

CACHE COUNTY  
ORDINANCE NO. 2007-01

AN ORDINANCE AMENDING ORDINANCE NO. 77-2, 77-3, 87-8, 89-9 AND 97-2 AND PROVIDING FOR THE CONTROL OF DOGS AND OTHER ANIMALS, REQUIRING LICENSING AND INOCULATION OF DOGS FOR RABIES, IMPOUNDING AND DISPOSITION OF STRAY AND OTHER DOGS, FEES FOR IMPOUNDING AND BOARD, DISPOSITION OR SALE OF DOGS, AND REPEALING ALL PRIOR ORDINANCES AND AMENDMENTS TO ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

In a duly convened meeting and in accordance with its rules, the Cache County Council finds that it is reasonable and necessary for the general welfare of the County and the citizens therein to amend the dog control ordinances of the County.

Therefore, the Cache County Council of Cache County, Utah ordains:

SECTION 1. Licensing of Dogs.

- a. It shall be unlawful for any person or other entity to own, keep, maintain or have permanent or temporary custody of a dog within the limits of Cache County, exclusive of the incorporated areas, without obtaining and possessing a current license or certificate of registration of the dog.
- b. There shall be an annual license fee of \$10.00 per dog. Such license fee may be changed at any time by the Cache County Council by resolution.
- c. Dogs shall not be subject to registration and licensing until they obtain the age of three (3) months.
- d. It shall be unlawful for any person or other entity to own, keep, maintain, or have permanent or temporary custody of a dog within the limits of Cache County, exclusive of the incorporated areas, without having affixed to the dog a collar, which shall be worn at all times by the dog, with a current metallic license tag attached to said collar.
- e. No dog license shall be transferable to another dog.
- f. Replacement tags may be issued by the County Clerk or Animal Control Officer upon presentation of the receipt showing payment of the license fee and the payment for such replacement.

It shall be unlawful for any person to remove a license tag from a dog not owned, kept, maintained, or in the temporary or permanent custody of that person.

SECTION 2. Rabies Certificate and Tag Required of All Dogs in Cache County.

- a. It shall be unlawful for any person or other entity to own, keep, maintain, or have permanent or temporary custody of a dog within the limits of Cache County, exclusive of the incorporated areas, without first having submitted the dog to the Cache County Animal Control Officer or his authorized agent for examination as to rabies or confirmation by that officer that such dog has been inoculated against rabies and presented evidence of such to the animal control officer. Such evidence must clearly indicate that the dog's inoculation is currently effective.
- b. It shall be unlawful for any person or other entity to own, keep, maintain, or have permanent or temporary custody of a dog within the limits of Cache County, exclusive of the incorporated areas, unless such dog has been currently effectively inoculated against rabies.
- c. It shall be unlawful for any person or other entity to own, keep, maintain, or have permanent or temporary custody of a dog within the limits of Cache county, exclusive of the incorporated areas, without having affixed a metallic tag to the dog by its collar, which shall be worn at all times by the dog and which shall show that the dog has been inoculated against rabies within the currently effective time for such rabies inoculation.

SECTION 3. Rabies Tags Non-transferrable or Removable.

- a. It shall be unlawful for any person to transfer a rabies tag indicating the inoculation against rabies to any dog other than the dog to which the tag had been issued.
- b. It shall be unlawful for any person to deprive a dog of its collar having attached to it a rabies tag.

SECTION 4. Animal Control Officer.

- a. The County Animal Control Officer shall be considered the County dog enforcement officer and shall have a badge issued to him showing his authority to act as such officer.
- b. It shall be the duty of the County Animal Control Officer to enforce this ordinance including, but not limited to, the examination of dogs, the capture and impounding of any dogs or other animals running at large or known to be dangerous or vicious, and to perform such other duties as may be assigned to him by the County.
- c. The Animal Control Officer may take possession of any dog or animal running at large or which is being held, kept, or maintained in violation of this ordinance or to take into his possession any dog or animal being treated cruelly or being used or kept in a manner in violation of any state law or this ordinance.
- d. The Animal Control Officer shall be responsible for and authorized to enforce the provisions of Chapter 25 of title 4, Utah Code, relating to stray and trespassing animals.

