

## ORDINANCE 2020-12

### AN ORDINANCE AMENDING THE PENALTIES RELATED TO VIOLATION OF ANIMAL ORDINANCES RELATED TO PETS

**WHEREAS;** the Utah Legislature passed House Bill 202 in 2020 which regulates penalties related to pets; and

**WHEREAS;** The City has several ordinances related to pets which impose penalties in excess of those proscribed by HB 202; and

**WHEREAS;** The City wishes to clarify penalties related to pets, while keeping more significant penalties for appropriate violations; and

**WHEREAS;** The City has reviewed the following ordinances and wishes to amend the following penalties as outlined below.

**NOW THEREFORE, BE IT ORDAINED** by the North Ogden City Council that the North Ogden City Code be amended as follows.

**SECTION 1:** The penalties in North Ogden Code shall be amended as follows:

#### **6-1-1: DEFINITIONS**

When used in this chapter, the following terms shall have the following meanings regardless of whether the term is capitalized unless the context clearly indicates that the term should have another meaning:

**ACTIVE POLICE SERVICE DOG:** A dog trained and actively in service with a licensed police officer to aid the police, including, but not limited to, tracking criminals, detecting controlled substances and detecting explosive devices.

**ANIMAL:** Any living being which has the power of voluntary movement except human beings.

**ANIMAL BOARDING ESTABLISHMENT:** Any facility or establishment which temporarily takes in animals for the benefit of any person.

**ANIMAL GROOMING PARLOR:** Any establishment maintained for the purpose of offering cosmetological services for animals for profit.

**ANIMAL SHELTER:** A facility owned and/or operated by a governmental entity or any humane society which is incorporated or registered as a foreign corporation within the state of Utah and which keeps and cares for seized, stray, homeless, quarantined, abandoned or unwanted animals.

**AT LARGE:** Refers to an animal which is on or off the premises of its owner not under the control of the owner or his agent by leash, cord, chain or other means of physical restraint which is reasonable for the specific animal.

ATTACK:

- A. An animal's attempt to bite a human being or another animal,
- B. Any other action committed by an animal which places a human being or another animal in danger of imminent bodily injury, or
- C. An attempt by an animal to place a human being or another animal in danger of imminent bodily injury.

BITE: An actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.

CAT: Any type of feline which is typically domesticated, regardless of age.

COMMERCIAL ANIMAL: Any animal including, but not limited to, dog, cat, rodent, fish, or bird kept for sale by a pet store or other permitted use in a commercial zone.

DANGEROUS ANIMAL:

- A. Any animal which is of a wild or predatory nature,
- B. Any animal which is an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner. An animal may be classified as a wild or dangerous animal under this subsection based on the animal's size, growth propensity, vicious nature or other characteristics,
- C. Any animal which, as a result of its natural or wild condition, cannot be vaccinated effectively for rabies,
- D. Alligators and crocodiles,
- E. Bears,
- F. Any member of the feline family except common domestic cats,
- G. Any member of the canine family except common domestic dogs,
- H. Porcupines,
- I. All subhuman primates,
- J. Raccoons,
- K. Skunks,
- L. Venomous fish and piranha,
- M. Venomous snakes and lizards,
- N. Bats,
- O. Snakes, venomous or not, and
- P. Weasels.

DOG: Any *Canis familiaris* which is over six (6) months of age. Any *Canis familiaris* under three (3) months of age is a puppy.

DOG BREEDER: A person who breeds purebred dogs, either for profit, as a hobby or for any other reason and who sells, barter or gives away the puppies in the litter(s).

DOMESTICATED ANIMALS: Animals accustomed to living with or around human beings and may include animals kept for benefit or enjoyment.

Domesticated animals may include, but are not restricted to:

- A. Horses,
- B. Cattle,
- C. Goats,
- D. Chickens,
- E. Geese,
- F. Ducks,
- G. Peacocks,
- H. Sheep,
- I. Minks, and
- J. Ferrets.
- K. Dogs, cats, fish and birds are domesticated animals if they are kept for benefit or enjoyment.

ENCLOSURE: A fence or structure of at least six feet (6') in height, forming or causing an enclosure suitable to confine an animal in conjunction with other measures which may be taken by the owner or keeper such as tethering of the animal.

EXOTIC ANIMALS: Any animals which:

- A. Are not normally kept as household pets or domesticated animals; and
- B. Are not native to North America.

FERAL: Any untamed animal, wild, not domesticated or cultivated. Having escaped domestication and become wild.

GUARD DOG: A working dog used to guard any property or premises.

HOLDING FACILITY: Any pet shop, kennel, grooming parlor, riding school, stable, animal shelter, veterinary hospital, humane establishment or other facility which holds animals.

HOUSEHOLD PETS: Animals which are usually kept as pets and which are kept in residential areas solely for personal pleasure. Household pets shall not include: horses, swine of any kind, cattle, goats, fowl, dangerous animals as defined herein and wild animals as defined herein. Animals that are usually kept as household pets are domesticated animals if they are kept for benefit or enjoyment. Household pets include:

- A. Dogs,
- B. Cats,
- C. Fish,
- D. Gerbils,
- E. Hamsters,
- F. Rabbits,
- G. Guinea pigs,
- H. Nonpoisonous snakes,
- I. Turtles less than one foot (1') long,
- J. Nonpoisonous lizards less than one foot (1') long,
- K. Parrots,
- L. Parakeets,
- M. Budgerigars,
- N. Ferrets,
- O. Hedgehogs,

- P. Mice, and
- Q. Rats.

HUMANE SOCIETY: A society (such as the Society for the Prevention of Cruelty to Animals) whose purpose is to protect animals, provide for the welfare of animals, provide shelters for animals and/or prevent abuse of or cruelty to animals.

IMPOUNDED: Taken into custody of the police department or animal control authorities.

KENNEL: Any property upon which more than three (3) dogs over six (6) months of age are kept.

LEASH: Any chain, rope or other device used to restrain an animal. In order to qualify as a leash, the chain, rope or other device:

- A. Must actually be capable of restraining the animal;
- B. Must not harm the animal; and
- C. Must not exceed fifteen feet (15') in length or be less than four feet (4') in length.

LITTER ANIMAL: An animal, which is part of a litter born to a household pet in a residential zone.

NUISANCE ANIMAL: Any animal which:

- A. Causes any damage to the property of anyone other than its owner;
- B. Is a vicious dog or "vicious animal" as defined herein and kept contrary to CCNO 6-1-6;
- C. Is a "dangerous animal" (as defined herein), which is kept by any person other than a publicly licensed and supervised zoo or zoological garden, a duly authorized and licensed circus or educational institution;
- D. Causes unreasonable fouling of the air by odors;
- E. Causes unsanitary conditions in enclosures or surroundings;
- F. Defecates on any public sidewalk, park, building, or private property without the consent of the owner of such private property unless the person owning, having a proprietary interest in, or having care, charge, control or custody of such animal shall remove any such defecation to a proper trash receptacle;
- G. Barks, whines, howls or makes other disturbing noises in an excessive, continuous, or untimely or unreasonable manner, which disturbs any person or neighborhood;
- H. Molests passersby or chases passing vehicles, including automobiles, trucks, bicycles, scooters or other motorized or unmotorized vehicles;
- I. Attacks other animals;
- J. Is determined by the animal control officer to be a public nuisance by virtue of being offensive or dangerous to public health, welfare or safety; or

By virtue of the number maintained are determined to be offensive or dangerous to the public health, welfare, or safety. OWNER: The person who owns an animal or any person having care, charge, custody or control of the animal.

PERSON: A natural person or any legal entity, including, but not limited to, corporations, firms, limited liability companies, partnerships or trusts.

PET SHOP: Any establishment where dogs, cats, birds or other commercial animals are for sale as pets.

**PROVOKED OR PROVOCATION:** Any deliberate act by a person towards any animal done with intent to tease, torment, abuse, assault or otherwise cause a reaction from the animal, provided that any act done with the intent to prevent or discourage an animal from attacking a human being or other animal shall not be considered provocation.

**QUARANTINE:** The isolation of an animal in an enclosure so that the animal is unable to contact other animals or unauthorized persons, provided that the methods used to prevent that contact may not harm the animal.

**RIDING SCHOOL OR STABLE:** Any establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule, burrow or other equine animal or which offers such animals for hire.

**SERVICE ANIMAL:** Any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. Although licensing as a service animal is not required, the possession of a bona fide license as a service animal issued by an accredited licensing agency provides prima facie evidence that an animal is a service animal unless otherwise determined by the available evidence.

**SERVICE ANIMAL IN TRAINING:** Any animal undergoing a bona fide training program under the direction of a qualified trainer with the intent to qualify such animal as a service animal under the Americans with disabilities act.

