

Chapter 1
Animal Control

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Section 4-1-1. Definitions.

- A. Animal boarding establishment: Any establishment that takes in animals for boarding for profit.
- B. Animal grooming parlor: Any establishment maintained for the purpose of offering grooming services for animals for profit.
- C. Animal shelter: A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the State of Utah

under Section 76-9-302, U.C.A., 1953, as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats or other small domestic animals.

D. Animal at large: Any domesticated animal, whether or not licensed, not under restraint as defined below.

E. Animal under restraint: Any animal under the control of its owner or person having charge, care, custody or control, except a dog shall not be considered under control of the owner unless on a leash, confined within a vehicle, or within the real property limits of the owner.

F. Bite: A puncture, tear, abrasion or bruise of the skin inflicted by the teeth of an animal.

G. Cat: Any age feline of the domesticated types.

H. Cattery: An establishment for boarding, breeding, buying, grooming or selling cats for profit.

I. Dog: Any canis familiaris over four (4) months of age. Any canis familiaris under four (4) months of age is a puppy.

J. Domesticated animals: Animals accustomed to live in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine and goats.

K. Stray: any animal at large as defined herein.

L. Guard dog: A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public.

M. Holding facility: Any pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facility used for holding animals.

N. Kennel: An establishment having three or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling, except where such establishment shall be licensed as having Sportsman's privileges as provided in Section 4-1-28(B) herein.

O. Leash or lead: Any chain, rope or device used to restrain an animal.

P. Pet: A domesticated animal kept for pleasure rather than utility, including, but not limited to birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.

Q. Pet shop: Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

R. Quarantine: The isolation of an animal in substation enclosure so that the animal is not subject to contact with other animals or authorized person.

S. Riding school or stable: An establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burro or which offers such animals for hire.

T. Vicious animal: Any animal of a species that in their natural life are wild. Those animals, how ever domesticated, shall include but are not limited to:

1. Alligators and crocodiles.
2. Bears (ursidae). All bears including grizzly bears, brown bears, black bears, etc.
3. Cat Family (felidae). All except the commonly accepted domesticated cats, and including cheetah, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, wildcats, etc.
4. Dog Family (canidae). All except domesticated dogs, and including wolf, fox, coyote, dingo, etc.
5. Porcupine. (erthizontidae).
6. Primate (Hominiddae). All subhuman primates.
7. Raccoon (Prosynnidae). All raccoons including eastern raccoon, desert raccoon, ring-tailed cat, etc.
8. Skunks.
9. Venomous fish and piranha.
10. Venomous snakes or lizards.
11. Weasels (mustelidae). All including weasels, martins, wolverines, ferrets, badgers, otters, ermine, mink, mongoose, etc. except that person raising members of this family as a business for their pelts shall not be prohibited by this ordinance.

Section 4-1-2. Department of Animal Control.

There is hereby established a Department of Animal Control within the Grantsville City Police Department.

Section 4-1-3. Powers of Animal Control Officials.

- A. The Chief of Police is hereby declared to be the Animal Control Director for Grantsville City and his regular law enforcement and animal control officers shall be vested with the power and authority to enforce this ordinance.
- B. The Animal Control Director, his animal control officers and regular law enforcement officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this ordinance and including licensable dogs for which no license has been procured in accordance with this ordinance, or any license or unlicensed dogs for any other violation thereof.
- C. In the enforcement of this ordinance any peace officer, the Animal Control Director or the animal control officers are authorized to enter onto the open premises or any person to take possession of any dog in violation of this ordinance in accordance with appropriate law.

Section 4-1-4. Duties of Animal Control Officials.

The Animal Control Director shall:

- A. Enforce this ordinance and perform other responsibilities pursuant thereto.
- B. Supervise the municipal animal shelter(s) under his jurisdiction.
- C. Keep adequate records of all animals impounded and all monies collected.

D. See that all animals and animal holding facilities in his jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulations.

E. Establish, in cooperation with the Tooele County Health Department and other interested governmental agencies, adequate measures for rabies immunization and control.

