

TITLE 6
ANIMAL CONTROL REGULATIONS
01-05-94, 4-19-00B, 3-3-04

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Payson City Animal Control Ordinance

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6.01.010 Definitions

For the purpose of this Title, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

1. "Animal" means any non-human living creature, whether wild or domesticated.
2. "Animal at large" means any domesticated animal, whether or not licensed, not under restraint.
3. "Animal control officer" means an animal control officer or police officer employed by Payson City.
4. "Animal under restraint" means any animal under control of its owner or persons having charge, care, custody, or control of said animal. Except that a dog shall not be considered under the control of the owner unless on a leash or lead, confined within a vehicle, or within the fenced real property limits of the owner.
5. "Bite" means an actual puncture, tear, or abrasion of the skin, inflicted by the teeth of an animal.
6. "Cat" means any age feline of the domesticated types.
7. "City" means the incorporated area of Payson City.
8. "Animal shelter" means 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.
9. "Department" means the City Police Department, its agents and deputies.
10. "Dog" means a *Canis familiaris* of either sex, altered, or unaltered, or any other member of the *Canis* genus if owned or kept.
11. "Dog License" means a properly completed and validated "dog license application" issued by the City.
12. "Domesticated animal" means any animal accustomed to live in or about the habitation of man, including but not limited to cats, dogs and fowl.
13. "Guard Dog" means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on leash or under absolute control while working, so it cannot come into contact with the public.
14. "Impounded animal" means any animal taken into custody by the department as provided in this title. *All abandoned animals are the property of Payson City.*
15. "Kennel" means any lot, building structure, enclosure or premises whereupon or wherein three (3) or more dogs over four (4) months or age are kept or maintained for any purpose. Including boarding,

breeding, buying, grooming, letting for hire, training for fee, or selling.

16. "Leash" means any rope, leather strap, chain or other material being held in the hand of the person capable of control and actually controlling the animal to which it is tied.

17. "Licensed dog" means a dog wearing its current dog license tag as required by this Title.

18. "License Tag" means a piece of metal or other durable material inscribed with a date and number, which has been issued by the City.

19. "Neutered" means having had the testicles removed; a castrated animal.

20. "Owner" means any person, firm, association or corporation, who is either the legal owner, keeper, possessor, or the actual custodian of an animal. Ownership is established by a person registering as owner on a license or other legal document or being a person claiming ownership and taking possession of an animal.

21. "Quarantine" means the isolation of an animal under the observation of a licensed veterinarian or in the custody of the animal shelter in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

22. "Spayed" means having had the ovaries and uterus removed or extirpated; an ovariectomy.

23. "Stray" means an animal that is at large.

24. "Vaccinated dog" means a dog inoculated with an approved, currently valid, anti-rabies vaccine, and wearing a current dog license tag indicating proof of such vaccination.

25. "Vicious Animal:"

- a) With a propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or
- b) Which attacks a human being or other domestic animal without provocation.
- c) Which is trained or used as a fighting animal.

This provision shall not apply to dogs owned or used by government entity.

25. "Wild animals" means any animals of a species that in their natural life are wild, including hybrids and animals, which as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These animals, however domesticated, shall include:

- a) Alligators and crocodiles;
- b) Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;
- c) Cat Family (Felidae). All except the commonly accepted domesticated cats, and including cheetah,

cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.;

- d) Dog Family (Canidae). All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.
- e) Porcupine (Erethizontidae);
- f) Primate (Non-Human). All subhuman primates;
- g) Raccoon (Prosynnidae). All raccoons, including eastern raccoon, desert raccoon, ring-tailed cat, etc.;
- h) Skunks;
- i) Venomous fish and piranha;
- j) Venomous snakes and lizards;
- k) Weasels (Mustelidae). All including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink, mongoose, etc.

Despite the restrictions stated above, there shall be an exception granted to persons raising wild animals as defined for their pelts as a legitimate commercial purpose.

The keeping of any wild animal, which existed prior to the effective date of this ordinance, may be continued, except that if it is discontinued for one (1) year or more it shall then be deemed abandoned and any future keeping of wild animals shall be in conformity with this ordinance.

6.01.020 Penalty.

Any person violating any provision of this Title shall be guilty of a class C misdemeanor, and unless a different penalty shall be provided for such violation by this Title, such violation shall be punished as provided in Utah Code Annotated 76-3-204, 76-3-301.

6.01.030 Enforcement Generally.

1. The department, each agent or officer thereof who is assigned to duties which include the enforcement of animal regulation laws, and any peace officer, are responsible for enforcing the provisions of this Title and other provisions of state law which they have a duty to enforce.

2. Each of the individuals referred to in paragraph 1 above shall have the power to make arrests for violations of those provisions of this Title and of state law for which the officer has a duty to enforce and to issue citations for such violations.

6.01.040 Right of Entry for Enforcement.

In the enforcement of any provisions of this Title, any animal control officer, police officer or authorized agent may enter the premises of any person to take possession of any animal in violation of this Title.

6.01.050 Power and Authority of Animal Regulation Officer.

In the performance of the duties herein set forth, the animal control officer is hereby vested with the power and authority of officers within the Payson Police Department. Badges of authority shall be issued by the Police Department, and the recipient thereof shall be duly sworn in as a Payson City Police Officer.

6.01.060 Investigations.

The department, public health officer and any peace officer may enter privately owned land to investigate reports of vicious animals, rabies, or other contagious animal diseases, and to investigate violations of and enforce the provisions of this Title.

