

TITLE 4. ANIMALS AND FOWL ¹

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¹ Numerous changes made throughout Title with Ordinance No. 02-25, 8/15/02

Chapter 4.01. Definition of Terms

Terms set out in this chapter have the meaning designated when used in this title unless otherwise indicated by the context.

1. Animal. Any and all types of livestock, dogs and cats, and all other subhuman creatures, both domesticated and wild, male and female, singular and plural.
2. Animal Boarding Establishment. Any establishment that takes in animals and boards them for profit.
3. Animal Grooming Parlor. Any establishment maintained for the purpose of offering cosmetology services for animals at a profit.
4. Animal Shelter. Any facility owned and operated by a governmental entity or any animal welfare organization which is incorporated within the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other domestic animals.
5. Animals at Large. An animal shall be considered to be "at large" when it is off the owner's property and not under immediate control, by means of a durable restraint device capable of keeping the animal restrained; OR an animal that is on the property of the owner and not securely confined by a leash, building, fenced area, or appropriate transport device.
6. Bite. Any actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.
7. Cat. Any age feline, of the domestic type.
8. Cattery. Land or building used in the keeping of three (3) or more cats, six (6) months or older.
9. Dog. Any Canis Familiaris over six (6) months of age. Any Canis Familiaris under the age of six (6) months is a puppy.
10. Domesticated Animals. Animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, rabbits, fowls, horses, swine, goats, sheep, mules, donkeys, lamas, and cattle.
11. Government Working Dog. A dog trained to assist officials of government agencies in law enforcement exercises.
12. Guide Dog. A dog trained and certified by a nationally recognized training establishment to assist persons that are "visually-impaired," "hearing-impaired," or "mobility-limited."
13. Kennel. Land or buildings used in the keeping of three (3) or more dogs older than four (4) months.
14. Livestock. Any normally domesticated animal that is ordinarily kept on a farm, such as cattle, swine, sheep, goats, mules, burros, horses, geese, ducks, turkeys, llamas, etc.
15. Owner. Any person or persons, firm association or corporation or other entity owning, keeping or harboring the animal in question, or any person having charge, care, custody or control of such animal.
16. Pet. Any animals ordinarily permitted in Brigham City residences and kept for the company or pleasure of Brigham City residents, such as domesticated dogs, domesticated cats, and domesticated birds. Pets also include tropical fish, amphibians, reptiles, or invertebrates of a number that do not constitute a health hazard or nuisance, and can be safely and humanely kept in aquariums, cages, or enclosures, the cumulative size of which shall not exceed fifty (50) cubic feet per household. Pets shall not include exotic, pygmy, or dwarf variations of animals defined as either "wild animals" or "livestock," including but not limited to, miniature horses, pygmy goats, and Vietnamese pot-bellied pigs, notwithstanding that such animals may be kept as household pets by residents of other communities.²
17. Pet Shop. Any establishment containing cages or exhibition pens, not part of the kennel or cattery, wherein dogs, cats, birds or other pets for sale are kept or displayed.
18. Quarantine. The isolation of an animal in a substantial enclosure, so the animal is not subject to contact with other animals or unauthorized persons.
19. Restraint Device. Any chain, leash, cord, rope or other device commonly used to restrain an animal.
20. Wild Animal. Any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health, or property if not kept, maintained, or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:
 - A. Alligators, crocodiles, caiman.
 - B. Bears (ursidae). All bears including grizzly bears, brown bears and black bears.

² Ordinance No. 99-25, dated 9/23/99

C. Cat family (felidae). All except the commonly accepted domestic cats; including cheetahs, cougars, leopards, lions, lynx, bobcats, panthers, mountain lions, tigers and wildcats. Any cat crossbred with a wild animal as described herein shall be considered to be wild.

D. Dog family (canidae). All dogs, with the exception of domesticated dogs, including but not limited to fox, coyote, wolf and wild dingo. Any dog crossbred with a wild animal, as described herein, shall be considered to be a wild animal.