**STRAY:** Any animal which is "at large" as defined herein.

**THERAPY ANIMAL:** Any dog trained and qualified to work with a healthcare professional as part of a treatment plan. Although licensing of such dog as a recognized therapy dog is not required, the possession of a bona fide license as a therapy dog unless otherwise determined by the preponderance of the available evidence. Note that therapy dogs have no particular protection under the ADA. Therapy dog owners who wish to take a therapy animal to a facility like a hospital or nursing home, must first seek out and receive the permission of administrators at the facility they wish to visit.

**THERAPY ANIMAL IN TRAINING:** Any dog undergoing a bona fide therapy training program under the direction of a qualified trainer with the intent to qualify such animal as a therapy dog.

**VICIOUS ANIMAL:** Any animal which:

- A. Is dangerously aggressive,
- B. Approaches any person in a vicious or terrorizing manner upon the streets, sidewalks, or other public grounds or places,
- C. Has a known propensity, tendency or disposition to attack, cause injury to, or otherwise endanger the safety of persons or other animals,
- D. Has a disposition to mischief which might reasonably lead to attacks on humans or other animals without provocation, or
- E. Any animal which has, without provocation, bitten or in any other manner attacked or endangered the safety of persons, other animals or property shall be considered a vicious animal.
- F. Constitutes Nuisance under state law and is a health, safety, or wellness risk to individuals or third parties under state statute.

WILD ANIMAL: Any animal (except for dangerous animals) which:

- A. Is native to the North Ogden area,
- B. Exists in North Ogden in a state of nature, and
- C. Has no owner.

### **6-1-2: ADMINISTRATION**

#### A. Animal Control Supervisor And Animal Control Officers:

1. The office of animal control supervisor is hereby created. The chief of police is appointed to be the city's animal control supervisor until another person is appointed to the position by resolution of the city council. The chief of police, with the consent of the city council, may designate an officer to act as the city's animal control supervisor.
2. The animal control supervisor may appoint such other animal control officers as he shall deem necessary and for which the city council has allocated funding.
3. Animal control officers shall be considered employees of the police department.
4. Each animal control officer shall:
  - a. Be either:
    - (1) A law enforcement officer as defined in Utah Code §§ 53-13-102 and 53-13-103,
    - (2) A special function officer as defined in Utah Code §§ 53-13-102 and 53-13-105, or
    - (3) Certifiable as a law enforcement officer or special function officer within twelve (12) months of accepting a position as an animal control officer,
  - b. Take an oath of office,
  - c. Have authority to enforce the provisions of this chapter,
  - d. Be primarily engaged in the enforcement of this chapter and/or state laws relating to the control of animals.
5. The animal control supervisor, animal control officer or police officer shall have authority to apprehend and impound any animal found in violation of this chapter, including:
  - a. Animals for which a license is required which are found without a license, and
  - b. Animals which are at large.
6. In enforcing this chapter, the animal control supervisor, animal control officers and other peace officers are authorized to enter into the open premises of any person to take possession of any animal involved in the violation of this chapter. Nothing in this subsection, however, shall:
  - a. Dispense with the need for an arrest or search warrant which would otherwise be required, or
  - b. Prevent an animal control officer from pursuing an animal into closed premises when the pursuit has been continuous and the officer has reasonable cause to believe the animal was off the premises in violation of this chapter.
7. Police officers may also enforce the provisions of this chapter.

#### B. Duties Of Animal Control Supervisor And Animal Control Officers:

1. The animal control supervisor shall:
  - a. Enforce the terms of this chapter and perform other responsibilities assigned to him by the mayor,
  - b. Keep adequate records of all animals impounded and all monies collected,
  - c. See that all animals and holding facilities in the city are licensed, controlled and permitted in accordance with any applicable ordinances, regulations and/or laws and that all holding facilities are reasonably maintained and cleaned,
  - d. Establish, in cooperation with other cities, governmental agencies, humane organizations or others, adequate measures for rabies vaccination and control.
2. The animal control supervisor may delegate any of the duties described in this subsection to a responsible animal control officer.

3. Each animal control officer shall:
  - a. Enforce this section in all respects pertaining to animal control within the city, including the care and impounding of animals and prevention of cruelty to animals.
  - b. Carry out all duties prescribed in this chapter or delegated to the officer by the animal control supervisor or the mayor.
- C. Animal Shelter:
  1. The city shall provide suitable premises and facilities for the keeping of impounded animals. The city council may designate any animal shelter maintained by another governmental agency or humane organization as the city's official shelter.
- D. Interference With Officer Prohibited:
  1. It shall be unlawful for any person to interfere with the animal control supervisor, any animal control officer or any other peace officer in the discharge of the duties imposed upon him by this chapter.
  2. It shall be unlawful for any person to take any animal out of the custody of the animal control supervisor, any animal control officer, or any other peace officer by stealth, fraud or force.
  3. A violation of this subsection shall be a class B misdemeanor.

### **6-1-3: ANIMAL LICENSING AND PERMITS**

- A. License Required:
  1. All dogs over six (6) months of age that reside in the city must be licensed each year. This includes dogs residing in the city that are being kept or used as therapy or service animals and active police service dogs as defined in CCNO 6-1-1.
  2. All animal licenses issued by the city shall expire on December 31 of each year.
  3. All new dogs within the city limits must be licensed.
  4. Violation of this subsection A shall be an infraction.
- B. Fees:
  1. The city shall issue animal licenses upon payment of the fees established by the city council by resolution.
  2. Whenever a dog owner moves into the city or a person obtains a dog which will reside in the city the owner will be required to license the dog according to the following. If the dog is licensed between January 1 and June 30 a full year fee will be charged. For dogs licensed between July 1 and December 31 a half year fee will be charged. Half year fees apply only to new dogs.
  3. The city will allow a reduction in animal license fees for dogs which have been spayed, neutered and microchipped, provided that the credit will not be granted unless the owner of the animal presents a certificate from a veterinarian certifying that the dog has been spayed, neutered or microchipped or other proof acceptable to the city. The city council shall set the amount of the discounts by resolution.
  4. All license fees shall be paid at the city offices or another place approved by the city's finance director.
  5. No refunds of license fees shall be made for any reason, unless they are approved by the animal control officer.
  6. Owners who fail to license their dogs by March 1 of each year shall be subject to a late fee. The amount of the late fee shall be set by resolution of the city council.
- C. Application For License:
  1. Before obtaining a license for an animal, the owner of the animal shall complete an application for license. The application shall be submitted on forms prepared by the city and shall contain:
    - a. The name, address and telephone number of the owner,
    - b. The number of dogs residing at that address,
    - c. The name, breed, color and sex of each dog residing at that address,
    - d. Whether the dog has been spayed, neutered and/or microchipped, and

- e. Rabies vaccination expiration date.
  2. The applicant shall supply proof that the animal to be licensed has up to date rabies vaccinations.
  3. The applicant shall present proof of his or her identity and age at the time he or she submits the application to the city.
  4. The city shall not issue animal licenses to persons younger than eighteen (18) years of age, unless that person is an emancipated minor.
- D. Tags:
1. Upon payment of the license fee and any other fees or assessments, the city shall issue a license tag to the owner of the animal.
  2. Every owner shall provide each of his or her dogs with a collar to which the tag may be affixed and shall ensure that the dog constantly wears the collar and the tag.
  3. If an owner loses the license tag, the city will issue a replacement tag as follows:
    - a. The owner shall certify that the tag was lost,
    - b. The owner shall present a receipt showing that he or she paid the license fee for that year, and
    - c. The owner shall pay a replacement tag fee set by resolution of the city council.
  4. Animal license tags are not transferable from one animal to another.
- E. Tag Removal Or Transfer Prohibited:
1. It shall be unlawful to deprive a licensed dog of its collar and tag. It shall also be unlawful to place a license tag on an unlicensed dog. Violation of this subsection shall be an infraction.
- F. Prohibited Acts: The following actions are prohibited:
1. Keeping any animal other than a household pet (as defined in CCNO 6-1-1) within the residential areas of the city unless such animal is a qualifying service, therapy dog or "active police service dog" as defined in CCNO 6-1-1 and obtains and possesses an appropriate permit and business license as described hereunder:
    - a. A permit as described in subsection L, "Other Animal Related Businesses Including Service Dog And Therapy Dog Related Businesses", of this section; and
    - b. A business license as described in CCNO 4-1.
    - c. Recognized therapy animal related businesses are limited to use of therapy dogs and may only be kept and/or operated by a professional person who is currently and properly licensed by the Utah division of occupational and professional licensing as a clinical social worker, psychiatrist, medical doctor, marriage and family therapist, physician's assistant, or nurse practitioner. Proof of such current licensing shall be required at the time of application for a permit and for any permit renewal under this subsection.
    - d. Keeping of therapy dogs or therapy dogs in training or operation of a therapy animal related business by any persons who do not meet the above stated professional licensing requirements shall be strictly governed by other animal ordinances contained in this code as they apply generally to animal owners including limits on animal ownership numbers.
  2. Keeping "domesticated animals" (as defined in CCNO 6-1-1) outside of the RE-20 and R-1-8(AG) zones of the city.
  3. Keeping any dangerous animal in the city, except as permitted in subsection I of this section or CCNO 6-1-6A.
  4. Capturing any "wild animal" (as defined in CCNO 6-1-1) in the city, except that residents may trap wild animals that have become a nuisance under the supervision of an animal control officer.
  5. Keeping swine (including potbellied pigs) at any location in the city.
  6. Keeping any "wild animal" (as defined in CCNO 6-1-1) in the city.
  7. Operating an animal boarding establishment without first obtaining:
    - a. An animal board permit as described in subsection G of this section; and
    - b. A business license as described in CCNO 4-1.
  8. Keeping, care for, ownership, or possession of three (3) or more dogs over six (6) months of age in the city without a kennel permit as described in subsection H of this section unless otherwise

authorized under the exceptions described in subsection F14 or M of this section. Furthermore, it is unlawful at any household address for any person or persons to keep or possess a total of five (5) or more dogs over six (6) months of age including any combination of pets (limited to 2 pets per household address), any licensed therapy dogs and active police service dogs. In the event any person or persons at any household address owns, possesses or keeps any dogs as pets, such pet dogs shall count when calculating the total number of dogs (pet dogs, therapy dogs and active police service dogs) that may be permitted at any household or address.

