

TROPIC TOWN ORDINANCE NO. 2-11-2016

**AN ORDINANCE REPEALING THE DOG ORDINANCE AS FOUND IN THE CODE OF REVISED ORDINANCES OF TROPIC TOWN.**

**IN** the judgment of the Mayor and Tropic Town Council, changes are deemed necessary to the Tropic Town Animal Control ordinance for the health, safety and welfare of the citizens of Tropic Town.

**BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF TROPIC, GARFIELD COUNTY, STATE OF UTAH, AS FOLLOWS:**

Section 1: Definitions: As used in this chapter, unless the context otherwise indicates, the following words shall mean:

**ANIMAL CONTROL OFFICER:**

The custodian selected by the Town Council to be responsible for the

**AT LARGE:**

Every person who has in his/her possession or under his/her control any dog within Tropic Town shall keep such dog securely and completely controlled or restrained at all times of the day. It does not mean allowing a dog to run without complete control or restraint.

**DOG:**

Any male, female or spayed female dog of any age.

**DOG POUND:**

Any facility, lot, premises or building maintained by or authorized or employed by the Town of the confinement or care of the animals seized either under the provisions of this chapter or otherwise.

**IMPOUND:**

Having been received into the custody of the Town pound or into the custody of any authorized agent or representative of the Town

**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.

**UNLICENSED DOG:**

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:**

Any dog that had bitten without provocation or a dog that has a known propensity to attack or bite.

## Section 2: Office of Animal Control Officer

- A. The position of Animal Control Officer is hereby created. Until such time as an Animal Control Officer is appointed, the Garfield County Sheriff's Office in conjunction and direction with the Mayor and Town Council shall perform the following duties:
1. Carry out and enforce the provisions of this chapter
  2. Take into possession and impound all strays running at large and dispose of the same as hereinafter provided.
  3. Enforce the licensing of and control all dogs within the municipality.
  4. File complaints in the courts against any person failing to comply with the provisions of this chapter and obtain licenses when required thereunder.
  5. Capture and secure all dogs found running at large contrary to the provisions of this chapter and impound such dogs in a humane manner.
  6. Provide for a good and sufficient pound in which all animals duly committed to his charge or otherwise impounded by him shall be maintained.
  7. Enter a description thereof in records kept for that purpose stating the kind of animal, the circumstances under which received or impounded, and a description thereof sufficient to provide identification, the cost expended for the maintenance of the animal and amounts received arising out of maintenance or sale of animals.

## Section 3: License and Registration Required

- A. It shall be 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 provided in this chapter.
- B. Application; Information:
1. Application for registration and licensing shall be made to the Town recorder or such other person as the Town Council may authorize to receive such applications.
  2. The owner shall state as the time application is made for such license his name address and the sex, breed, and color of each dog owned or kept.
- C. Issuing Authority: A dog license shall be issued by the Town recorder or such other person as the Town Council may authorize.
- D. Fee for License: No dog license shall be issued by the Town until the fee required herein is paid. Until otherwise changed by resolution of the Town Council, the following fee shall be charged:
- |                        |         |
|------------------------|---------|
| Each spayed female     | \$10.00 |
| Each neutered male     | \$10.00 |
| Each non-spayed female | \$35.00 |
| Each non-neutered male | \$35.00 |

- E. Date Due; Penalty: The fee due and payable pursuant to this section shall be January 1<sup>st</sup>. A \$10 delinquency fee shall be assessed after February 1<sup>st</sup> of each year, with **1.5%** interest added for each month after.
- F. Newly Acquired Dogs: The owner of any newly acquired dog of licensing age or of any dog which attains licensing age after March 1<sup>st</sup> of any year shall make an application or registration and license within fifteen-(15) days after such acquisition or dogs attain the above stated age.
- G. Kennel License Fee: Anyone owing, keeping, harboring or maintaining six (6) or more dogs over the age of six (6) months shall be considered operating a dog kennel and shall be required to pay an annual kennel license fee of \$100.00 per year.
- H. 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 to which the license was issued, expiring on the 31<sup>st</sup> day of December of the year of issuance, regardless of the date when issued.
- I. Exceptions:
1. The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents, temporarily within the Town, or to dogs brought to the Town for the purpose of participating in any dog, show, nor to commercial kennels.
  2. Guide and Service Dogs: The fee provisions of Subsection D of this section shall not apply to:
    1. Seeing-eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place.
    2. Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.
    3. Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.
  3. Nothing in this subsection shall be construed as to exempt any dog from having a current rabies vaccination.
- J. Tag and Collar:
1. 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 the year for which it was issued and the number corresponding with the number on the certificate or receipt. 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 wore.
  2. In case a dog tag is lost or destroyed, a new tag will be issued along with a new certificate or receipt showing the payment of the license fee for the current year. 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.

#### Section 4: Running at Large

- A. It shall be unlawful for the owner or keeper of any dog to permit such dog to run at large.
- B. It shall be unlawful for an owner of a dog to permit such dog to go upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.
- C. 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.
- D. Any dog running at large violation of the provisions 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.

#### Section 5: 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.

#### Section 6: 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 animal control officer who shall impound for running as 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 animal control officer shall notify the person to whom such license was issued, at the address given in the license.