6.01.070 Hindering and Obstructing Enforcement.

It shall be unlawful for any person to interfere with, molest, hinder or prevent the animal control officer from discharging his duties. Any person who shall hinder, delay, interfere with, or obstruct the animal control officer while engaging in capturing, securing or taking to the animal shelter any animal or animals to be impounded, or who shall break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter or ambulance, wagon or other vehicle used for the collecting or conveying of any animals to the shelter shall be guilty of a class B misdemeanor.

6.01.080 Wild Animals.

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor, 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, and except for governmental agencies or otherwise as provided for by state or federal

regulations.

6.01.090 Running at Large.

1. It is unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for any violation(s) committed by the dog, regardless of whether or not the person knows the dog is running at large.

2. However, dogs may be at large while participating in field trials and obedience classes organized and sanctioned by recognized dog clubs, while assisting their owner or trainer in legal hunting or in herding of livestock, while assisting a peace officer engaged in law enforcement duties, or while being trained for the above purposes so long as such dogs are under direct and effective sound or gesture control within sight of such individuals to assure that they do not violate any other provisions at law.

6.01.100 Repealed. ~~Cats.~~

6.01.110 Public Nuisance.

The introduction, possession, or maintenance of any animal, or the allowing of any animal to be in contravention of this chapter is, in addition to being a misdemeanor, hereby declared to be a public nuisance. The department, public health officer, and peace officers, are hereby authorized directed and empowered to summarily abate any such public nuisance by any means reasonably necessary, including but not limited to the destruction of the animal or animals involved.

1. Any animal which does any of the following shall be deemed a nuisance:

- a) Causes damage to the property of anyone other than its owner or custodian;
- b) Is a vicious animal as defined in this Title and kept in a manner contrary to this Title;
- c) Causes unreasonable fouling of the air by odors;
- d) Causes unsanitary conditions in enclosures or surroundings;
- e) Defecates on any public sidewalk, park or building, or on any private property without the consent of the owner of such private property unless the owner or custodian of such animal shall

remove any such defecation to a proper trash receptacle. Unsighted persons while relying on a guide dog shall be exempt from this Section;

- f) Barks, whines, or howls, or makes other disturbing noises in an excessive, continuous, or untimely fashion;
 - i) Excessive, continuous or untimely barking shall be defined for purposes of this section as a dog barking, baying, crying, howling or making any other noise continuously and/or incessantly for a period of ten (10) minutes or barking intermittently for one-half hour or more to the disturbance of any person at any time of day or night regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" for purposes of this section if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.
 - g) Molests passersby or chases passing vehicles;
 - h) Attacks other domestic animals;
 - i) Otherwise acts so as to constitute a nuisance or public nuisance under the provisions of Chapter 10, Title 76, Utah Code Annotated (1953, as amended);
2. An animal is a nuisance if it is determined by the department to be a nuisance by virtue of being offensive or dangerous to the public health, welfare, or safety.
 3. Any animals, which by virtue of the number maintained, are determined by the department to be offensive or dangerous to the public health, welfare or safety.

6.01.120 Attacks by Dogs

1. Attacking dogs. It is unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog to attack, chase, or worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. "Worry," as used in this Section, means to harass by tearing, biting, or shaking with the teeth.
2. Owner liability. The owner in violation of Subsection (1) of this Section shall be strictly liable for violation of this Section. In addition to being subject to prosecution under Subsection (1), the owner of such

dog shall also be liable in damages to any person injured, or to the owner of any animal(s) injured or destroyed thereby.

3. Defenses. The following shall be considered in mitigating the penalties or damages, or in dismissing the charge:
 - a) That the dog was properly confined on the premises;
 - b) That the dog was deliberately or maliciously provoked.
4. Dogs may be killed. Any law enforcement officer may kill a dog while it is committing any of the acts specified in Subsection (1) of this Section or while the dog is being pursued thereafter.

6.01.130 Vicious Animals

1. An animal control officer upon probable cause that a violation of this Section has occurred 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.
2. An animal control officer may summarily impound a vicious animal which is a large or which is an immediate danger to humans or domesticated animals.
3. If an animal control officer cannot gain control of a vicious animal the officer may summarily destroy the animal.
4. 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 thereto.
5. A vicious animal impounded by an order of court acting pursuant to this Section shall be destroyed or otherwise disposed of, as the court shall direct.
6. A vicious animal impounded without a court order shall be held not less than five (5) days, after which it may be destroyed or otherwise disposed of as the supervising control officer may direct.
7. The owner or custodian of an animal impounded other than by a court order may contest the impounding by filing notice with the proper court within five (5) days after the impounding.

6.01.140 Possession of a Vicious Dog

The possession of a vicious dog is unlawful unless it is restrained, confined, or muzzled so that it cannot bite or attack any person or animal. Dogs held in violation of this Section shall be deemed a public nuisance, and their continued possession or ownership shall be unlawful. The department may impound any such dog and dispose of it in any humane manner after five (5) working days to allow for legal restraining action by the owner. The following are conditions of ownership of any animal that is fierce, dangerous, or vicious:

1. The dog must be kept in a heavy gauge wire dog run that is six (6) feet in height with a secure ceiling and floor.
2. The dog must be kept on a leash and properly muzzled when out of its kennel.