9. Operating a pet shop without first obtaining:
    - a. A pet shop permit as described in subsection I of this section; and
    - b. A business license as described in CCNO 4-1.
  10. Operating an animal grooming parlor without first obtaining:
    - a. An animal grooming parlor permit as described in subsection J of this section; and
    - b. A business license as described in CCNO 4-1.
  11. Operating a riding school or stable without first obtaining:
    - a. A riding school or stable permit as described in subsection K of this section; and
    - b. A business license as described in CCNO 4-1.
  12. Breeding dogs in a residential area without first obtaining:
    - a. A dog breeder permit as described in subsection L of this section; and
    - b. A business license as described in CCNO 4-1 if the dogs will be sold for a profit.
  13. Operating any other animal related business without obtaining:
    - a. A permit as described in subsection L of this section; and
    - b. A business license as described in CCNO 4-1.
  14. Keeping, care for, ownership, or possession of a combined total of five (5) or more therapy dogs or therapy dogs in training and dogs kept, cared for, owned or possessed as pets, over six (6) months of age in any zone in the city without a kennel permit as described in subsection H of this section.
- G. Animal Boarding Establishments:
1. It shall be unlawful for any person to operate or maintain an animal boarding establishment unless the person first obtains a regulatory permit from the North Ogden building and zoning department in addition to all other required licenses. The application shall include:
    - a. The name, address and phone number of the person applying for the permit;
    - b. The address of the location where the business will be operated;
    - c. The kinds of animals which the person anticipates boarding;
    - d. The maximum number of each kind of animal which the boarding establishment will be able to house at any one time;
    - e. A copy of the building or site plans for the animal boarding establishment;
    - f. The number of employees the boarding establishment anticipates having.
  2. All applications for permits to operate animal boarding establishments shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
  3. The city council shall review all applications for permits for animal boarding establishments and shall grant the permit if it finds:
    - a. The animal boarding establishment is an appropriate use in the area proposed for the use;
    - b. The facilities (including the number of employees and sanitary facilities) proposed for the animal boarding establishment are sufficient for the number of animals the person is proposing to board;
    - c. The animal boarding establishment is unlikely to become a nuisance.
  4. In granting a permit for an animal boarding establishment, the city council may attach conditions to the permit regarding the types of animals which may be boarded at the establishment, the maximum number of animals which may be boarded at any one time and other conditions which the council believes are appropriate for the operation of the particular business.

5. The city shall have the authority to suspend or revoke the license of any operator of an animal boarding establishment that is operating in violation of its permit, that is mistreating animals, that has failed to provide adequate facilities for the animals in its care, which has become a nuisance or for other good cause.
6. A permit issued under this section may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the animal boarding facility is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the animal boarding facility to a new location, the permit holder must obtain a new permit for the new location.
7. Permits issued under this subsection G are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
8. Nothing in this subsection G shall relieve the operator of an animal boarding establishment from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

#### H. Kennels:

1. It shall be unlawful for any person to operate or maintain a kennel unless the person first obtains a regulatory permit from the North Ogden building and zoning department, all other required licenses and a conditional use permit as described in the city's zoning ordinance.
2. The application for a kennel permit from the North Ogden building and zoning department shall include:
  - a. The name, address and phone number of the person applying for the permit;
  - b. The address of the location where the business will be operated;
  - c. The services (training, boarding and/or letting for hire) which the kennel will offer to its customers;
  - d. The kennel's proposed hours of operation;
  - e. If the kennel will offer boarding services:
    - (1) The maximum number of dogs the kennel will board at any one time; and
    - (2) A plan of the facilities which the kennel will use to board the dogs, which must include a separate cage of reasonable size for each dog and a covered shelter for each dog;
  - f. If the kennel will offer training services:
    - (1) A description of all training services the kennel will offer (such as basic obedience training, attack training, or training for certified aid animals);
    - (2) The maximum number of people and dogs who will be allowed in each class; and
    - (3) A plan of the facility that the operator will use for training classes.
3. All applications for permits to operate kennels shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
4. The city council will review applications to operate a kennel within the city and shall approve the application if it finds that:
  - a. The kennel is an appropriate use in the proposed location;
  - b. The kennel's facilities are adequate for the proposed operations; and
  - c. The kennel is unlikely to become a nuisance.
5. In granting a permit to operate a kennel, the city council may set conditions regarding:
  - a. The kennel's proposed hours of operation;
  - b. If the kennel will offer boarding services, the maximum number of dogs the kennel may board at any one time; and
  - c. If the kennel will offer training services, the maximum number of people and dogs who will be allowed in each class.
6. The city council may suspend or revoke the license of any kennel operator for failing to operate the kennel in compliance with the conditions in the permit, if the kennel becomes a nuisance or for other good cause.

7. A permit issued under this subsection H may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the kennel is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the kennel to a new location, the permit holder must obtain a new permit for the new location.
8. Permits issued under this subsection H are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
9. Nothing in this subsection H shall relieve the operator of a kennel from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

I. Pet Shops:

1. It shall be unlawful for any person to operate or maintain a pet shop unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:
  - a. The name, address and phone number of the person applying for the permit;
  - b. The address of the location where the business will be operated;
  - c. The kinds of animals which will be sold, including the number of animals of each type that the operator anticipates having in the store at any one time;
  - d. The hours of operation of the pet shop;
  - e. A description of the kinds of commercial animals which will be sold at the pet shop; and
  - f. A plan of the pet shop, including plans for complying with all health and sanitary requirements.
2. All applications for permits to operate pet shops shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
3. The city council shall review all applications for pet shop permits and shall grant the permit if it finds that:
  - a. The pet shop is an appropriate use in the location proposed;
  - b. The facilities are adequate for the proposed pet shop;
  - c. The pet shop is unlikely to become a nuisance.
4. In granting a permit to operate a pet shop, the city council may set conditions regarding:
  - a. The pet shop's proposed hours of operation;
  - b. The number of each type of animal which the pet shop may have at any given time;
  - c. The kinds of commercial animals which may be sold in the pet shop; and
  - d. The facilities to be used to ensure that the pet shop does not become a health hazard.
5. The city council may suspend or revoke the license of any pet shop operator for failing to operate the pet shop in compliance with the conditions in the permit, if the pet shop becomes a nuisance, if the pet shop becomes a health hazard, or for other good cause.
6. A permit issued under this subsection I may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the pet shop is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the pet shop to a new location, the permit holder must obtain a new permit for the new location.
7. Permits issued under this subsection I are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
8. Nothing in this subsection I shall relieve the operator of a pet shop from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

J. Animal Grooming Parlors:

1. It shall be unlawful for any person to operate or maintain an animal grooming parlor unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:

- a. The name, address and phone number of the person applying for the permit;
  - b. The address of the location where the business will be operated;
  - c. The kinds of animals which will be groomed in the animal grooming parlor;
  - d. The number of grooming stations the applicant anticipates including in the parlor;
  - e. The hours of operation of the grooming parlor;
  - f. The applicant's plans for complying with all health and sanitary requirements.
2. All applications for permits to operate animal grooming parlors shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
  3. The city council shall review all applications for animal grooming parlor permits and shall grant the permit if it finds that:
    - a. The animal grooming parlor is an appropriate use in the location proposed;
    - b. The facilities are adequate for the proposed animal grooming parlor; and
    - c. The animal grooming parlor is unlikely to become a nuisance.
  4. In granting a permit to operate an animal grooming parlor, the city council may set conditions regarding:
    - a. The grooming parlor's proposed hours of operation; and
    - b. The facilities to be used to ensure that the animal grooming parlor does not become a health hazard.
  5. The city council may suspend or revoke the license of any animal grooming parlor operator for failing to operate the grooming parlor in compliance with the conditions in the permit, if the grooming parlor becomes a nuisance or a health hazard, or for other good cause.
  6. A permit issued under this subsection J may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the grooming parlor is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the grooming parlor to a new location, the permit holder must obtain a new permit for the new location.
  7. Permits issued under this subsection J are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
  8. Nothing in this subsection J shall relieve the operator of an animal grooming parlor from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.
- K. Riding Schools Or Stables:
1. It shall be unlawful for any person to operate or maintain a riding school or stable, unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:
    - a. The name, address and phone number of the person applying for the permit;
    - b. The address of the location where the business will be operated;
    - c. The number of horses the applicant anticipates keeping at the riding school or stable;
    - d. The kinds of classes and other services that the applicant anticipates offering through the riding school or stable;
    - e. A plan of the riding school or stable, including the stables where the horses will be housed; and
    - f. The hours of operation of the riding school or stable.
  2. All applications for permits to operate riding schools and stables shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
  3. The city council shall review all applications for riding school or stable permits and shall grant the permit if it finds that:
    - a. The riding school or stable is an appropriate use in the location proposed;

