.~~

~~"Dog" means any male, female or spayed female dog of any age.~~

~~"Dog of licensing age" means any dog which has been weaned or attained the age of six months.~~

~~"Impounded" means having been received into the custody of the municipal pound or into the custody of any authorized agent or representative of the municipality.~~

~~"Owner," when applied to the proprietorship of a dog, means any person or persons, firm, association or corporation, whether or not a resident of Hyrum City, owning, keeping or harboring a dog within municipal limits.~~

~~"Pound" means an animal shelter, lot, premises or building maintained by or authorized or employed by the city for the confinement or care of dogs seized either under the provision of this title or otherwise.~~

~~"Poundmaster" means the custodian selected by the governing body to be responsible for the operation of the dog pound.~~

~~"Temporary dog" means any dog whose owner is not a resident of Hyrum City and where the dog is being kept, boarded, harbored or maintained in the city for a temporary period, not to exceed one thirty consecutive day period in any calendar year.~~

~~"Unlicensed dog" means a dog for which the license for the current year has not been paid, or to which the tag provided for in this chapter is not attached.~~

~~"Vicious dog" means a dog that has bitten a person without provocation or a dog that has a known propensity to attack or bite human beings. (Ord. 99-13; Ord. 86-02 § 1; Ord. 86-01 § 1; Ord, 82-06 § 4; prior code § 13-241)~~

#### ~~6.08.020 License Required.~~

~~It is unlawful for any person to keep, harbor or maintain any dog six or more months old unless such dog has been registered and licensed in the manner herein provided. (Ord. 92-10 § 1 (part): prior code § 13-242 (A))~~

#### ~~6.08.025 Non-resident dog owners.~~

~~Persons having ownership or control of property within Hyrum City municipal limits may keep, maintain or board a dog on such property. Non-resident dog owners shall be required to~~

~~comply with licensing requirements and all other provisions of Title 6 and other municipal ordinances pertaining to keeping, maintaining, boarding a dog within municipal city limits. (Ord. 99-13)~~

~~**6.08.030 License Application.**~~

- ~~A. Application for registration and licensing shall be made to the poundmaster or such other person as the governing body may authorize to receive such applications.~~
- ~~B. The owner shall state at the time application is made for such license, his name and address and the sex, breed and color of each dog owned or kept by him. The license fee shall cover the calendar year in which the license was issued, or portion thereof if prorated, expiring on the thirty-first day of December of the year of issuance, regardless of the date when issued. (Ord. 91 10 § 1 (part): prior code § 13 242 (B) (f))~~

~~**6.08.040 License Issuing authority.**~~

~~A dog license shall be issued by the poundmaster or such other person as the governing body may authorize. (Ord. 92 10 § 1 (part): prior code § 13 242 (C))~~

~~**6.08.050 License Fees.**~~

- ~~A. Any owner licensing a dog must pay the annual license fee in an amount set by resolution of the City Council.~~
- ~~B. The owner of any newly acquired dog of licensing age, or of any dog which attains licensing age during the year, shall make application for registration and license within twenty days after such acquisition or dog attains licensing age. The license fee for any newly acquired dog of licensing age, or of any dog which attains licensing age during the year, shall be an amount set by resolution of the City Council. (Ord. 92 10 § 1 (part): prior code § 13 242 (D), (G); Ord. 08 06)~~

~~**6.08.060 Relicensing fees.**~~

~~A. The relicensing fee due and payable pursuant hereto, for all dogs properly licensed the previous year, shall be due January 1 and shall be delinquent after February 28 of each year. Any person failing to properly relicense a dog and pay the required fee under the provisions of this section by February 28 of each year, shall pay a late fee in an amount set by resolution of the City Council, in addition to the regular license fee and any other fines or penalties which may be assessed.~~

~~B. Evidence of license for the previous year may be required of all persons desiring to relicense a dog under the provisions of this section. Any person attempting to license a dog that was not properly licensed during the previous year, had passed the age of six months, and had been in the city more than twenty days prior to January 1 of the current year, shall be required to pay:~~

- ~~1. The appropriate license fee for the previous year;~~
- ~~2. The appropriate license for the current year; and~~
- ~~3. The late fee as provided by subsection A of this section. (Ord. 92-10 § 1 (part): prior code § 13-242 (E), (F)1); Ord. 08-06)~~

**~~6.08.070 Dogs as family pets.~~**

~~Each household may own, keep, harbor or maintain no more than two dogs over the age of six months unless they are operating a commercial kennel (see Chapter 20). Other than single family dwellings all other residential buildings will be permitted one dog per dwelling unit, excluding service dogs, (e.g. Duplex — 2 dogs total, Fourplex — 4 dogs total). Another exception is allowed for service dogs which may be kept in addition to the two dogs allowed per household. (Ord. 02-03)Ord. 92-10 § 1 (part): prior code § 13-242 (H))~~