Each Animal Control Officer shall:

A. Enforce this chapter in all respects pertaining to animal control within the jurisdiction including the care and impounding of animals and prevention of cruelty to animals.

B. Carry out all duties prescribed or delegated by the director.

Section 4-1-5. Interference with Officer prohibited.

It shall be unlawful for any person to knowingly and intentionally interfere with a law enforcement officer, the director or any animal control officer in the lawful discharge of his duties as herein prescribed.

Section 4-1-6. Dog licensing and fees.

A. All dogs must be licensed each year, except as otherwise provided herein, to a person of the age of eighteen (18) years or older. Any person owning, possessing or harboring any dog shall obtain a license for such animal within thirty (30) days after the dog reaches the age of six (6) months; or in the case of a dog over six (6) months, within 10 days of the acquisition of the dog. License applications must be submitted annually to Grantsville City, utilizing a standard form which requests name, address, telephone number of the applicant; breed, sex, color, age of the animal and current rabies information. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccinations shall be given by a licensed veterinarian every two (2) years.

B. License fees: Annual license fees for dogs are as follows and license fees and any other fee provided for by this Chapter may hereafter be amended by Resolution of the City Council.

Female dog \$25.00

Male dog \$25.00

Spayed or neutered dog \$15.00

Late fee - Double the regular fee.

No dog will be licensed as spayed or neutered without proof that such surgery was performed. The license shall be effective from the date of purchase through the end of January of the following year, after which a late fee shall be imposed.

Licenses for the following year may be purchased within ninety (90) days prior to the expiration date. No person or persons at any one residence within the City shall at any one time own or license more than two (2) dogs in any combination except as otherwise provided for herein.

Section 4-1-7. License tag.

A. Upon payment of the license fee, the Department of Animal Control shall issue to the owner a certificate and a tag for each dog licensed. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and tag are constantly worn. Failure to attach the tag as provided shall be in violation of this ordinance, except that dogs which are kept for show purposes are exempt from wearing the collar and tag.

B. Dog tags are not transferable from one dog to another unless the dog for which the tag was initially issued has died or has been removed from Grantsville City. Any person requesting the transfer of a dog tag must complete an application for such transfer as provided by the City and the transfer must be approved by the Department of Animal Control. No refunds shall be made on any dog license fee for any reason whatsoever. Replacement for lost or destroyed tags shall be issued upon payment of \$5.00 to the City.

C. Any person removing or causing to be removed the collar, harness, or tag from any licensed dog without the consent of the owner or keeper thereof, except a licensed veterinarian, an animal control officer or law enforcement officer who removes such for medical and other reasons, shall be in violation of this ordinance.

Section 4-1-8. Licensing; exemptions.

The provisions of Sections 4-1-6 and 4-1-7 herein shall not apply to:

A. Licensed dogs whose owners are non-residents temporarily (up to 30 days) within the jurisdiction; licensed dogs whose owners remain within the jurisdiction longer than thirty (30) days may transfer the non-resident license to a local license upon payment of a \$5.00 fee and proof of a current nonresident license and a current rabies vaccination.

B. Individual dogs within a properly licensed dog kennel or other such approved establishment when such dogs are held for resale.

C. Other exemptions:

1. Service Dogs properly trained to assist persons with a disability
2. Dogs especially trained to assist officials of government agencies.
3. Nothing in this section shall be construed to exempt any dog from having a current rabies vaccination.

Section 4-1-9. Unlawful to harbor stray dogs.

It shall be unlawful for any person, except the City Department of Animal Control or an animal welfare society incorporated within the State of Utah to harbor or keep any lost or stray 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 Animal Control Department within 24 hours, and the Department shall impound the dog as herein provided.

Section 4-1-10. Dogs running at large.

It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he knows that the dog is running at large.

Section 4-1-11. Dogs on unenclosed premises.

It shall be unlawful for any person to chain, stake out, or tether any dog 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.

Section 4-1-12. Female dogs in heat.

