

BEAVER COUNTY ORDINANCE NO. 2010-06

AN ORDINANCE AMENDING THE REVISED ORDINANCES OF BEAVER COUNTY, BY AMENDING TITLE 8 UNIFORM ANIMAL CONTROL ORDINANCE.

WHEREAS, the Beaver County Commission has entered into an interlocal agreement with Beaver City, Minersville Town and Milford City for the employment of countywide animal control officer, and

WHEREAS, it is necessary to provide the animal control officer with uniform ordinances for animal control throughout the county, and

WHEREAS, based upon the experience of the animal control officer, amendments to the uniform ordinances will enhance her ability to provide services throughout the county, and

WHEREAS, the adoption of said amendments to the Uniform Animal Control Ordinance is in the best interest of the health, general welfare and safety of the inhabitants of Beaver County:

NOW THEREFORE, THE COUNTY LEGISLATIVE BODY OF THE COUNTY OF BEAVER, STATE OF UTAH, ORDAINS AS FOLLOWS:

Section 1. TITLE 8 of the REVISED ORDINANCES OF BEAVER COUNTY, 2004 Edition, is hereby amended to read as follows:

TITLE 8-000. UNIFORM ANIMAL CONTROL ORDINANCE.

CHAPTER 8-100. INTENT AND SCOPE.

SECTION 8-101. INTENT AND SCOPE.

It is the intent of this ordinance to provide uniform animal control regulations, administration and enforcement within each of the entities that is a party to the Beaver County Interlocal Cooperation Agreement for Animal Control.

CHAPTER 8-200. ADMINISTRATION.

SECTION 8-201. ANIMAL CONTROL ADMINISTRATOR.

The County Sheriff shall be the Animal Control Administrator.

SECTION 8-202. RESPONSIBILITIES OF ANIMAL CONTROL ADMINISTRATOR.

The Animal Control Administrator shall be responsible for the following functions:

- A. All financial matters related to Animal Control.
- B. The enforcement of all provisions of the Uniform Animal Control Ordinance.
- C. The establishment of Animal Control Policies and Procedures.
- D. The development and distribution to the parties of the "Interlocal Cooperation Agreement for Animal Control" of an annual Animal Control report.

CHAPTER 8-300. ANIMALS, GENERAL.

SECTION 8-301. EUTHANASIA OF INJURED OR DISEASED ANIMALS.

The Animal Control Officer or such other persons that may be authorized by the Animal Control Administrator may humanely destroy any seriously injured or diseased animal, or any animal wild or domestic showing overt signs of being rabid, without awaiting any prescribed waiting period.

SECTION 8-302. VICIOUS OR OUT OF CONTROL ANIMALS.

- A. It shall be unlawful for any person to own, keep, harbor, maintain or have in their possession any vicious or out of control animal. In the event a person is cited for owning, keeping, harboring, maintaining or having in their possession a vicious or out of control animal, the animal involved in the citation action will be impounded until the court has made a final ruling on the case.
- B. Upon the trial of any offense under this part, the court may, upon conviction and in addition to the usual judgment of conviction, order the humane destruction of the vicious or out of control animal or such other disposition of the vicious or out of control animal that will protect the residents of the County.

CHAPTER 8-400. DOGS.

SECTION 8-401. DEFINITIONS.

As used in this part, unless the context otherwise indicates, the following words shall mean:

- A. "Animal Control Facility" shall mean the buildings and premises operated by Beaver County for the purposes of confining, caring for or disposing of animals pursuant to this ordinance.
- B. "Dog" shall mean any male or female dog of any age.
- C. "Neighbor" shall mean any person residing within 1000 feet or within two (2) blocks of the offending animal or animals.
- D. "Noise disturbance" shall mean any persistent or continuing barking and/or howling that offends or irritates a neighbor.
- E. "Owner" shall mean any person or person, firm, association or corporation owning, keeping or harboring a dog.
- F. "Unlicenced dog" shall mean a dog that is not licensed for the current year, or a dog that does not have a current license tag attached.
- G. "Vicious dog" shall mean a dog that chases, harasses or shows aggression toward any person or animal or that tries to bite or has bitten a person or animal without provocation.
- H. "At large" shall mean any dog owned, kept or maintained by such person to be on any public property or private property not owned or controlled by such person within any municipality, without being confined or restrained on a leash at all times.
- I. "At large outside of municipal boundaries" shall mean any dog owned, kept or maintained by such person to be on any public property or private property not owned or controlled by such person, without being under the control of such person. A dog shall be deemed under the control of said owner or family member if it is within immediate call, or if it is within the immediate view and within distance of call, if it is on a leash, cord or chain, or if it is within direct command of the owner or immediate family member.