**~~6.08.080 License-Service dogs.~~**

~~Dogs used as guides for blind persons and commonly known as seeing eye dogs and other service dogs trained to assist the physically impaired shall be licensed and registered as other dogs herein provided; except that the owner or keeper of such dog shall not be required to pay any fee therefor. (Ord. 02-03; Ord. 92-10 § 1 (part): prior code § 13-242 (J))~~

**~~6.08.090 Temporary Dogs.~~**

~~A. Temporary dogs may be kept, boarded, harbored or maintained within Hyrum City without being subject to licensing, but subject to all other ordinances, rules and regulations of the city, for a period not to exceed thirty days in any calendar year.~~

~~B. Anyone keeping, boarding, harboring or maintaining a dog on a temporary basis shall notify the pound master within twenty four hours of receiving the dog and record with the pound master the date the dog entered the city on a temporary basis. Anyone keeping, boarding, or maintaining a temporary dog within Hyrum City who fails to notify the pound master~~

~~is in violation of this chapter.~~

~~C. Temporary dogs must have a valid rabies certificate while in Hyrum City, pursuant to the provisions of this title.~~

~~D. Temporary dogs kept within Hyrum City in excess of thirty days in any calendar year must be licensed by the city as provided herein for dogs, kept, boarded, harbored or maintained by residents. It is unlawful for any person to fail to properly license any dog held in the city in excess for the thirty day temporary period. The intent of this section is to accommodate circumstances where a person visiting someone in Hyrum may bring a dog into the city, or leave a boarded dog, for a limited time without the necessity of licensing said dog. Temporary dogs may not increase the number of dogs allowed by Section 6.08.070 by more than double (i.g. a household with two dogs may keep, board, harbor, or maintain in addition two temporary dogs subject to the provisions of Section 6.08.090, plus all other applicable ordinances of the city) (Ord. 5 01; Ord 92 10 1 (part); prior code 13 242 (K)C(N); Ord. 08 05)~~

~~**6.08.100 License Transfer.**~~

~~A. When a resident purchases or otherwise acquires a dog already licensed with Hyrum City for the current year, the new owner may transfer the existing license for a fee in an amount set by resolution of the City Council. This transfer must take place within twenty days from the date of purchase or acquisition or the dog must be re licensed according to the provisions of this chapter.~~

~~B. If the newly acquired dog comes from outside Hyrum City, or its owner has moved into Hyrum City and brought the dog with him, and the dog carries a valid license from another jurisdiction, the new owner may obtain a Hyrum City license by offering proof of rabies vaccination and paying a transfer fee in an amount set by resolution of the City Council. This transfer must take place within twenty days from the date the dog is brought into Hyrum City or the dog must be relicensed according to the provisions of this chapter. (Ord. 92-10 § 1 (part): prior code § 13 242 (O); Ord. 08 06)~~

~~**6.08.110 Tag Issuance Display Replacement Transfer.**~~

~~Upon payment of the license fee, the recorder/clerk shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate.~~

~~Every dog owner, except those operating a kennel, shall provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued upon presentation of a receipt showing the payment of the license fee for the current year and payment of a fee, in an amount set by resolution of the City Council, for such duplicate. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the municipality before expiration of the license period. It is unlawful to deprive a registered dog of its collar and/or tag. (Prior code § 13-243; Ord. 08-06)~~

~~**6.08.120 Running at large prohibited.**~~

- ~~A. It is unlawful for the owner or keeper of any dog to permit such dog to run at large.~~
- ~~B. It is unlawful for an owner of a dog to permit such dog to go upon or be upon the private property of any person without permission of the owner or person entitled to the possession of such private property.~~
- ~~C. It is unlawful for an owner or keeper of a dog to permit such dog to go upon or be upon any of the following public properties located with Hyrum City: Municipal Cemetery, East Park, City Square, Pride Park, Senior Center, and Soccer Field. Nothing in this section shall be interpreted to prevent owners or keepers from walking dogs on the sidewalks around the Square and East park, provided such dogs are restrained on a leash at all times.~~
- ~~D. The owner of any dog running at large shall be deemed in violation of this section regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running at large.~~
- ~~E. Any dog running at large in violation of the provisions of this section is declared to be a nuisance and a menace to the public health and safety, and the dog shall be taken up and impounded as provided herein.~~
- ~~F. A dog shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper unless such dog is in the immediate presence of the owner, possessor or keeper thereof or his agent, servant or a member of his family and under the actual physical control by means of a leash, cord or chain not in excess of ten feet in length. Procuring a permit and tag shall not authorize the running at large of the dog. The fact that such dog runs at large by reason of~~

~~some other person's actions, failure to act, or by other event or circumstance shall not be a defense to prosecution under this section. (§ 5; prior code § 13-244; Ord. 82-06; 00-04; 09-05)~~

