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1.1 Purpose

All persons having custody of animals in Huntsville Town shall exercise proper care and control of his/her animals in order to prevent them from becoming a public safety hazard or nuisance. There are no specific quantity limitations set for animals except for dogs and cats, however, even one animal not properly maintained can be a public safety hazard or nuisance. It is the responsibility of the owner to avoid such circumstances.

1.2 Definitions

As used in this title, the following terms apply:

Animal - any and all types of livestock, fowl, dogs, cats, and all other subhuman creatures, both domestic and wild, male and female, singular and plural.

Animal Boarding Establishment – any establishment that takes in animals and boards them for profit. ¹This definition is inclusive of a kennel, cattery, or related establishment where it exceeds the permissible number allowed by town/county ordinance of dogs or cats boarded, bred, bought, sold, adopted, or donated.

Animal Control Officer - any person designated by Huntsville Town as a law enforcement officer to perform the duties as described in this title.

Animal Grooming Parlor – any establishment maintained for the purpose of offering cosmetological services for animals at a profit.

Animal Shelter – any facility owned and operated by a government entity or any animal welfare organization which is incorporated within the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other domestic animals.

Animals at Large – an animal shall be considered to be “at large” when it is off the owner’s property and not under immediate control, by means of a durable restraint device, capable of keeping the animal restrained,; or an animal that is on the property of the owner and not securely confined by a leash, building, fenced area, or appropriate transport device.

Bite – any actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.

Cat - a domestic feline, either male or female.

Cattery – an establishment for boarding, breeding, buying, grooming, or selling cats (5 or more) for profit.

Cat Colonies – a group of two or more feral cats.

¹ Amended 6/20/2013: Added: “This definition is inclusive of a kennel, cattery, or related establishment where it exceeds the permissible number allowed by the Town ordinance of dogs or cats boarded, bred, bought, sold adopted, or donated.

Dangerous Animal – any animal that, according to the records of the Weber County Animal Control or Huntsville Town, that;

- A. Has inflicted serious injury on a human being, with or without provocation, on public or private property;
- B. Has killed a domestic animal, with or without provocation, while off the owner’s property;
- C. Has previously been found to be “potentially dangerous”, the owner having received notice of such, and it is witnessed and documented that the animal aggressively bites, attacks or endangers the safety of humans or domestic animals; or
- D. Causes an animal to be euthanized due to injury inflicted by said animal;²
- E. The animal is found to be in violation of any of the restrictions placed upon the animal, by Huntsville Town or the Animal Control Officer, pertaining to a potentially dangerous animal, as designated in this Title.

Dog – any Canis Familiaris over four (4) months of age. Any Canis Familiaris under four months of age is a puppy.

Domesticated Animals – animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, fowls, horses, swine, goats, sheep, mules, donkeys, llamas, and cattle.

Enclosure – “enclosure” as relates to dogs, means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering the vicious dog.

Estray – any livestock, found running at large, whose owner cannot be found after a reasonable search.

Euthanasia - humane death.

Feral Cats – cats that exist in a wild state and determined not to have an owner and have reverted to a wild state.

Government Working Dog – a dog trained to assist officials of government agencies in law enforcement exercises.

Guard Dog – A working dog that must be kept in a fenced run or other suitable enclosure during business hours, and on a leash or under absolute control while working so that it cannot come into contact with the public.

Guide Dog – A dog trained and certified by a nationally recognized training establishment to assist physically handicapped persons. Examples include, but are not limited to, “hearing-impaired”, “mobility-limited”, and “seeing-eye” dogs.

Harboring - the act of keeping a lost or stray animal.

Holding Facility – Any pet shop, kennel, cattery, groomer(y), animal shelter, humane establishment, or any other such facility used for holding animals.

Humane Treatment - the act or manner of treating an animal with compassion and consideration and protecting an animal from dangers, mistreatment or abuse.

Impounded Animal – any animal taken into custody by the animal control department.