SECTION 8-402. RABIES VACCINATION AND DOG LICENSE REQUIRED.

It shall be unlawful for any person to own, keep, harbor, maintain or have in their possession any dog, six months old or older, unless such dog has received an approved vaccination for rabies and is licensed in the manner provided. Fine is \$50.00 no current rabies vaccination and \$50.00 no current dog license on each dog.

SECTION 8-403. APPROVED RABIES VACCINATION.

The vaccination of a dog shall be accomplished by an inoculation with anti-rabies vaccine, having an effective immunity of one (1) year on first shot and at least two (2) years thereafter, and administered under the direction of a Public Health Officer of Beaver County, or a Public Health Officer of the State of Utah, or by a licensed veterinarian under the direction of such Public Health Officer. The vaccine used shall be approved by such Public Health Officer and the Veterinarian Association.

SECTION 8-404. APPLICATION FOR ANNUAL DOG LICENSE.

Application for annual dog licensing may be made from the first day of October, preceding the licensing year, to the County Animal Control Officer or such other persons as may be authorized to receive application by the Animal Control Administrator. The application shall include:

- A. Name, address and telephone numbers of the owner.
- B. Address where the dog is normally kept.
- C. Proof of dog's gender.
- D. Proof, if any, the dog has been neutered or spayed.
- E. Proof that dog has received current rabies vaccination.

SECTION 8-406. RABIES AND LICENSING FOR DOGS OF NON-RESIDENTS.

The licensing provision of this ordinance shall not apply to dogs kept under restraint within the County for less than fifteen (15) days per calendar year by non-residents of the County. Owners will provide proof that dog has received current rabies vaccination if Animal Control requests it.

SECTION 8-407. ANNUAL DOG LICENSING FEES.

- A. Male \$40.00
- B. Neutered Male \$20.00 initial fee/free lifetime
- C. Female..... \$40.00
- D. Spayed Female \$20.00 initial fee/free lifetime

SECTION 8-408. DUE DATE FOR LICENSING FEES.

Annual dog licensing fees are due and payable on the first day of January each year and shall be delinquent after February 14th of each year. In case a tag after issuance is lost or destroyed, a replacement tag will be issued at a cost of \$2.00.

SECTION 8-409. DISCOUNT FOR TIMELY LICENSING.

Each annual dog license issued on or before January 15th of each year shall receive a discount of \$2.50 from the annual fee schedule.

SECTION 8-410. DELINQUENT LICENSING FEE PENALTY.

A penalty fee of \$20.00 shall be assessed on all delinquent annual dog license fees.

SECTION 8-411. FEE FOR PARTIAL YEAR DOG LICENSING.

Any person acquiring a dog or owning a dog that attains licensing age of 6 months old after June 30th and before October 1st of any year shall receive an annual licensing fee discount of 50% on the license obtained for the remainder of that year.

SECTION 8-412. LICENSING FEE EXEMPTION.

Any person owning, keeping or maintaining any dog utilized to assist a visually and/or physically impaired person shall be exempt from any licensing fees. Rabies vaccination is still required.

SECTION 8-413. ISSUANCE OF ANNUAL DOG LICENSE.

The County Animal Control Officer or such other persons that may be authorized to issue dog licenses by the Animal Control Administrator may issue a dog license upon receipt of the fees and information required herein.

SECTION 8-414. DOG COLLAR, RABIES TAG AND LICENSE TAG REQUIRED.

Any person owning, keeping or maintaining any licensed dog shall provide said dog with a suitable collar to which a metallic rabies tag is attached thereto having a number corresponding with the rabies certificate issued to such dog and to which is attached a metallic dog license tag corresponding with the current year and number on dog license issued to such dog. Fine for non-compliance \$10.00 each dog.

SECTION 8-415. RESTRAINT OF DOGS WITHIN MUNICIPAL BOUNDARIES.

It shall be unlawful for any person to allow any dog owned, kept or maintained by such person to be on any public property or private property not owned or controlled by such person within any municipality to be at large, without being restrained and held by a leash at all times. The owner of any dog observed running at large by the Animal Control Officer or such other persons that may be authorized by the Animal Control Administrator, may be cited. The first offense within any twelve month period shall be

waived if the dog is current on its rabies shot and licensed for the current year or if the dog is a pup under 6 months old. The second offense within any twelve month period the fine shall be \$25.00. The third offense within any twelve month period the fine shall be \$50.00. Any dog owner cited four (4) times during any twelve month period will be fined \$100.00, and this fine will be doubled for each consecutive offense thereafter.