**~~6.08.125 Animal waste -- Removal required~~**

~~The owner or any person having control over or charge of any dog or other animal shall be responsible for the removal of any feces deposited by such dog or animal in any public place, including but not limited to sidewalks, streets, planting strips, parking lots, parks, recreational areas or on private property not in the ownership or control of the person having control or purporting to have control over or charge of such dog or animal. (Ord. 04-06)~~

**~~6.08.130 Female in heat.~~**

~~The owner of a female dog in heat shall cause such dog to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a public nuisance. (Prior code § 13-245)~~

**~~6.08.140 Strays.~~**

~~It is unlawful for any person to harbor or keep within the municipality 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 recorder/clerk or poundmaster who shall impound for running at large contrary to the terms of this chapter. If there shall be attached to such dog a license tag for the then current fiscal year, the poundmaster shall notify the person to whom such license was issued, at the address given in the license. (Prior code § 13-246)~~

**~~6.08.150 Rabies vaccination required.~~**

- ~~A. Every owner of any dog over the age of six months within the municipality shall have the dog vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate thereof, and shall attach to the collar or harness, which such person is required to place upon the dog, a tag showing that such vaccination has been done; provided, that the governing body may, by resolution provide that the owners of any dog may themselves purchase serum and vaccinate their own dogs. The resolution shall also prescribe the conditions with which the owner must comply to obtain the tag hereinafter required.~~
- ~~B. It is unlawful for the owner of any dog to suffer,~~

~~allow or permit such dog to be or go upon any sidewalk, street, alley, public place or square within the municipality without first having had such dog vaccinated every three years against rabies as provided in subsection A of this section within the past three years, and without there being on such dog a collar or harness with a license tag thereon showing that such dog has been so vaccinated. (Ord. 87-02 § 1; prior code § 13-247, 13-248)~~

**~~6.08.160 Disturbing the peace prohibited.~~**

~~No person, persons, firm or corporation shall own, keep or harbor any dog which by loud, continued or frequent barking, howling, yelping or by noxious or offensive odors shall annoy, disturb or endanger the health and welfare of any person or neighborhood, nor any dog which molests passersby, chases vehicles, habitually attacks or destroys other domestic animals or trespasses upon school grounds or upon private property in such a manner as to damage property. A violation of this section shall be a class C misdemeanor and such is declared to be a nuisance, and each day a violation is permitted to exist or continue constitutes a separate offense. This section shall not apply to the municipal dog pound, veterinary hospitals or medical laboratories. (Ord. 82-06 § 6: prior code § 13-249)~~

**~~6.08.170 Attacking, chasing or worrying.~~**

- ~~A. Attacking Dogs. It is unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase or worry any person, any domestic animal, any species of hoofed protected wildlife or domestic fowl. "Worry," as used in this section, means to harass by tearing, snapping, chasing, biting, shaking with the teeth, or other similar threatening actions.~~
- ~~B. Owner Liability. The owner in violation of subsection A of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A 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(s) injured or destroyed thereby.~~
- ~~C. Defense. The following shall be considered in mitigating the penalties or damages or in dismissing the charge:~~
- ~~1. That the dog was properly confined on the premises;~~
  - ~~2. That the dog was deliberately or maliciously~~

~~provoked.~~

- ~~D. Dogs May be Killed. Any person may kill a dog while it is committing any of the acts specified in subsection A of this section or while such dog is being pursued thereafter. (Ord. 82-06 § 8: prior code § 13-257)~~

~~**6.08.180 Staking dogs on unenclosed premises.**~~

~~It is 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 affected property. (Ord. 82-06 § 9 (part): prior code § 13-258 (A))~~

~~**6.08.190 Presence in establishments where food is sold or displayed prohibited.**~~

~~It is unlawful for any person to take or permit any dog, whether loose, or on a leash or in arms, in or about any establishment or place of business where food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets, fruit or vegetable stores. (Ord. 82-06 § 9 (part): prior code § 13-258 (B))~~

~~**6.08.200 Dog pound.**~~

~~The governing body may contract with some humane person as poundmaster, with an adjoining municipality or with the county for the purpose of providing suitable premises and facilities to be used by the municipality as the dog pound. It shall be maintained in some convenient location and shall be sanitary and so operated as to properly feed, water and protect the dogs from injury. (Prior code § 13-251)~~

~~**6.08.210 Impoundment-Circumstances-Recordkeeping Requirements.**~~

- ~~A. It shall be the duty of every police officer or other designated official to apprehend any dog found running at large, not wearing his tag or which is in violation of this chapter and to impound such dog in the pound or other suitable place. The poundmaster or some other designated official, upon receiving any dog, shall make a complete registry, entering the breed, color and sex for such dog and whether licensed. If licensed, he shall enter the name and address of the owner and number of the license.~~
- ~~B. The poundmaster shall keep a record of each animal impounded by him, the date of receipt of such animal, the date and manner of its disposal and if redeemed, reclaimed or sold, the name of the person by whom redeemed, reclaimed or purchased, the address of such~~