Kennel - the land or buildings used in the keeping of four (4) or more dogs, four (4) months or older.

Leash or Lead - any chain, rope or device used to restrain an animal that does not endanger or harm its physical well-being.

² Amended 6/20/2013: Added Sentence D. Causes an animal to be euthanized due to injury inflicted by said animal.

Licensed Dog – a dog wearing its current dog license tag.

Livestock – any normally domesticated animal that is not a cat, or dog, such as cattle, sheep, goats, pigs, mules, burros, horses, geese, ducks, turkeys, llamas, etc.

Neutered Animal – an animal have had the testicles removed; a castrated animal.

Owner - any person who is either the legal owner, keeper, possessor, or the actual custodian of 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.

Pet – any domesticated animal kept for pleasure rather than utility, including but not limited to birds, cats, dogs, fish, hamsters, mice, and their animals associated with man’s environment.

Pet Shops – any establishment containing cages or exhibition pens, not part of the kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

Potentially Dangerous Animal – any animal that, with or without provocation, chases or approaches a person upon the streets, sidewalks, or any public grounds, in a threatening or menacing fashion, or apparent attitude of attack, or any animal with a known propensity, tendency or disposition to attack with or without provocation. In addition a potentially dangerous animal is any animal, that because of witnessed and documented action, is believed capable of causing injury, or otherwise posing a threat to the safety of humans or domestic animals (see also “vicious animal”).

Protective Custody - having been received into the care of Weber County Animal Control and welfare or any authorized agent or representative thereof.

Public Nuisance Animal - any animal which violates the provisions of this Title as defined or the title on Nuisance generally and:

- A. Causes damage to the property of anyone other than its owner;
- B. Causes unreasonable odors;
- C. Causes unsanitary conditions, either for the animal(s) or person(s) living nearby;
- D. Is a potentially dangerous or vicious animal as defined herein;
- E. Every dog or animal which by barking, howling or making other noises disturbs or disrupts the peace and quiet of more than three persons, or in the case of disturbing one or more persons is documented by an Animal Control or Huntsville Town Law Enforcement Officer on at least three separate occasions or for an extended period of time;
- F. Regularly chases vehicles;
- G. Regularly chases other animals.

Quarantine - 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 it is not subject to contact with other animals or unauthorized persons.

Restraint Device – any chain, leash, cord, rope, or other device used to physically restrain an animal.

Riding School or Stable – an establishment, person, or business which offers boarding and/or riding instruction of any horse or other riding animal or which offers such animal for hire.

Spayed – having had the ovaries and uterus removed or extirpated; an ovariectomy.

Stray – any animal, found running at large, whose owner cannot be found after a reasonable search.

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

Veterinary hospital - any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Vicious animal - any animal which is dangerously aggressive, demonstrates a propensity to natural fierceness, or disposition of mischief such as might lead to the attack of humans without provocation and includes, but is not limited to, any animal which has:

- A. Bitten or in any other manner attacked or endangered the safety of persons, other animals or property.
- B. Inflicted severe injury on a human being, with or without provocation, on public or private property.
- C. Seriously injured or killed a domestic animal, with or without provocation, while off the animal owner's property.
- D. Previously found to be dangerous, the owner having received notice of such, and the animal again bites, attacks or endangers the safety of humans or domestic animals, or it is witnessed and documented that the animal is in violation of restrictions placed upon it, as a potentially dangerous or dangerous animal as defined in this Title.

Wild Animal - any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, or property if not kept, maintained or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:

- A. Alligators, caiman and crocodiles;
- B. Bears: all bears including grizzly bears, brown bears, black bears, etc.;
- C. Cat family: all except the commonly accepted domestic cats, and including cheetah, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, wildcats, etc.;
- D. Dog family: all except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, wild dingo, etc. Any dog cross bred with a wild animal, as described herein, shall be considered to be a wild animal.
- E. Porcupines;
- F. Primates: all subhuman primates;
- G. Raccoons: all raccoons including the eastern raccoon, desert raccoon, ring-tailed cat, etc.;
- H. Skunks;
- I. Venomous fish and piranha;
- J. Venomous snakes and lizards;
- K. The weasel family: all including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink, mongoose, etc.

