

Ordinance No: 2019- 3

A Resolution Amending Title 5 Chapter 2 of the East Carbon City Code

WHEREAS, pursuant to Utah Code Title 10 and 11 a municipal legislative body may regulate animals within the city limits;

WHEREAS, the City of East Carbon desires to clarify and modify certain provisions of the East Carbon City Code regarding Animal Control;

WHEREAS, the City of East Carbon desires to promote the health, safety, and economic development of the area by providing for the care and control of animals within the City;

NOW, THEREFORE, BE IT RESOLVED that Title 5 Chapter 2 be repealed and replaced with the following:

5-2-1

5-2-1

CHAPTER 2

ANIMAL CONTROL

SECTION:

5-2- 1 DEFINITIONS

5-2- 2 ANIMAL CONTROL DEPARTMENT

5-2- 3 ANIMAL SHELTER

5-2- 4 ANIMAL LICENSING AND PERMITS

5-2- 5 REGULATORY PERMITS

5-2- 6 CARE AND MAINTENANCE OF ANIMALS

5-2- 7 RABIES AND HYDATID CONTROL

5-2- 8 VICIOUS ANIMALS

5-2- 9 NUISANCE ANIMALS

5-2-10 IMPOUNDING

5-2-11 LIMITS ON NUMBER OF ANIMALS

5-2-12 DOMESTIC FOWL AND BEEKEEPING

5-2-13 VIOLATION

5-2-1: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ABANDONMENT: placing an animal in an environment where the animal is separated from basic needs such as food, water, shelter, or necessary medical attention, for a period longer than twenty-four (24) hours; failure to reclaim an animal seventy-two (72) hours beyond the time agreed upon with a kennel, grooming service, or similar facility; and/or failure to reclaim a pet from an animal shelter beyond seventy-two (72) hours after notification or refusal to sign relinquishment authorization.

ANIMAL: Any nonhuman living creature, whether wild or domesticated.

ANIMAL AT LARGE: Any domesticated animal, whether or not licensed, not under restraint, as defined under this section

ANIMAL BOARDING ESTABLISHMENT: Any establishment that takes in animals for boarding for a profit.

ANIMAL CONTROL OFFICER: An animal control officer or police officer employed by East Carbon City.

ANIMAL GROOMING PARLOR: Any establishment offering cosmetologist services for animals and for profit.

ANIMAL SHELTER: A facility owned or operated by a governmental entity or any animal welfare organization that is incorporated under the laws of the state of Utah and used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other domestic animals.

ANIMAL UNDER RESTRAINT: ~~An animal on a leash or lead which is held by a person or attached to a stationary object, or confined within a vehicle, or confined upon the real property of the owner or custodian.~~ "Under restraint" may also be assumed when a working animal, such as a sheep dog, is actively working, and under voice or signal restraint from its handler.

ATTACK: Any action or attempted action by an animal which either directly or indirectly places a person or another animal in danger of bodily harm. Actual physical injury is not required to constitute an attack.

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

BODILY INJURY: ~~Has the same definition as is found in section 76-1-601 of the Utah Code, as amended,~~ and applies to both humans and other animals.

CAT: A feline of the domesticated types over six (6) months of age.

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

CUSTODIAN: A person having the charge, care, custody or control of an animal which they do not own.

DOG: Any canis familiaris of the domesticated type over six (6) months of age.

DOMESTICATED ANIMALS: Animals domesticated by man so as to live and breed in a tame condition, including, but not limited to, cats, dogs, fowl, horses, cattle, swine, sheep and goats. A list of allowed domesticated animals may be adopted by the city council.

ENCLOSURE: A fence or structure of at least six feet 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 custodian.

EXOTIC ANIMAL:

1. An animal which does not appear on the list of "wild animals," is domestically bred, whose

species' native habitat is not indigenous to the continental United States.
2. Any snake which exceeds ten feet in length.

FERAL CAT: A cat which would normally be domesticated, but has reverted to the wild.

FOWL: A bird kept chiefly for its eggs or flesh. e.g. turkey, duck, goose, chicken

GUARD DOG: A dog kept on the premises of a lawfully situated business for the protection of person or property. It does not include a dog which resides at a private residence.

HOLDING FACILITY: Any pet shop, kennel, cattery, grooming parlor, riding school, stable, animal shelter, veterinary hospital, humane establishment or any other such facility for holding animals.

KENNEL: A premises where more than three (3) dogs are raised, kept, housed, boarded or engaged in the commercial business of breeding.

LEASH OR LEAD: Any chain, rope or device used to restrain an animal.

LIVESTOCK: Any animal traditionally kept for husbandry, regardless of the owner's intentions for keeping a specific animal, and includes fowl and hoofed domesticated animals.

OFF-LEASH AREA: An area specifically designated by the parks department and animal control department as appropriate for a specified animal to exercise or socialize without leads, leashes or other restraints.

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

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

PROVOKE: Any deliberate act by a person towards an animal done with intent to tease, torment, abuse, assault, or otherwise cause a reaction by the animal; provided, however, that any act by a person done with intent to discourage or prevent an animal from attacking shall not be considered a provocation.

QUARANTINE: The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

RIDING SCHOOL OR STABLE: An establishment which offers boarding or riding instruction for any horse, pony, donkey, mule or burro, or which offers such animals for hire.