6.01.150 Allowing Vicious Animals to go at Large.

Any owner of a vicious animal, knowing its propensities, who allows it to go at large or who keeps it without ordinary care, and any animal while at large, or while not kept with ordinary care, causes injury to another animal or to any human being who has taken reasonable precaution which the circumstances permitted, is guilty of a Class B Misdemeanor unless the animal causes the death of a human being, whereupon the owner is guilty of a class A Misdemeanor.

6.01.160 Guard Dogs.

Guard dogs shall be kept in such a manner so that they cannot come into contact with persons or other animals that are legally upon the premises where a guard dog is maintained. The property shall be posted with a sign clearly visible stating that a guard dog is on the premises.

6.01.170 Judicially Excluded Animals.

It shall be unlawful to bring any animal into Payson City, which has, in any jurisdiction:

1. been judicially determined to be vicious, a nuisance, or a threat to the health or safety of human being.
2. been judicially removed from any county or municipality for violations of the laws or ordinances, which by their nature are also in violation of this Title.

6.01.180 Livestock.

1. It is unlawful for any person owning or having the custody, possession, or control of any animal of a class of livestock or fowl to allow, either negligently or with specific intent, the animal to run at large.
2. All fencing of property where a class of livestock or fowl is kept shall be of sufficient construction to prevent the escape of or injury to the animals being confined within the fencing. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstance, may be broken, damaged, or in any way create the possibility of injury to the confined animal or to allow the escape thereof.
3. Any animal in violation of this section may be impounded.

6.01.190 Cruelty to Animals.

1. A person commits cruelty to animals if the person intentionally or knowingly;
 - a) fails to provide any animal in his charge or custody with adequate food, drink, care, and shelter;
 - b) abandons an animal in his/her custody;
 - c) carries or confines 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 or for an unusual length of time;
 - d) kills, maims, disfigures, tortures, beats with a stick, chain, club, or other object, mutilates, burns, scales, over-drives, overworks, or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation;
 - e) makes 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 so as to prohibit the 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;
 - f) causes any animal to fight with another animal or creature of like kind for amusement or gain; or causes any animal to fight with a different kind of animal or creature for amusement or gain.
2. It is an affirmative defense to prosecution under this Section that the conduct of the actor toward the animal was by a licensed veterinarian using accepted veterinary practice, or directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will

not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.

3. Violation of this Section is a class B misdemeanor.

6.01.200 Animal Fighting.

1. It is unlawful for any person to:

a) own, possess, keep, or train an animal with the intent to engage it in an exhibition of fighting with another animal;

b) cause an animal to fight with another animal or cause an animal to injure another animal for amusement or gain;

c) tie, attach, or fasten any live animal to a machine or device propelled by any power, for the purpose of causing the animal to be pursued by another animal; or

d) permit or allow any act which violates Subsection a), b), or c) on any premises under his/her charge; or to control, aid or abet any such act.

2. Possession of any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenny, or other paraphernalia together with evidence that the paraphernalia is being used or intended for use in the unlawful training of an animal to fight with another animal, together with the possession of any such animal, is prima facia evidence of violation of Subsections 1(b), and 1(c).

3. A person who violates Subsection 1 is guilty of a class B misdemeanor.

4. It is unlawful for person to knowingly and intentionally be present as a spectator at any place made for an exhibition of animal fighting, or to knowingly and intentionally be present at an animal fighting exhibition or any other occurrence of fighting or injury described in this Section. A person who violates this Section is guilty of a class B misdemeanor.

5. Nothing in this Section shall be interpreted to prohibit any of the following:

a) The use of animals for the management of livestock by the owner, his employees or agents, or any other person in the lawful custody of livestock;

b) The use of animals for hunting;

c) The training of animals or the possession or use of equipment in the training of animals for any purpose not prohibited by law.

6.01.210 Animal Fighting Exhibitions.

It is unlawful for a person to knowingly be present as a spectator at any place, building, or tenement where preparations are being made for an exhibition of the fighting of animals, or to be present at such exhibition,

regardless of whether any entrance fee has been charged. A person who violates this subsection is guilty of a class B misdemeanor.

6.01.220 Authority to Arrest and Take Possession of Animals and Property.

1. An animal control officer may enter any place, building, or tenement where an exhibition of animal fighting is occurring, or where preparations are being made for such an exhibition, and without a warrant arrest all persons present.

2. Notwithstanding the provisions of Section 6.01.230, any authorized officer who makes an arrest under Subsection (1) may lawfully take possession of all animals, paraphernalia, implements, or other property or things used or employed, or to be employed, in an exhibition of animal fighting prohibited by Section 6.01.200 or Section 6.01.210. The officer, at the time of that taking, shall state his name and provide other identifying information to the person in charge of the animals or property taken.

3. After taking possession of animals, paraphernalia, implements, or other property under Subsection (2), the officer shall file an affidavit with the judge or magistrate before whom a complaint has been made against any person arrested under this Section. That affidavit shall include:

a) the name of the person charged in the complaint;

b) a description of all property taken;

c) the time and place of the taking;

d) the name of the person from whom the property was taken;

e) the name of the person who claims to own the property, if known;

f) a statement that the officer has reason to believe and does believe that the property taken was used or employed, or was to be used or employed, in violation of Section 6.01.200 or 6.01.210 and the grounds for such a belief.

4. The officer shall deliver the confiscated property to the judge or magistrate who shall, by order place the property in the custody of the officer or any other person designated in the order, and that person shall keep the property until conviction or final discharge of the person against whom the complaint was made. The person so designated shall assume immediate custody of that property, and retain that property until further order of the court. Upon conviction of the person charged, all confiscated property shall be forfeited and destroyed or otherwise disposed of, as the court may order. If the person charged is acquitted or discharged

without conviction, the court shall, on demand, order the property to be returned to its owner.