SECTION 5. Impoundment, Redemption, Sale, and Destruction of Dogs.

- a. Any dog impounded shall be impounded for a period not to exceed three (3) days unless impounded on a Saturday or Sunday in which instance the impoundment shall be for not less than ninety-six (96) hours unless redeemed.
- b. All dogs impounded, unless claimed by their owners within three (3) days, or in the event of a weekend ninety-six (96) hours, shall be destroyed unless a person willing to adopt the said dog is found by the impoundment officer.
- c. The animal control or impounding officer shall notify the owner of the animal, if known, as soon as reasonably practical of the fact of impoundment of the dog.
- d. Whether the animal is redeemed or not, the owner or custodian thereof, shall be responsible for and liable for all impoundment and boarding fees including any additional days that the dog may be kept beyond the three (3) day or ninety-six (96) hour periods as described above.
- e. In the event a dog is not claimed, the dog may be given to a suitable party who shall pay all impound and boarding fees as well as inoculation fees.
- f. The animal control or impounding officer shall maintain a record of all impoundments, redemptions, sales, and destruction of dogs.
- g. All impounded dogs not redeemed within three (3) days of impoundment may be destroyed by the animal control officer or at his direction.
- h. Any impounded dog which is suffering from any serious disease, exclusive of rabies, may be released to the care of a veterinarian at the request of the owner if such owner can be located. If any impounded dog is suffering from such serious disease, exclusive of rabies, and such dog is a stray and the identity of the owner cannot be determined, then such dog may not be sold but must be destroyed unless any person accepting the dog agrees to be responsible for all veterinarian and boarding fees for such dog until such dog has been successfully treated for such disease.
- i. Any impounded dog which appears or is determined to be suffering from rabies shall not be released but must be kept at the designated County pound under observation for a period of at least two weeks. If a qualified veterinarian finds that the dog is not suffering from rabies, the dog may be released to the owner if such owner can be located. If the owner cannot be located and the dog is found not to be suffering from rabies, it must be disposed of or returned as otherwise provided by this ordinance. If the dog is found to be suffering from rabies, the dog must be destroyed.

SECTION 6. Dogs Running at Large.

It shall be unlawful for any owner, keeper, or custodian of a dog to permit, directly or indirectly, such dog to run at large. "At large" shall be deemed to mean that the dog is off of the premises of the owner, keeper, or custodian of the dog and is not within the immediate presence or control of such owner, keeper or custodian, and "control" shall be deemed to mean on a leash, lead rope, harness, or other such means or in such proximity as to be under the effective voice control of such owner, keeper or custodian.

SECTION 7. Dog Pound Facilities.

The County may provide for suitable facilities for impoundment of dogs under the provisions of this ordinance or contract with a licensed veterinarian for the impoundment and treatment of dogs. Dogs shall be maintained in any facility hereunder in a humane manner during the period of impoundment.

SECTION 8. Dangerous or Vicious Dogs.

a. It shall be unlawful for the owner, keeper, or custodian of any fierce, dangerous or vicious dog to directly or indirectly permit the dog to be off the premises of the owner unless such dog is safely muzzled and chained or leashed under the control of the owner or custodian so as to prevent it from injuring any person or property; or to permit or suffer the dog to be on the owner's or custodian's premises unless reasonably restrained by an adequate cage, fence, or chain so as to prevent it from injuring any person, animal, or property.

b. Any dog known to have inflicted any injury upon any person or persons or upon any cattle, horses, sheep, poultry, or other domestic animals or livestock or to have a propensity therefore as evidenced by its general character and conduct including, but not limited to, any threatening conduct, shall be deemed a "vicious" dog under the provisions of this ordinance.

SECTION 9. Lawful to Enter Premises.

In the enforcement of any provision of this ordinance, any peace officer, including the animal control officer or his deputies or assistants, are authorized to enter upon the premises of any person to take possession of any stray, trespassing, collarless, fierce, dangerous, or vicious animal, dog or dogs not having a collar with a current inoculation tag when in fresh pursuit of such dog at the time the dog goes onto such private premises or if the dog is a fierce, dangerous or vicious dog and is not restrained by an adequate cage, fence, or leash and such officer has reason to believe that such dog poses an immediate threat to the safety of any person or other animal.