Any owner or person having charge, care, custody or control 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.

Section 4-1-13. Places prohibited to dogs.

It shall be unlawful for any person to take or permit any dog, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets, and fruit or vegetable stores. This section does not apply to service dogs who are accompanying persons with disabilities, unless the dog is a danger or nuisance to others as specified by Section 62A-5b-104, U.C.A., 1953 as amended.

Section 4-1-14. Dogs attacking persons and animals.

A. Attacking dogs. It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase or worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. Worry as used in this section shall mean to harass by tearing, biting or shaking with the teeth.

B. Owner liability. The owner in violation of Subsection A above shall be strictly liable for violation of this section. In addition to being subject to prosecution under Subsection A., the owner of such dog shall also be liable in damages to any person injured or to the owner of any animal(s) 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 dog was properly confined on the premises.
2. That the dog was deliberately or maliciously provoked.

D. Any person may kill a dog while in committing any of the acts specified in Subsection A above, or while such dog is being pursued thereafter.

Section 4-1-15. Fierce, Dangerous or vicious animals.

It shall be unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal, so that it shall not injure any person or property is a hazard to public safety, and the Director of Animal Control shall seek a court order pursuant to Section 4-1-30 for destruction of or muzzling of the animal.

Section 4-1-16. Nuisance; animals.

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

A. Any animal which:

1. Causes damage to the property of anyone other than its owner.
2. Is a fierce, dangerous or vicious animal as defined herein and kept contrary to Section 4-1-15 above.
3. Causes unreasonable fouling of the air by odors.
4. Causes unsanitary conditions in enclosures or surroundings.
5. 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 immediately remove any such defecation to a proper trash receptacle.
6. Barks, whines or howls or makes other disturbing noises in an excessive, continuous, or untimely fashion.
7. Molests passers by or chases passing vehicles.
8. Attacks other domestic animals.
9. Is determined by the Department of Animal Control or County Health Department to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare, or safety.
10. Any animal which, by virtue of the number maintained, are determined by the Department of Animal Control or County Health Department to be offensive or dangerous to the public health, welfare or safety.

Section 4-1-17. Revocation of dog license.

If the owner of any dog(s) is found to be in violation of this ordinance on three or more different occasions during any twelve-month period, the Director of Animal Control may seek a court order pursuant to Section 4-1-30, revoking for a period of one year any dog license(s) such person may possess and providing for the Animal Control Department to pick up and impound pursuant to such an order shall be dealt with in accordance with the provision of this ordinance for impounded animal except that the person under the order of revocation shall not be allowed to redeem the dog under any circumstances.

Section 4-1-18. 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 Department of Animal Control or to the Tooele County Health Department. The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the Department of Animal Control or the Health Department within 24 hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

B. A physician or other medical personnel who renders professional treatment to a person bitten by an animal shall report the fact that he has rendered professional treatment to the Department of Animal Control or the Tooele County Health Department within 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 Department of Animal Control in ascertaining the immunization status of the animal.

C. Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the Department of Animal Control. 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 that caused the injury, and the location of the incident.

D. Any person not conforming with the requirements of this section shall be in violation of this ordinance.

Section 4-1-19. Control of rabies and rabid animals.

A. Rabies vaccination required for dogs and cats. The owner or person having the charge, care, custody and control of a four (4) month of age or over cat or dog shall have said animal vaccinated within thirty (30) days after it reaches said age. Any person permitting any such animal to be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for said vaccination. Unvaccinated dogs or cats over four (4) months of age acquired by the owner or moved into the jurisdiction must be vaccinated within thirty (30) days of purchase or arrival. Every dog shall be vaccinated thereafter every 24 months and ever cat shall be vaccinated thereafter every 12 months with a modified virus rabies vaccine approved by the Tooele County Health Department,

the State veterinarian or a veterinarian licensed to practice in the State of Utah. This Section shall also apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others.