SERVICE ANIMAL: Has the same definition as found in section 62A-5b-102 of the Utah Code, as amended.

STERILIZED: An animal has been surgically altered either by the spaying of the female animal or the neutering of the male animal, so that the animal is unable to reproduce.

STRAY: Any "animal at large", as defined in this section.

SUBSTANTIAL BODILY INJURY: Has the same definition as it is found in section 76-1-601 of the Utah Code, as amended.

TRANSFER: That an animal shelter sells, gives away, places for adoption, or transfers ownership of an animal to a recipient.

UNLAWFUL: Noncompliance with this chapter.

VICIOUS ANIMAL:

1. An animal:

1. With a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or
 2. Which attacks a human being or other domestic animal without provocation; or
 3. Which is trained or used to fight, or to attack humans.
2. This provision shall not apply to a dog owned or used by a government entity.
 3. Feeding a domesticated animal to a snake shall not make the snake a vicious animal.

WILD ANIMAL: All animals commonly accepted as being "wild" and include, but are not limited to, the following:

1. Alligators and crocodiles.
2. Bears (Ursidae).
3. Cat family (Felidae), except the commonly accepted domesticated cats.
4. Porcupine.
5. Nonhuman primates (Hominidae).
6. Raccoon.
7. Skunks.
8. Venomous snakes or venomous lizards.
9. Weasels (Mustelidae), except European ferrets.

~~5-2-2: ANIMAL CONTROL DEPARTMENT.~~

The city of East Carbon shall have an animal control officer under the supervision of the police department.

5-2-2-1: Powers of animal control officers.

- A. The officers employed by the department as animal control officers are vested with the power and authority to enforce this chapter, as well as any other violations of city code or state law.
- B. The officers are authorized and empowered to apprehend, take custody of, and impound any animal found in violation of this chapter, including animals for which no license has been procured in accordance with this chapter.
- C. In the enforcement of this chapter, any peace officer or animal control officer, when there is probable cause to believe that a violation of this chapter has occurred or is occurring, are authorized to enter onto the premises of any person to take possession of any animal in violation of this chapter. Such authority shall enable animals to be retrieved from any area of a person's property if it is necessary to impound an animal for failure by the owner of such animal to comply with the provisions of this chapter. Animal control officers who are denied access to a property may apply for a warrant to enter property and seize animals or other evidence, in accordance with Utah law.
- D. The police chief and officers shall charge applicable service fees as set by resolution of the city council and shall not have the authority to modify, reduce, alter, waive, increase or change applicable fees.

5-2-2-2: Duties of animal control officers.

A. The police chief shall:

1. Enforce this chapter and perform other responsibilities pursuant thereto
2. Supervise the municipal animal shelter(s);
3. Keep adequate records of all animals impounded and all moneys collected;
4. See that all animals and animal holding facilities in the city are licensed, controlled and permitted in accordance with any applicable statute, ordinance and/or regulations;
5. Establish, in cooperation with the Carbon County animal control and other interested governmental agencies, adequate measures for rabies immunization and control.

B. The officers shall:

1. Enforce this chapter in all respects pertaining to animal control within the city including the care and impounding of animals and prevention of cruelty to animals;
2. Carry out all duties prescribed or delegated by the police chief.

5-2-2-3: Interference with officer prohibited.

It is unlawful for any person knowingly or intentionally to interfere with any animal control officer in the lawful discharge of their duties.

5-2-3-1: ANIMAL SHELTER:

- A. The city shall provide, or arrange to have provided, suitable premises and facilities to be used as an animal shelter where impounded animals can be adequately kept.
- B. Department shall abide all rules a regulations set forth by contracted animal shelter.

5-2-4-1: ANIMAL LICENSING AND PERMITS

A. All dogs must be licensed annually with proof of vaccination, except as otherwise provided herein, to a person of the age of eighteen (18) or older.

B. Any person owning, possessing or harboring a dog shall obtain a license for such animal within thirty (30) days after the animal reaches the age of six months; or in the case of an animal over six months, within ten (10) days of acquiring the animal.

C. Animal sitting. A person who is temporarily harboring another person's dog or cat shall notify the animal control officer if the animal has remained or will remain with that person for more than fourteen (14) consecutive days, and provide owner contact information. For purposes of this title, animals are deemed "owned" by the person in custody of that animal if that person does not notify the animal control officer under this subsection, or if the animal remains at that person's residence or establishment for more than thirty (30) days.

D. License applications must be submitted to the city, utilizing a standard form which requests name, address, e-mail and telephone number of the applicant; breed, sex, color and age of the animal and rabies information. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccinations shall be given by a licensed veterinarian every three years.

E. All fees for licensing are set by resolution of the city council. Fees for new applications and renewal applications shall be calculated on a monthly pro-rated basis up to the date when vaccinations for animals become due unless such applications are submitted with new proof of vaccination; all application fees shall thereafter be paid concurrently with proof of vaccination.

F. No animal shall be licensed as spayed or neutered without proof that such surgery was performed.

G. Licenses shall expire one year from the date of issue, or in the case of new or renewal licenses which do not correspond with proof of vaccination requirements, upon the date when proof of vaccination is required.

5-2-4-2: License tags

A. Upon payment of a license fee, the city shall issue to the owner a receipt and tag for each animal licensed. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and tag are worn at all times. Failure to attach the tag as provided is a violation of this chapter, except for police service dogs.