- b. The facilities are adequate for the proposed riding school or stable; and
- c. The proposed riding school or stable is unlikely to become a nuisance.
4. In granting a permit to operate a riding school or stable, the city council may set conditions regarding:
  - a. The riding school or stable's proposed hours of operation;
  - b. The number of horses the riding school or stable may keep on the property;
  - c. The number of people who may be permitted in any single class; and
  - d. The facilities to be used to ensure that the riding school or stable does not become a health hazard.
5. The city council may suspend or revoke the license of any riding school or stable operator for failing to operate the riding school or stable in compliance with the conditions in the permit, if the riding school or stable becomes a nuisance or a health hazard, or for other good cause.
6. A permit issued under this subsection K may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the riding school or stable is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the riding school or stable to a new location, the permit holder must obtain a new permit for the new location.
7. Permits issued under this subsection K are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
8. Nothing in this subsection K shall relieve the operator of a riding school or stable from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.
- L. Other Animal Related Businesses Including Service Dog And Therapy Dog Related Businesses:
  1. It shall be unlawful for any person to operate or maintain any business involving the keeping or use of live animals unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:
    - a. The name, address and phone number of the person applying for the permit;
    - b. The address of the location where the business will be operated;
    - c. The nature of the business;
    - d. The kinds of classes and services that the applicant anticipates offering through the business;
    - e. The number and types of animals that the business will use and the ways in which the animals will be used in the business;
    - f. A plan of the business showing the facilities for keeping the animals; and
    - g. The hours of operation of the business.
    - h. In the case of a therapy animal related business, a copy of the required professional licensing certificate of the applicant.
  2. All applications for permits to operate animal related businesses shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning departments.
  3. The city council shall review all applications for animal related business permits and shall grant the permit if it finds that:
    - a. The animal related business is an appropriate use in the location proposed;
    - b. The facilities are adequate for the proposed animal related business; and
    - c. The proposed business is unlikely to become a nuisance.
  4. In granting a permit to operate an animal related business, the city council may set conditions regarding:
    - a. The animal related business's proposed hours of operation;
    - b. The number and type of animals the animal related business may keep on the property. In the case of an animal therapy business, such limit shall be four (4) dogs or less;

- c. The facilities to be used to ensure that the animal related business does not become a health hazard.
  5. The city council may suspend or revoke the license of any animal related business operator for failing to operate the business in compliance with the conditions in the permit, if the business becomes a nuisance or a health hazard, in the case of a therapy related animal business, for expiration, withdrawal, revocation, or suspension of the applicant's required professional licensing and for other good cause.
  6. A permit issued under this subsection L may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the animal related business is transferred to another owner, the new owner must apply for a new permit and comply with all requirements of this section. If the permit holder desires to move the business to a new location, the permit holder must obtain a new permit for the new location.
  7. Permits issued under this subsection L are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications for general animal related businesses unless the permit holder has significantly changed his operations. However, the city council must consider renewal applications for any therapy animal related business.
  8. Nothing in this subsection L shall relieve the operator of a general animal related business from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations except that owners of service animal related businesses may be authorized to operate such business in any zone.
- M. Exemptions:
1. Research facilities where bona fide medical or related research is conducted, humane shelters and other animal facilities established by state or local government agencies or which are licensed under federal law shall be exempt from the licensing and permit requirements of this section.
  2. Active police service dogs shall be exempt from the limitation of pets per household address as described in subsection F8 of this section.
- N. Inspections: All establishments required to obtain permits under this section shall be subject to periodic inspections by the animal control supervisor or his delegate. The inspector shall make a report of each inspection. The inspector shall give a copy of the inspection to the holder of the permit and shall file the original report with the city. Inspection reports shall be public documents.
- O. Suspension Or Revocation Of Permits Or Licenses:
1. A permit or license issued under this section may be suspended or revoked or a permit application rejected for any one or more of the following grounds:
    - a. Falsification of facts in any permit or license application or in the case of a service animal related business, suspension, expiration, termination or withdrawal of the applicant's required professional licensing;
    - b. Violation of any of the provisions of this chapter or any other law or regulation governing the keeping of the permitted or licensed animals, including, but not limited to, noise laws, nuisance laws, building codes, or zoning ordinances;
    - c. Conviction on a charge of cruelty to animals or mistreatment of animals, regardless of whether the animals involved in the charge are the same animals permitted or licensed;
    - d. Other good cause determined by the city council.
  2. If an inspection of the premises of any person holding a permit or license under this section reveals a violation of this chapter, the person conducting the inspection shall notify the permit or license holder of the violations by leaving a copy of the inspection report or other written notice with the permit or license holder. If the permit or license holder is not available, the person conducting the inspection may leave the notice with any responsible person over sixteen (16) years of age at the facility. If no responsible person is available, the inspector may serve the notice on the permit or license holder by sending the notice by certified mail to the last known address of the permit or license holder. The written notice shall:

- a. Describe the specific nature of the violations the inspector found;
  - b. Establish a specific and reasonable period of time for the permit or license holder or the operator of the facility to correct the violations; and
  - c. State that failure to comply with the notice and the terms of this chapter may result in revocation or suspension of the permit or license.
3. If the permit or license holder fails to correct the violations in the time specified in the notice, the inspector shall notify the permit or license holder of the city's intention to revoke or suspend the license or permit. The notice shall:
    - a. Give the date, time and place that the city council will consider the matter. The time of the hearing shall be no less than fourteen (14) days from the date of the notice;
    - b. Inform the permit or license holder of his or her right to be present at the hearing;
    - c. Inform the permit or license holder that if he or she does not appear at the hearing, the city may revoke or suspend the permit or license in the permit or license holder's absence;
    - d. Inform the permit or license holder of his or her right to be represented by counsel at the hearing;
    - e. Inform the permit or license holder of his or her right to question witnesses presented by the city; and
    - f. Inform the permit or license holder of his or her right to call witnesses and present other evidence on his or her own behalf during the hearing.
  4. At the time and place set for the hearing, the city council shall hold a hearing on whether the permit or license should be suspended or revoked. The city may present witnesses and evidence on the issue and the permit or license holder shall also have an opportunity to present witnesses and evidence. At the close of the hearing, the city council shall vote on whether to suspend or revoke the license and the majority vote of the council shall be controlling.
  5. If the council votes to suspend the permit or license, it shall set a minimum time of the suspension, which shall be at least six (6) months, and the council shall order that the license may not be reinstated until the specified time has run and all of the violations have been corrected.
  6. A person whose permit or license has been revoked may not reapply for a new license or permit for at least two (2) years.
  7. Notwithstanding the procedures for suspension or revocation above, the animal control supervisor or animal control officer may, without warning or a hearing, suspend any permit or license issued under this chapter if he finds that the condition of the premises of the permit or license holder constitute a substantial and immediate threat to the health, welfare or safety of the residents of the city.
    - a. If the animal control supervisor or animal control officer suspends any permit or license under this subsection O7:
      - (1) The animal control supervisor or animal control officer shall impound the animals and take other steps to mitigate the threat; and
      - (2) The city council shall review the action as soon as practicable and the permit or license holder shall be given notice of the hearing.
    - b. If the city council finds that the animal control supervisor's actions were justified, it shall:
      - (1) Order that the permit or license holder pay all costs of impounding the animals;
      - (2) Order that the permit or license holder pay all remediation costs incurred by the city;
      - (3) Order that the animals either:
        - (A) Continue to be impounded until the permit or license holder's premises comply with the provisions of this chapter and any other applicable law, including health and building codes;
        - (B) Be abated; or
        - (C) Be made available for sale or adoption to third parties.

