
Document Control Changes: Created 28 September 2010 (was CF-039-NA-10), New Format May 2016; revised May 2018

BE IT ORDAINED by the Town Council of the Town of Cedar Fort, Utah County, Utah, that an ordinance relating to **Animal Nuisances** of the Town of Cedar Fort be enacted as follows:

“ANIMAL NUISANCES ORDINANCE OF THE TOWN OF CEDAR FORT, UTAH“

1.0 OVERVIEW

Establishment of, and adoption of, an ordinance for the control of nuisance animals within the Town as defined herein.

2.0 PURPOSE

AN ORDINANCE OF THE GOVERNING BODY OF THE TOWN OF CEDAR FORT DEFINING ANIMAL NUISANCES AND ESTABLISHING PENALTIES THEREOF.

WHEREAS, Cedar Fort Town desires to control nuisance animals within the Town for the general welfare and safety of the citizens of the Town as well as visitors; and,

WHEREAS, the Utah Legislature has specifically enabled Cedar Fort to define and control nuisances in section 10-8-60, section 10- 11-1, et seq., section 78-38-1, et seq., section 76-10-101, and section 76-10-803 of the Utah Code Annotated 1953, as amended; and

WHEREAS, the Cedar Fort Town governing body desires to establish a procedure for the control of nuisance animals that is sensitive to the unique nature of Cedar Fort Town while preserving the rural lifestyle;

Now therefore let it be ordained by the governing body of Cedar Fort Town as follows:

3.0 DEFINITIONS

- 3.1 *Disturbing noises in an excessive fashion* shall mean an animal barking, baying, crying, howling or making any other noise continuously for a period of ten (10) minutes, or barking intermittently for one-half (1/2) hour or more to the disturbance of any person at any time of day or night regardless of whether the animal is physically situated in or upon private property; provided, however, that an animal shall not be in violation if, at the time the animal is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the animal is situated, the animal is teased or provoked or the noise is a result of sirens or emergency vehicles.
- 3.2 *Vicious Animal* shall mean any animal which is dangerously aggressive, including, but not limited to, any animal which has bitten or in any other manner attacked any person or animal.

4.0 NUISANCE ANIMALS

Any owner or person have charge, care, custody or control of an animal or animals causing nuisance as defined in this section shall be in violation of this chapter and subject the penalties herein. The following shall be deemed a nuisance:

- 4.1 Any animal which:
- (a) Causes damages to the property of anyone other than its owner;

- (b) Is a vicious animal as defined herein;
 - (c) Causes unreasonable fouling of the air by odors;
 - (d) Causes unsanitary conditions in enclosures or surroundings;
 - (e) Defecates on any public sidewalk, park, or building, or on any private property without the consent of the owner of such private property, unless the person owning, having a proprietary interest in, harboring or having care, charge, control, custody or possession of such animal shall remove any such defecation to a proper trash receptacle;
 - (f) Barks, whines howls or makes other disturbing noises in an excessive, continuous, or untimely fashion;
 - (g) Molests passerby or chases passing vehicles;
 - (h) Attacks other domestic animals; or
 - (i) Is determined by the department of animal control or Utah County health department to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare or safety.
- 4.2 Any animal which, by virtue of the number maintained, are determined by the Town Council or the Utah County health department to be offensive or dangerous to the public health, welfare or safety.

5.0 REMEDIES

A civil action to control or enjoin a public nuisance animal, or for damages, may be brought by Cedar Fort Town or by any private person directly affected.

It shall be unlawful and a class B misdemeanor violation for any owner or person have charge, care, custody or control of an animal that constitutes a nuisance in accordance with this ordinance. The Town may elect to pursue either civil or criminal remedies or both to enforce this ordinance.

Any animal that constitutes a nuisance in accordance with this ordinance shall be impounded as set forth herein.

6.0 IMPOUNDMENT

6.1 Impounding – Animals to be impounded.

Animal Control shall place all animals which are taken into custody in a designated animal impound facility. The following animals may be taken into custody by the Animal Control and impounded without the filing of a complaint:

- (1) Any animal being kept or maintained contrary to the provisions of this ordinance;
- (2) Sick or injured animals whose owner cannot be located; and
- (3) Any abandoned animal;

Within 72 hours following the identification of the owner of an animal impounded under this section, the Animal Control shall cause a complaint to be filed in a court of competent jurisdiction to hear the complaint. In addition, the animal control officer shall seek a court order authorizing continued impoundment of the animal pending final

disposition of the complaint, if the Animal Control determines it to be a vicious animal which has bitten or attacked a person or animal two times or more in a 12-month period.