B. Tags and licenses are non-transferable between animals. No refunds shall be made on any license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of an administrative fee to the city.

C. Any person removing or causing to be removed the collar, harness or tag from any licensed animal without the consent of the owner or keeper thereof, ~~except a veterinarian or animal control officer who removes such for medical or other reasons,~~ shall be guilty of a class C misdemeanor.

5-2-4-3: Exemptions

The provisions of Sections 5-2-4-1 and 5-2-4-2 do not apply to the following:

A. Licensed dogs whose owners are nonresidents temporarily (up to thirty (30) days) within the city. ~~Dog owners who remain within the city longer than thirty (30) days may transfer to a local license~~ upon payment of an administrative fee and proof of rabies vaccination.

B. Fee provisions shall not apply to service animals.

C. Nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination.

5-2-4-4: Guard dog restrictions

Guard dogs may be kept pursuant to the following restrictions:

A. Guard dogs must be kept in a fenced run or other suitable enclosure and under absolute control during hours when the property is open to the public so as to prevent their direct contact with the public.

B. Guard dogs shall be at all times properly restrained in a sufficient manner, including chaining, fencing or both, to prevent their escape from the property.

C. Guard dogs shall be registered with the city according to procedures to be developed with the police department.

D. The property shall be marked with signs near all entrances which warns of the presence of a guard dog.

E. Proof of liability insurance for all guard dogs shall be presented and kept current for at least fifty thousand dollars (\$50,000.00) in benefits for injuries wrongfully inflicted by a guard dog.

F. Any registered guard dog which is discovered running at large or attacks an animal or person outside of the business premises shall have its registration revoked, and it may not be returned to the business premises.

5-2-4-5: License revocation or denial

A. All of an owner's dog licenses shall be revoked, or applications for licensure shall be denied, due to the following circumstances:

1. The owner has allowed one or more animals to run at large on three or more occasions within twelve (12) months;
2. The owner or a member of the owner's household has been found by a judicial or administrative court to have treated an animal with abuse, cruelty or neglect within the past three years;
3. The city has ordered destruction or removal of an owner's animal within the past three years, which order was not reversed by an administrative or judicial court;
4. An animal was treated cruelly or abused in the owner's residence, and the person who perpetrated that behavior still resides in the residence, whether related to the owner or not; or
5. Keeping the animal for which license is sought would be a violation of the provisions of this code, county health department ordinances, state or federal law.

B. Any animal whose license has been revoked shall be impounded by the animal control officer and dealt with under the same provisions as other impounded animals, except that the person under order of revocation shall not be allowed to redeem the animal under any circumstances.

C. A person who has had an animal license revoked or denied may not be issued another license by the city for a period of three years.

5-2-5: REGULATORY PERMITS

5-2-5-1: Commercial permits

It shall be unlawful for any person to operate or maintain a kennel, cattery, pet shop, groomery, riding stable or any similar establishment unless such person first obtains a valid city business license before a permit to operate any of these establishments shall be given by the city council. All applications for permits to operate such establishments shall be submitted, together with the required permit fee, on a printed form provided by the city. Before the permit is issued, approval shall be granted by planning and zoning and city council. The holder of the permit shall notify the city and/or police department within thirty (30) days of any change in the establishment or operation which may affect the status of the permit. In the event of a change of ownership of the establishment, the holder of the permit shall notify the city immediately. Permits shall not be transferable from one owner to another.

5-2-5-2: Display of permit

A valid permit shall be posted in a conspicuous place in each establishment, and said permit shall be considered as appurtenant to the premises and not transferable to another location.

5-2-5-3: Renewal of permit

Any permit issued pursuant to this section shall automatically expire on December 31 immediately following the date of issue. Within two (2) months prior to the expiration of the permit, the holder of the permit shall apply for a renewal and pay the required fee. Any application made after December 31, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee.

5-2-5-4: Fees for permit

Permit fees shall be in such amounts as established by resolution of the city council.

5-2-5-5: Inspections

All establishments required to be permitted under this chapter shall be subject to periodic inspections, and the inspector shall make a report of such inspection with a copy to be filed with the police department.

5-2-5-6: Standards for permitted establishments

The animal control department shall promulgate rules and regulations governing the operation of kennels, catteries, groomeries, pet shops, riding stables and veterinary clinics or hospitals. Such rules and regulations shall provide for the types of structures, buildings, pens, cages, runways or yards required for the animal sought to be kept, harbored or confined on such premises; the manner in which food, water and sanitation facilities will be provided to such animals; measures relating to the health of said animals, the control of noise and odors, and the protection of persons or property on adjacent premises; and other such matters as the department shall deem necessary. Such rules and regulations shall be deemed a violation of this chapter and grounds for revocation of a permit issued by the city council.

5-2-5-7: Kennels

A. Defined; exception

1. A kennel shall be defined as a premises where more than three (3) dogs are raised, kept, housed, boarded or engaged in the commercial business of breeding.

2. This chapter shall not apply to the birth of puppies in a situation which is not an intentional commercial breeding business, so long as the number of dogs is reduced down to three (3) or less within six (6) months from the birth of the puppies.

B. Kennels prohibited

No person shall operate or maintain a dog kennel within the city limits.