SECTION 10. Cruelty Prohibited.

It shall be unlawful for any person to maltreat or torture any dog, or having authority to kill any dog, to kill such dog in an inhumane manner.

SECTION 11. Female Dogs in Heat.

It shall be unlawful for the owner or possessor of any female dog to directly or indirectly permit it to run at large while in heat, and any such dog may be impounded and destroyed as hereinafter provided. The owner or custodian of a female dog, which is in heat shall confine such dog in an appropriate manner.

SECTION 12. Disturbing, Molesting or Interfering by Dogs.

It shall be unlawful for the owner, keeper, or custodian of any dog to allow, directly or indirectly, any dog to disturb the neighborhood by allowing it to bark excessively at night, or molest passersby or otherwise interfere with other persons or their property.

SECTION. 13. Dog Kennels.

It shall be unlawful for any person to have more than three (3) dogs upon his premises without having a dog kennel license for the keeping of the dogs and for the purpose of breeding or raising of dogs. The annual license tax for dog kennels shall be established by the County Council by resolution. Owners of more than three (3) dogs must obtain a kennel license which must first receive Zoning Clearance.

SECTION 14. Unlawful to Interfere With Animal Control Officer.

It shall be unlawful for any person to interfere with, molest, hinder or prevent the Animal Control Officer from discharging his duty under this ordinance.

SECTION 15. Duty of Owner to Assist.

When specifically requested by the Animal Control Officer, it shall be the duty of owner, keeper or custodian of such dog to assist the Animal Control Officer in the capture and restraint of any dog or animal which it is the Animal Control Officer's duty to capture, impound or restrain.

SECTION 16. Citations and Failures to Appear.

- a. The Animal Control Officer is hereby authorized to issue citations to the owners, keepers or custodians of any dog or animal who are in violation of any provision of this ordinance.
- b. Any person issued a citation by the Animal Control Officer who has signed such citation promising to appear and who fails to appear on such citation as required shall be deemed guilty of a separate misdemeanor for that failure to appear.

The County Council, may by resolution, establish such fees as are reasonable and necessary for licensing, impounding and boarding of any impounded dogs or animals.

SECTION 18. Penalty.

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a Class "B" misdemeanor, and upon conviction thereof, shall be fined by a fine of not more than \$1,000.00 or by imprisonment in the County Jail for not more than six (6) months or by both such fine and imprisonment.

SECTION 19. Repeal.

Any Ordinance heretofore enacted by the Board of County Commissioners or County Council in conflict with this Ordinance or any part thereof is hereby repealed.

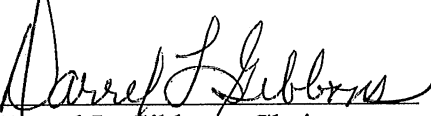
SECTION 20. Validity.

If any part of this Ordinance shall be held invalid, such decision shall not effect the validity of the remainder of this Ordinance.

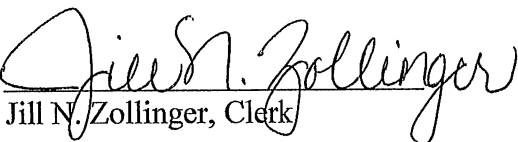
This Ordinance was adopted by the County Council, Cache County, Utah, on the 23<sup>rd</sup> day of January, 2007, upon the following vote:

	<u>CHAMBERS</u>	<u>ZILLES</u>	<u>GIBBONS</u>	<u>HANSEN</u>	<u>PETERSEN</u>	<u>ROBISON</u>	<u>YEATES</u>	<u>VOTES CAST</u>
AYE	X	X	X	X	X	X	X	7
NAY								
ABSTAINED								
ABSENT								

CACHE COUNTY COUNCIL

By:   
 Darrel L. Gibbons, Chairman

ATTEST:

By:   
 Jill N. Zollinger, Clerk

Publication Date: *February 7, 2007*