SECTION 8-416. RESTRAINT OF DOGS OUTSIDE OF MUNICIPAL BOUNDARIES.

It shall be unlawful for any person to allow any dog owned, kept or maintained by such person to be at large on any public property or private property not owned or controlled by such person, within the limits of Beaver County and outside the boundaries of any municipality. All dogs must be confined or restrained on property owned or controlled by its owner between the hours of sundown and sunrise. The owner of any dog observed running at large by the Animal Control Officer or such other persons that may be authorized by the Animal Control Administrator, may be cited. The first offense within any twelve month period shall be waived if the dog is current on its rabies shot and licensed for the current year or if the dog is a pup under 6 months old. The second offense within any twelve month period the fine shall be \$25.00. The third offense within any twelve month period the fine shall be \$50.00. Any dog owner cited four (4) times during any twelve month period will be fined \$100.00, and this fine will be doubled for each consecutive offense thereafter.

SECTION 8-417. IMPOUNDMENT OF UNRESTRAINED DOGS.

The Animal Control Officer or such other persons that may be authorized by the Animal Control Administrator, shall catch and impound any dog not restrained as herein required.

SECTION 8-418. IMPOUNDMENT OF UNLICENCED DOGS.

The Animal Control Officer or such other persons that may be authorized by the Animal Control Administrator, shall have the authority to seize and impound any unlicenced dog from any public or private property.

SECTION 8-419. RECORD OF IMPOUNDED DOGS.

The Animal Control Officer or such other persons that may be authorized by the Animal Control Administrator, shall keep a record of each dog impounded in the Animal Control Facility. The record kept will include at least the following:

- A. The date of impoundment.
- B. A description of the dog and any rabies and license number for the dog.

- C. The date and manner of disposal.
- D. If reclaimed or adopted, the name, address and phone number of the person reclaiming or adopting the dog.
- E. The amount of all fees received or collected from the impoundment.

SECTION 8-420. RECLAMATION OF IMPOUNDED DOGS.

Any impounded dog must be reclaimed by the owner within three (3) days of impoundment and present payment to the Animal Control Officer or such other persons that may be authorized by the Animal Control Administrator the impoundment fee and any other applicable fees.

SECTION 8-421. IMPOUNDED DOGS NOT RECLAIMED.

Any dog not reclaimed within three (3) days of impoundment may be adopted following the procedures established by the Animal Control Administrator or destroyed in a humane manner.

SECTION 8-422. DOGS IMPOUNDED MORE THAN THREE TIMES.

Any dog impounded four (4) times during any twelve month period, the owner will be fined \$100.00, and this fine will be doubled for each consecutive offense thereafter.

SECTION 8-423. DOG IMPOUNDED FEES.

- A. The impoundment fee for a dog impounded for the first time within any twelve month period shall be waived if the dog is current on its rabies shot and licensed for the current year, or if the dog is a pup under 6 months old. A maintenance fee of \$10.00 per day will be assessed for every day that the dog is impounded.
- B. The second offense the fine will be \$25.00 plus a maintenance fee of \$10.00 per day for every day that the dog is impounded. Any vicious dog impounded for the first time within any twelve month period the fine shall be \$75.00 plus a maintenance fee of \$1000 per day for every day that the dog is impounded.
- C. The impoundment fee for a dog impounded for the third time within any twelve month period shall be \$50.00 plus a maintenance fee of \$10.00 per day for every day that the dog is impounded. Any vicious dog impounded for the second time within any twelve month period the fine shall be \$150.00 plus a maintenance fee of \$10.00 per day for every day that the dog is impounded.

SECTION 8-424. DOGS QUARANTINED.

Any dog or other animal species not current on its rabies vaccination but owned by a

person, known to have bitten any person or another animal so as to cause an abrasion of the skin, shall be placed in quarantine for observation by the Animal Control Officer for a period of fourteen (14) days and shall not be killed or released until the observation period concludes that the animal shows no sign of rabies. The owner of the said animal is required to pay \$10.00 per day for every day that the animal is quarantined.

Any dog or other animal species that is wild and is known to have bitten any person or another animal so as to cause an abrasion of the skin, shall immediately be euthanized and sent to the Health Department of the State of Utah for testing of rabies.

SECTION 8-425. FEMALE DOG IN HEAT.

Any person owning, keeping, harboring, maintaining or having in their possession any female dog in heat shall, in addition to restraining such dog, keep such dog constantly confined in a secure enclosure so as to prevent it from creating a public nuisance or attracting by scent or coming in contact with other dogs, except for planned breeding under the supervision of the owner.