5-2-5-8: Suspension revocation of permit

A. A permit may be suspended or revoked, or a permit application rejected on any one or more of the following grounds:

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

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

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

C. Any permit granted under this chapter may be suspended or revoked by the city council for violations listed in subsection 5-2-5-8-A of this section. A minimum of ten (10) days' notice shall be given to the permit holder advising of the date and time for such hearing, an listing the cause or causes for such suspension or revocation. No new permit shall be issued to any person whose permit has been previously revoked, except upon application for a new permit, accompanied by the required application fee, and unless and until all requirements of this chapter have been met.

D. Notwithstanding other provisions of this chapter, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, catteries, groomeries, pet shops, riding stables or any similar establishments, which, in this judgment, constitute a substantial hazard to public health, may without warning or hearing, issue a written notice to the permit holder or operator citing such condition and specifying corrective action to be taken. Such order may state that the permit is immediately suspended and all operations are to be discontinued. Any person to whom such an order is issued shall comply immediately therewith. Any animals at such a facility may be confiscated by the animal control officer or peace officer and impounded or otherwise provided for according to the provisions of this chapter.

E. Notice provided for under this section shall be deemed to have been properly served when the original of the inspection form or other notice has been delivered by hand to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such shall be filed with the records of the police department. (Ord. 04-07, 8-10-2004)

It shall be unlawful for a person to fail to provide any animal in his charge or custody, as owner or otherwise, with reasonably adequate food, drink, care and shelter.

5-2-6-1: Cruelty to animals prohibited

The following are unlawful:

- A. To maim, disfigure, torture, beat, mutilate, burn or scald, or otherwise mistreat any animal.
- B. To destroy a domestic animal, except in a reasonable and humane manner.
- C. To hobble livestock or other animals in such a way as to cause injury or damage to the animal.
- D. To carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such animal without adequate ventilation.
- E. To chain or tether an animal outside in excess of six consecutive hours per day, unless there is provided adequate shelter, food and water for the animal.
- F. For any owner or custodian of an animal to abandon such animal within the city.
- G. To make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted to prohibit the otherwise lawful use of poisonous substances for the control of vermin in furtherance of the public health, when applied in such a manner as to reasonably prohibit access to other animals.

5-2-6-2: Theft of animals

~~It shall be unlawful to exercise unauthorized control over an animal belonging to another with a purpose to deprive him thereof.~~

5-2-6-3: Injury to animals by motorists

- A. Every operator of a motor or other self-propelled vehicle upon the streets of the city shall immediately upon injuring, striking, maiming or running down any domestic animal give aid as can be reasonably rendered. In the absence of the owner, the operator shall immediately notify the East Carbon City animal control Department or police department and report the incident.
- B. It shall be the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of such authorities, the operator shall identify him or herself to such authorities. In the absence of an owner, a person may give aid by taking the animal to the animal control facility or another veterinary facility and notifying the animal control Department.
- C. Emergency vehicles are exempted from the requirements of this provision.

5-2-6-4: Disposal of dead animals

It shall be unlawful for the owner or custodian of any animal that dies or is killed within the limits of the city to fail to lawfully dispose of or bury the carcass of such animal within ten (10) hours after learning of the death of the animal; provided, however, that no horse, cow, ox or other large animal shall be buried within the city limits.

5-2-6-5: Possession of wild animals

A. It shall be unlawful for any person to possess, sell, offer for sale, barter, give away, harbor, rent or purchase any wild animal, except that an animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent it from escaping or injuring the public are provided.

B. This section shall not prevent the possession or use of wild animals for motion picture filming where otherwise allowed by law, if reasonable precautions are taken for the safety of the public.

C. This section shall not apply to animals listed in Utah Division of Wildlife Resources Administrative Rule R657-3-2 or persons raising members of the Mustelidae species as a business for pelts.

5-2-6-6: Removal of animal waste

A. The owner or custodian of any animal shall remove any feces left by said animal on any sidewalk, gutter, street or other public area.

B. The owner or custodian of an animal shall also remove any feces left by said animal on any private property for which consent has not been given to allow the leaving of feces. A person is subject to nuisance animal penalties if feces are not promptly removed by the owner or custodian on more than one occasion.

C. The provisions of this section shall not apply to a guide dog, hearing dog, or other service dog accompanying any person with a disability, if such animal is actually being used by a disabled person.

5-2-6-7: Animals running at large

~~A. It is unlawful for the owner or another responsible person having charge, care, custody or control of an animal to allow such animal at any time to run at large.~~

B. The owner or person charged with responsibility of an animal found running loose shall be strictly liable for any property damage or injury to a person or another animal caused by such animal running at large, regardless of the precautions taken to prevent the escape of the animal and regardless of whether the person knows that the animal is running at large.

C. Any animal shall be considered running at large if it is found on public property or the property of another and is not under restraint.

D. The provisions of this section do not apply to dogs in a designated off-leash area of a public or private park.

5-2-6-8: Animals on unenclosed premises

A. It is unlawful for any person to chain, stake out or tether any animal on an unenclosed premises in such a manner that the animal may go beyond the property line or upon the sidewalk or roadway.

B. It is not a violation of this section for an animal to cross into the property of an adjacent property owner if that property owner has consented to the entry.

5-2-6-9: Fences and enclosures

A. The owner of or any person responsible for an enclosure or fence, which is intended to limit an animal's movement to a specific area, shall be liable under this chapter for a failure to properly maintain such enclosure or fence in a manner which prevents any part of the animal to protrude through the fence.