6.01.230 Officers Authority to Take Possession of Animals-Lien for Care.

1. Any law enforcement officer may take possession of any animal being treated cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for them or upon permission of the owner destroy them.
2. Officers caring for animals pursuant to this section have a lien for the reasonable value of the care and/or destruction. Any court upon proof that the owner has been notified of the lien and the amount due, at least five (5) days prior, shall order the animal sold at public auction or destroyed.
3. Any law enforcement officer may humanely destroy any animal found suffering past recovery for any useful purpose. Before destroying the animal the officer shall take reasonable steps to obtain the opinion of a veterinarian or other witness to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal. Its owner may be cited and/or charged for impound and sheltering fees.

**6.01.240 Number of Animals
(02-01-95B)**

No person shall harbor or possess more than two (2) dogs and two (2) cats, four (4) months of age or older unless that person qualifies for and purchases a kennel license. The Animal Control Officer must approve ownership of more than two (2) cats without said licenses for a legitimate business purpose.

- a) Exception. This section shall not apply to the birth of puppies or kittens in a situation that is not an intentional commercial breeding business so long as the number of dogs and/or cats is reduced down to at least two (2) within four (4) months from the date of birth.

**6.01.250 Kennel Regulations
(11-17-99, 5-17-00)**

1. Definitions:
 - a) "Cages" means individual, portable facilities for containing dogs/cats.
 - b) "Exercise yard" means an area enclosed by a fence of at least six (6) feet in height wherein dogs/cats are allowed to run and exercise. Every portion of an exercise yard fence shall be separate and

- removed from any property boundary fence.
- c) "Fencing" unless otherwise authorized, shall mean a good grade commercial chain link, carried on solid posts set in concrete, suggested minimum is 11 gauge wire, 2 inch steel posts set on no greater than 10 foot spans.
- d) "Kennel" means any lot, building structure, enclosure or premises whereupon or wherein three (3) or more dogs/cats over four (4) months of age are kept or maintained for any purpose, including boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.
- e) "Kennel Building" means a permanent structure designed, intended, or used exclusively for the housing of dogs/cats.
- f) "Kennel run (inside)" means the separated area inside a kennel building used for the interior housing of dogs/cats.
- g) "Kennel run (outside)" means an area adjacent to a kennel building and enclosed by a fence at least six (6) feet in height.
2. Location:
 - Kennels shall only be allowed in the R-1-A and R-5 zones.
3. Requirements:
 - a) License: Each kennel must have a current valid kennel license and a current valid business license in those areas that require a business license in addition to a kennel license. Such licenses are required to be displayed and readily available for inspection by any authorized person.
 - b) Records: A kennel record must be kept available for inspection; such record to show: The name, current address, and telephone number of the owner of the dog/cat, the date the dog/cat entered the kennel, the reason for its being in the kennel, i.e. for boarding, sale, breeding, grooming, etc., the description of the dog/cat, (age, breed, sex, color, etc.). On any dog /cat over four (4) months of age, a current valid rabies certificate shall be maintained as a part of this record, as long as the dog/cat is maintained in the kennel.
4. Physical facilities: The basic intent of these regulations is to see that all animals receive proper care, that they are being treated kindly, properly fed, and that their surroundings are being kept in a sanitary condition.
 - a) Animal Rooms
 - i) Cage: Cage length and width shall exceed the animal's length from the base of the tail to the tip of the nose by at least six (6) inches. Cage height shall exceed the animal's height by at

least four (4) inches. Small puppies/kittens may be caged together using their combined length according to the above formula. Cages shall be so constructed and be of such material as to be maintained in a sanitary condition. Animals shall be removed from and be provided with an exercise yard for their use for such periods as determined by the size, age, and condition of the animal. Diseased animals must be maintained apart from the healthy animals in suitable and separate quarters.

ii) General: walls and floors shall be of a material easily cleaned and kept in a sanitary condition. The room shall be properly screened, insect, and vermin proof. It shall be properly ventilated to prevent drafts and remove odors. Heating and cooling should be provided as required, with sufficient light (preferably natural) to allow observation of animals, and sanitation.

b) Outdoor Facilities: Shall be provided with windbreaks, roofing, and shelter adequate to protect the animals from the weather. The facilities shall be adequately drained and maintained in a sanitary manner. Adequate and sanitary means of disposing of droppings shall be provided. All kennels runs shall be fenced (chain link or welded wire) such fence to be separate and apart from property boundary fence. Kennel runs shall have a minimum free and clear area of ten (10) square feet per dog. Indoor shelter, except where animals are caged, shall have a minimum of six (6) square feet per dog/cat. When the minimum area is provided it should be supplemented with exercise yards for dogs/cats that are maintained for extended periods. Kennels shall not be left unattended for a period in excess of twenty-four (24) hours. All animals shall be supplied with sufficient good and wholesome food and fresh water, as the feeding habits of such animals require.

5. All area of kennel runs, yards, food storage, and auxiliary buildings shall be subject to inspection by authorized persons.

Emergency information, including name, address, and phone number, must be posted in a conspicuous place at the front of the property for use by authorized persons.

6.01.260 General Regulations Relating to Animals. (5-17-00)

Every person within Payson City who owns any animal or who owns, conducts, manages, or operates any animal establishment for which a license is required is also required by this Title to comply with the following:

1. Structural strength. Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

2. All animals shall be supplied with sufficient good and wholesome food and fresh water as often as the feeding habits of the respective animals require.