- L. Despite the restrictions stated above, there shall be an exception granted to persons raising wild animal for their pelts and for commercial purposes.
- M. Foxes, coyotes.

1.3 Administration

1.3.1 Animal Control Department Created

The Weber County Commission has created the Weber County Animal Care and Control Department for the purpose of resolving animal related disputes in the unincorporated areas of Weber County, and by contract with participating cities within the boundaries of Weber County. Huntsville Town shall establish by contract or inter-local agreement with Weber County to provide animal control services, herein represented as the Animal Control Department.

1.3.2 Power and Authority of Animal Control Officers

Any person employed by the Animal Control Department as an Animal Control Officer shall take the oath of office and shall be vested with the power and authority to enforce this Title.

The Animal Control Officers or assistants are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this Title, and all other duties prescribed in the enforcement of this Title.

1.3.3 Interfering with Officers Prohibited

It is unlawful for any person to knowingly and intentionally interfere with any Animal Control Officer in the lawful discharge of his/her duties as prescribed in this Title.

1.3.4 Animal Shelter Provided

Huntsville Town shall provide or contract for suitable premises and facilities to be used as an Animal Control Shelter wherein impounded animals can be adequately kept, including adequate food for all impounded animals.

1.4 Licensing/Regulatory Permits

1.4.1 Licensing and Registration of Dogs

It shall be unlawful for any person to own, keep, harbor, or maintain a dog over the age of four (4) months of age, without registering and obtaining a license for such dogs from the Animal Control Department or authorized vendor. All dogs brought into Huntsville Town shall require registering and licensing within thirty (30) days after they enter Huntsville Town, or within thirty (30) days after having reached the age of four (4) months. The annual fee for all dog licenses shall be from time to time set by the Animal Control Department. For any dog not registered within thirty (30) days after having been brought into Huntsville Town, or within thirty (30) days of being four (4) months old, the owner thereof will be required to pay an additional license “late fee” which shall be set from time to time by the Animal Control Department. No dog shall be licensed as spayed or neutered without proof that the surgery has been performed.

Proof that the dog has a current rabies inoculation shall be presented at the time the license is applied for. Proof must be in writing and must include the licensed veterinarian who administered the vaccine.

1.4.2 Exemptions for Licensing

The Provisions of section 1.4.1 of this Title shall not apply to the following:

- A. Persons 65 years of age or older may obtain a dog license for a spayed or neutered dog for a reduced fee. This shall be known as a “Senior Citizen License”.

- B. Licensed dogs, whose owners are non-residents, temporarily (up to thirty (30) days) within Huntsville Town, provided, however, that licensed dogs whose owners remain within Huntsville Town longer than thirty (30) days may transfer a current license from another county to the Animal Control Department upon payment of a ‘transfer fee’ and proof of current rabies vaccination.
- C. Individual dogs within a properly licensed kennel or other such establishment.
- D. “Seeing Eye “ dogs properly trained to assist blind persons if such dogs are actually being used by the blind person to assist them in moving from place to place, or “Seeing eye” dogs registered in a recognized training program.
- E. “Hearing” dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.
- F. Dogs especially trained to assist officials of governmental agencies in the performance of their duties, and which are owned or maintained by such agencies.

Notwithstanding the foregoing, nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination every two and/or three (3) years.

1.4.3 Tag and Collar Required

Upon payment of the license fee, there shall be issued to the owner, a metallic tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In the event a dog tag is lost or destroyed, a duplicate will be issued by the Animal Control Department upon presentation of a receipt showing payment of the license fee for the current year, and payment of a duplicate tag fee. The license shall not be transferable from one dog to another and no refunds shall be made on any dog license for any reason whatsoever.