B. It shall not be necessary for an animal to have escaped from the enclosure for there to be a violation of this section.

C. No kennel, dog runs, shelter, dog house or similar structure shall be erected or maintained in a front yard.

D. An electronic system by which an animal receives a shock or other stimulus when approaching the property boundary, or a similar product or method, does not qualify as a fence or enclosure under this chapter.

5-2-6-10: Animals in vehicles

A. In cases not amounting to animal cruelty, it is unlawful for any person intentionally, knowingly, recklessly or with criminal negligence, to confine an animal within a vehicle without adequate ventilation, for an unusual length of time, when the vehicle's interior is subject to extreme temperatures, or any other condition which imperils the animal's welfare. A violation may be established by any one of these factors, or from their combination.

B. It is unlawful to allow any animal to jump from a vehicle while that vehicle is moving upon any public street within the city.

5-2-6-11: Animals in public places

It is unlawful to chain, stake out or tether any animal in a public place unless the person in charge of such animal is present and the animal is properly restrained so that the animal poses no threat of contact with a person engaged in a normal and expected activity.

5-2-6-12: Places prohibited to animals

A. It is unlawful for any person to take or permit any animal, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets and fruit or vegetable stores. This provision does not apply to licensed service animals.

B. Except in specifically designated parks, it is unlawful for any person to take or permit any animal to be loose in any public park located within the corporate limits of the city. In parks in which animals are permitted, animals must be on a leash which is of sufficient strength to ensure that the person has absolute control of the animal. Leads shall not exceed six feet in length.

C. In parks which contain specifically designated areas for off-leash animals, animals are to be kept on leashes or leads in accordance with subsection B, until they enter the designated "off-leash" areas.

D. Exceptions may be made for any show or clinic held with the permission of the parks Department.

E. Properly licensed service animals shall not be prohibited from entry into an establishment or place of business, except as provided under federal or state law. Nothing in this chapter shall be construed as denying access to properly licensed service animals.

5-2-6-13: Unlawful to harbor stray animals

- A. Except as otherwise provided in this title or the laws of the state of Utah, it is unlawful for any person to harbor, feed on multiple occasions, or keep an animal which appears to be lost or strayed.
- B. It is the duty of any person who finds stray, lost or feral animals to notify the animal control officer within twenty-four (24) hours, and permit the department to impound the animals.
- C. The provisions of this section do not apply to appropriately licensed animal shelters.

5-2-6-14: Malicious impounding

- A. It is unlawful for any person to secrete or impound the animal which belongs to another person.
- B. The provisions of this section do not apply to animal control officers or peace officers acting within the scope of their authority.

5-2-6-15: Keeping dogs at travel trailer parks

- A. ~~The city council finds that dogs kept or controlled by patrons of travel trailer parks presents a special hazard to other patrons and guests using those facilities even when otherwise restrained by leash or tether.~~
- B. No person staying as a renter, guest or invitee at travel trailer park located in the city shall have charge, care, custody or control of any dog at such space or pad except that dog be:
 - 1. Totally enclosed within a solid structure, such as a portable kennel, run, cage or similar enclosure or in a motor vehicle which is adequately ventilated; or
 - 2. Is on a leash or tether physically controlled by that person.
- C. The fact that the dog in question is otherwise tethered or not violating any other provisions of this chapter at the time in question shall not be a defense to a charge of violating this section.
- D. Any dog being kept at any travel trailer park in violation of this section may be impounded by any police or animal control officer at any time a violation occurs without prior notice to the person having charge, care, custody or control of the dog.

5-2-6-16: Female dogs in heat

Any owner or person having charge, care custody or control of any female dog in heat shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting by scent or coming into contact with other dogs and creating a nuisance, except for planned breeding.

5-2-6-17: Loss of privilege to maintain animal in city

A. If the owner or custodian of an animal is convicted of violations of this chapter on three (3) or more different occasions during any twelve (12) month period, the municipal court may issue an order denying the right of the owner or custodian to maintain an animal in the city for a period of one year.

B. If an order is entered pursuant to subsection A of this section, the order shall require that the owner or custodian remove the animal from the city. If the owner or custodian fails, as ordered, to remove the animal from the city, an animal control officer may impound the animal, and the court, after notice and hearing, and for good cause shown, may order that the subject animal be destroyed.

C. It shall be unlawful for a person to maintain an animal within the city in violation of a court order.

5-2-6-18: Judicially excluded animals

It shall be unlawful to bring any animal into the city which has, in another jurisdiction:

A. Been judicially determined to be vicious, a nuisance or a threat to the health or safety of human beings.

B. Been judicially removed from any county or municipality for violation of the laws or ordinances thereof.

5-2-7: RABIES AND HYDATID CONTROL

5-2-7-1: Bites; duty to report

A. The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the police department or the county health department within twenty-four (24) hours of the bites, regardless of whether or not the biting animal is of a species subject to rabies.

B. Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the police department or to the county health department.

C. A physician or other medical personnel who renders professional treatment to a person bitten by an animal shall report to the police department within twenty four (24) hours of his first professional attendance the fact that he has rendered professional treatment to a bite victim. He shall report the name, sex and address of the person bitten, as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite and other facts that may assist animal control officers in ascertaining the immunization status of the animal.

D. Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the police department. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury, and the location of the incident.

E. Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies, or of an animal or person bitten by such a suspect animal, shall notify the police department, the county health department or the state division of health.

5-2-7-2: Rabies vaccination and hydatid disease treatment requirements

A. Except as hereinafter provided, no dog of the age of six (6) months or older shall be permitted in the city without having been vaccinated for rabies within the previous thirty (30) months. No license shall be issued as required by this chapter for any dog when a period of thirty (30) months since its last vaccination will expire prior to the expiration of the license year or term for which such license is to be issued. Dogs and similar animals shall receive a rabies booster shot once every two (2) years.

B. Evidence of compliance with this section shall be a valid official vaccination certificate as issued by a doctor of veterinary medicine, which certificate shall be produced for inspection by any official of the city. The owner of any other animal subject to the provisions of this section shall cause to be attached to the collar or harness to be worn by such animal a tag or emblem with sufficient inscription thereon from which it can be established that such animal has been vaccinated, and the date thereof.

C. Every owner of any dog over the age of six (6) months maintained within the city shall have such dog tested for the presence of hydatid disease (echinococcosis), or treated to prevent the disease by a duly licensed doctor of veterinary medicine, and secure from the doctor a certificate declaring such dog to be free from hydatid disease and declaring such dog to have been treated for the prevention of the disease. Every dog maintained within the city shall be certified to have been tested or treated for the prevention of hydatid disease once each year. No license, as required by this title, shall be issued in the absence of a hydatid disease certificate.

D. Notwithstanding anything herein to the contrary, all animals subject to the provisions of this chapter shall be vaccinated or treated when required by the provisions of Utah Code Annotated title 26, chapter 6.

5-2-7-3:

Quarantine and disposition of biting or rabid animals

A. An animal that has rabies or shows signs of having rabies and every animal bitten by another animal affected with rabies or that has been exposed to rabies shall be reported by the owner or custodian of such animal as set forth above and shall immediately be confined in a secure place by the owner or custodian.

B. The owner of any animal of a species subject to rabies which has bitten another animal or person shall immediately surrender the animal to an authorized official upon demand. Any person authorized to enforce the provisions of this chapter may enter upon private property to seize the animal. If the owner refuses to surrender the animal, the officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.

C. Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than ten (10) days by an animal control officer. The owner of the animal shall bear the cost of confinement. The city pound shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the animal control officer if the animal had a current rabies vaccination at the time the bite was inflicted, or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the animal control office if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to refuse to allow an animal control officer to make an inspection or examination during the period of quarantine. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately notify the animal control office, or immediately remove and deliver the head to the state health laboratory to be examined for rabies. If at the end of the ten (10) day quarantine period, the animal control officer examines the animal and finds no sign of rabies, the animal may be released to the owner, or, in the case of a stray, it shall be disposed of as provided in this chapter.

D. Bitten Animals:

1. In the case of an unvaccinated animal of a species subject to rabies which is known to have been bitten by a known rabid animal, the bitten or exposed animal shall be immediately destroyed unless the owner of the animal complies with the following subsection. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.

2. In the case of a rabies vaccinated animal which is known to have been bitten by a known rabid animal, the bitten or exposed animal shall be re vaccinated within twenty four (24) hours and quarantined for a period of ninety (90) days following re vaccination. If the animal is not re-vaccinated within twenty four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for six (6) months. The animal shall be destroyed if the owner does not comply with this subsection.

E. It shall be unlawful for any person to remove any quarantined animal from the place of quarantine without written permission of an animal control officer.

F. Bats and wild carnivorous mammals, as well as wild animals crossbred to domestic dogs and cats, that bite people shall be killed and appropriate tissues shall be sent to the state health laboratory for examination for rabies.

5-2-8: VICIOUS ANIMALS

A. It shall be unlawful to knowingly own, possess or harbor a vicious animal.

B. An animal control officer may require the owner or custodian of a vicious animal to deliver possession of the animal to an animal control officer. ~~If, after demand, the owner or custodian fails or refuses to deliver possession of the animal to an animal control officer, the animal control officer may request an order from a court of competent jurisdiction requiring the owner or custodian to deliver possession of the animal to an animal control officer.~~

C. An animal control officer may summarily impound a vicious animal which is at large or which is an immediate danger to humans or domesticated animals.

D. If an animal control officer cannot gain control of a vicious animal and the animal presents an immediate danger to a human or a domestic animal, the animal control officer may summarily ~~destroy the animal.~~

E. If a vicious animal is impounded without the knowledge of the owner or custodian, notice that the animal has been impounded shall be given to the owner or custodian of the animal, if the same is known, by attaching a notice to a door at the residence thereof or by mailing a notice thereat.

F. A vicious animal impounded by an order of a court acting pursuant to this section shall be destroyed or otherwise disposed of as the court shall direct.

5-2-9: NUISANCE ANIMALS

Any animal which does any of the following shall be deemed a nuisance, and the owner or custodian thereof may be charged with an infraction.

A. Causes unreasonable fouling of the air by odors.

B. Defecates on any public street, sidewalk, park or building, or on any private property without the consent of the owner of the property, unless the owner or custodian of the animal shall immediately remove and lawfully dispose of any such defecation.