~~person, the amounts of all fees received or collected for or because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and date of any tag exhibited or issued upon the redemption or sale of such animal. (Prior code § 13-252, 13-253)~~

**~~6.08.220 Impoundment-Redemption.~~**

~~Any dog impounded as a licensed or unlicensed dog may be redeemed and taken from such pound by the owner or authorized person, upon exhibiting to the supervisor or person having charge of the pound, a certificate of registry as provided in Section 6.08.210, showing that the license imposed by this chapter has been paid for such dog as well as the appropriate impound and boarding fees. The impounding and boarding fees may be amended as need arises from time to time by resolution. All impounded dogs not redeemed within five days shall be sold for the best price obtainable at either private or public sale, and all moneys received from such sales shall be paid daily to the treasurer. All dogs that are not sold or redeemed in the required time shall be disposed of in a humane manner. (Ord. 05-22; Res. 86 16; Ord. 82 07 § 1: prior code § 13-254)~~

**~~6.08.230 Impoundment-Disposition of unclaimed, diseased and injured dogs.~~**

~~All impounded dogs not redeemed within three days of the date of impounding may be destroyed or sold to the person first making written request for purchase at such price as may be deemed agreeable. In the case of dogs severely injured or having contagious disease other than rabies and which in the poundmaster's judgment are suffering and recovery is doubtful, the poundmaster may destroy the dog without awaiting the three-day period. (Prior code § 13-255)~~

**~~6.08.240 Impoundment-Interference with prohibited.~~**

~~It is unlawful for any person to hinder, delay, interfere with or obstruct the poundmaster or any of his assistants while engaging in the capturing, securing or taking to the dog pound of any dog or dogs liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any dog pound or ambulance, wagon or other vehicle used for the collecting and conveying of dogs to the dog pound. (Prior code § 13-256)~~

**Chapter 6.10**

## **FOSTER CARE**

### **Sections:**

- ~~6.10.010 Defined.~~
- ~~6.10.020 Permit required.~~
- ~~6.10.030 General requirements.~~
- ~~6.10.040 Inspection.~~
- ~~6.10.050 Condemnation or closure Reasons Procedures.~~
- ~~6.10.060 Appeal.~~
- ~~6.10.070 Permit revocation.~~
- ~~6.10.080 Violation Penalty Abatement.~~
- ~~6.10.090 Enforcement.~~

### **~~6.10.010 Defined.~~**

~~Foster care is defined as the keeping, boarding, harboring, or maintaining one or more stray or abandoned dogs for a period of time not to exceed a period of thirty consecutive days in any calendar year. The number of foster care dogs may not exceed the number of dogs allowed by Section 6.08.070 by more than twice the number permitted by said section (e.g. a household with two dogs may provide foster care for two temporary dogs subject to the provisions of Section 6.08.090, plus all other applicable ordinances of the city) unless specifically authorized by the City Council.~~

### **~~6.10.020 Permit required.~~**

- ~~A. Persons wishing to provide foster care for stray or abandoned dogs, on either a temporary or on going basis, shall apply to the city for a permit to provide such care.~~
- ~~B. Persons wishing to receive a permit for foster care must meet all of the requirements of this chapter and all other applicable zoning or animal control regulations of the city.~~
- ~~C. Such permit for foster care must be approved by the poundmaster, the Zoning Administrator, and the City Administrator after the applicant furnishes proof of compliance with the requirements of this chapter and other applicable ordinances of the city.~~
- ~~D. Should the permit be denied for any reason by the individuals named in Section 6.10.020(C) above, the applicant may file an appeal with the City Council for reconsideration of the application.~~

### **~~6.10.030 General requirements.~~**

- ~~A. All persons receiving a license to provide foster~~

~~care must provide adequate facilities to ensure the health, safety, and well being of foster animals as well as preserve the health, safety, and peace of neighboring residents and passersby.~~

~~B. The foster animals must be confined to the caregiver's premises at all times and such fencing, housing, and other care facilities shall be maintained in good repair.~~

~~C. Provisions shall be made to effectively collect, treat, and dispose of both liquid and solid waste products, including feces and dead or diseased animals. Solid wastes shall be collected, stored and disposed of in methods designed to minimize infestation by vermin and flies or other insects and prevent health hazards and odor.~~

~~D. Chemicals, medications and other supplies shall be stored away from contact with animals and unauthorized persons.~~

~~E. All buildings, cages, fences, and runs shall be built so as to reasonably prevent the escape of any animal.~~

~~F. The building(s), storage area(s) and waste handling facilities shall be kept secure from rodents, insects and other vermin.~~

~~G. Outside facilities used to house, exercise, or confine the dogs shall not create a nuisance or health hazard because of their proximity to other premises.~~