C. Duties of veterinarian and tag requirements. It shall be the duty of each veterinarian, when vaccinating an animal to keep a record of such vaccination which shall include the following information:

1. Owner's name and address.
2. Description of animal (breed, sex, markings, age, name).
3. Date of vaccination.
4. Rabies vaccination tag number.
5. Type of rabies vaccine administered.
6. Manufacturer's serial number of vaccine.

A copy of the certificate shall be distributed to the owner 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 section. Additionally, a metal or durable plastic rabies vaccination tag, serially number, shall be securely attached to the collar 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 Chapter.

D. Transient animal – exception. The provisions of this section 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. The owner shall keep such animals under strict supervision. It shall be unlawful to bring any animal into the jurisdiction that does not comply with the animal health laws and import regulations.

E. Impoundment of animals without valid rabies vaccination tag.

1. Any vaccinated animal impounded because of a lack of rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impound fees prior to release.
2. Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination and providing a veterinarian's certificate to the Department of Animal Control within 72 hours of release.
3. Any dog not reclaimed prior to the period shall be disposed of pursuant to provisions of Section 4-1-22.

F. Reporting of rabid animals. 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 suspect animal, shall notify the Department of Animal Control, the Tooele County Health Department or the State Department of Health.

G. Quarantining and disposition of biting or rabid animals. 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 Department of Animal Control upon demand. Any person authorized to enforce this Chapter may enter upon private property to seize the animal; if

the owner refuses to surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.

H. 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 ten (10) days by the Department of Animal Control, Tooele County Health Department or State Department of Health. The owner of the animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but the other arrangements, including confinement by the owner, may be made by the Director of Animal Control, Tooele County Health Department or State Department of Health if the animal had a current rabies vaccination at the time the bite was 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 Department of Animal Control if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be 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 ten (10) days from the date of bite, the person having custody shall immediately notify the Department of Animal Control, the Tooele County Health Department or State Department of Health and shall immediately remove and deliver the head for examination for rabies. If, at the end of the ten (10) day period, the Director of Animal Control examines the animal and finds no signs 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 4-1-22.

I. Unvaccinated bitten animals. In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately destroyed. 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 with the provisions of this subsection.

J. Vaccinated bitten animals. If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within 24 hours and quarantined for a period of thirty (30) days following revaccination under the direction of the Department of Animal Control. If the owner is unwilling to revaccinate and quarantine the animal, the bitten or exposed animal shall be destroyed under direction of the Department of Animal Control.

K. Removal of a quarantined animal. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Department of Animal Control.

L. If any animal bites or attacks a person or animal two times or more in a 12 month period, such animal may be immediately impounded by the Department of Animal Control without court order and held at owner expense pending court action. Any such animal shall be deemed a vicious animal, and the Director of Animal Control may seek a court order as provided in Section 4-1-30, for destruction of the animal. Parties owning

such animals shall, if possible, be notified immediately of the animal's location by the Department of Animal Control.

Section 4-1-20. Impounding; animals to be impounded.

The Animal Control Director shall cause all animals taken into custody by his Department or by another law enforcement officer in a City designated animal impound facility. The following animals may be taken into custody by the Department of Animal Control or by a law enforcement officer without the filing of a complaint:

- A. Any animal being kept or maintained contrary to the provisions of this ordinance;
- B. Any animal running at large contrary to the provisions of this ordinance;
- 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 purposes of the section;
- D. Sick or injured animals whose owner cannot be located;
Any abandoned animal;
- E. Animals which are not vaccinated for rabies in accordance with the requirements of this ordinance;
- F. Any animal to be held for quarantine;
- G. Any vicious animal not properly confined as required by Section 4-1-15 herein.
- H. Any animal relinquished to the City by the owner for adoption or euthanasia.

Section 4-1-21. Impounding; records to be kept.

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

- A. Complete description of the animal, including tag numbers.
- B. The manner and date of impound.
- C. The location of the pickup and name of the officer picking up the animal.
- D. The manner and date of disposal.
- E. The name and address of the redeemer or purchaser.
- F. The name address of any person relinquishing an animal to the impound facility.
- G. All fees received.
- H. All expenses accruing during impoundment.