1.4.4 Removal of Tag Unlawful

It shall be unlawful to deprive a registered dog of its collar and or its tags.

1.4.5 Kennel License

It shall be unlawful for any person to operate or maintain a kennel, as described in section 1.2 of this Title without first obtaining a “Kennel License” from the Animal Control Department, which license shall be in addition to all other required zoning and health inspections and permits as required by Huntsville Town, Weber County or State Law. All applications for permits to operate a kennel shall be submitted, together with the required permit fee, on a printed form provided by the Animal Control Department. Animal owners making application for a Kennel License shall first seek approval from the Huntsville Town Council, and an inspection approval from the Weber-Morgan County Health Department. Upon approval of the Huntsville Town Council and notification from the Weber-Morgan County Health Department that the kennel facility has been inspected and approved, Huntsville Town Animal Control personnel will perform an additional and final inspection, and upon approval, the Animal Control Department will issue a Kennel License. Kennel Licenses shall also be valid for one year from the date of purchase. No kennel license shall be issued in violation of Huntsville Town zoning regulations.

1.4.6 Number of Cats, Dogs per Residence

No person or persons, at any one residence, shall at any time own, harbor, license or maintain more than five (5) cats and/or three (3) dogs, except as authorized by section 1.4.5 of this Title.

1.4.7 Display of Permit

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

Department within thirty (30) days of any change of its establishment, or operation which may affect the status of the permit. In the event of a change in ownership of the establishment, the permittee shall notify the Animal Control Department, immediately. Permits shall not be transferable from one owner to another.

1.4.8 Renewal of Permit

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

1.4.9 Exemptions

Research facilities, where bona fide medical or related research is conducted, human shelters and other animal establishments, operated by state or local government, or which are licensed by federal law, are excluded from the licensing requirements of this Title.

1.4.10 Inspections

All establishments required to obtain a permit under this ordinance shall be subject to periodic inspections, and the inspector shall make a report of such inspection with a copy to be filed with the Animal Control Department.

1.4.11 Suspension or Revocation of Permit

- A. Grounds: A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds.
1. Falsification of the facts in a permit application.
 2. Violation of any of the provisions of this ordinance or any other regulation governing the establishment, including noise, building and zoning ordinances, or maintaining or selling illegal species.
 3. Conviction of a charge of cruelty to animals under state or local codes.
- B. Procedure: If an inspection of any facility operating with a Kennel permit reveals a violation of this Title, the inspector shall notify the permit holder or operator of such violation by means of an inspection report from, or other written notice. The notification shall:
1. Set forth the specific violation found.
 2. Establish a specific and reasonable period of time for the correction of the violation(s) found.
 3. State that any failure to comply with any notice issued in accordance with the provisions of this ordinance shall result in immediate suspension of the permit.
 4. State that an opportunity for an appeal from any notice of inspection finding shall be provided if a written request for hearing is filed with the Animal Control Department within five (5) days of date of notice.

Upon request of a hearing, a minimum of five (5) days notice shall be given to the permittee advising him of the date and time of such hearing and listing the cause or causes for such suspension or revocation.

No new permit shall be issued to any person whose permit has been previously revoked except upon application for a new permit, accompanied by the required application fee and proof that all requirements of this Title have been met.

Any permit granted under this Title may be suspended or revoked by the Animal Control Department for violations listed in this chapter.

1.4.12 Notice Served

Notice provided for under this Title shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge of the kennel or cattery or such notice has been sent by certified mail to the last known address of the permit or license holder. A copy of such notice shall be filed with Animal Control Department.

1.5 Prohibited Acts

1.5.1 Nuisance Animal

All persons having custody of animals shall exercise proper care and control of his/her animal(s) in order to prevent them from becoming a nuisance.

An animal shall be deemed to be a Nuisance if the animal:

- A. Causes damage to the property of anyone other than its owner.
- B. Causes unreasonable odors.
- C. Causes unsanitary conditions.
- D. Barks, whines, howls, or makes other disturbing noises for an extended period of time.
- E. Chases vehicles.
- F. Is an animal that has been impounded for being at large, or its owner or possessor has been convicted for the animal being at large on three separate occasions within a twelve-month period.
- G. Is an animal previously declared potentially dangerous or dangerous and is found in violation of restrictions placed on that animal by the Animal Control Department.

1.5.2 Abatement of Nuisance Animals

When it reasonably appears to the Animal Control Officer that any animal(s) is (are) a nuisance as defined in this chapter, and that such nuisance should be abated, the Officer shall first attempt to obtain the written consent of the animals' owner to abate the animal(s). Abatement shall be defined to include either relocating or euthanizing the animal. If the animal owner's consent cannot be readily obtained, the Animal Control Officer may file a complaint with the governing court charging the maintenance of a nuisance animal(s). The charge shall set forth the facts according to the best of the Animal Control Officers information and belief, indicating that the owner is maintaining a nuisance, and the nuisance should be abated. Until such time as the owner may appear before the court, the animal(s) may be taken into impound by the Animal Control Department and held there pending a decision by the court. If the complaint is denied, a hearing will be set pursuant to the normal procedure of the court. If the court finds that the complaint of maintaining a nuisance has been proven, the Animal Control Department will seek an order from the court setting out the method of abatement. Abatement by relocation shall not be an option if the animal(s) is a continuing threat of serious harm, such as a vicious dog. If relocation is ordered, the court may set whatever conditions are necessary to guarantee that the said animal(s) shall not constitute a nuisance in the future.

In the event the court determines that the animal(s) is a nuisance, the owner shall pay the cost of all impoundment fees, maintenance fees, or any other fee that may incur as a result of such impoundment.

1.5.3 Control and Fencing

It is unlawful for any person owning or having the custody, possession or control of any livestock to allow, either negligently or with specific intent, the livestock to run at large in or about a public property or roadway, where such is not permitted by law, or appropriately marked to otherwise permit the animal to be herded, pastured, or to go upon the land of another without permission.

All fencing of property where livestock are 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 circumstances, may be broken, damaged or in any way create the possibility of injury to the confined livestock or to allow the escape thereof.

It is unlawful for any owner to keep or maintain any barn, stable, shed, corral, or hive in which are kept horses, cows, poultry, domestic animals or bees within 20 feet of any neighboring dwelling house. The area where such animals are kept shall not be allowed to collect manure or liquid discharges such that it results in an unclean or unsanitary condition.

Failure to properly confine any class of livestock shall constitute a violation of this section.

1.5.4 Female Dogs/Cats in Heat

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

1.5.5 Possession of a Potentially Dangerous Animal

Any person who owns or maintains a potentially dangerous animal shall use all reasonable means at his or her disposal to restrict a potentially dangerous animal from injuring any other person or animal. The Animal Control Department may from time to time impose specific restrictions regarding the housing of potentially dangerous animals.

1.5.6 Possession of Dangerous Animals

Any dangerous animal, while on the owner's property, must be securely confined indoors, or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure for a dangerous animal shall have secure sides and top and shall also provide protection from the elements for the animal. The structure shall be such that the animal cannot burrow or dig under the sides of the enclosure.

Dangerous animals, when outside the proper enclosure, must be under immediate control of a responsible adult by means of a restraint device and muzzled. The muzzle shall be made in such a manner that it will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any person or animal.

The Animal Control Officer or his authorized agents may take into immediate possession any Dangerous Animal if the officer determines that the animal is:

- A. Not maintained in a proper enclosure.
- B. Is outside of the dwelling of the owner, or outside of a proper enclosure and not under physical restraint of the person, or,
- C. If there are any further violations of any legal restrictions previously placed on such animal by Huntsville Town Animal Control Department as provided in this ordinance.