E. Porcupines.

F. Primates (all subhuman primates).

G. Raccoons (all varieties).

H. Skunks.

I. Venomous snakes or lizards.

J. Any snake or reptile of such size or characteristics as to pose a threat to human life.

K. Weasels (all weasels, martins, wolverines, badgers, otters, ermine, mink and mongoose), except that the possession of mink shall not be prohibited when raised commercially for their pelts, in or upon a property constructed for a legally operated ranch.

L. Marsupials.

Chapter 4.02. Administration.

4.02.010. Animal Control Department Created.

The City of Brigham has created the Brigham City Animal Control Division, a sub-division of the Brigham City Police Department, for the purpose of resolving animal related disputes in the corporate limits of Brigham City. The department shall participate in the disposing of the same.

4.02.020. Power and Authority of Animal Control Officials.

Any person employed by the Division of Animal Control as an Animal Control Officer shall take the oath of office and shall be vested with the power and authority to enforce this ordinance. The Animal Control Officers or assistants are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this ordinance, and all other duties prescribed in the enforcement of this ordinance.

4.02.030. Right of Entry for Enforcement.

In the enforcement of this ordinance, all Peace Officers or Animal Control Officers or Animal Control Officials of Brigham City Corporation, are hereby authorized to enter onto the open premises of any person or entity to take possession of any animal in violation of this ordinance.

4.02.040. Interfering with Officers Prohibited.

It is unlawful for any person to knowingly and intentionally interfere with any Animal Control Officer in the lawful discharge of his duties as prescribed in this ordinance.

4.02.050. Animal Shelter Provided.

Brigham City shall provide suitable premises and facilities to be used as the Brigham City Animal Shelter wherein impounded animals can be adequately kept. Brigham City shall also purchase and supply adequate food for all impounded animals.

Chapter 4.03. Licensure and Regulatory Permits.

4.03.010. Licensing and Registration of Dogs.

It shall be unlawful for any person to own, keep, harbor or maintain a dog over the age of six (6) months of age, without registering and obtaining a license for such dog(s) from the City. The registering and licensing period shall begin with the calendar year and shall run for one year. A license application may be made thirty (30) days prior to, and up to sixty (60) days after, the start of the calendar year (January 1). All dogs brought into Brigham City shall require registering and licensing within thirty (30) days after they enter Brigham City, or within thirty (30) days after having reached the age of six (6) months. Persons who fail to obtain a license, as required, within the time period specified in this section will be subject to an additional licensing "late fee."

No dog shall be licensed as spayed or neutered without proof that the surgery has been performed.

Proof that the dog has a current rabies inoculation shall be presented at the time the license is applied for. Proof must be in writing and must include the licensed veterinarian who administered the vaccine.

4.03.020. Exemptions for Licensing.

The provisions of Chapter 4.03.010 of this ordinance shall not apply to the following:

A. No Brigham City license required for:

1. Licensed dogs whose owners are nonresidents, temporarily (up to thirty (30) days) within Brigham City³
2. Individual dogs, within a properly licensed kennel or other such establishment;
3. Dogs, temporarily in the possession of persons or organizations for the purpose of training such dogs, to assist the disabled when such dogs are properly tagged and under the supervision of legitimate trainers;
4. Guide dogs, if such dogs are actually being used by physically disabled persons, for the purpose of answering their needs;
5. Government working dogs, which are owned or maintained by such agencies.

Notwithstanding the foregoing, nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination every three (3) years.⁴

4.03.030. Tag and Collar Required.

Upon payment of the license fee, there shall be issued to the owner, a metallic tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the license tab must be affixed, and shall see that the collar and tag are constantly worn. In the event a dog tag is lost or destroyed, a duplicate will be issued by the City Administration Office, upon presentation of a receipt showing payment of the license fee, and payment of a "Duplicate License" fee. The license shall not be transferable from one dog to another, and no refund shall be made on any dog license for any reason whatsoever.

4.03.040. Removal of Tag Unlawful.

It shall be unlawful to deprive a registered dog of its collar and/or its tag.

4.03.050. Number of Cats and/or Dogs per Residence.

No person or persons, at any one residence within the jurisdiction of this ordinance, shall at any one time own, harbor, license or maintain three (3) or more dogs or three (3) or more cats, at least six (6) months old, unless an appropriate kennel or cattery license has been obtained.

4.03.060. Kennels/Cattery Permits.

Permits required. No person shall operate or maintain a kennel or cattery without first obtaining a permit from the Community Development Department. All applications for permits to operate or maintain a dog kennel or cattery shall be submitted in writing upon printed forms provided for such purposes by the Community Development Department. The applications shall first be referred to the Brigham City Community Development Department and the Animal Control Officer, and upon their approval the Community Development Department shall issue the permit upon payment of the proper fee. It shall be unlawful for any person to conduct, operate or maintain a kennel or cattery as defined by the provisions of this ordinance of Brigham City, in any area not zoned for the operation of a kennel/cattery by the Zoning Ordinances of Brigham City.

A. Kennel/Cattery Permit: Any person conducting, operating or maintaining a kennel/cattery shall for pay the fees and obtain a license to operate said kennel/cattery from the City.

B. Kennel/Cattery: It shall be the duty of the Animal Control Officer to periodically inspect all registered kennels and catteries to see that the provisions of the City ordinances pertaining to the sanitation and care of such places are being observed.

C. Display of Permit: A valid permit shall be posted in a conspicuous place in each establishment, and said permit shall be considered as appurtenant to the premises, and not transferrable to another location. The permittee shall notify the Animal Control Department within thirty (30) days of any change of its establishment, or operation which may affect the status of the permit. In the event of a change in ownership of the establishment, the permittee shall notify the Department of Animal Control immediately. Permits shall not be transferable from one owner to another.

D. Renewal of Permit: Any permit issued, pursuant to this section, shall automatically expire one year immediately following the date of issue. Within two (2) months prior to the date of expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee. Any application

³ Ordinance No. 05-24, dated 11/17/05

⁴ Ordinance No. 05-24, dated 11/17/05

made after the expiration date, except in application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee, in addition to the regular permit fee.

E. Suspension or Revocation of Permit:

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

a. Falsification of facts in a permit application, or
b. Violation of any of the provisions of this ordinance or any other regulation governing the establishment including noise, building and zoning ordinances, or maintaining or selling illegal species, or

c. Conviction of a charge of cruelty to animals.

2. Procedure: If an inspection of any facility operating with a permit reveals a violation of this ordinance, the inspector shall notify the permit holder or operator of such violation by means of an inspection report for, or other written notice. The notification shall:

a. Set forth the specific violation found.
b. Establish a specific and reasonable period of time for the correction of the violation(s) found.

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

d. State that an opportunity for an appeal from any notice of inspection finding, shall be provided if a written request for hearing is filed with the Department of Animal Control within five (5) days of the date of notice. Upon request of a hearing, a minimum of five (5) days notice shall be given to the permittee, advising him of the date and time of such hearing, and listing the cause or causes for such suspension or revocation. No new permit shall be issued to any person whose permit has been previously revoked, except upon application for a new permit, accompanied by the required application fee and unless or until all requirements of this ordinance have been met. Any permit granted under this ordinance may be suspended or revoked by the Animal Control Department for violations listed in this chapter.

F. Notice Served: Notice provided for under this ordinance shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered, personally, to the permit holder or person in charge. Or such notice has been sent by certified mail to the last known address of the permit or license holder. A copy of such notice shall be filed with the records of the Animal Control Department.

4.03.070. Keeping of Residential Chickens.⁵

Permit Required. See Title 29 Zoning, Section 29.05.250.

4.03.080. Beekeeping.⁶

The purpose of this section is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.