3. All animals and all animal buildings or enclosure shall be maintained in a clean and sanitary condition.

4. All animals shall be so maintained so as to eliminate excessive odor and noise. The minimum requirements for noise control for kennels operated as a commercial business shall be the following:

a. Kennels operated as a commercial business, or any operation where the owner of the kennel is not the owner of all animals housed in the kennel, shall house the animals in an enclosed structure to eliminate noise discernable beyond the premises on which the kennel is located; or

Kennels operated as a commercial business, or any operation where the owner of the kennel is not the owner of all animals housed in the kennel; that house animals not in an enclosed structure shall refrain the animals from creating noise by means of electronic noise control so that no noise is discernable beyond the premises on which the kennel is located.

5. No animal shall be without attention more than twenty-four (24) consecutive hours. Whenever an animal is left unattended at a commercial animal facility the telephone number of the Department of Animal Control or the name, address and telephone number of the responsible person shall be posted in a conspicuous place at the front of the property. However this provision shall not apply to livestock. Livestock shall be attended at reasonable intervals.

6. Animals shall be treated humanely and no conditions shall be maintained or permitted that are or could be injurious to the animal.

7. Animal buildings and enclosures shall be so constructed and maintained as to prevent escape of the animal. All reasonable precautions shall be taken to protect the public from the animal and the animal from the public.

8. Every building or enclosure wherein animals are maintained shall be constructed of a material easily cleaned and shall be properly ventilated to prevent

drafts and to remove odors. Heating, cooling, and shelter shall be provided as required according to the physical need of the animal, with sufficient light to allow observation of animals and sanitation.

9. Medical treatment shall be provided as necessary in order to maintain the health of the animals.

10. All animal rooms, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein.

11. Owners shall not allow animals that are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear, or torment.

12. All wild animals permitted pursuant to this Section shall be maintained in buildings, enclosed yards, or cages as specified by the coordinator and such shall be kept at distances from adjacent buildings as specified in the Payson City Zoning Ordinances.

Representatives of the Payson City Police Department or other duly designated representatives of the City may enter any premises where animals are maintained for investigation or inspection as to whether or not any portion of such premises, building, structure, enclosure, pen, or cage is being used, kept, or maintained in violation of this or any other City ordinance. This section does not permit any person to enter a private dwelling except where necessary to rescue an animal.

6.01.270 Loss of Privilege to Maintain Dog in City.

If the owner or custodian of any dog is convicted of any violation of this Title on three (3) or more different occasions during any twelve (12) month period, the Payson Justice Court may issue an order denying the right of the owner or custodian to maintain a dog in the City for a period of two (2) years. Prior to final denial of such privilege, the Court shall hold a hearing regarding the matter.

6.01.280 Injuries and Communicable Diseases.

No person shall knowingly harbor or keep any dog or other animal with a serious injury or afflicted with mange, ringworm, distemper or any other contagious disease, unless such a dog or other animal is, in the opinion of the department or a veterinarian, being given adequate treatment for such disease. The department may take immediate possession of any such animal not being so treated or which is not responding to such treatment, and immediately dispose of the animal unless

the owner shall forthwith place such animal under the control and treatment of a licensed veterinarian.

6.01.290 Fee, Charges, Etc.

The fees and charges which may be imposed under the provisions of this Title shall be as determined and established by resolution by the City Council from time to time and on file in the office of the City Recorder.

**CHAPTER 6.02
IMPOUNDMENT**

Sections:

- 6.02.010 Authorized**
- 6.02.020 Animals to be Impounded**
- 6.02.030 Capture by Individuals**
- 6.02.040 Information Upon Relinquishment**
- 6.02.050 Notice to Owner**
- 6.02.060 Redemption by Owner**
- 6.02.070 Holding Period**
- 6.02.080 Disposal of Unredeemed Animals**
- 6.02.090 Destruction of Animals**
- 6.02.100 Redemption of Unvaccinated Animals**
- 6.02.110 Vaccination**
- 6.02.120 Establishment of Animal Disposal Facilities**

6.02.010 Authorized.

The department, peace officers and persons employed for animal regulation purposes by the City shall attempt to capture any animal found at large in violation of this Title and may destroy an animal at large if, in their judgment, such action is required for public health and safety.

6.02.020 Animals to be Impounded.

The following animals may be taken into custody by an animal control officer and impounded without the filing of a complaint:

1. Any vicious animal not properly confined as required by this Title.
2. Any animal running at large.
3. Any unlicensed animal, which is required by this Title to be licensed. Any animal not wearing a tag shall be presumed to be unlicensed for purposes of this section, except those dogs specifically exempted.
4. Sick or injured animals whose owner cannot be

located.

5. Any abandoned animal.
6. Any wild animal.
7. Any animal to be held for quarantine.
8. Any animal being kept or maintained contrary to the provisions of this Title.

6.02.030 Capture by Individuals.

Any person who finds an animal at large may take it into his/her possession and must within twenty-four (24) hours thereafter notify the department and surrender the animal to the department upon demand. No such action shall result in a charge against the City.

The finder of an animal at large shall use reasonable care to preserve it from injury; however, he shall not be held liable if the animal dies, escapes or injures itself while he is carrying out the provisions of this section except as occasioned by his own negligence.