P. Litter Animals:

1. Notwithstanding the other provisions of this chapter, the owner of a household pet kept in a residential zone which delivers a litter may sell or give away the litter animals under the following conditions:
  - a. The owner shall have three (3) months to dispose of all of the litter animals which exceed the number of animals the owner may lawfully keep.
  - b. The owner may sell the litter animals or give them away.
  - c. The owner may use reasonable methods to advertise the availability of the litter animals, provided that no advertising method may result in a violation of the city's sign or zoning ordinances.
2. No person shall use the provisions of this subsection P to avoid obtaining a business license or a regulatory license described in this section.
  - a. A person shall be presumed to be using this subsection P to avoid obtaining a business or regulatory license if he sells or gives away more than two (2) litters in a single year.

**6-1-4: RESTRAINT, ANIMALS RUNNING AT LARGE, AND IMPOUNDMENT**

- A. Restraint: All animals (except wild animals) shall be kept from running loose by physical, electric wire or electric wireless restraint. Every owner of any animal shall keep the animal securely confined on the person's premises, except that an owner may have an animal on the streets or public places in the city if controlled by human restraint on a leash. Violation of this provision shall be an infraction.
- B. Permit For Driving Animals On The Streets Of The City: The animal control supervisor or animal control officer may issue permits for the driving of cattle, horses, mules, sheep, goats or swine on the streets of the city if he determines that the health, safety, welfare, peace, quiet and property of the city's residents will not be endangered or damaged by the animals. No person shall drive any animals on the streets of the city without a permit.
- C. Female Dogs In Heat: The owner of any female dog in heat shall, in addition to restraining the dog as described in subsection A of this section, cause the dog to be constantly confined in a building or secure enclosure sufficient to prevent the dog from attracting other dogs to the area by scent or otherwise becoming a nuisance. Violation of this subsection shall be an infraction.
- D. Animals At Large:
  1. Any animal found in the streets or public places of the city in violation of subsection A of this section shall be deemed to be at large.
  2. Any animal on the property of a person other than its owner without that person's permission shall also be deemed to be at large.
- E. Duty To Impound: It shall be the duty of every animal control officer, every police officer and the animal control supervisor to apprehend and, if appropriate, impound the following animals:
  1. Any animal found at large in the city;
  2. Any animal being kept or maintained contrary to the provisions of this chapter;
  3. Any animal which is required under the terms of this section to have a license tag which is not wearing the license tag;
  4. Sick or injured animals when the owner of the animal cannot be located;
  5. Abandoned animals;
  6. Animals which have not been vaccinated for rabies as required in this chapter;
  7. . Animals which must be held for quarantine under the provisions of this chapter;
  8. Vicious animals which are not properly confined as required by this chapter; and
  9. Any animal which is required to be impounded under the provisions of this chapter.
- F. Records Of Impounded Animals: For each animal impounded, the animal control supervisor or his delegate shall keep records of the following:
  1. The species or breed, color and sex of each animal;
  2. The reason for impounding the animal;
  3. The date the animal was impounded;

4. The location where the animal was found;
  5. The name of the officer impounding the animal;
  6. If the animal is required to be licensed under this chapter, whether the animal was licensed and the number of the license;
  7. The name and address of the animal's owner, if known;
  8. All fees incurred on behalf of the animal during its impoundment;
  9. The disposition made of the animal;
  10. The date of disposition;
  11. The name and address of the person retrieving or purchasing the animal, if the animal is retrieved or purchased; and
  12. All fees paid to the shelter on account of the animal.
- G. Owner Notification: No later than two (2) working days after impounding any animal, the animal control supervisor or his delegate shall notify the owner (if known) of the impoundment. This notice may be given using any method reasonably likely to provide actual notice to the owner of the animal. The notice shall contain:
1. A description of the impounded animal;
  2. A description of the reason the animal was impounded;
  3. A description of the maintenance fees and any other fees the owner must pay in order to retrieve the animal;
  4. The date upon which the city may dispose of the animal if the owner has not retrieved the animal; and
  5. The disposition which the city may make of the animal if the owner does not retrieve the animal.
- H. Maintenance And Other Fees:
1. The city council shall set maintenance fees for impounded animals by resolution. Maintenance fees shall accrue at the set rate for every day the animal is impounded. Before any impounded animal may be retrieved by its owner, the owner shall pay all of the maintenance fees incurred by the animal during the entire period of its impoundment. In exceptional cases, the city may consider payment plans for the payment of these fees.
  2. In addition to the maintenance fees described in subsection H1 of this section, the owner shall pay any additional fees incurred on behalf of the animal, such as for medical care, special dietary needs, extraordinary cleaning, or other unusual costs.
  3. If the animal was required to be licensed under this chapter and did not have a license at the time it was impounded, the owner shall also apply for a license and pay the license fees and any applicable late fees before retrieving the animal.
- I. Disposition Of Impounded Animals:
1. The city shall not dispose of any impounded animal before three (3) days have passed, except:
    - a. To release the animal to its owner.
    - b. To destroy or sell an animal when the owner has relinquished his or her rights to the animal.
    - c. To alleviate overcrowding in the kennel.
    - d. Due to excessive barking, animal breeds, animal size, animal behavior, medical condition or general welfare of the animal.
  2. If the city is aware of the identity of the animal's owner, the city may not dispose of the animal until three (3) days have passed since notice under subsection G of this section was sent to the owner, unless the owner gives his or her permission to destroy or sell the animal prior to the expiration of the three (3) day period.
  3. The time limits established in subsections I1 and I2 of this section shall not apply to any animal which, in the opinion of the animal control supervisor or animal control officer, should be destroyed immediately for humane reasons or to protect the public from imminent danger to persons or property.

4. Any animal which is not retrieved within the time periods set in subsection I1 of this section may be sold, destroyed or relinquished to any shelter or rescue center contracted by the city as described in subsections I5 and I6 of this section.
5. Animals which are not retrieved within the time periods set in subsection I1 of this section may be sold to any person desiring to purchase the animal or relinquish the animal to the city contracted shelter.
  - a. The animal control supervisor or animal control officer shall set the sales price of the animal, which need not be based on the fees and costs incurred by the city in impounding the animal.
  - b. The purchaser shall pay the purchase price in full before receiving the animal, but need not pay any other fees or costs associated with the animal before receiving the animal.
  - c. If the animal is required to be licensed under this chapter, the purchaser shall also pay the applicable license fees, provided that the purchaser need not pay the license fees if the purchaser resides outside the city and intends to keep the animal outside the city.
  - d. Upon payment of the purchase price and any other fees, the purchaser shall receive title to the animal free and clear of the claims of the former owner and any person claiming title to the animal through the former owner.
  - e. Before any dog or cat may be sold under this subsection I5, the animal control supervisor or animal control officer shall ensure that the dog has been spayed or neutered and the costs of spaying or neutering shall be added to the price of the dog or cat.
  - f. All animals which are not retrieved within the time periods set in subsection I1 of this section may be destroyed in any humane manner.
  - g. Seriously ill animals for which the city can find no owner must be destroyed. They may not be sold under subsection I2 of this section.
  - h. The carcasses of animals destroyed under this subsection I shall be disposed of in any sanitary manner selected by the animal control supervisor.
6. The animal control supervisor or his delegate shall have discretion in deciding whether to destroy a particular animal or attempt to sell it. If the animal control supervisor or animal control officer initially decides to attempt to sell an animal, he or she may later decide to have the animal destroyed.

#### **6-1-5: RABID ANIMALS AND ANIMAL BITES**

- A. Proclamation Of Mayor: The mayor is hereby authorized, upon reasonable apprehension of danger from dogs or other animals with rabies, to issue a proclamation requiring the animal control supervisor or animal control officer to impound all dogs and other animals found running at large in the city.
  1. The proclamation shall take effect immediately upon publication in a newspaper of general circulation in the city and posting in at least three (3) public places in the city.
  2. After the issuing of the mayor's proclamation, the animal control supervisor and animal control officers shall have no discretion to release animals found running at large, but shall impound all such animals.
  3. Animals impounded under this subsection A shall not be released until such time as a veterinarian shall certify that the animal is rabies free.
- B. Rabies Vaccination Required For Dogs And Cats: The owner or person having care, custody or control of any dog, cat or ferret over six (6) months of age shall have the animal vaccinated for rabies within ten (10) days after the animal reaches six (6) months of age.
  1. Dogs, cats and ferrets shall be vaccinated as recommended by a veterinarian, according to the type of vaccine used.
  2. Any person who permits any dog, cat or ferret over six (6) months of age to habitually be on the person's property, or who habitually feeds a dog, cat or ferret over six (6) months of age, or who habitually lodges a dog, cat or ferret over six (6) months of age within the person's house, yard or

premises, shall be presumed to be the animal's owner and shall be responsible for obtaining the vaccinations described in this subsection B.

