

ORDINANCE NO. 10-05

WHEREAS, the Hyrum City Council adopted the Hyrum City Municipal Code which became effective on January 10, 1994; and

WHEREAS, said Code includes Title 6 relating to Animals and specifically Chapter 6.16 titled Rabies, which contains the option for an animal that has bitten or injured any person to be placed under home quarantine; and

WHEREAS, for the health and safety of the residents of the community and for the quarantined animal, Hyrum City's Animal Control Officers recommend repealing the provisions for a dog or other animal to be quarantined at the property of the owner/keeper; and

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

AN ORDINANCE AMENDING SECTION 6.16.020 AND REPEALING SECTION 6.16.040 OF THE HYRUM CITY MUNICIPAL CODE TO NO LONGER ALLOW A DOG OR OTHER ANIMAL THAT HAS BITTEN ANY PERSON TO BE PLACED UNDER "HOME QUARANTINE".

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

1. Section 6.16.020 of Chapter 6.16 of the Hyrum Municipal Code is hereby amended to read as follows:

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 ~~or its owner/keeper under the Home Quarantine provisions of this Chapter, if approved by the City Animal Control Officer,~~ 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. (Ord. 96-03: Prior code 13-229)

2. Section 6.16.040 of Chapter 6.16 of the Hyrum City Municipal Code is hereby repealed.

~~6.16.040 Home quarantine of dog or other animal provisions.~~

- ~~A. Notwithstanding the provisions of Section 6.16.020 of this chapter, any dog or other animal which is known to have bitten or injured any person so as to cause an abrasion of the skin may be quarantined or placed in confinement at its home, under the observation of its owner/keeper 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 dog or other animal has rabies, if all of the following conditions are met:~~
- ~~1. Proof that the dog or other animal has had a current rabies immunization, prior to the bite incident, must be produced to the satisfaction of the City Animal Control officer.~~
 - ~~2. The bite incident for which a home quarantine is proposed must be a "first time" offense for such dog or other animal.~~
 - ~~3. The owner/keeper must have an approved kennel or other secure place to confine the dog or other animal as approved by the City Animal Control officer and specified in the Home Quarantine Instructions and Agreement described in this section.~~
 - ~~4. The owner/keeper of the dog or other animal must agree to follow the quarantine instructions as outlined in the referenced Home Quarantine Instructions and Agreement.~~
 - ~~5. The owner/keeper must date and sign a Home Quarantine Instructions and Agreement for each dog or other animal for which a Home Quarantine arrangement is allowed.~~
 - ~~6. The owner/keeper must comply with any special conditions which are included in the referenced Agreement by the City Animal Control officer.~~
- ~~B. Any owner/keeper who desires to keep a dog or other animal under the provisions of this section, may do so only with the approval of the City Animal Control officer, who shall have sole discretion as to whether or not a Home Quarantine shall be allowed, and such owner/keeper shall first review, date and sign a Home Quarantine Instructions and Agreement form which shall be in substantially the form that follows:~~

~~HOME QUARANTINE INSTRUCTIONS AND AGREEMENT
HYRUM CITY ANIMAL CONTROL DEPARTMENT~~

~~A dog or other animal owned or harbored by you, (Owner/Keeper) is HEREBY ORDERED CONFINED UNDER RESTRAINT UPON YOUR PREMISES AWAY FROM POSSIBLE CONTACT WITH PERSONS OR OTHER ANIMALS UNTIL RELEASED BY THE CITY ANIMAL CONTROL OFFICER, and shall not be moved or destroyed except with the permission of the Animal Control Officer.~~

~~The dog or other animal shall be confined in a kennel whereby the dog or other animal cannot escape and persons cannot gain entrance to the kennel. The kennel shall be locked (keyed or combination lock) at all times except when caring for the animal by the caretaker possessing the key or combination.~~

~~You (Owner/Keeper) must notify the City office or the City Animal Control Officer at once should this dog or other animal show any symptoms of sickness or abnormal behavior during the quarantine period; and you are warned that the escape of this animal from your custody for any reason is a violation of this order.~~

~~The quarantine is for a minimum period of 10 days, but ends only after approval of the City Animal Control Officer.~~

~~Special Conditions: _____

_____~~

~~Any person violating this Home Quarantine Order and Agreement is guilty of a Class C misdemeanor.~~

~~Description of Dog or other animal: _____
_____~~

~~Location of Quarantine: _____
_____~~

~~Quarantine expires at _____ am/pm on _____~~

~~Owner/Keeper Agreement Signature _____ Date _____~~

~~Hyrum City Animal Control Officer _____ Date _____~~

- ~~C. If a dog or other animal held in a home quarantine dies or is killed before the quarantine expires, its owner/keeper shall immediately notify the City Animal Control Officer who shall cause its head to be removed and immediately forwarded to the State Health Laboratory to be examined for rabies.~~
- ~~D. Any person convicted of violating this Section 6.16.040 or a properly executed Home Quarantine Instructions and Agreement is guilty of a Class C Misdemeanor.~~

3. DECLARATION OF SEVERABILITY. Should any provisions, 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 or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provisions, 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 the posting of three (3) copies at three (3) public places within the corporate limits of Hyrum City.

ADOPTED AND PASSED by the Hyrum City Council this 2nd day of September, 2010

HYRUM CITY

ATTEST:

W. Dean Howard
Mayor

Stephanie Fricke
City Recorder

POSTED: