ORDINANCE NO. 06-14-90-B

AN ORDINANCE ESTABLISHED TO GOVERN THE RUNNING AT LARGE OF DOGS.

Be it ordained by the governing body of the municipality of Kanosh:

That this ordinance be adopted this 14th day of June 1990 and become effective August 1, 1990.

Mayor

ATTEST:

Cinta Farmer

13-20-3-01. DEFINITIONS. As used in this ordinance, unless the context otherwise indicates, the following words shall mean:

- 1. "Dog" shall mean any male, female, or spayed female dog of any age.
- 2. "Unlicensed dog" is hereby defined and declared to mean a dog for which a license for the current year has not been paid, or for which the tag provided for in this part is not attached.
- 3. "Owner," when applied to the proprietorship of a dog, shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- 4. "At large" shall mean any dog off or away from the premises of the owner, possessor, or keeper thereof, and not under the control of such owner, possessor, or keeper, or his agent or servant or a member of his immediate family. A dog shall be deemed under the control of said owner or family member if it is within immediate call, or if it is within the immediate view and within distance of call, if it is on a leash, cord, or chain, or if it is within direct command of the owner or immediate family member.
- 5. "Pound" shall mean an animal shelter, lot, premises, or buildings maintained by or authorized or employed by the town for confinement or care of dogs siezed either under the provision of this chapter or otherwise.
- 6. "Impounded" shall mean having been received into the custody of the municipal pound or into the custody of any authorized agent or representative of the municipality.
- 7. "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.
- "Poundmaster" shall mean the custodian selected by the governing body to be responsible for the operation of the dog pound.

(Vicinity)

- 9. The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the municipality, nor to dogs brought to the municipality for the purpose of participating in any dog show, nor to commercial kennels.
- 10. Dogs used as guides for blind persons and commonly known as seeing eye dogs shall be licensed and registered as other dogs hereinabove provided; except that the owner or keeper of such dog shall not be required to pay any fee therefor.

13-20-3-03. TAG AND COLLAR. 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 costantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the recorder/clerk upon presentation of a receipt showing the payment of the license fee for the current year and the payment of \$ 2.00 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 shall be unlawful to deprive a registered dog of its collar and/or tag.

13-20-3-04. RUNNING AT LARGE PROHIBITED.

- 1. It shall be unlawful for the owner or keeper of any dog to permit such dog to run at large.
- It shall be unlawful for the owner of a dog to permit such dog to go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.
- 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.
- 4. Any dog running at large in violation of the provision of this section is hereby 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.

13-20-3-05. 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.

13-20-3-02. LICENSE AND REGISTRATION REQUIRED.

- 1. It is unlawful for any person to keep, harbor or maintain any dog $_{\rm three}$ (3) or more months old unless such dog has been registered and licensed in the manner herein provided.
- 2. 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.
- 3. A dog license shall be issued by the poundmaster or such other person as the governing body may authorize.
- 4. No dog license shall be issued by the municipality until the fee required herein is paid. Until otherwise changed by resolution of the governing body, the following fee shall be charged:

a.	Each spayed female	\$ 1 5. 00
b.	Each neutered male	\$ 10.00
c.	Each unspayed female	\$ 0.00
ď.	Each unneutered male	\$20.00

- 6. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age after August 31st of any year shall make an application for registration and license within ten (10) days after such acquisition or dogs attain the above stated age; provided that the license fee shall be pro rated of the above required for new applications received after August 31st of any year.
- 7. Anyone owning, keeping, harboring, or maintaining or more dogs over the age of months shall be considered operating a kennel and shall be required to pay an annual kennel license fee of \$_______per_year.
- 7 8. 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, expiring on the 31st day of December of the year of issuance, regardless of the date when issued.

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- 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.
- 4. Any dog running at large in violation of the provision of this section is hereby 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.

13-20-3-05. 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.

13-20-3-06. STRAYS. It shall be 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 part. 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.

13-20-3-07. RABIES. Every owner of any dog over the age of three (3) 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 hereby 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 owners of any dog may themselves purchase serum and vaccinate their own dogs. The resolution shall also prescribe the condition with which the owner must comply to obtain the tag hereinafter required.

13-20-3-08. DOGS REQUIRED TO HAVE RABIES SHOT. It shall be 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 two years against rabies as above provided within the past two 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.