A. Definitions:

1. Apiary. Any place or area where one (1) or more colonies of bees are kept.
2. Beekeeper. A person, licensed by the State of Utah, who owns or has charge of one (1) or more colonies of bees.

3. Beekeeping Equipment. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

4. Colony. Bees in any hive including queens, workers, or drones.

5. Flyway. The flight path the bees travel unimpeded.

6. Hive. A man made or natural receptacle which is used to house bees.

7. Honeybee. The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

8. State of Utah. Utah Department of Agriculture and Food.

B. Certain Conduct Unlawful: Notwithstanding compliance with the various requirements of this section, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance.

C. Prohibited Areas: Beekeeping is prohibited in the following areas:

1. Central Business District (CBD).
2. General Commercial District (GC), except for individual dwelling units which have a separate legal lot or parcel of record.

⁵ Ordinance No. 11-11, 5/19/11

⁶ Ordinance No. 13-09, 3/21/13

3. Multiple dwelling units located on the same lot or parcel (apartments, townhomes, etc), except for individual dwelling units which have a separate legal lot or parcel of record.

D. Beekeeper Registration: Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in the Utah Code.

E. Hives:

1. Pursuant to the aforementioned Utah Bee Inspection Act, honeybee colonies shall be kept in hives with removable frames or bars which shall be kept in sound and usable condition.

2. Hives shall be placed at least five (5) feet from any property line.

3. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act.

4. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.

F. Hives on Residential Lots:

1. As provided in this section, an apiary, consisting of not more than five (5) hives or an equivalent capacity may be maintained in a side yard or the rear yard of any residential lot.

2. A person shall not locate or allow a hive on property owned or occupied by another person without first obtaining written permission from the owner.

3. In no case shall a hive be located in a front yard of a residential lot.

4. The number of hives on residential lots within the Multiple Use, Agricultural, and Rural Residential zoning districts shall be regulated by the State of Utah, unless it threatens public health or safety, or creates a nuisance.

G. Flyway Barriers: A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals.

1. If any portion of a hive is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six (6) feet in height may be required to be established and maintained around the hive except as needed to allow access.

2. If the flyway barrier is located along the property line or within five (5) feet of the property line, it shall consist of a solid wall or fence, dense vegetation, or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly an elevation of at least six (6) feet above the ground level over property lines in the vicinity of the apiary.

H. Water: Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

I. Beekeeping Equipment: Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of the apiary site. Upon removal from a hive, all such equipment shall be disposed of in a sealed container or placed within a building or other bee-proof enclosure within a three (3) day period to allow the bees to clean the equipment.

J. Conflict: In the event of a conflict between any regulation set forth in this section and honeybee management regulations adopted by the State of Utah, the most restrictive regulations shall apply.

Chapter 4.04. Maintenance and Conduct of Animals.

4.04.010. Animals Attacking Persons or Other Animals.

A. Unlawful: it shall be unlawful for the Owner of any animal to allow such animal to bite, attack, chase or worry any person, domesticated animal or any species of hoofed, protected wildlife, or domestic fowl.

B. Owner Liability: Any 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 animal shall also be liable for damages to any person injured or to the owner of any animal injured or destroyed thereby.

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

1. That the animal was properly confined on the premises.

2. That the animal was deliberately or maliciously provoked.

D. Animal May Be Killed: Any public safety officer or person may kill an animal while it is committing any of the acts specified in subsection A of this Section or while such animal is being pursued thereafter, pursuant to Utah Code.

E. Impound: After any animal bites, attacks, chases or worries any person, domesticated animal, or any species of hoofed, protected wildlife, or domestic fowl, the Animal Control Officer may

impound the animal, which may not be redeemed while awaiting final disposition of any criminal charges associated with said animal.

F. Destruction of Animal: Upon conviction of any offense under this Section, or upon failure to appear after citation, the Court may, after attempting to notify the animal's owner, order the Animal Control Officer or other authorized person of the City, to destroy the animal, or may order such other disposition of the animal, as will protect the inhabitants and animals of the City.