Section 4-1-22. Impounding; disposition of animals.

Unlicensed animals shall be impounded for a minimum of three (3) calendar days and licensed animals shall be impounded for a minimum of five (5) calendar days before further disposition, except as otherwise provided for herein. 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 mailed 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 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 Director shall direct. The Animal Control Director shall ensure that its Department provides for the painless and humane destruction of dogs and other animals required to be destroyed by this ordinance or by the laws of the State of Utah. 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 price to be determined by the Director but not to exceed \$50.00 per animal, plus licensed 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 Director, be released to the care of veterinarian with the consent of the owner. The owner of such animal shall be responsible for all of the costs of the veterinary care.

Section 4-1-23. Impounding fees, redemption.

A. The owner of any impounded animal or animals or his authorized representative may redeem such animal or animals before disposition provided he or she pays:

1. The specified impound fee;
2. The daily board charge;
3. Veterinary costs incurred during the impound period, including rabies vaccinations;
4. License fee, if required.
5. Impound fees - dogs.
 - a. First confinement \$50.00.
 - b. Second or subsequent confinement \$ 75.00.
6. Board-dogs.
 - a. Per calendar day of confinement per dog \$5.00.
7. Impound fee-all other animals.
 - a. First confinement \$20.00.
 - b. Second or subsequent confinement \$30.00.
8. Board-all other animals.
 - a. Per calendar day of confinement per animal. Small animals \$5.00 per day and large animals \$15.00 per day.
9. The actual costs of all necessary medical treatment for all impounded animals.

B. The owner of any animal who relinquishes it to the Department of Animal Control for adoption or euthanasia shall pay the following fees.

1. \$5.00 if the animal is delivered to the Department of Animal Control.
2. \$15.00 if the animal is picked up by the Department of Animal Control.

Section 4-1-24 (Reserved)

Section 4-1-25. Cruelty to animals prohibited.

- A. A person is guilty of cruelty to animals if the person intentionally, knowingly, recklessly, or with criminal negligence:
1. fails to provide necessary food, care, or shelter for an animal in his custody;
 2. abandons an animal in the person's custody;
 3. transports or confines an animal in a cruel manner;
 4. injures an animal;
 5. causes any animal, not including a dog, to fight with another animal of like kind for amusement or gain; or
 6. causes any animal, including a dog, to fight with a different kind of animal or creature for amusement or gain.
- B. A violation of Subsection A is:
1. a class B misdemeanor if committed intentionally or knowingly; and
 2. a class C misdemeanor if committed recklessly or with criminal negligence.
- C. A person is guilty of aggravated cruelty to an animal if the person:
1. tortures an animal;
 2. administers poison or poisonous substances to an animal without having a legal privilege to do so;
 3. kills or causes to be killed an animal without having a legal privilege to do so.
- D. A violation of Subsection C is:
1. a class B misdemeanor if committed recklessly; and
 2. class C misdemeanor if committed with criminal negligence.
- (If the violation of Subsection C is committed intentionally or knowingly the offense is a Class "A" misdemeanor under §76-9-301(4)(a) of the Utah Code.)
- E. It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
1. by a licensed veterinarian using accepted veterinary practice;
 2. directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
 3. permitted under §18-1-3 of the Utah Code (attacking dogs);
 4. by a person who humanely destroys any animal found suffering past recovery for any useful purpose; or
 5. by a person who humanely destroys any apparently abandoned animal found on the person's property.
- F. For purposes of Subsection E.4, before destroying the suffering animal, the person who is not the owner of the animal shall obtain:
1. the judgment of a veterinarian of the animal's nonrecoverable condition;