- C. Barks, whines or howls, or makes other disturbing noises in an excessive, continuous or untimely fashion.
- D. Threatens passersby by threatening, nipping, chasing, jumping upon or biting without breaking the skin.
- E. Trespasses upon school grounds or upon private property in such a manner as to cause damage thereto.
- F. Is for any reason not described above, offensive or dangerous to the public health, welfare or safety.
- G. Chases passing runners, bicycles or motor vehicles.

5-2-10: IMPOUNDING

5-2-10-1: Animals to be impounded

An animal control officer shall place all animals which he takes into custody in the city animal shelter or other such secure place as may be determined from time to time for larger animals. The following animals may be taken into custody by an animal control officer and impounded without the filing of a complaint:

- A. Any vicious animal not properly confined as required by this chapter;
- B. Any animal running at large;
- C. Any animal which is required by this chapter to be licensed and is not licensed (any animal not wearing a tag shall be presumed to be unlicensed for the purposes of this section, except those dogs specifically exempted);
- D. Sick or injured animals whose owner cannot be located;
- E. Any abandoned animal;
- F. Any animal to be held for quarantine;
- G. Any wild animal;
- H. Any animal being kept or maintained contrary to the provisions of this chapter.

5-2-10-2: Records maintained

Animal control officers shall keep such records as the chief of police shall from time to time direct.

5-2-10-3: Disposition of animals

- A. Except as otherwise provided herein, licensed animals shall be impounded for a minimum of five (5) business days (excluding weekends and holidays) before destruction or other disposition. During the five (5) day period, the animal control officer shall make a reasonable effort to notify the owner of any animal wearing a license that the animal has been impounded.
- B. Unlicensed dogs shall be impounded for a minimum of three (3) business days.
- C. Any animal voluntarily relinquished to the animal control facility by the owner or custodian thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.
- D. The animal control officer may make one or more of the following dispositions of impounded animals:

1. All dogs and cats, except for those quarantined, confined by court order or held pending a judicial determination of an alleged violation of this chapter, which are held longer than the minimum impound period, and all dogs and cats voluntarily relinquished to the impound facility, may be destroyed or sold as the animal control officer shall direct. Any healthy dog or cat may be sold at public or private sale to anyone desiring to purchase such animal for a price to be determined by the chief of police, plus license and rabies vaccination fees, if required.

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

3. When, in the judgment of the animal control officer, it is determined that an impounded animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order.

5-2-10-4: Redemption

The owner of any impounded animal, or his authorized representative, may redeem such animal before disposition, provided the owner or representative pays:

- A. A reasonable impound fee.
- B. The daily board charge.
- C. Veterinary costs incurred during the impound period, including rabies vaccination.
- D. License fee, if required.

The amounts of impound and boarding fees shall be in amounts established by the city council.

5-2-10-5: Livestock; amount allowed

Allowances for the numbers of animals allowed to be kept are specified in 2018 land use ordinance section 10.3.2.

5-2-11: LIMITS ON NUMBER OF ANIMALS

A. No person may permit more than the designated number of animals in or upon one residence or commercial establishment (except permitted facilities otherwise governed by this title) at one time, except as otherwise provided herein, or in the case of a service animal, as defined by Utah law. One additional animal may be permitted only as indicated on the following table, in cases where the animal is a rescued animal.

B. The allowed number of animals is as follows:

Type of Animal	Number permitted per residence or commercial establishment
Dogs	3
Cats	3
Exotic animals	3

C. A resident who, prior to August 31, 2019, resided within the city and possessed a number of animals which was not un-lawful under existing code, shall not be required to sell or remove the specific animals which the resident possessed, even if those numbers exceed the limits of this section. As it relates to those specific animals, the previous code related to animal limits applies. However, upon the death or removal of the specific animal, the resident is required to comply with the provisions of this section.

5-2-12: DOMESTIC FOWL AND BEEKEEPING

5-2-12-1: Intent

The purpose of this chapter is to provide standards for the keeping of domestic fowl and domestic bees in appropriate residential zones in the City of East Carbon. It is intended to enable residents to keep a limited number of hens and/or hives for non-commercial purposes, while establishing standards to limit the adverse impacts on neighboring properties, and ensuring the health and sanitation of the domestic fowl, domestic bees and related structures.

5-2-12-2: Agricultural zone exempt

The provisions of this chapter do not apply to property located within the agricultural zone.

5-2-12-3: Revocation of permit

Any permit issued under this chapter may be revoked for violations of the standards in this chapter, which revocation may be appealed as provided in Section 5-2-13 of this code.

5-2-12-4: General requirements for domestic fowl in residential zones

A. No more than six (6) fowl per lot under 1/2 acre and one (1) additional fowl per 2,000 square feet of property up to a maximum of twelve (12) fowl per lot for the sole purposes of harvesting eggs and/or meat.

B. Parcels in single-family residential zones that contain more than two residential dwelling units or a non-conforming multifamily structure shall not be eligible for domestic fowl.

C. Hens shall be kept for personal use only. The selling of eggs, fertilizer or breeding of hens is prohibited.

D. All hens shall be kept in a hen-house or run. Hen-houses and runs shall be fenced and maintained in accordance with the design standards set forth in this chapter. Chickens only may be allowed outside of the hen-house during daylight hours, inside of an enclosed yard.