3. All vaccinations referred to in this subsection B shall be performed by a licensed veterinarian using a rabies vaccine approved by the Weber-Morgan health department.
  4. This provision shall not apply to licensed veterinarians or licensed animal holding facilities or kennels which temporarily maintain animals belonging to others on their premises.
  5. Violation of this subsection B shall be an infraction.
- C. Duties Of Veterinarian And Tag Requirements:
1. It shall be the duty of any veterinarian vaccinating an animal for rabies to complete a certificate of rabies vaccination. The certificate shall be completed in duplicate and shall include the following information:
    - a. The animal owner's name and address;
    - b. A description of the animal, breed, sex, markings, age, name and other identifying information;
    - c. The date of the vaccination;
    - d. The rabies vaccination tag number;
    - e. The type of rabies vaccine administered to the animal;
    - f. The manufacturer's serial number, lot number or other identifying information regarding the vaccine; and
    - g. The expiration date of the rabies vaccination.
  2. The veterinarian shall give one copy of the certificate to the owner of the animal and shall retain one copy of the certificate. The owner and the veterinarian shall both retain their copies of the certificate until the time the next vaccination is required under this section.
  3. In addition to a copy of the certificate, the veterinarian shall present the owner with a metal or durable plastic rabies vaccination tag. This tag shall be serially numbered and securely attached to the collar or harness of the animal. Any animal which is not wearing a rabies tag shall be deemed to be unvaccinated and may be impounded and dealt with according to the terms of this chapter. In lieu of the rabies tag, body markings may be used to indicate that the animal has been vaccinated, provided that the body marking has been approved by the animal control supervisor or animal control officer.
- D. Obligation To Present Certificate On Demand: The owner of an animal required to be vaccinated for rabies under this section shall present the certificate described in subsection C of this section (or substantially equivalent proof of rabies vaccination) upon demand of any peace officer, animal control officer or the animal control supervisor. Failure to present the certificate or other proof of vaccination shall be an infraction. In addition, if the owner fails to present proof of vaccination as required in this subsection, the animal shall be deemed to be unvaccinated and must be vaccinated or impounded according to the provisions of this chapter.
- E. Exception For Transient Animals: The provisions of this section regarding rabies vaccinations shall not apply to any animal which remains in the city for less than thirty (30) days, provided that the owner of such animals must keep the animals under his or her strict supervision by use of a tether or other enclosure.
- F. Compliance With State Regulations: In addition to the provisions of this section, all animals brought into the city shall comply with all state and/or federal animal health and animal import regulations.
- G. Impoundment Of Animals Without Valid Rabies Vaccination:
1. All animals found in the city without a valid rabies tag or whose owners fail or refuse to provide a current certificate or other proof of vaccination shall be impounded.
  2. In addition to complying with all of the requirements of CCNO 6-1-4I of this chapter on retrieving an animal, the owner of an animal impounded for failing to have a rabies vaccination shall present acceptable proof that the animal has received all required rabies vaccinations.
  3. In the alternative, the owner of an animal impounded under this subsection G may reclaim the animal by complying with all of the requirements of CCNO 6-1-4I of this chapter regarding

retrieval of animals and signing a written commitment to have the animal vaccinated within seventy two (72) hours of the release of the animal.

- a. An owner signing a commitment to have the animal vaccinated under this subsection must return within four (4) days and present proof that the animal received the vaccination within the seventy two (72) hour period.
  - b. Failure by the owner to present this proof shall be an infraction.
  - c. In addition, if the owner fails to produce proof that the animal has been vaccinated, the animal shall be reimposed and shall not be released until the owner presents proof that the animal has been vaccinated or makes arrangements to have the animal vaccinated at the place of impoundment. The owner shall bear all costs of having the animal reimposed and of having a qualified veterinarian vaccinate the animal at the animal shelter.
4. Any animal impounded under the terms of this subsection G and not reclaimed within seventy two (72) hours shall be destroyed. The animal control supervisor or animal control officer shall not sell animals impounded under this subsection G.
- H. Reporting Of Rabid Animals: Any person having knowledge of an animal known to have been exposed to rabies, reasonably suspected of having rabies, or a person or animal bitten by an animal reasonably suspected of having rabies shall notify the animal control supervisor or animal control officer, the Weber-Morgan health department or the state health department.
- I. Biting Animals: If a person has been bitten by any animal, the animal control officer or a police officer shall verify the current status of the rabies vaccination. The animal shall be held until it is determined whether the animal has been vaccinated for rabies.
1. If the owner is unable to demonstrate that the animal has been vaccinated for rabies, the animal shall be quarantined, at the owner's expense, for at least ten (10) days in order to determine whether the animal has rabies. This confinement may be:
    - a. At the city's designated animal control shelter,
    - b. At a veterinary hospital or other place approved by the animal control supervisor or animal control officer,
    - c. At the owner's home, if the owner can meet all of the qualifications for having a home contractual quarantine.
  2. If the animal is found to be rabid:
    - a. The animal shall be immediately destroyed and the head shall be sent to the Utah state health laboratory for examination; and
    - b. Any person bitten by the animal shall be notified so that they can commence treatments.
  3. If the animal dies for any reason during the ten (10) day quarantine period, the head shall be sent to the Utah state health laboratory for examination and determination whether the animal was rabid. If the state health laboratory determines that the animal was rabid, the city shall notify those persons bitten so that they can begin treatment.
  4. If the animal is determined not to be rabid, the animal may be returned to its owner, unless it is determined to be a vicious animal, in which case it shall be dealt with according to the provisions of this chapter.
  5. The owner of every animal suspected of having rabies which bites a person or another animal shall surrender the animal upon demand to the animal control supervisor or an animal control officer and cooperate in determining whether the animal is rabid. Failure to surrender the animal or cooperate in determining whether the animal is rabid shall be a class B misdemeanor as it constitutes a nuisance with risk to individuals and 3rd parties..
  6. A physician or other medical professional who treats a person bitten by any animal shall report that fact to the animal control supervisor, animal control officer or the Weber-Morgan health department within twenty four (24) hours of the time he renders the first treatment. The medical professional shall report the name, address and sex of the person bitten, the type and location of the bite and the location where the attack took place. If the medical professional knows the name and address of the owner of the animal that inflicted the bite, the medical professional shall report

- those facts as well. The medical professional shall also provide any other information to the city which the medical professional has and which may assist the city in determining whether the animal has received all of the required vaccinations and whether the animal is a vicious animal.
7. Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the animal control supervisor or animal control officer. The report shall contain the name and address of the owner of the injured animal, any information the person has regarding the animal which caused the injury and, if known, the location of the attack.
  8. Nothing in this section shall be construed as prohibiting the city from charging the owner of an animal which bites a person with any appropriate criminal charge.
- J. Rabid Animals Attacking Other Animals: If any animal is bitten by another animal which is rabid or reasonably suspected of having rabies, the animal control supervisor or the animal control officer must be notified immediately. The animal control supervisor or animal control officer shall then direct the disposition of the bitten animal and the biting animal, which may include quarantine of the animal for six (6) months (at the owner's expense) or destruction of the animal. If the bitten animal is a stray, it may be destroyed immediately. The head of any animal destroyed under this subsection shall be sent to the Utah state health laboratory for examination.
- K. Destruction Of Rabid Animals: All animals determined to be rabid shall be promptly destroyed by the animal control supervisor or any animal control officer.
- L. Disposition Of Nonrabid Strays: Any stray or unclaimed animal quarantined under this section may be destroyed or sold in the same manner as any other animal impounded under this chapter.

#### **6-1-6: DANGEROUS OR VICIOUS ANIMALS**

- A. Keeping Of Dangerous Animals Prohibited: It is unlawful for any persons other than a publicly licensed and supervised zoo or zoological garden, a duly authorized and licensed circus or educational institution to keep and maintain or permit to be kept or maintained any "dangerous animal" (as defined in CCNO 6-1-1) within the city limits.
- B. Vicious Dogs And Animals To Be Muzzled: It is unlawful for the owner of any "vicious animal" (as defined in CCNO 6-1-1) to keep such animal without taking all reasonable and necessary steps to prevent the animal from causing any injury to any person or to permit or suffer the same to go or be off the premises of the owner unless such animal is safely muzzled or otherwise restrained as necessary so as to prevent it from injuring any person or property. Violation of this subsection shall be considered a class B misdemeanor.
- C. Killing Authorized During Attack: Any animal making a vicious and unprovoked attack on any person or other animal may be killed by any person while it is making such an attack.
- D. Animals Attacking Other Animals Or Humans:
1. Attacking Animals Or Humans: It is unlawful for the owner of any animal to allow such animal to attack, chase, or worry any humans, any animal having commercial value, any species of hoofed protected wildlife or to attack fowl. As used in this subsection "worry" means to harass by tearing, biting or shaking with the teeth.
  2. Owner Liability: The owner of an animal which attacks another animal or human as described in subsection D1 of this section shall also be liable for any property damaged or to the owner of any animal(s) which is injured or destroyed.
  3. Defenses: The following shall be considered in mitigation of the penalties and/or damages for a violation of this subsection D:
    - a. That the animal was properly restrained on the owner's premises;
    - b. That the animal was deliberately or maliciously provoked.
- E. Dangerous Animals A Nuisance: Any dangerous or vicious animal is considered a nuisance under state law and by definition threatens the health, safety, and welfare of individuals and third parties. Any dangerous or vicious animal kept in violation of this section is a class B misdemeanor and a nuisance and may be abated as described in CCNO 6-1-7.