2. the judgment of two other persons called by the person to view the unrecoverable condition of the animal in the person's presence;
 3. the consent from the owner of the animal to the destruction of the animal; or
 4. a reasonable conclusion that the animal's suffering is beyond recovery, through the person's own observation, if the person is in a location or circumstance where the person is unable to contact another person.
- G. This section does not affect or prohibit the training, instruction, and grooming of animals, so long as the methods used are in accordance with accepted husbandry practices.
- H. This section does not affect or prohibit the use of an electronic locating or training collar by the owner of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal.
- I. Upon conviction under this section, the court may in its discretion, in addition to other penalties:
1. order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
 2. require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;
 3. order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and
 4. order the animal to be placed for the purpose of adoption or care in the custody of a county and municipal animal control agency, an animal welfare agency registered with the state, sold at public auction, or humanely destroyed.
- J. This section does not prohibit the use of animals in lawful training.
- K. As used in this section:
1. "Abandons" means to intentionally deposit, leave, or drop off any live animal: without providing for the care of that animal or in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.
 2. "Animal" means a live, nonhuman vertebrate creature. "Animal" does not include animals kept or owned for agricultural purposes and cared for in accordance with accepted husbandry practices, animals used for rodeo purposes and does not include protected and unprotected wildlife as defined in §23-13-2 of the Utah Code.
 3. "Custody" means ownership, possession, or control over an animal.
 4. "Legal privilege" means an act authorized by state law, including Division of Wildlife Resources statutes and rules, and conducted in conformance with local ordinances.
 5. "Necessary food, care, and shelter" means appropriate and essential food and other needs of the animal, including veterinary care, and adequate protection against extreme weather conditions.

Section 4-1-26. Injury to animals by motorists.

Every operator of a motor or other self-propelled vehicle upon the streets of the jurisdiction shall immediately upon injuring, striking, maiming or running down any domestic animal give such aid as can reasonably be rendered. In the absence of the owner, he shall immediately notify the Animal Control Department, furnishing requested facts relative to such injury. It shall be the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of such authorities, the operator shall immediately identify himself to such authorities.

Alternatively, in the absence of the owner, a person may give aid by taking the animal to the Animal Control facility or other appropriate facility and notify the Animal Control Department. Such animal may be taken in by the Animal Control facility and dealt with as deemed appropriate under the circumstances. Emergency vehicles are exempted from the requirements of this provision.

Section 4-1-27. Vicious animals.

It shall be unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any vicious animal as defined in Section 4-1-1 above, or any other animal which is fierce, dangerous, noxious, or naturally inclined to do harm, except the animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshows, amusement show, or facility or program for education or scientific purposes as long as such animal is kept from escaping or injuring the public. It shall be unlawful for any person to keep any animal of a species prohibited or protected by the Code of Federal Regulations or by any regulation or law of the State of Utah.

Section 4-1-28. Regulatory permits.

A. Commercial permits: It shall be unlawful for any person to operate or maintain a kennel, cattery, per shop, groomery, riding stable, veterinary clinic or hospital or any similar establishment unless such person first obtains a regulatory permit from the Department of Animal Control, in addition to all other required licenses. All applications for permits to operate such establishments shall be submitted, together with the required permit fee, on a printed form provided by the Animal Control Department to that Department. Before the permit is issued, approval shall be granted by the Grantsville City – Tooele County Health Department and appropriate zoning authority and the Animal Control Department.

B. Sportsman's permit:

1. Where permitted by the "Land Use Development and Management Code," owners may keep up to for (5) dogs in appropriate zoning districts provided:
 - a. Such dogs are individually licensed;
 - b. Approval is granted by the appropriate zoning authority and the County Health Department;