F. It shall be unlawful for any domestic fowl to be at large within city limits.

G. It shall be unlawful for the owner, keeper or custodian of any domestic fowl to allow the animal(s) to be a nuisance to any neighbor(s), including:

1. Noxious odors from the animals or related structure,
2. Associated rodent or pest infestation,
3. Noise of a loud and persistent and habitual nature, or
4. Any other condition which constitutes a nuisance pursuant to Utah law.

H. An officer of East Carbon City police department or animal control shall determine whether a nuisance exists.

I. The slaughtering of hens in public view is prohibited, but must be humane in any case.

J. It shall be unlawful for any resident to keep roosters, crowing hens, or peafowl, except where they are allowed as a legally nonconforming use.

5-2-12-5: Construction and maintenance requirements for hen-houses and runs

A. Location:

1. The hen-house and run shall be located in the rear yard only. On double frontage lots or corner lots, hen-houses and runs shall not be allowed within fifteen (15) feet of any dedicated street.
2. The hen-house and run shall be a minimum of five (5) feet from any property line.
3. The hen-house and run shall be a minimum of fifteen (15) feet from the residence of the domestic fowl permit holder.
4. The hen-house and run shall be a minimum of twenty-five (25) feet from any adjacent residential structure, school building, or church.

B. Design Requirements:

1. The hen-house shall be enclosed on all sides and have a roof and access door that are able to be shut and secured. The hen-house shall be ventilated and impermeable to rodents, wild birds, and predators including raccoon's, skunks, dogs and cats. Except for access doors, all other openings shall be sealed with rodent and predator-proof wire mesh with openings of one-quarter inch or smaller.
2. The hen-house shall be free-standing and accessible on all sides for cleaning and maintenance.
3. The run shall be fully enclosed, including a roof, by a secured fence at all times.. The fence shall be made of one-quarter inch metal mesh hardware cloth and buried in the ground. The buried portion of the fence shall be bent outward at least two feet and covered with soil or pavers.
4. Materials used for hen-houses and runs shall be suitable for use in single-family residential zones. Wooden structures shall be painted or stained. Prefabricated hen-houses are allowed, provided they meet the specification for excluding rodents.
5. The hen-house shall not exceed eight feet in height at its tallest point.

C. Sanitation Requirements.

1. All hen-houses and runs shall be kept and maintained in a clean and sanitary condition;
2. At all times, all hens shall have access to feed and clean liquid water.
3. Compost or manure which is generated by the use must comply with Carbon County regulations regarding storage and disposal.

5-2-12-6: General requirements for domestic beekeeping

A. An apiary, consisting of not more than five (5) hives or an equivalent capacity, may be maintained in a side yard or rear yard of a lot having less than ½ acre and no more than ten (10) hives on lots over ½ acre.

B. Residents renting or leasing property shall be required to submit a notarized affidavit from the property owner granting permission to maintain an apiary.

C. All apiaries shall comply with health department regulations, as amended.

D. Parcels in single-family residential zones that contain more than two residential dwelling units or a non- conforming multifamily structures shall not be eligible to maintain an apiary.

E. Each beekeeper shall be registered with the Utah Department of Agriculture and Food as provided in the Utah Bee Inspection Act set forth in Utah Code, as amended. Proof of registration shall be sent to the city.

F. Apiaries shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals.

G. If any portion of an apiary is located within fifteen (15) feet from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier of at least six feet in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five feet of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten (10) feet beyond the hive in each direction so that bees are forced to fly to an elevation of at least six feet above ground level over property lines in the vicinity of the apiary.

H. Each beekeeper shall ensure that a convenient source of water is available to the colony in a manner which is appropriate for providing water to bees, continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property.

I. Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

J. The keeping of bees for commercial enterprises is prohibited in any zone outside of the agricultural (A-1) zone.

5-2-12-7: Requirements for hives

~~A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable conditions.~~

B. Hives shall be placed at least five feet from any property line and six inches above the ground, as measured from the ground to the lowest portion of the hive with clear space underneath; provided, however, that the five-foot requirement may be waived in writing by the adjoining property owner.

~~C. Hives shall be operated and maintained as provided in the Utah Bee Inspection Act. D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number.~~

5-2-12-8: Nuisance conduct

It shall be unlawful for any person to keep beehives in a manner that is contrary to the provisions of this chapter or in a manner that threatens public health or safety, or creates a nuisance. In such cases, the city may apply for and receive an order of abatement to remove apiaries or bee colonies.

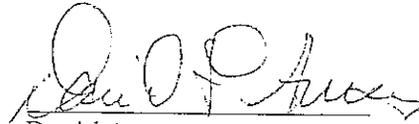
5-2-13: Violation

Except as provided for herein, or otherwise provided by Utah law, a violation of this Chapter shall be a Class C Misdemeanor.

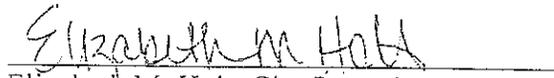
THE CITY COUNCIL HEREBY DIRECTS THAT THESE PROVISIONS BE INSERTED INTO THE OFFICIAL COPIES OF THE MUNICIPAL CODE IN THE OFFICE OF THE CITY RECORDER.

THIS ORDINANCE SHALL TAKE EFFECT UPON ITS PASSAGE AND POSTING AS REQUIRED BY LAW.

Passed, adopted, and ordered posted by the City Council of East Carbon City this 3rd day of September, 2019.



David Avery,
East Carbon City Mayor


Elizabeth M. Holt, City Recorder