G. Allow: The term "allow" in this Section shall be defined broadly, and such definition shall include, but not be limited to, the following: directing, commanding and giving permission as well as failing to adequately restrain or failing to effectively control.

4.04.020. Nuisance Animals.

A. Defined: Any owner of an animal causing a "nuisance," as defined below, shall be in violation of this Chapter and subject to the penalties provided herein. Any animal shall be deemed a nuisance if the animal:

1. causes damage to the property of anyone other than its owner;
2. causes unreasonable odors;
3. causes unsanitary conditions;
4. defecates on any public property, or on any private property without the consent of the owner of such private property, unless the owner of such animal shall remove any such defecation to a property trash receptacle;
5. barks, whines or howls or makes other disturbing noises in an excessive, continuous or untimely fashion;
6. unreasonably and continuously disturbs or threatens passersby by barking, snapping, pawing, clawing, biting or growling;
7. chases vehicles;
8. is continuously or excessively found to be an Animal at Large or in violation of City Ordinances; or
9. Is determined by the Animal Control officer to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare or safety;

B. Remedy: Any individuals or entities making a complaint of a nuisance animal must sign a written statement against the violator and deliver it to the Animal Control Officer. Nuisances will be cited as a Class C Misdemeanor. Any nuisance which continues subsequent to the receipt of a citation shall be deemed a separate offense and may be cited as such.

4.04.030. Female Dogs in Heat.

Any owner of any female dog in heat, shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting, by scent, or coming into contact with other dogs and creating a nuisance, except for planned breeding.

4.04.040. Disruptive Dogs.

No person shall own, keep or harbor any dog which by loud barking, howling or yelping interferes with the health and welfare of any person or neighborhood. A violation of this Section shall be an infraction and subject to penalty, and such is hereby declared to be a nuisance, and each day a violation is permitted to exist or continue shall constitute a separate offense. This Section shall not apply to the Brigham City Animal Shelter, animal boarding establishments, animal grooming parlors, pet shops or veterinary hospitals.

4.04.050. Animals at Large Prohibited.

It shall be unlawful for any animal as defined herein, to be allowed, either negligently or with specific intent, to run at large as defined in this ordinance. However, dogs may be at large while participating in field trials and obedience classes organized and sanctioned by recognized dog clubs, while assisting their owner or trainer in legal hunting or in herding of livestock, while assisting a peace officer engaged in law enforcement duties, or while being trained for the above purposes, or while on the owner's private property, so long as such dogs are under the direct and effective sound or gesture control, and within sight of owners or such individuals noted above, to assure that such animals do not violate any provisions of this ordinance.

4.04.060. Allowing Domestic Fowl to Trespass Prohibited.

It is unlawful for the owner of any domestic fowls such as: turkeys, ducks, geese, chickens, peacocks or any other variety of fowl, to permit such fowl to trespass or go upon the premises of another

or to run at large on any public property or roadway. Fowl that are kept and maintained by municipalities within the confines of public parks or aviaries are exempt, excepting that they shall not be allowed on public roadways.

4.04.070. Staking Animals Improperly on Unenclosed Premises.

It is unlawful for any person to chain, stake out or tether any animal 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, or the person with whom he shares joint tenancy. No animals are to be staked along public roadway easements.

4.04.080. Keeping of Certain Animals Prohibited - Exceptions.

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor or purchase any animal not defined as a "Pet" under Section 4.01 of this title, or any wild animal, as defined in Title 50 of the code of Federal Regulation, Utah Law or regulation, or Section 4.01 of ~~in~~ this title, or which is fierce, dangerous, noxious, or naturally inclined to do harm; provided, however, that an animal shelter, zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific purposes may keep such animal if protective devices are provided and adequate to prevent such animal from escaping or injuring the public.

Chapter 4.05. Impoundment.