~~H. An owner or other person harboring, keeping or otherwise maintaining any animal under a foster permit shall remove droppings, spoiled food, and other wastes from the premises as often as necessary, but not less frequently than every seven days, to prevent odors, insect or rodent attraction or breeding, or any other nuisances.~~

~~I. The facilities and premises shall be kept clean and free from litter, trash and garbage.~~

~~J. All feed and food products shall be kept free from contamination and adequately stored to protect them against infestation or contamination by vermin and insects.~~

~~K. All food products and feed shall be stored on racks or shelves high enough above the floor so cleaning can be done efficiently and rodent harborage is prevented.~~

~~L. All fencing shall be maintained in good repair and shall be of sufficient strength to protect the animals from injury, prevent escape and restrict the~~

~~entrance of other animals.~~

~~M. Any broken sections or any areas in the fencing that may cause injury to the enclosed animals or allow them to escape shall be repaired immediately.~~

~~N. Noise from barking dogs inside the foster care facility shall not create a nuisance in the neighborhood.~~

~~O. All dogs shall be enclosed in a building or buildings between the hours of ten p.m. and seven a.m.~~

~~**6.10.040 Inspection.**~~

~~A. It shall be the duty of the poundmaster, following presentation of proper credentials, to make a sufficient number of inspections of all facilities to ensure compliance with the regulations and the provisions of this chapter.~~

~~B. Inspections by the poundmaster may be made with the consent of the owner or other responsible person. If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction.~~

~~C. Upon request, the owner or other responsible person shall receive a report setting forth all the facts related to the compliance status of his foster care facilities.~~

~~**6.10.050 Condemnation or closure Reasons Procedures.**~~

~~A. Any foster care facility that fails to meet the requirements of this chapter, or, upon inspection, is found to be in violation of any other city ordinance, or other applicable law or regulation, and has been found to be a threat to the public health, safety or welfare, may be condemned and closed by the poundmaster, or his deputy, and shall be so designated by a notice posted in a conspicuous place.~~

~~B. The poundmaster, or his deputy, shall also give written notice to the owner or operator of the condemned or closed foster care facility of the action taken and the reasons therefor.~~

~~C. No foster care facility that has been condemned or closed pursuant to the notice procedure outlined in subsection B of this section, shall be used for the feeding, grooming or harboring of any animal until written approval is received from the poundmaster.~~

~~D. It is unlawful for any person to deface or remove a notice from any foster care facility that has been condemned and closed by the poundmaster or his deputy.~~

~~E. The poundmaster shall remove the posted notice whenever the violation(s) upon which condemnation was based has been remedied.~~

~~F. Any foster care facility owner or operator affected by the condemning or closing of a facility may request and be granted a hearing before the city council.~~

~~**6.10.060 Appeal.**~~

~~A. Within ten calendar days from the date of written notice of violation and closure from the poundmaster or his deputy, any person aggrieved by the notice may request in writing a hearing before the city council. The hearing shall be scheduled for the next regular council meeting or as soon thereafter as practical.~~

~~B. Written notice of the council's final decision shall be given to the permittee following the next regularly scheduled council meeting held after the hearing date. The council may sustain, modify or reverse the action or order.~~

~~C. If, in the opinion of the poundmaster, it is necessary to impound foster care dogs in order to protect the health, welfare, and peace of the residents of this community, the poundmaster is hereby authorized to impound such foster care dogs until after the completion of the appeal process, as provided herein, and a decision rendered. All costs of impoundment, including boarding fees, shall be the responsibility of the foster care permittee.~~

~~**6.10.070 Permit revocation.**~~

~~The city council may revoke any foster care permit if the owner or operator of the foster care facility refuses or fails to comply with the provisions of this chapter, or any state or local law governing cruelty to animals or keeping of animals. Such action by the city council shall be taken in accordance with the provisions of Section 5.04.120 (B) relating to the revocation of business licenses. Any person whose permit is revoked shall, within ten days following notice of such action, humanely dispose of all dogs being owned, kept or harbored by the person, and no part of the foster care permit fee shall be refunded.~~

~~**6.10.080 Violation-Penalty-Abatement.**~~

~~A. Any person who is found guilty of violating any provisions of this chapter, either by failing to conform to the requirements and regulations found~~

~~herein, or by engaging in a prohibited activity, shall be guilty of a class C misdemeanor, as provided by Section 1.08.040(A) of this code.~~

~~B. In all instances where the violation of this chapter is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.~~

~~C. The city attorney may initiate legal action, civil or criminal, requested by the poundmaster to abate any condition that exists in violation of these rules and regulations.~~

~~D. In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating any of these regulations shall be liable for all expenses incurred by the poundmaster or his deputy in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation.~~