6.02.040 Information Upon Relinquishment.

Any person who relinquishes an animal to the department shall give his/her name, address and, if he/she is not the owner, the location where the animal was found.

6.02.050 Notice to Owner.

Upon receipt of a lost or stray animal bearing a current year's license tag, the department shall immediately telephone or mail to the owner of record at the address indicated on the license form, a notice of the location of the animal. Compliance with notice requirements of this section shall be deemed as met if the department shall have mailed the notice to the owner of record at his address of record, postage prepaid.

6.02.060 Redemption by Owner.

The owner of an impounded animal may claim it prior to its legal disposition by providing proper identification, meeting all the legal requirements, and paying the applicable redemption fees for impoundment, board, medical care, vaccination, and/or other costs.

6.02.070 Holding Period

The department shall hold an impounded, lost or stray dog for not less than three (3) working days if it was not wearing a current year's license tag when impounded

and for not less than five (5) working days after notice is given pursuant to this Title if it was wearing a current year's license tag, so that the owner or custodian may claim it prior to other disposition. The department shall hold all feral cats not less than twenty four (24) working hours.

6.02.080 Disposal of Unredeemed Animals.

The department may dispose of humanely, or may transfer to a new owner upon payment of the applicable fee, any impounded animal not claimed by its owner or custodian within the prescribed holding time. Animals relinquished by their owners may be humanely destroyed without regard to the prescribed holding time in order to alleviate suffering or to protect other impounded animals from exposure to a contagious disease.

6.02.090 Destruction of Animals.

When, in the judgment of the department, it is determined that an impounded animal should be destroyed for humane reasons, disease control or to protect the public or animal regulation personnel 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.

6.02.100 Vaccination.

Any animal impounded at the County animal shelter may be vaccinated for disease control.

6.02.110 Establishment of Animal Disposal Facilities.

The department shall follow established humane procedures at the animal shelter for euthanasia of animals. The department may, at its option, upon payment of applicable fees, accept animals for humane disposal. The owner or possessor of such animals shall first complete appropriate forms setting forth the facts constituting such ownership and/or possession, certifying that he/she has the right to request disposal of such animals and agree to hold the City, its agents and employees harmless from any liability for its acceptance and disposal of such animals. The owner or person requesting the disposal of any animal shall certify in writing that, to the best of his knowledge, the animal has not bitten a human being or animal within the period established by this Title for isolation of

biting animals and suspected rabid animals. Notwithstanding the foregoing, the department, the health officer, or the County veterinarian may authorize, with permission of the owner if known, the euthanasia of a biting animal for the purpose of laboratory examination.

CHAPTER 6.03
LICENSING AND REGISTRATION

Sections:

- 6.03.010 Licenses Generally**
- 6.03.020 Exceptions**
- 6.03.030 Vaccination - Dogs**
- 6.03.040 Vaccination - Cats**
- 6.03.050 Voluntary Registration of Cats**

6.03.010 Licenses Generally

1. Required. All dog owners, except tourists or visitors who stay less than one month in an area coming within the jurisdiction of this Title, shall apply for and obtain a separate dog license for each dog they own, possess, keep, or harbor, after it is four (4) months old. Each license shall be issued by Payson City. All dog owners must possess such license at the time the dog is four (4) months old or one month after obtaining or bringing into the area coming within the jurisdiction of this Title any dog over four (4) months of age. Dog owners shall renew the dog license annually between the dates of January 1st and March 1st of each calendar year. If renewal is not required, dog owners shall within two (2) months after the expiration date advise the department of the reason therefore. Licenses not purchased or renewed within the above said dates, shall be considered delinquent and a late fee as determined by the City Council shall be added to the cost of the new license.

2. Presumption that license required. Any dog legally impounded according to the provisions of this Title shall be presumed to be a dog which, prior to impounding, required a license, regardless of such dog's actual age or owner's place of residence.

3. Issuance. Upon presentation by the dog owner of a properly completed license application form, including proof that the rabies vaccination will be valid throughout the license period, the proper license fee, and, if applicable, a late or delinquent fee, the City shall issue a validated dog license. The dog owner shall retain the dog license for inspection by any person charged with the enforcement of this Title.

4. Validity; rabies vaccination prerequisite to issuance. Licenses shall be valid from the date issued until the 31st day of December of that calendar year. No dog shall be licensed without proof of approved rabies vaccination.

5. Lost or damaged tags; tags to be worn; exception. Whenever a license tag is lost or damaged, the owner shall apply for and secure a replacement from the City upon payment of the prescribed fee. Each dog required to be licensed shall wear at all times the current license tag assigned to that dog; except:

- a) When the dog is participating in any dog exhibition, field trial, or competition; or
- b) When the dog is confined in a licensed kennel or veterinary hospital, in which case the license tag number shall be recorded and placed nearby so that it is readily identifiable with the dog with which it belongs; or if not licensed, that fact shall be clearly indicated on the facility's records. A license tag shall not be removed from any dog without the consent of the owner thereof.

6. Duty of person issuing license. Each duly authorized person issuing a dog license for any dog shall complete the license in duplicate. One copy shall be given to the owner of the licensed dog, which the owner shall retain in his possession, and the City will retain one copy.