4.05.010. Impoundment Authorized.

The Animal Control Department shall place all animals which are taken into custody in a designated animal impound facility. The following animals may be taken into custody and impounded as deemed necessary:

- A. Any animal being kept or maintained contrary to the provisions of this ordinance.
- B. Any animal running at large, with any reasonable means used to immobilize or capture such animal.
- C. Any animal which is by this ordinance required to be licensed and is not licensed; an animal not wearing a tag shall be presumed to be unlicensed for the purposes of this section.
- D. Sick or injured animals, whose owner requests impoundment, and agrees to pay a reasonable fee for services rendered.
- E. Any abandoned, neglected animal, whose safety may be threatened, should the animal not be readily placed into protective custody.
- F. Animals which are not vaccinated for rabies in accordance with the requirements of this ordinance.
- G. Any animal needing to be held for quarantine.
- H. Any animal, in the custody of any person or persons who are arrested or otherwise detained, by any police officer, in the event another responsible party cannot be located by the owner.

4.05.020. Impoundment/Record Keeping Requirements.

The impounding facility shall keep a record of each animal impounded, which includes the following information:

- A. Complete description of the animal, including any tag numbers;
- B. The manner and date of impoundment;
- C. The location of the pickup and identification number of the impounding officer;
- D. The manner and date of disposal;
- E. The name and address of the redeemer or purchaser;
- F. The name and address of any person relinquishing the animal;
- G. All fees received, and;
- H. All expenses occurring during impoundment.

4.05.030. Redemption Requirements.

An impounded animal whose redemption has been authorized by the Animal Control Officer, may be redeemed by the Owner or his authorized representative, before disposition, provided he pays:

- A. The impound fees;
- B. The daily board charges;
- C. The veterinary costs incurred during the impoundment period;
- D. License fee, if applicable;
- E. A transportation fee, if transportation of an impounded animal, by specialized equipment, is required. "Specialized Equipment" is that equipment, other than the usual patrol and operation vehicles of

Animal Control, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers. This fee shall be determined by the Brigham City Council at a level which approximates the cost of utilizing the specialized equipment in the particular situation;

F. Any other expenses incurred, to impound an animal in accordance with state or local laws, including any reasonable restitution for property damage created by the animal, or that occurs as a result of the impoundment.

4.05.040. Terms of Impoundment Destruction and Disposal of Animals.

A. Animals shall be impounded for a minimum of five (5) working days before further disposition. If an animal is licensed or has other identification, the impoundment shall be for five (5) working days. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility by the owner thereof, for destruction or other disposition need not be kept for the minimum holding period before release or other disposition, as herein provided.

B. All animals, except those quarantined or confined by court order, or those subject to Section 4-25-4, Utah Code annotated, which are held longer than the minimum impoundment period, and all animals voluntarily relinquished to the impound facility, may be destroyed. Any healthy dog or cat may be sold after payment of all applicable fees. Other small animals, not included as livestock, may also be sold at the discretion of the Animal Control Department.

C. Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, at the discretion of the Animal Control Officer be released to the care of a veterinarian with or without the consent of the owner.

D. When, in the judgment of an Animal Control Officer, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitation otherwise established in this ordinance, and without court order.

E. An Animal Control Officer may destroy any animal upon request of the owner, without transporting the animal to County facilities. An appropriate fee may be charged the owner of the destruction and any subsequent disposal of the carcass done by the Animal Control Department.

Chapter 4.06. Rabies Control/Animal Bites.

4.06.010. Vaccination Requirements.

All dogs, cats, or other animals susceptible to rabies, for which a federally approved vaccine is available, shall be vaccinated at six (6) months of age by a licensed veterinarian or rabies clinic. Every dog shall be revaccinated every thirty-six (36)⁷ months and every cat revaccinated every thirty-six (36) months thereafter. Any unvaccinated dog or cat over six (6) months of age, adopted or brought into the jurisdiction, must likewise be vaccinated initially. Thereafter valid protection must be maintained.