## **6-1-7: NUISANCE ANIMALS AND ABATEMENT**

- A. Nuisance Animals Prohibited: Any owner of any animal(s) causing a nuisance as defined in CCNO 6-1-1 shall be guilty as follows:
1. The owner of an animal that causes any damage to the property of anyone other than its owner shall be guilty of an infraction;
  2. The owner of a vicious dog or "vicious animal" as defined herein and kept contrary to CCNO 6-1-6 shall be guilty of a class B misdemeanor;
  3. The owner of a "dangerous animal" (as defined herein), which is kept by any person other than a publicly licensed and supervised zoo or zoological garden, a duly authorized and licensed circus or educational institution shall be guilty of a class B misdemeanor;
  4. The owner of an animal that causes unreasonable fouling of the air by odors shall be guilty of an infraction;
  5. The owner of an animal that causes unsanitary conditions in enclosures or surroundings shall be guilty of an infraction;
  6. The owner of an animal that defecates on any public sidewalk, park, building, or private property without the consent of the owner of such private property unless the person owning, having a proprietary interest in, or having care, charge, control or custody of such animal shall remove any such defecation to a proper trash receptacle shall be guilty of an infraction;
  7. The owner of an animal that barks, whines, howls or makes other disturbing noises in an excessive, continuous, or untimely or unreasonable manner, which disturbs any person or neighborhood shall be guilty of an infraction .
  8. The owner of an animal that molests passersby or chases passing vehicles, including automobiles, trucks, bicycles, scooters or other motorized or unmotorized vehicles shall be guilty of an infraction;
  9. The owner of an animal that attacks other animals shall be guilty of a class B misdemeanor;
  10. The owner of an animal that is determined by the animal control officer to be a public nuisance by virtue of being offensive or dangerous to public health, welfare or safety shall be guilty of a class B misdemeanor; or
  11. The owner of animals that, by virtue of the number maintained, are determined to be offensive or dangerous to the public health, welfare, or safety shall be guilty of an infraction.
- B. Abatement Of Nuisance Animals:
1. Notice: When it reasonably appears to the animal control supervisor or any animal control officer that any animal is a "nuisance animal" as defined in CCNO 6-1-1, he or she shall notify the owner of the animal of a hearing with regards to the matter. The notice shall contain a description of the facts supporting the conclusion that the animal is a nuisance animal.
  2. Petition: The animal control supervisor or animal control officer shall file with the city's justice court a petition to have the animal declared a nuisance animal and abated. The petition shall set forth:
    - a. All facts supporting the allegation that the animal is a nuisance; address of the owner of the animal.
  3. Notice Of Hearing: Upon receipt of the petition from the animal control supervisor or animal control officer the justice court shall set a hearing in the matter and notify the owner. The hearing shall be held not less than ten (10) days after the date of the notice. A notice of the hearing shall be sent to the owner by certified or registered mail and shall contain:
    - a. The date, time and place of the hearing;
    - b. A description of the alleged facts supporting the contention that the animal is a nuisance;
    - c. A statement that the owner may attend the hearing, may be represented by counsel and may present evidence in his or her own behalf and may cross examine witnesses presented by the city;
    - d. A statement that if the owner does not appear at the hearing, the court will:

- (1) Accept the allegations of the animal control supervisor or animal control officer as true;
  - (2) Find that the animal is a nuisance;
  - (3) Order the destruction of the animal; and
  - (4) Order the owner to pay the costs of impounding and keeping the animal prior to the hearing and the costs of destroying the animal.
4. Agreement: At any time the owner of the animal may enter into a written agreement stipulating that the animal is a nuisance and a method of abating the animal. The agreement and the method of abating the nuisance shall be approved by the animal control supervisor or animal control officer. If the parties agree that the animal is a nuisance, but are unable to agree on a method of abating the nuisance, the court may decide the appropriate method of abating the animal as provided in this subsection B.
5. Hearing: At the time and place described in the notice, the justice court shall hold a hearing on the issue of whether the animal is a nuisance and whether destruction or removal of the animal is necessary to abate the nuisance.
- a. If the owner fails to appear at the hearing, the court shall find that the animal is a nuisance and order its destruction as set forth herein.
  - b. If the owner appears at the hearing, the court may consider any evidence presented by the owner or the city which it may consider relevant to determine whether the animal is a nuisance.
  - c. The city shall bear the burden of proving that the animal is a nuisance and the measures which are necessary to abate the nuisance. Both issues shall be decided based upon a preponderance of the evidence.
6. Findings: Within ten (10) days of the conclusion of the hearing, the justice court shall make findings regarding the animal as described in this subsection.
- a. The justice court shall first make a finding regarding whether the animal is a nuisance.
    - (1) If the court finds that the animal is not a nuisance:
      - (A) The court need not make any further findings regarding disposition of the animal.
      - (B) A finding that the animal is not a nuisance under this subsection shall not preclude a finding that the animal was running at large, barking excessively or otherwise in violation of the law.
    - (2) If the court finds that the animal is a nuisance:
      - (A) It shall also enter a finding regarding the measures necessary to abate the nuisance.
  - b. In ruling on the abatement of nuisance animals, the court shall proceed as follows:
    - (1) The court may find that the nuisance may be abated by restricting the animal to the premises of the owner. In that case, the court shall order that the animal shall be restricted to the premises of the owner, and the owner's failure to confine the animal to those premises shall be a contempt of court.
    - (2) The court may find that the nuisance may be abated by removing the animal from the city. In that case, the court shall order that the animal be removed from the city and any person returning the animal to the city with knowledge of the court's order shall be liable for contempt of court.
    - (3) The court may find that the nuisance may only be abated by destroying the animal. The court shall find that an animal must be destroyed if:
      - (A) the evidence presented during the hearing establishes that the animal has made two (2) or more unprovoked attacks on persons, regardless of whether the persons attacked were the owners, members of the owner's household, or any other person,
      - (B) the first attack is deemed severe enough to warrant destruction in the judgment of the animal control officer. In that case, the court shall issue a written order for the destruction of the animal and shall deliver the order to the animal control supervisor. The animal control supervisor shall destroy the animal within five (5) days of the

date he or she receives the order unless the destruction is stayed by a court of competent jurisdiction. The owner shall pay the costs of destroying the animal.

7. No Bar To Criminal Proceedings: Nothing contained in this subsection B shall prevent or bar the city from proceeding with criminal prosecution of the owner in addition to seeking a determination that the animal is a nuisance.

#### **6-1-8: CRUELTY TO AND MISTREATMENT OF ANIMALS**

- A. Physical Abuse Prohibited: It is unlawful for any person to willfully or maliciously:
  1. Kill any animal,
  2. Maim any animal,
  3. Disfigure any animal,
  4. Torture any animal,
  5. Beat any animal with a stick, chain, club or other object,
  6. Mutilate any animal, or
  7. Burn or scald any animal.
- B. Unnecessary Punishment And Overworking Prohibited: It is unlawful for any person to:
  1. Overdrive any animal,
  2. Overload any animal or any wagon or other conveyance to be pulled by any animal,
  3. Overwork any animal,
  4. Deprive any animal of necessary sustenance,
  5. Unnecessarily or excessively punish any animal,
  6. Fail to provide a leash long enough (6 feet minimum) to give any animal freedom of movement (except for vicious dogs or animals), or
  7. Fail to provide adequate and appropriate shelter from the weather for any animal.
- C. Hobbling Animals: It is unlawful for any person to hobble livestock or other animals by any means which may cause injury or damage to the animal, except that hobbling for short periods shall be permitted as part of a rodeo or other similar event.
- D. Animals In Vehicles: It is unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including, but not limited to:
  1. Leaving an animal in a vehicle without adequate ventilation or cooling;
  2. Leaving an animal in a vehicle for an unusual length of time or for a length of time likely to cause harm to the animal;
  3. Transporting an animal in a vehicle without providing enclosures, racks, crates or cages in which the animal may stand or lie down during transportation; or
  4. Transporting any animal in such a manner that the animal is likely to jump or fall out of the vehicle.
- E. Abandoning Animals: It is unlawful for any person to abandon any animal within the city.
- F. Animal Poisoning: It is unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death to the animal, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. The provisions of this subsection shall not be construed to prohibit the use of poisons to control vermin in furtherance of the public health, provided that those poisons shall be used in such a manner as to reasonably prevent the poisoning of other animals.
- G. Injury To Animals By Motorists:
  1. Every operator of a motor vehicle upon the streets of the city shall, immediately upon injuring, striking, maiming or running down any animal, give such aid as is reasonable in the circumstances.
  2. The operator of the motor vehicle shall also notify the owner of the animal of the injury. If the operator is unable to locate the animal's owner, the operator shall immediately notify an animal

control officer and provide any facts relative to the injury that the animal control officer may request.