#### Section 7: Control of Rabies and Rabid Animals

- A. Rabies Vaccination Required: 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 Town without first having had such dog vaccinated against rabies, as provided in subsection B of this section, within the past two (2) years against and without there being on such dog a collar or harness with a license tag thereon showing that dog has been vaccinated.
- B. Vaccinated by Licensed Veterinarian: Every owner of any dog over the age of six (6) 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 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 thereon showing that such dog has been vaccinated.

- C. Reporting of Rabid Animals: Anyone having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the fact immediately to the county sheriff. The county sheriff shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal.
- D. Biting Animal Quarantined: 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 town pound and shall not be killed or released until at least fourteen (14) 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, its head shall be removed and immediately taken to the State Health laboratory to be examined for rabies.
- E. Bitten Animal Quarantined: 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 place approved by animal control officer for a period of one hundred twenty (120) days or destroyed.

#### Section 8: Dogs Which Disturb Neighborhood

- A. 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 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 municipal dog pound veterinary hospitals, or medical laboratories.
- B. Trespassing Animals: It shall be unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl or animals to trespass upon the premises of another person.

#### Section 9: Vicious Animals

- A. No person is allowed to own and possess a vicious dog within the municipality, unless the animal is restrained, confined or muzzled so that it cannot attack or fight any person or other animal. A “vicious animal” is one that has the known propensity to attack, bite, growl, or snarl at a person or other animal.
- B. If there is substantial evidence that any animal within Tropic Town has attacked a person or other animal, any law enforcement officer may destroy the animal if the law enforcement officer reasonably believes the animal may in the future attack another person or other animal.
- C. If an animal is attacking or preparing to attack another person or animal within the boundaries of Tropic Town, the victim or any other person reasonably acting to protect another person or another person’s property may destroy the animal.

#### Section 10: Dog Pound

The Town Council may contract with some humane person or animal control officer, with an adjoining municipality or with the county for the purpose of providing suitable premises and facilities to be used by the town as the animal pound. It shall be maintained in some convenient location and shall be sanitary and so operated as to properly feed, water, and protect the animals from injury.

## Section 11: Impounding

- 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 some other suitable place. The animal control officer, or other designated official, upon receiving any dog, shall make a complete registry, entering the breed, color, and sex of such dog and whether or not it is licensed. If it is licensed he shall enter the name and address of the owner and the number of the license, and shall immediately contact the owner, either by telephone, or in writing. Every reasonable effort shall be made to contact the owner of such dog, if known, to advise him of such impoundment.
- B. Records Maintained: The Animal Control Officer shall keep a record/registry of each animal impound by him, the date of receipt of such animal impounded, 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 fees received or collected for a because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and the date of any tag exhibited or issued upon the redemption or sale of such animal.
- C. Redemption of Impounded Dogs: No dogs impounded as a licensed or unlicensed dog shall be released, redeemed or otherwise taken or removed from the pound by the owner of the dog or any other person acting for the owner, until the owner of the dog or another person authorized to act for the owner, completes the following:
  1. Exhibits to the person having charge of said pound, a certificate of licensing from Tropic Town as provided in section 11-A of this section, showing the license fee imposed by this part has been paid for such dog for that current year. Any dog which is not properly licensed or registered with Tropic Town, for the current year, may be conditionally released to the owner or other authorized person for a period not to exceed 72 hours, in order to enable have the dog properly vaccinated and licensed.
  2. If, at the conclusion of the 72 hours conditional release period provided above, the owner or authorized person has failed to obtain the required vaccination, and to complete licensing fee, then the dog shall be recaptured and impounded until the owner or authorized person completes all requirements for licensing the dog.
- D. The owner of any impound dog, or an authorized person acting for the owner, shall pay an impounding fee of \$25 and the sum of \$10 for each and every day such dog shall have been impounded, regardless of the number of hours the dog actually spends in the pound. The impounding fees and holding fees shall apply as follows: 1<sup>st</sup> time offense, if licensed, will be returned and the \$10 holding fee will be charged; if not licensed, a licensing fee as put in place by the Town Council will be paid along with the \$10 holding fee; and the impounding fee waived. The 2<sup>nd</sup> offense and there after an impounding fee of \$100 and harboring fee will be imposed. All impounded dogs not redeemed within two weeks shall be sold for the best price obtainable at either private or public sale, and all moneys received from such sale shall be paid immediately to the Town treasurer.

- E. Disposition of Unclaimed and infected Dogs: All impounded dogs not redeemed within two weeks of the date of impounding will be given to an animal sanctuary/human society 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 pound master's judgment are suffering and recovery is doubtful, the animal control officer may destroy the dog without waiting the two week period.
- F. Interference with Impounding Prohibited: It shall be unlawful for any person to hinder, delay, interfere with or obstruct the animal control officer or any of his assistants while engaging in capturing, securing or taking to the animal pound any animal or animals liable to be impounded, or to break upon or in any other manner directly or indirectly aid, counsel or advise the breaking open of any animal pound or ambulance, wagon, or other vehicle used for the collecting or conveying of animals to the animal pound.

This ordinance does not apply to livestock, which are defined as cattle, horses, sheep, chicken and pigs.

This ordinance shall be effective upon adoption.

Adopted: 11<sup>th</sup> Day of February 2016

Seal:

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Mayor: WaLon K. Brinkerhoff

Attest:

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Marie H. Niemann – Tropic Town Clerk