7. Transfer License.

- a) Owners of dogs having a current license issued by another dog licensing agency may upon proof of license issued by said agency be issued a city dog license upon payment of the applicable transfer fee. The rabies vaccination for any such dog must be valid for the duration of the license issued.
- b) Whenever ownership of a licensed dog changes, the new owner shall apply for and obtain a transfer license and pay the applicable fee.
- c) The address of the owner is presumed to be the address where the dog is kept. Any change of address must be reported to the City within one month following such change.
- d) Dog owners or the parent or guardian of minor children who sell or otherwise transfer the ownership or custody of a dog shall within one month thereafter inform the department of the name, address and telephone number of the new owner and the name and description of the dog. If the ownership or custody of a vicious dog is transferred, the owner or the custody of the vicious dog is transferred, the owner or the parent or guardian of minor children shall, in addition, advise the new owner in writing of the details of

the dog's record and provide the department with a copy thereof containing an acknowledgment by the new owner of his receipt of the original.

6.03.020 Exceptions.

The provisions of this Title shall not apply to the following:

1. Transient, show dogs. Dogs whose owners are nonresidents temporarily within the City for thirty (30) days or less, or dogs brought into the City for purposes of participating in any dog show.
2. Dog maintained in a licensed kennel. Any dog that has not reached the age of four (4) months or any dog kept or maintained exclusively in a licensed kennel shall not be registered and no fee is required.
3. Dogs used to assist the handicapped (i.e. seeing eye, hearing, seizures, etc) and law enforcement . Any dog which has been duly or properly trained to assist the handicapped , or law enforcement personnel and is currently acting in that capacity.
4. Dogs maintained by impecunious person. If any person shall furnish evidence satisfactory to the department that such person, by reason of unavoidable poverty, merits exemption from the payment of any fees or charges by this Title, the dog shall be registered but the department shall waive the payment of any such fees or charges.
5. Police Service Dogs

6.03.030 Vaccination - Dogs.

1. Vaccination Required. Dog owners shall obtain a rabies vaccination for each dog they own, keep, harbor, or have custody of, within one month after it becomes four (4) months of age, or within one month after obtaining any dog over four (4) months of age. It shall be unlawful for any person or persons to own, keep, harbor, or possess or to have in his or her care, charge, or custody, any dog four (4) months of age or over unless such dog has a current and valid rabies vaccination administered by any duly qualified and licensed veterinarian, with a rabies vaccine approved by the State Department of Health for use in dogs. Such vaccination shall be repeated at intervals specified by the State Department of Health in order to maintain adequate immunity.
2. Exemption from rabies vaccination during illness. Notwithstanding any other provisions of this Title, a dog need not be vaccinated for rabies during an illness

if a licensed veterinarian has examined the dog and certified in writing that such vaccination should be postponed because of a specified illness. Old age, debility and pregnancy are not considered contraindications to rabies vaccination. Exemption certificates are subject to approval by the department and shall be valid only for the duration of the illness. Exemption from vaccination does not exempt a dog from the licensing requirement.

6.03.040 Repealed.

6.03.050 Voluntary Registration of Cats.

The owner of any cat may, upon submission of proof of rabies vaccination, certified to by a licensed veterinarian, and upon payment of the fee established by resolution of the City Council, be issued a license certificate and tag. No person shall remove a registration tag from a cat without the consent of the owner thereof. Licensing shall be valid for the period of rabies vaccination. The obtaining of such a license shall be optional on the part of the owner.

CHAPTER 6.04
RABIES CONTROL

- 6.04.010 Report of Bites.**
- 6.04.020 Report of Suspected Rabid Animals.**
- 6.04.030 Quarantine For Ten (10) Days For Biting or Suspected Rabid Animals.**
- 6.04.040 Examination of Head.**
- 6.04.050 Domesticated Animals.**
- 6.04.060 Release.**
- 6.04.070 Animals Possibly Exposed to Rabies.**

6.04.010 Report of Bites

All persons bitten and the parents or guardians of minor children bitten by a dog, cat, skunk, fox, coyote, bobcat, bat or other animal known to constitute a serious threat of rabies shall notify the department or the City-County Health Department immediately thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.

6.04.020 Report Suspected Rabid Animals.

Any person who observes or has knowledge of an animal which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion

that it may have rabies shall notify the department or City-County Health Department and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the department or City-County Health Department.

6.04.030 Quarantined for Ten (10) day of Biting or Suspected Rabid Animals.

Upon the reasonable order of the department or public health officer, a biting or suspected rabid animal shall be, at the owner's expense if owned, kept in strict confinement under proper care and under the observation of a licensed veterinarian in an animal shelter, veterinary hospital, or other adequate facility in a manner approved by the department or City-County Health Department.

6.04.040 Examination of Head.

Any biting or suspected rabid animal or bat may be humanely euthanised immediately by the department or the health department, and such animal's undamaged and properly packaged and properly refrigerated head shall be delivered promptly to an approved medical facility having the capability of performing the fluorescent antibody test to demonstrate the presence of rabies.

6.04.050 Domesticated Animals.

If the biting or suspected rabid animal is of the domesticated variety that is owned or obviously could have an owner, said animal shall be confined for a period of ten (10) days to allow time for an attempt to locate an owner unless the County veterinarian or other licensed veterinarian shall reasonably deem it necessary to sacrifice the animal for the purpose of laboratory examination.

6.04.060 Release.

Ten (10) days after the day of infliction of a bite by an animal, said animal may be released to its owner or sold by the department after a licensed veterinarian has examined that animal and in his opinion found it not to have had rabies in a transmittable state on the day of infliction of said bite. Non-immunized animals shall be, at the owner's expense, vaccinated for rabies before release to owner.