13-20-3-09. DOGS WHICH DISTURB NEIGHBORHOOD. 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. A violation of this section shall be a class C misdemeanor and such is hereby declared to be nuisance, and each day the violation is permitted to exist or continue shall constitute a separate offense. This section shall not apply to the municipal dog pound, veterinary hospitals, or medical laboratories.

13-20-3-10. VICIOUS ANIMALS - SPECIAL PROVISIONS.

- 1. it shall be unlawful for any person to won and possess a vicious dog within the municipality. 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 part, while awaiting final decision of the court as to the disposition to made of such dog.
- 2. Upon the trial of any offense under this part, the court may, upon conviction and in addition to the usual judgement 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.

13-20-3-11. DOG POUND. The governing body may contract with some humane person as poundmaster, with the 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.

13-20-3-12. IMPOUNDING. 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 part 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 of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and number of the license.

13-20-3-13. RECORD OF IMPOUNDING ANIMALS. 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 the dated of any tag exhibited or issued upon the redemption or sale of such animal.

13-20-3-14. REDEMPTION OF IMPOUNDED DOGS. Any dog impounded as a licensed or unlicensed dog may be redeemed and taken from such pound by the owner or any authorized person upon exhibiting to the supervisor of person having charge of said pound, a certificate of stame registry as provided in section 13-20-3-12, showing that the license imposed by this part has been paid for such dog and upon factors. paying the person in charge of the pound an impounding fee of five dollars and the sum of fifty cents for each and every day such dog offerences shall have been impounded. All impounded dogs not redeemed within +50 = plus five days shall be sold for the best price obtainable at either ver ree: 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.

13-20-3-15. DISPOSITION OF UNCLAIMED AND INFECTED DOGS. A11 impounded dogs not redeemed within five 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 five-day period.

13-20-3-16. INTERFERENCE WITH IMPOUNDING PROHIBITED. It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the poundmaster or any of his assistants while engaging in capturing, securing, or taking to the dog pound 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 or conveying of dogs to the dog pound.

PART 13-20-4-00. ESTRAYS.

13-20-4-01. IMPOUNDING AND DISPOSAL OF ESTRAYS, GENERALLY. It is hereby 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. Whenever the word "estray" appears in this part, it is defined to mean any valuable animal, except dogs or cats, not wild, found wandering from its owner.

13-20-4-02. NOTICE OF SALE OF ESTRAYS. 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:

Poundmaster of the_____

"NOTICE

the _____ day of _____, 19__.

13-20-4-03. RETURN TO THE OWNER ON PAYMENT OF COSTS - SALE. If at any time before the sale of any estrays, such animals shall be claimed and proved to be the property of any person, the pound-master shall deliver them to the owner upon receiving from him the cost of impounding, keeping and advertising the same. If the animals are not so claimed and taken away, he shall, at the time and place mentioned in the notice, proceed to sell the same, one at a time, to the highest cash bidder, and shall execute and deliver a bill of sale transferring said animals to the purchaser or purchasers thereof, which bill of sale shall be substantially:

"I hereby certify that in pursuance of the law regulating the disposal of estrays and trespassing animals, I have this day sold to _______ for the sum or \$______, he being the highest bidder, ______ head of branded with the municipality estray brand and otherwise described as follows, to-wit:

(Description of Animals)

Witness	my	hand	this_	day	of_		, 19	-
						Poundmaste	r of	
						State of U	tah	

The poundmaster shall immediately file a copy of such bill of sale with the county clerk or forward the same to him by registered mail. Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus sold.

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13-20-4-04. RECORD OF ESTRAYS. The poundmaster 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 moneys paid to owners after sale, all moneys paid into the treasury, and all other matters necessary to the compliance with the provisions of this part. 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 inspection of the public at all reasonable hours, and shall be deposited by the poundmaster with his successor in office.

13-20-4-05. TRESPASSING ANIMALS - DAMAGING - IMPOUNDING. If any cattle, horses, assess, 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 be destraining and impounding the animals in the manner provided.

13-20-4-06. APPRAISMENT OF DAMAGES. The owner or occupant of any property may destrain any or all of said animals trespassing or doing damage thereon. He shall, within 24 hours thereafter. deliver said animals to the poundmaster together with a certificate of the appraisment of the damage done by such animals. Such appraisment 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 appraisment 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 dif-

13-20-4-07. OWNER TO BE NOTIFIED. The person destraining 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 destraining 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 said owner. He shall be entitled to charge cents a mile one way for the first ten miles necessarily traveled in delivering such certificate, and 25c cents for each additional mile, to be taxed as costs against the animals.