- c. Approval of the Grantsville City Animal Control Officer;
 - d. Adequate runs (not necessarily concrete) are provided;
 - e. The other provisions of this ordinance are complied with, and no dog or premises is deemed to be a nuisance.
2. The holder of a permit issued under this section may keep one litter intact until the dogs reach six (6) months of age; one animal from the litter may be retained until it reaches twelve (12) months of age. At no time may the holder of the permit retain more than six (6) dogs over six (6) months of age nor more than five (5) dogs over one year of age.
3. 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 transferable to another location. The permittee shall notify the Department of Animal Control within thirty (30) days of any change in his establishment or operation, which may affect the status of his 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 the owner to another.
4. Renewal of permit: Any permit issued pursuant to this section shall automatically expire on the December 31st immediately following date of issue. Within two (2) months prior to the expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee. Any application made after December 31, except an application for a new establishment opening subsequent to the date, shall be accompanied by a late application fee in addition to the regular permit fee.
5. Permit fees:
- a. Kennels, catteries, groomeries, pet shops, veterinary clinics or hospitals:
 - Class A, 3-15 animals \$25.00
 - Class B, 16-30 animals \$40.00
 - Class C, 30 or more animals \$50.00
 - Riding stables \$30.00
 - Sportsman's permit – dogs \$25.00
 - Late fee - double the regular permit fee.
 - B. Exemptions: Research facilities where bona fide medical or related research is being conducted, humane shelters, and other animal establishments operated by state or local government or which are licensed by federal law are excluded from the licensing requirements of this ordinance.
 - C. Inspections: All establishments required to be permitted under this ordinance, including holders of sportsman's permits, shall be subject to periodic inspections, and the inspector shall make a report of such inspection with a copy to be filed with the Animal Control Department.

Section 4-1-29. Suspension or revocation of permits.

A. Grounds: Any license or permit issued pursuant to this Chapter may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

1. Falsification of facts in a permit application;
2. Violation of any of the provisions of this ordinance or any other law or regulation governing the establishment including noise, building and zoning ordinances;
3. Conviction on a charge of cruelty to animals.

B. Notice: If an inspection of kennels, catteries, groomeries, pet shops, riding stables, veterinarian clinics or hospitals, or the premises of the holder of a regulatory or other permit or license reveals a violation of this Chapter, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. The notification shall:

1. Set forth the specific violation(s) found;
2. Establish a specific and reasonable period of time for the correction of the violation(s) found.
3. State that failure to comply with any notice issued in accordance with the provisions of this Chapter may result in immediate suspension of the permit or license;
4. State that an opportunity for appeal from any notice or inspection findings will be provided by the City Council if a written request for a hearing is filed with the Department of Animal Control within five (5) days of the date of the notice.

C. Appeal hearing and revocation or suspension: Any permit or license granted under this Chapter may be suspended or revoked by the City Council for violations listed in this Chapter. A minimum of five (5) days notice shall be given to the permittee, licensee or appealing party advising him of the date and time for such hearing, and listing the cause or causes for such suspension, revocation or the appeal hearing. No new permit or license shall be issued to any person whose permit or license has been previously revoked except upon application for a new permit or license, accompanied by the required application fee, and unless and until all requirements of this Chapter have been met. An appeal to the City Council from a Notice issued in this Section shall also be conducted by the City Council in the same manner as a revocation or suspension hearing.

D. Emergency suspension: Notwithstanding the other provisions of this Chapter, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, catteries, groomeries, veterinary clinics or hospitals, riding stables, pet shops, or any similar establishments, or premises of the holder of a Sportsman's or other permit issued pursuant to this Chapter, which, in his judgement, constitutes a substantial hazard to

public health, he may without warning, or hearing, issue a written notice to the permit holder or operator citing such condition specifying the corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith. Any animals at such a facility may be confiscated by the Animal Control Department and impounded or otherwise provided for according to the provisions of this Chapter. Notice provided for under this section 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 holder. A copy of such notice shall be filed with the records of the Department of Animal Control. Any emergency action taken by the Department of Animal Control may be appealed to the City Council under the same procedures set forth herein for an appeal hearing.

Section 4-1-30. Procedure for court order.

Unless modified by the court, court orders pursuant to Sections 4-1-15, 4-1-17 and 4-1-19 herein shall be filed according to the following minimum notice and procedure:

- A. The Director of Animal Control or his authorized representative shall petition the court for the desired action.
- B. The petition for the action together with supporting affidavits shall be served on the party against whom the action is taken at least five (5) days prior to the hearing.

Section 4-1-31. Violation.

Any person violating the provisions of this Chapter shall be guilty of a Class "C" Misdemeanor, unless the specific violation has another classification. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.