6.2 Impounding – Records to be kept.

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

- (1) Complete description of the animal, including tag numbers.
- (2) The manner and date of impound.
- (3) The location of the pickup and name of the officer picking up the animal.
- (4) The manner and date of disposal.
- (5) The name and address of the redeemer or purchaser.
- (6) The name and address of any person relinquishing an animal to the impound facility.
- (7) All fees received.
- (8) All expenses accruing during impoundment.

6.3 Impounding – Disposition of animals.

Animals shall be impounded for a minimum of three calendar days before further disposition, and may thereafter be destroyed. 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.

All dogs and cats, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs and cats voluntarily relinquished to the impound facility may be destroyed or sold as the Animal Control shall direct. Any healthy dog or cat may be sold to any person or to any institution engaged in scientific research and desiring to purchase such animal for a fixed price to be determined by resolution of the Cedar Fort Town Council, plus license and rabies vaccination if required.

Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention may, in the discretion of the Animal Control, be released to the care of a veterinarian with the consent of the owner.

When, in the judgment of the Animal Control, 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 limitations otherwise established herein, and without court order.

6.4 Impounding – Redemption.

The owner of any impounded animal or their authorized representative may redeem such animal before disposition, provided payment is made of:

- (1) The impound fee;
- (2) The daily board charge;
- (3) Veterinary costs incurred during the impound period, including rabies vaccinations;
- (4) License fee, if required.

Fees shall be charged according to the rates set by Animal Control or resolution of the Cedar Fort Town Council, whichever is higher, for the following impoundment and boarding services:

(a) Impound Fee.

(i) First confinement.

(ii) Second confinement.

(iii) Third and subsequent confinements.

(b) Board. Per calendar day of confinement.

6.5 Animal shelter.

The governing body shall provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. They shall purchase and supply food and supply humane care for impounded animals.

The governing authority shall provide for the painless and humane destruction of dogs and other animals required to be destroyed by this chapter or by the laws of the state of Utah.

The governing authority may furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this ordinance.

6.0 COLLECTION OF COSTS

6.1 Collection by Suit

In the event collection of expenses for Impoundment (including but not limited to boarding, disposition and/or removal, are pursued through the courts, the Town shall be entitled to recover all expenses incurred in connection with the Impoundment, including, but not limited to, attorney fees and costs.

6.2 Collection through Taxes

In the event that the matter is referred to the county treasurer for inclusion in the tax notice of the property owner, the Town shall make in triplicate an itemized statement of all expenses incurred in the disposition and/or removal of the same and deliver three copies of said statement to the county treasurer within ten days after the expiration of the twenty-day period, in which the owner or occupant may pay voluntarily.


Thereupon, the cost of said work shall be pursued by the county treasurer in accordance with the provisions of Section 10-11-4, Utah Code Annotated 1953, as amended, and the owner or occupant shall have such rights and shall be subject to such powers as are granted therein.

7.0 EFFECTIVE DATE


In order to establish proper public NUISANCE ANIMAL control measures for the Town of Cedar Fort in a concise and expedient manner, this ordinance will take effect upon passage vote of the Town Council. This version of the ordinance supersedes all previous versions.

PASSED AND DATED this 24th day of May 2018.

TOWN OF CEDAR FORT


Mayor

Attested By:


Town Clerk

Councilmember David Gustin

Voted Yea



Councilmember Ellen Cibula

Voted ABSENT

Councilmember D. Harold Draper

Voted Y



Councilmember Wyatt Cook

Voted NO



Councilmember Richard Stark

Voted Yea



STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, CARA LYON, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 2nd day of ~~May~~ ^{June} 2018, entitled

“ANIMAL NUISANCES ORDINANCE OF THE TOWN OF CEDAR FORT, UTAH”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 2nd day of ~~May~~ ^{June} 2018.



CARA LYON
Cedar Fort Town Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Cara Lyon, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 2nd day of ~~May~~ June 2018 and herein referred to as:

"ANIMAL NUISANCES ORDINANCE OF THE TOWN OF CEDAR FORT, UTAH"

SUMMARY:

The above named ordinance was enacted to define and describe public nuisance animals, with the associated penalties.

The three places are as follows:

1. Post Office
2. Town Hall
3. Cedar Valley Store



Cara Lyon
Cedar Fort Town Recorder

Date of Posting June 02, 2018