3. The operator of the motor vehicle shall also remain at or near the scene until such time as the appropriate authorities or the animal's owner arrives. Upon the arrival of the appropriate authorities, the operator shall immediately identify himself.
4. In an appropriate case, the operator of the motor vehicle may remove the animal from the scene and take the animal to the city's designated animal control facility or other appropriate facility. If the operator proceeds under this subsection, he or she shall immediately notify the animal control supervisor or animal control officer of the incident and the facility to which he or she has removed the animal. The facility may accept the animal and treat it appropriately.
5. Operators of emergency vehicles responding to emergency calls are exempt from the requirements of this subsection G.

H. Animals For Fighting:

1. It is unlawful for any person to raise, possess, keep or use any animal, fowl or bird for the purpose of fighting or baiting.
2. It is unlawful for any person to be a party to, or a spectator at, any fighting or baiting of animals, fowl or birds.
3. It is unlawful for any person to knowingly rent or lease any building, shed, room, yard, ground, or premises for the purpose of fighting or baiting any animals, fowl, or birds.
4. It is unlawful for any person to knowingly permit or suffer the use of any buildings, sheds, rooms, yards, grounds or premises for the purpose of animal fighting or baiting.
5. The animal control supervisor, an animal control officer or a police officer may enter any building or place where there is an exhibition of fighting or baiting of animals, fowl or birds, or where preparations are being made for such an exhibition. Upon entering the building or place, the officers may arrest the persons present in the building or place and impound all animals in the building or place. The officers may also seize any implements, equipment or tools used in the fighting. This provision shall not be interpreted to authorize a search or arrest without a warrant when a warrant is required by law.

I. Killing Of Birds: It is unlawful for any person to take or kill any birds or rob or destroy any nest, egg or young of any bird within the city. This prohibition shall not be construed to prevent any person from keeping domestic fowl and using those fowl and their eggs for domestic purposes.

J. Unauthorized Impounding: It is unlawful for any person maliciously to impound, remove, take, or hide the animal of another or to cause another person to take any of those actions. It shall be a defense to prosecution for a violation of this subsection, however, to show that the person reasonably believed that the animal was vicious, was in the act of attacking a person or was infected with rabies or another disease which could be passed from an animal to a human being.

K. Violations: A violation of any subsection of this section shall be a class B misdemeanor.

### **6-1-9: SALE OF ANIMALS**

A. Animals Or Fowl:

1. It shall be unlawful for any person to sell, offer for sale, barter or give away ducklings in any quantity less than two (2). It shall also be unlawful for any person to sell, offer for sale, barter or give away any other fowl less than two (2) months old in any quantity less than six (6).
2. Nothing in this subsection A shall be construed as prohibiting any person from raising fowl for his personal use or consumption, provided that the owner shall maintain proper facilities for the care and containment of the fowl while they are in his or her possession and shall also comply with all applicable zoning ordinances.

B. Premiums And Novelties: No person shall offer any live animal as a premium, prize, award, novelty or incentive to purchase merchandise.

- C. Dyeing Prohibited: Animals or fowl offered for sale within the city shall not be artificially dyed or colored.
- D. No Sales Of Prohibited Animals: It is unlawful for any person to sell, offer for sale, barter or give away any dangerous wild animal within the city or to sell, offer for sale, barter or give away any other animals which cannot be lawfully possessed or kept by an individual in the city.

#### **6-1-10: PROHIBITED ACTS AND ACTIVITIES**

- A. Interference With Humane Societies: It is unlawful for any person to interfere with an officer of a humane society or a person authorized to act on behalf of a humane society in carrying out the society's humane purposes or any duty imposed on a humane society under the provisions of this chapter.
- B. Harboring Stray Animals: It is unlawful for any person, except for an animal shelter or humane society to harbor or keep any lost or stray animal. Whenever any person finds or discovers a lost or stray animal, the person shall notify an animal control officer within twenty four (24) hours. For purposes of this subsection, "harboring" shall mean to afford lodging to, to shelter or to give refuge to a stray animal. Violation of this subsection shall be an infraction.
- C. Animals On Unenclosed Premises: It shall be unlawful for any person to chain, stake out or tether any animal on any unenclosed premises in such a manner that the animal may:
  - 1. Go beyond the boundaries of the property upon which the animal is restrained, unless the person has the permission of the owner of the adjoining property, or
  - 2. Go onto any sidewalk, street or other portion of the property commonly used by passing pedestrians or vehicles.
- D. Places Prohibited To Animals; Exceptions:
  - 1. It is unlawful for any person to take or permit any animals, whether on a leash, in the arms of their owners or otherwise, in any establishment or place of business where food or food products intended for human consumption are sold or distributed. This prohibition applies to, but is not limited to, restaurants, grocery stores, meat markets, and fruit or vegetable stands.
  - 2. Animals, whether on a leash or not, are allowed only in specified areas of city parks and city play areas. The owner of any animal brought into an area of a city park or play area open to animals shall remove and dispose of any dropping left by the animal.
    - a. This prohibition shall not be construed to prohibit hearing or seeing eye dogs or other certified aid dogs, or dogs in the presence and under the control of their masters for the purpose of public education programs or law enforcement exercises.
    - b. This prohibition shall also not be construed to prohibit animals (such as ponies used in pony rides) from being used at city fairs or other city sponsored events held in the parks.
    - c. A violation of this subsection D shall be considered an infraction.
- E. Trespassing Animals: It is unlawful for the owner of any animal to allow the animal to trespass on the property of any other person, unless the owner of the animal first obtains the permission of the owner of the other property.
- F. Barns, Stables And Pens:
  - 1. Any barn, stable, coop or other building or enclosure for the housing and keeping of animals other than household pets shall be kept, constructed or maintained at least one hundred feet (100') from any public street.
  - 2. Any pen, house, run or other enclosure designed for the keeping or maintenance of any dog, cat or other household pet shall be constructed and located in such a manner that any waste, offal, drainage or other substance from the pet and any stench or smell associated with the pet remains confined on the property of the owner. In every event, the structure shall be constructed and located at least three feet (3') from any adjoining property line.

3. No animals or fowl except for dogs, cats and other household pets, shall be kept or maintained closer than twenty feet (20') from any dwelling and not closer than seventy five feet (75') from any dwelling on an adjacent lot.
- G. Limits On Dogs And Cats: It is unlawful for any person to keep, maintain, harbor or care for more than 4 pets total, but no more than three (3) dogs in any dwelling unit, single-family home or place of business. The prohibition above does not apply to:
1. Dogs and cats less than three (3) months of age;
  2. Pet stores or other businesses licensed to sell live animals;
  3. Kennels or other businesses licensed to board more animals on a temporary basis.
  4. Violation of this subsection G is an infraction.
- H. Exotic Animals: No person may keep an exotic animal within the city limits. A violation of this subsection shall be considered a class B misdemeanor.

### **6-1-11: WILD ANIMALS**

- A. Disturbing Prohibited: It is unlawful for any person to attack, harass, chase, injure, or otherwise disturb any wild animal within the limits of the city.
- B. Feeding Prohibited: It is unlawful for any person other than the animal control supervisor, an animal control officer, a designated person acting on behalf of the animal shelter or a designated employee of a humane society to feed any wild animal within the limits of the city.
1. This subsection B shall not be construed as prohibiting the feeding of ducks and geese in the city's parks and the feeding of other birds through the erection and maintenance of bird feeders.
- C. Keeping Or Maintaining Prohibited: It is unlawful for any person to keep or maintain any wild animal within the limits of the city. The prohibition contained in this subsection shall not apply to the animal shelter or licensed humane societies.
- D. Violation: The violation of any provision of this section shall be a class B misdemeanor.

### **6-1-12: VIOLATIONS**

- A. Unless otherwise indicated, each violation of the provisions of this chapter shall be an infraction.
- B. For continuing violations of this chapter, each day the violation continues shall be a separate violation
- C. If a animal owner receives a penalty three times for the same pet or animal the next penalty shall be a Class B misdemeanor with a mandatory court appearance.
- D. Infractions for cat and dog violations which are not a risk to public safety shall be cited a maximum of every 14 days in accordance with state law

**SECTION 2:** This ordinance shall take immediate effect.

**PASSED and ADOPTED this 9<sup>th</sup> day of June, 2020.**

**NORTH OGDEN CITY**

  
**S. Neal Berube, Mayor**

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>	
<b>Council Member Barker:</b>	<u>  X  </u>	___	
<b>Council Member Cevering:</b>	___	___	(excused)
<b>Council Member Ekstrom:</b>	<u>  X  </u>	___	
<b>Council Member Stoker:</b>	<u>  X  </u>	___	
<b>Council Member Swanson:</b>	<u>  X  </u>	___	
<b>(In event of a tie vote of the Council):</b>			
<b>Mayor Berube:</b>	___	___	

**ATTEST:**



*S. Annette Spendlove*  
**S. Annette Spendlove, MMC**  
**City Recorder**