#### ~~6.10.090 Enforcement.~~

~~It shall be the duty of the poundmaster or any of his duly appointed deputies or other designated animal control officer, to enforce the provisions of this chapter. (Ord. 05 01)~~

## Chapter 6.12

### ESTRAYS

#### Sections:

~~6.12.010 Defined.~~

~~6.12.020 Impoundment and disposal Duty.~~

~~6.12.030 Sale Notice.~~

~~6.12.040 Redemption by owner Sale when not redeemed Bill of sale.~~

~~6.12.050 Recordkeeping requirements.~~

~~6.12.060 Animals trespassing upon or causing damage to~~

~~property Impoundment Sale Redemption.~~

~~6.12.070 Sale of estrays or trespassing animals Disposition of.~~

~~6.12.080 Retaking animal unlawfully.~~

~~6.12.090 Boarding fee.~~

#### ~~6.12.010 Defined.~~

~~Whenever the word "estray" appears in this chapter, it is defined to mean any valuable animal, except dogs or cats, not wild, found wandering from its owner. (Prior code § 13-261 (part))~~

~~**6.12.020 Impoundment and disposal Duty.**~~

~~It is made the duty of the poundmaster to take into his possession and impound all estrays running at large, and to dispose of the same as hereinafter provided. (Prior code § 13-261 (part))~~

~~**6.12.030 Sale Notice.**~~

~~Within three days after an estray shall come into the possession of the poundmaster, he shall advertise the same in a newspaper published in and having general circulation in the county by publishing a notice in at least one issue of the newspaper, and by posting notices for a period of ten days in three public places in the municipality, one of which places shall be at or near the post office. He shall immediately deliver a copy of such notice to the county clerk or mail the same to him by registered letter. The notice so filed with the clerk should be available during reasonable hours for inspection by the public free of charge. The notice herein provided for shall contain a description of the animals, including all marks and brands, when taken and the day, hour and place of sale, and may be substantially in the following form:~~

***NOTICE***

~~State of Utah,  
County of Cache,~~

~~— In the City of Hyrum, I have in my possession the following described estray animals, which, if not claimed and taken away, will be sold at public auction to the highest cash bidder at the municipal pound in the City of Hyrum, on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at the hour of \_\_\_\_\_.~~

~~— (Description of animals)~~

~~— The estrays were taken up by me in this municipality on the~~





~~brands, the time and place of taking and the expense of keeping and selling the same, all animals claimed and taken away, all animals sold and to whom sold and the amount paid, all moneys paid to owners after sale, all moneys paid into the treasury, and all other matters necessary to comply with the provisions of this chapter. The governing body shall provide the poundmaster with a suitable book in which shall be entered the records required by law to be kept by the poundmaster. Such records shall be open to the inspection of the public at all reasonable hours, and shall be deposited by the poundmaster with his successor in office. (Prior code § 13-264)~~

~~**6.12.060 Animals trespassing upon or causing damage to property Impoundment Sale Redemption.**~~

- ~~A. If any cattle, horses, asses, mules, sheep, goats or swine shall trespass or do damage upon the premises of any person, the party aggrieved, whether he be the owner or the occupant of such premises, may recover damages by an action at law against the owner of the trespassing animals or by distraining and impounding the animals in the manner provided.~~
- ~~B. The owner or occupant of any property may distrain any or all of the animals trespassing or doing damage thereon. He shall, within twenty four hours thereafter, deliver the animals to the poundmaster together with a certificate of the appraisement of the damage done by such animals. Such appraisement must be made by some disinterested person. It must state the amount of damage, the time when committed, the name of the person damaged, the name of the owner of the animals, if known, and if not known, it must state that fact together with a description of the animals, including all visible marks and brands. If the animals appear to be owned by different parties, a separate appraisement and a separate certificate thereof shall be made of the damage done by the lot or group of animals which appear to belong to each of the different owners. In such cases, the owners shall be notified separately, and each lot or group of animals shall be advertised and sold separately in the same manner as though the damage had been done by different animals at different times.~~
- ~~C. The person distraining the animals must, if the owner of the same be known to him and if he resides within ten miles of the place of the trespass, immediately deliver to such owner, or leave at his place of residence if he cannot be found, a copy of such~~

~~certificate of appraisement; but if the owner does not live within ten miles of the place of trespass, the party distraining the animals may at his option deliver a copy of such certificate to the owner in person, or deposit the same in the nearest post office in a registered letter addressed to the owner. He shall be entitled to charge fifty cents a mile one way for the first ten miles necessarily traveled in delivering such certificate, and twenty five cents for each additional mile, to be taxed as costs against the animals.~~

~~D. If the party distraining any animals fails to deliver them or the certificate of appraisement to the poundmaster within forty eight hours, or shall fail to deliver to the owners of the animals, if known, a copy of the certificate of appraisement within twenty four hours after he receives the same or to deposit the same in a post office as herein provided, he shall not be entitled to recover damages under the provisions of this chapter.~~