SECTION 8-426. BARKING DOGS.

Any person owning, keeping, harboring, maintaining or having in their possession any dog or dogs which by frequent barking and/or howling create a noise disturbance shall, upon the complaint of two (2) or more neighbors, or a neighbor and the Animal Control Officer or Deputy Sheriff responding to the complaint of the neighbor, receive one verbal warning from the responding officer that their dog/dogs are disturbing the surrounding neighbors.

On the second barking dog complaint and subsequent complaints received thereafter concerning the same address and same dog/dogs, the owner will be cited with a Class B misdemeanor, and the fine is \$150.00 per dog each time the owner is cited.

SECTION 8-450. OPTIONAL DOG KENNEL LICENSE.

Any person owning, keeping, harboring or maintaining three or more dogs, over the age of six months on any property where the applicable zoning regulations allow for a kennel may obtain an annual dog kennel license instead of individually licensing each dog.

SECTION 8-451. APPLICATION FOR ANNUAL DOG KENNEL LICENSE.

Application for annual dog kennel license shall be made on or before the first day of January to the County Animal Control Officer or such other persons as may be authorized to receive applications by the Animal Control Administrator.

SECTION 8-452. REQUIRED DOG KENNEL LICENSE APPLICATION INFORMATION.

The following information shall be provided, in the form required by the Animal Control Administrator.

- A. Name, address and telephone number of the owner.
- B. Address where the dog kennel is located.
- C. The maximum number of dogs owned, kept, harbored or maintained on the property.
- D. Evidence that each dog licensed by the kennel license has rabies vaccination as required herein.
- E. Evidence that any zoning requirements or permits have been approved or obtained from the appropriate planning commission.

SECTION 8-453. ANNUAL DOG KENNEL LICENSE FEE.

The annual fee for a dog kennel license is \$100.00.

SECTION 8-454. DUE DATE FOR DOG KENNEL LICENSING FEES.

Annual dog kennel licensing fees are due and payable on the first day of January each year and shall be delinquent after February 14th of each year.

SECTION 8-455. DISCOUNT FOR TIMELY DOG KENNEL LICENSING.

Each annual dog kennel license issued on or before January 15th of each year shall receive a discount of \$10.00 from the annual fee schedule.

SECTION 8-456. DELINQUENT DOG KENNEL LICENSING FEE PENALTY.

A penalty fee of \$50.00 per dog shall be assessed on all delinquent annual dog kennel license fees.

SECTION 8-457. ISSUANCE OF ANNUAL DOG KENNEL LICENSE.

The County Animal Control Officer or such other persons that may be authorized to issue dog kennel licenses by the Animal Control Administrator may issue a dog kennel license upon receipt of the fees and information required herein.

SECTION 8-458. IDENTIFICATION OF KENNEL MAINTAINED DOGS.

The requirements of Section 8-414 concerning collars and license tags do not apply to kennel

owners; however, each kennel licensed dog shall be identifiable by a means acceptable to and approved by the Animal Control Administrator.

SECTION 8-459. BREEDERS LICENSE, FEES, AND PENALTY.

A breeders licence is required in order to breed dogs for profit within Beaver County. The fee for a Breeder's License is \$100.00. Failure to obtain a Breeder's License prior to breeding a dog for profit shall be a class-C misdemeanor, and may result in a fine of \$250.00.

SECTION 5: This ordinance shall take effect after publication of a summary of the ordinance, and no sooner than 15 days after its adoption.

PASSED by the Legislative Body of Beaver County this _____ day of _____, 2010.

DONALD WILLDEN
Chairman, Beaver County Commission

Attest:

PAUL B. BARTON
Beaver County Clerk

Votes for: _____
Votes against: _____

NOTICE OF ADOPTION OF ORDINANCE:

On the _____ day of _____, 2010, the Beaver County Commission adopted Beaver County Ordinance No. 2010-____: **AN ORDINANCE AMENDING THE LICENSING FEE SCHEDULE OF THE UNIFORM ANIMAL CONTROL ORDINANCE AND REQUIRING A**

BREEDER'S LICENSE. A copy of the full ordinance is available at the office of the Beaver County Clerk, located at 105 East Center in Beaver.

Summary of Ordinance: This ordinance modifies the dog license fee schedule, and allows the issuance of a lifetime dog license to people who have spayed or neutered their dogs. The ordinance also requires that people breeding dogs for profit obtain a Breeder's License.

DATED this ____ day of _____, 2010.

PAUL B. BARTON
Beaver