4.06.020. Exception for Transient Animals.

The provisions of this chapter, with respect to vaccination, shall not apply to any animal owned by a person temporarily remaining within the jurisdiction for less than thirty (30) days. Such animal(s) shall be confined by a restraining device and under supervision of the owner. It is unlawful to bring any animal into the jurisdiction which does not comply with the animal health laws and import regulations.

4.06.030. Vaccination Certification and Tags.

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

1. Owner's name and address
2. Description of the animal
3. Date of vaccination
4. Rabies vaccination tag number
5. Type of vaccine administered
6. Manufacturer's serial number of vaccine

B. A copy of the certificate shall be distributed to the owner of the animal, and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this chapter.

⁷ Ordinance No. 05-24, dated 11/17/05

C. Additionally, a metal or durable plastic rabies vaccination tag or rabies identification microchip implanted beneath the skin, serially numbered, shall be securely attached to the collar, implanted microchip or harness of the animal. An animal not wearing such a tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this ordinance.

4.06.040. Impoundment of Animals Without Valid Rabies Vaccination Tags.

A. Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of a rabies vaccination and payment of all impoundment fees prior to release.

B. Any unvaccinated animal may be reclaimed prior to disposal by payment of impoundment fees and by obtaining or providing proof of a rabies vaccination within seventy-two (72) hours of release.

C. Any animal not reclaimed within the prescribed period of time shall be disposed of pursuant to provisions of Section 4.05.040.

4.06.050. Rabid Animal Reports.

Any person having knowledge of the whereabouts of an animal known to have been exposed to or suspected of having rabies or of an animal or person bitten by such a suspected animal, shall notify the Department of Animal Control or the State of County Health Department.

4.06.060. Quarantine and Disposition of Biting Animals.

A. An animal that has rabies or shows signs of having rabies and every animal bitten by another animal affected with rabies or that has been exposed to rabies, shall be reported by the owner as set forth above and shall immediately be confined in a secure place by the owner. The owner shall turn over the animal to the Animal Control Agents upon demand.

B. The owner of any animal or species subject to rabies, which has been bitten by another animal known to be capable of harboring the rabies virus, shall surrender the animal to an authorized official upon demand. Any person authorized to enforce this ordinance may enter upon private property to seize the animal if the owner refuses to surrender the animal.

C. Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than twelve (12) days by the Animal Control Department. The owner of the animal shall bear the cost of confinement. The Animal Shelter shall be the normal place for such quarantine but other arrangements, including confinement by the owner, may be made by the Animal Control Department if the animal has current rabies vaccinations at the time the bite is inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Animal Control Department if the animal shows any signs of sickness or abnormal behavior or if the animal escapes confinement. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health or Animal Control Officer to make an inspection or examination during the period of quarantine. If the animal dies within twelve (12) days from the date of the bite, the person having custody shall immediately notify the Animal Control Department in order that the department may immediately remove and deliver the head to the State Health Department.

If at the end of the twelve (12) day period an investigating officer of the Department of Animal Care and Control examines the animal and finds no sign of rabies, the animal may be released to the owner, or in the case of a stray, it shall be disposed of as provided in Section 4.05.040.

D. Unvaccinated Bitten Animals.

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

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

E. Vaccinated Bitten Animals.

1. If the bitten animal is currently vaccinated and not revaccinated within twenty-four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for ten (10) days.

2. The animal shall be destroyed if the owner does not comply with subdivisions one or two of this subsection E, regarding exposure by known rabid animals.

F. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Chief of Police of Brigham City.

4.06.070. Bites - Duty to Report.

A. Any person having knowledge of any individual or animal having been bitten by an animal of

a species subject to rabies shall report the incident immediately to the Animal Control Department.

B. The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the Animal Control Department within twenty-four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

C. A physician or other medical personnel who renders professional treatment to a person bitten by an animal, the bite of which might cause rabies, shall report the fact that he has rendered professional treatment to the Animal Control Department within twenty-four (24) hours of his first professional attendance. He shall report the name, sex and address of the person bitten, as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Animal Control Department.

D. Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the Animal Control Department. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury, and the location of the incident.

E. Any person not conforming with the requirements of this chapter shall be in violation of this ordinance.

Chapter 4.07. Animal Care and Offenses.

4.070.010. Defense.

A. Any person may kill an animal while it is attacking, chasing or worrying any domestic animal having a commercial value, or any species of hoofed protected wildlife, while attacking domestic fowls, or while such animal is being pursued thereafter.

B. Any animal making vicious and unprovoked attack on any person, except when the attack is in defense of the person, family or property of the animal's owner, may be killed by a person while it is making such an attack.

4.070.020. Injuries and Communicable Diseases.

No person shall knowingly harbor or keep any animal with a serious injury, or afflicted with mange, ringworm, distemper, parvo, kennel cough, or any other contagious disease, unless such animal is being given adequate treatment to control or eliminate disease.

4.070.030. Charge of Violator Seizure of Animals.

It shall be the duty of a person filing charges, under this chapter, to seize or arrange to be seized, an animal found in the keeping or custody of a person being charged, and which are being used or will be used, as evidence in the case, resulting from such charge. The person making said seizure shall cause such animals to be delivered immediately to the Animal Control Department, or in such cases as may be necessary, to a veterinarian for treatment. It shall be the duty of that department to humanely hold such animals until further court order regarding their disposal. The perpetrator of any such act shall be responsible for the cost of impoundment, board and any medical expenses incurred during the holding period of the animal.

4.070.040. Harboring of Animals Prohibited, Duty to Notify.

It is unlawful for any person to harbor or keep within this jurisdiction any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Brigham City Animal Shelter within seventy-two (72) hours. An Animal Control Officer may take the animal into protective custody or authorize the finder to maintain possession of the animal until its owner is located or the animal is properly licensed.

4.070.050. Places Prohibited to Animals.

It shall be unlawful for any person to take or permit any animals, whether on a leash or in the arms of the owner, in any establishment or place of business where food or food products are sold or distributed, including but not limited to restaurants, grocery stores, meat markets, and fruit and vegetable stores. This, however, shall not apply to guide dogs or to government working dogs, while they are being used in law enforcement exercises.

Chapter 4.08. Enforcement and Penalties.

4.08.010. Power and Authority of Animal Control Officer.

In the performance of his/her duties, the Animal Control Officer is hereby vested with the power

and authority of that office, within the Brigham City Police Department. Badges of authority shall be issued by the Brigham City Police Department or officers having received and been sworn to the oath of office.

4.08.020 Investigation.

Animal Control Officer and/or Peace Officers may enter upon privately owned land to investigate reports of vicious animals, cruelty cases, rabies and other contagious animal disease, or to investigate violations of and enforce the provisions of this ordinance.

4.08.030 Penalty.

Any violation of the provisions of this Chapter, either by failing to do those acts required herein or by doing any act prohibited herein, shall be considered a Class C Misdemeanor unless otherwise specifically stated in this chapter.

4.08.040 Civil Disputes.

Any incident relating to animals attacking persons or livestock, where such incident is not reported within twenty-four (24) hours, constitutes a civil dispute. Neither the City nor its employees shall become involved in civil disputes arising between persons because of damages caused by animals. Should any civil dispute arise from a violation of this Chapter, and if the Animal Control Officer responds, the limit of the City's responsibility is to provide testimony by order of a subpoena as to what was personally observed by such Officer, and make public records available. Any settlement or claims for damages are strictly a civil matter and must be pursued by the damaged party.

4.08.050 Fees Adjusted by Resolution.

Any and all of the fees and/or licensing costs established by this Title may be revised, adjusted or amended by resolution, duly and properly passed by the Brigham City Council.

4.08.060 Repeal.

Any ordinance, sections or portions of ordinances previously adopted by the Brigham City Police Department, which are in conflict with the provisions of this ordinance, are hereby repealed.

4.08.070 Severability Clause.

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.