~~E. Whenever any animals are delivered to the poundmaster and the certificate of appraisement is filed with him as herein provided and such certificate states that the owner is unknown, the poundmaster shall immediately examine all brand books or brand sheets in his possession. If the owner be ascertained thereby or if the owner be already known to the poundmaster, he shall, if the owner lives within ten miles, immediately deliver a copy of such certificate of appraisement to such owner, or leave the same at his residence if he cannot be found. If the owner lives more than ten miles away, the poundmaster may at his option deliver such copy personally to the owner, or deposit the same in the nearest post office in a registered letter addressed to such owner. He shall, however, serve a copy in one of the ways provided herein: provided, that whenever personal service of copy of any paper is required by this chapter, service by agent shall be deemed sufficient.~~

~~F. As soon as any such animals are delivered to the poundmaster, he shall immediately proceed to advertise the same as hereinafter provided except when the owner is known and has been notified, in which case he shall hold the animals forty eight hours before advertising the same. He shall advertise in a newspaper published in and having general circulation in the county, by publishing a notice in at least one issue of the~~



~~costs assessed against such animals, according to the number of animals he owns when compared with the number of the entire lot or group. If he deems the appraisal too high, he may choose another appraiser having the qualifications herein provided who with the first appraiser shall make a new appraisal, and if they cannot agree, they shall choose a third appraiser, and the three shall proceed to make another appraisal, and the decision of the majority shall be final.~~

~~H. If such animals are not claimed and taken away by the owner, the poundmaster shall, at the time and place set forth in the notice of sale, proceed to sell such animals, one at a time, to the highest cash bidder. If the owner of any lot of animals to be sold is known, the poundmaster shall sell only enough of the animals to pay the damages and costs, the remainder to be turned over to the owner at any time thereafter; but if the owner be unknown, the poundmaster shall proceed to sell all of the animals so advertised for sale. He shall execute and deliver a bill of sale therefor, and file a copy with the county clerk as hereinbefore provided.~~

~~I. The owner of any trespassing animals sold under the provisions of this chapter may, at any time within ninety days of the date of such sale, redeem such animals from the purchaser or assignee having the same in his possession, upon paying to such purchaser or assignee the sum for which such animals were originally sold, together with an additional ten percent and reasonable compensation for the care and keeping of the same. If such purchaser or assignee refuses to give up such animals on the owner proving his title to the same and on his tendering the amount due as herein provided, such owner may maintain an action at law to recover the same; provided, that the purchaser or any assignee who has disposed of such animals shall not be made liable to such owner in any amount. If redemption of such animal is not made within ninety days after the date of such sale, such sale shall be absolute and shall vest the title to such animal in the purchaser or assignee. Any person selling or disposing of such animal within ninety days of its sale under the provisions of this chapter shall notify the purchaser of the same of the date of the original sale and the amount paid for such animal at that time, and if he fails to do so, he shall be~~

~~liable for any loss that may accrue to such purchaser by reason of such animal being redeemed for an amount less than he paid therefor.~~

~~J. The poundmaster shall keep an accurate record of all trespassing animals received by him, which record shall contain all the items required by this chapter together with the names of the injured party and the owner of the animals, the amount of damages claimed, and all other matters necessary to a complete account of the transaction. Such record shall be open for inspection at all reasonable hours without charge. (Prior code § 13-265, 13-273, 13-275)~~

~~**6.12.070 Sale of estrays or trespassing animals Disposition of.**~~

~~If any estrays or trespassing animals sold under the provisions of this chapter shall, within a period of six months following the date of sale, be claimed and proved to be the property of any person, it shall be the duty of the treasurer at the expiration of such time to pay the money received for such animals to the owner thereof, less the amount of damages and the expense of taking, keeping and selling the same. In the event such animals are not claimed as aforesaid, such money shall become the property of the municipality; provided, that in case there is a contest between two or more persons claiming to be the owners of any such animals, the treasurer shall pay the residue to the party who shall establish by action his right to the same. (Prior code § 13-274)~~

~~**6.12.080 Retaking animal unlawfully.**~~

~~It is unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same under the provisions of this chapter, either by stealth, force, fraud or to intercept or hinder any person lawfully taking up or attempting to take up such animals. (Prior code § 13-276)~~

~~**6.12.090 Boarding fee.**~~

~~The fee for keeping and boarding estrays shall be an amount set by resolution of the City Council, to be paid in addition to any other costs described in this chapter. (Res. 86-17; Ord. 08-06)~~

## **Chapter 6.16**

### **RABIES**

**Sections:**

- ~~6.16.010 Known or suspected carriers to be reported.~~
- ~~6.16.010 Person Confinement and observation required.~~
- ~~6.16.030 Animals exposed to rabies Disposition.~~

**~~6.16.010 Known or suspected carriers to be reported.~~**

~~Anyone having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the fact immediately to the municipal health officer. The health officer shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal. (Prior code § 13-228)~~