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13-20-4-08. FAILURE TO NOTIFY WAIVES DAMAGES. If the party destraining any animals shall fail to deliver them or the certificate of appraisement to the poundmaster within 48 hours, or shall fail to deliver to the owners of the animals, if known, a copy of the certificate of appraisement within 24 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 provision of this part.

13-20-4-09. WHERE OWNER UNKNOWN - DUTY OF POUNDMASTER. Whenever SHERIFFS any animals are delivered to the poundmaster and the certificate of appraisment 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 is 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

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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 a copy of any paper is required by this chapter, service by agent shall be deemed sufficient.

13-20-4-10. NOTICE OF SALE OF DISTRAINED ANIMALS. 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 said animals 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 public places in the municipality, 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 by registered mail. The clerk should preserve such notice and post a copy thereof. The notice herein provided for 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 be not less than ten or more than 20 days from the time of posting such notice. The notices shall be substantially:

"SALE OF ANIMALS FOR DAMAGE

State of Utah, Co	unty of,	
In the	of	
which, if not claimed tion to the highest	possession the following described anima and taken away, will be sold an public a cash bidder at the municipal pound in , on the, at the hour of;	auc- the
	Description of Animals)	
payment of \$ premises of	cribed animals are held by me to secure damages done by those animals on on the , 19	the ⁄ of
	Poundmaster of the	

13-20-4-11. OWNER MAY PAY AND TAKE ANIMALS - DISPUTED APPRAISAL. The owner of any trespassing animals taken up under the provisions of this part 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 appraisment 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 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 qualification herein provided who with the first appraiser shall make a new appraisal, and if they cannot agree, the shall choose a third appraiser, and the three shall proceed to make another appraisal, and the decision of the majority shall be final.

13-20-4-12. SALE - BILL OF SALE. 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 said animals to pay the damages and costs, the remainder may be turned over to the owner at any time thereafter; but if the owner be unknown, the poundmaster 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 hereinbefore provided.

13-20-4-13. REDEMPTION WITHIN NINETY DAYS. The owner of any trespassing animals sold under the provisions of this part may, at any time within 90 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 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 any action at law to recover the same, provided that the purchaser or any assignee who has disposed of such animals shall not be liable to such owner in any amount. If redemption of such animals is not made within 90 days after the date of such sale, such sale shall be absolute and shall vest the title to such animals in the purchaser or assignee. Any person selling or disposing of any such animal within 90 days of its sale under the provision of this part shall notify the purchaser of the same of the date of the original sale and the amount paid for such animal at that time, 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.

13-20-4-14. OWNER ENTITLED TO RESIDUE OF PROCEEDS. If any estrays or trespassing animals sold under the provision of this part 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.

13-20-4-15. RECORD OF TRESPASSING ANIMALS. The poundmaster shall keep an accurate record of all trespassing animals received by him, which record shall contain all the items required by this part together with the names of the injured party and the owner of the animals, the amount of the damages claimed, and all other matters necessary to a complete account of the transaction.

13-20-4-16. RETAKING ANIMAL UNLAWFULLY. It shall be unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same under the provision of this part, either by stealth, force, fraud, or to intercept or hinder any person lawfully taking or attempting to take up such animals.

CHAPTER 13-30-0-00. GENERAL POLICE POWERS.

PART 13-30-1-00. OFFENSES RE: MINORS.

13-30-1-01. PURCHASE, POSSESSION PROHIBITED. Any person who maintains in his place of business a tobacco vending machine accessible to persons under the age of 19 or provides any method of self-help for the disposition to persons under the age of 19 by gift, sale or otherwise of any cigarette or cigarette paper or wrapper or any paper made or prepared for the purpose of making cigarettes or tobacco in any form whatsoever is guilty of a class C misdemeanor. Cigarette vending machines shall be deemed accessible to persons under the age of 19 except:

- 1. Where they are in locations where persons under the age of 19 are prohibited.
- 2. Where the machine can be operated only by the owner or his employee, either directly or through a remote control device which is inaccessible to the customer and must be operated for each sale.
- 3. In private industrial locations where only adult employees are customarily allowed, provided such locations are inaccessible to persons under the age of 19.
- 4. In adult-private clubs, provided that such locations are inaccessible to persons under the age of 19.

13-30-1-02. Reserved.

13-30-1-03. Reserved.

13-30-1-04. Reserved.

PART 13-30-2-00. INTOXICANTS AND LIQUOR. .