6.04.070 Animals Possibly Exposed to Rabies.

Any animal of a species subject to rabies which has been bitten by a known rabid animal or bat, or which has been in intimate contact with such an animal, shall be isolated, at the owner's expense if owned, in strict confinement in a place and manner approved by the department or public health officer and observed by a licensed veterinarian for a period of four (4) months or destroyed. Notwithstanding the foregoing, the following alternative is permitted in case of dogs and cats. If the dog or cat has been vaccinated against rabies at least thirty (30) days prior to the suspected exposure with a type of vaccine produced under U.S.D.A. license and within the time period approved by the State veterinarian, the dog or cat may be re-vaccinated in a manner prescribed by the department or the health department and isolated in strict confinement in a place and manner approved by the department or public health officer and observed by a licensed veterinarian for a period of thirty (30) days.

**CHAPTER 6.05
REGULATIONS GOVERNING THE KEEPING
OF LIVESTOCK**

Sections:

- 6.05.010 Pre-Existing Rights.**
- 6.05.020 Allowable Nonconforming Livestock Permitted.**
- 6.05.030 Issuance of Non-Conforming Animal Permit.**
- 6.05.040 Revocation.**
- 6.06.050 Information Required For a Nonconforming Livestock Permit.**
- 6.05.060 Conformance With Subdivision Regulations.**
- 6.05.070 Penalty For Violation.**
- 6.05.010 Pre-Existing Rights.**

If at the time of the adoption of the Payson City Zoning ordinance of 1968, or any subsequent amendments thereto, a property owner legally maintained animals on a parcel of land within the City, that right shall be continued if the property owner has registered said right with the Payson City Recorder's Office and subject to the following provisions:

1. At least fifteen (15) consecutive days of any given calendar year animals are maintained on the property, and
2. That the number of animals has not increased nor

the species changed from what was there at the time that the right was established, the first day of April 1968, and

3. That the property has not been made part of a platted subdivision, nor has been divided pursuant to *10-9-103(q) U.C.A. and Section 20.20* Payson Municipal Code.

6.05.020 Allowable Nonconforming Livestock Permitted.

From the effective date of this ordinance there is established a Nonconforming Livestock Permit which may be issued to property owners wishing to maintain livestock on property that does not have a pre-existing right to maintain animals. Said permit is not transferable through the sale of the property. The issuance of said permit is subject to the following provisions:

1. No swine or male goats or stud horses will be permitted.
2. No animals will be permitted, pursuant to this Section, in any of the Commercial or Professional Zones.
3. The issuance of this permit does not grant permission for the building of any permanent structure connected with the housing of animals.
4. Animals must be kept within a permanently established fence with posts embedded in the ground. Temporary fencing will not meet this requirement.
5. The area where the animals are kept must be kept clean, free of objectionable odor, free of excessive numbers of flies, free of excessive accumulations of manure, and must not violate any City or State law regarding nuisance.
6. Each applicant for this permit must obtain signed permission to keep animals on the subject property from each contiguous property owner before a permit will be issued. Once the signed permission is granted it will be considered valid until the conditional use permit is either vacated or revoked under the terms of this ordinance.
7. There must be a minimum of 1/2 acre, excluding the residential dwelling and yard.
8. Two animal units may be kept on the initial 1/2 acre. For each subsequent 1/4 acre an additional animal unit shall be allowed. An animal unit shall be defined as follows:
 - a) one horse and one foal – (6 months of age or younger)
 - b) one cow and one calf - (6 months of age or

younger)

c) three sheep

d) three female goats

9. The issuance of a Nonconforming Livestock Permit is not an absolute right. It is therefore subject to biennial review and renewal, and may be denied at anytime without prejudice.

10. The property to be used for keeping animals must be under one (1) ownership as recorded with the County Recorder, i.e.; several properties may not be fenced to create one pasture.

11. No livestock may be kept within 100 feet of any dwelling unit.

6.05.030 Issuance of Non-Conforming Animal Permit.

For those persons and property not eligible for consideration under 6.05.010 there is the possibility of receiving a Nonconforming Livestock Permit. All of the conditions of Section 6-05-020 must be met before a Nonconforming Livestock Permit may be considered. These permits expire December 31 of each even numbered year. A permit may be obtained at any time during the year but there must be a valid permit issued prior to any animals being kept on the property.

6.05.040 Revocation.

A non-conforming livestock permit may be revoked at any time if a warning citation is issued pursuant to this ordinance and the problem cited is not corrected within 15 days.

6.05.050 Information Required for a Non-Conforming Livestock Permit.

For both the Pre-existing Animal Right and the Nonconforming Livestock Permit the following information must be filed with the office of City Recorder, Payson City:

1. The name of the property owner.
2. The mailing address of the owner.
3. If the property is being rented then the name and address of the renter must be included.
4. The street address of the property being registered.
5. The legal description of the property being registered
6. The number and species of animal (s) being registered

A fee per animal unit will be charged for biennial registration of a Nonconforming Livestock Permit, as set forth by the City Council by resolution. Fees will not be prorated.

6.05.060 **Conformance With Subdivision Regulations.**

1. Nothing herein shall be construed to allow the division of property into two or more lots without compliance with the provisions of the Payson Subdivision Ordinance.
2. All subdivision requirements pertaining to improvements will be strictly enforced pursuant to Title 20 Payson Municipal Code.

6.05.070 **Penalty for Violation.**

Any one violating any of the provisions of this ordinance shall be deemed guilty of a class C misdemeanor. Each day that said violation is permitted to continue will be considered a separate offense.