**~~6.16.020 Animals having bitten or injured any person  
Confinement and observation required.~~**

~~Any dog or other animal of a species subject to rabies which is known to have bitten or injured any person so as to cause an abrasion of the skin shall be placed in confinement under observation of a veterinary hospital, or the municipal pound and shall not be killed or released until at least ten (10) days after biting or injury has occurred in order to determine whether or not the animal has rabies. If the animal dies or has been killed, its head shall be removed and immediately taken to the state health laboratory to be examined for rabies. (Prior code 13-229; Ord. 96-03; 10-05)~~

**~~6.16.030 Animals exposed to rabies-Disposition.~~**

~~Any animal of a species subject to rabies which has been bitten by a known rabid animal or has been in intimate contact with a rabid animal shall be isolated in a suitable place approved by the poundmaster for a period of one hundred twenty days or destroyed. (Prior code § 13-230)~~

## **Chapter 6.20**

### **POUNDMASTER**

**Sections:**

- ~~6.20.010 Position created.~~
- ~~6.20.020 Duties.~~
- ~~6.20.030 Identification.~~
- ~~6.20.040 Authority to go upon private property.~~

~~6.20.050 Interference with prohibited.  
6.20.060 Fee and charges for services.~~

~~**6.20.010 Position created.**~~

~~The position of the municipal poundmaster is created. Until such time as a poundmaster is appointed, the chief of police shall be poundmaster ex officio. (Prior code § 13-211 (part))~~

~~**6.20.020 Duties.**~~

~~The poundmaster shall perform the following duties:~~

- ~~A. Carry out and enforce the provisions of this title;~~
- ~~B. Take into his possession and impound all strays running at large and dispose of the same as hereinafter provided;~~
- ~~C. Enforce the licensing of and control all dogs within the municipality as hereinafter provided;~~
- ~~D. File complaints in the courts against any person, firm or corporation failing to comply with the provisions of this title and obtain licenses when required thereunder;~~
- ~~E. Capture and secure all dogs found running at large contrary to the provisions of this title and impound such dogs in a humane manner;~~
- ~~F. Provide for a good and sufficient pound in which all animals duly committed to his charge or otherwise impounded by him shall be maintained;~~
- ~~G. Enter a description thereof in records kept for that purpose stating the kind of animal, the circumstance under which received or impounded and a description thereof sufficient to provide identification, the costs expended for the maintenance of the animal and amounts received arising out of maintenance or sale of animals. (Prior code § 13-212)~~

~~**6.20.030 Identification.**~~

~~The city councilman in charge of animal control within the city is empowered to make a determination as to appropriate badges, uniforms, insignia, decals for motor vehicles and/or other forms of identification to be issued to and used by the poundmaster and all other animal control officers within the city in order to ensure such individuals can properly identify themselves as municipal employees with the animal control department and in order to protect the city's residents from unauthorized individuals. To the extent possible, such badges and other identifying items shall be serialized, or otherwise labeled, with proper records being kept of all items issued, the date of issue, the name and address of the individual to whom~~

~~issued and the date of return. Any person receiving such items shall return the same to the appropriate city official immediately upon cessation of employment. (Ord. 82-06 1: prior code § 13.211 (a))~~

~~**6.20.040 Authority to go upon private property.**~~

~~In the enforcement of any provision of this title, any police officer and the municipal poundmaster or his deputies are authorized to enter the premises of any person or entity to take possession of any fierce, stray, dangerous or vicious dog or other animal, dogs or other animals at large, or dogs or other animals which have committed an act prohibited by city ordinance, when in fresh pursuit of such dog or other animal at the time the dog or other animal goes onto private property whether registered or unregistered, and as otherwise provided in this title and by law. (Ord. 82-06 § 2: prior code § 13-215)~~

~~**6.20.050 Interference with prohibited.**~~

~~It is unlawful for any person to interfere, molest, hinder or obstruct the poundmaster or any of his authorized representatives in the discharge of their duties as herein prescribed. (Prior code § 13-213)~~

~~**6.20.060 Fee and charges for services.**~~

~~The poundmaster shall charge, and the owners of animals taken into his possession for impound, disposal or other services shall pay, such fees and charges for services performed by the pound or poundmaster as the governing body shall establish from time to time by resolution. All fees received by the poundmaster shall be paid over to the municipal treasurer. (Prior code § 13-214)~~

2. REPEALER. All ordinances, resolutions, and zoning maps of the city, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance, the zoning map, or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to



this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. EFFECTIVE DATE. This ordinance shall become effective upon posting three (3) copies in three (3) public places within Hyrum City.

5. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 17<sup>th</sup> day of Marc, 2016.

HYRUM CITY

BY: \_\_\_\_\_  
Stephanie Miller  
Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Fricke  
City Recorder