1.5.7 Failure to Properly Confine Potentially Dangerous Animal

Any owner of any potentially dangerous or dangerous animal who allows it to go at large or who fails to hold the same in the manner specified for such animal by the Animal Control Department is guilty of a misdemeanor.

1.5.8 Animals at Large Prohibited

It shall be unlawful for any animal, as defined herein, to be allowed, either negligently or with specific intent, to run at large, as defined in section 1.2 of this Title. 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, or while on the owner's private property, so long as such dogs are under the direct and effective sound or gesture control, and within sight of owners or such individuals noted above, to assure that such animals do not violate any provisions of this Title.

1.5.9 Allowing Domestic Fowl to Trespass Prohibited

It is unlawful for the owner of any domestic fowls such as turkeys, ducks, geese, chickens, peacocks or any other variety of fowl to permit such fowls to trespass or go upon the premises of another or to run at large on any public property or roadway. Fowls kept and maintained by public entities within the confines of public parks or aviaries are exempt, however such fowls shall not be allowed on public roadways.

1.5.10 Staking Animals Improperly on Enclosed Premises

It is unlawful for any person to chain, stake out or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property, or the person with whom he shares joint tenancy. No animals are to be staked along public roadway easements.

1.5.11 Animal Waste

The person having custody of an animal shall be responsible for the immediate removal of any waste deposited by his animal on any public walk, recreation area, or private property other than that belonging to the owner of the animal.

1.5.12 Wild Animals Prohibited

It shall be unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any wild animal as defined in this Title, except an animal shelter, zoological park, veterinarian hospital, humane society, shelter, bona fide laboratory, circus, sideshow, amusement show, or a facility for education or scientific purposes. In such cases, animals must be maintained by means of protective devices adequate to prevent such animals from escaping or injuring the public. Every facility controlling or maintaining such animal shall comply with all state and federal regulations regarding quarantine and vaccinations as directed for each species. All such wild animals or reptiles shall be kept under confinement on the premises of the owner and shall not be allowed to run at large, and shall be maintained on the premises or private property of the owner in such a manner as to not endanger the life or limb of any persons lawfully entering such premises.

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

1.5.13 Abandonment of Animals³

It shall be unlawful for any person to abandon an animal which belongs to them or a known other person by:

- a. Placing an animal in an unsafe or dangerous environment where the animal is separated from basic needs such as food, water, shelter, or necessary medical attention, for a period of longer than twenty four (24) hours; or
- b. Intentionally depositing, leaving, or dropping off any live animal in a public or private place; or
- c. Failing to reclaim an animal forty eight (48) hours beyond the time agreed upon with a kennel, grooming service, or veterinary hospital; or

³ Amended: 6/20/2013: Added Section 1.5.13: Abandonment of animals.

- d. Failure to reclaim and/or relinquish ownership of the animal forty eight (48) hours beyond the time agreed upon with an animal shelter.

1.6 Impoundment

1.6.1 Impoundment Authorized

The Animal Control Department shall place all animals which are taken into custody in a designated animal impound facility.

The following animals may be taken into custody and impounded as deemed necessary:

- A. Any animal being kept or maintained contrary to the provisions of this Title.
- B. Any animal running at large, with any reasonable means used to immobilize or capture such animal.
- C. Any animal which is by this Title required to be licensed and is not licensed; an animal not wearing a tag shall be presumed to be unlicensed for the purpose of this section.
- D. Sick or injured animals whose owner cannot be immediately located or whose owner requests impoundment and agrees to pay a reasonable fee for the services rendered.
- E. Any abandoned, neglected animal, whose safety may be threatened should the animal not be readily placed into protective custody.
- F. Animals which are not vaccinated for rabies in accordance with the requirements of this ordinance.
- G. Any animal needing to be held for quarantine.
- H. Any potentially dangerous or dangerous animal not properly confined as required by sections 1.5.5 and 1.5.6 of this Title.
- I. Any animal in the custody of any person or persons who are arrested or otherwise detained by any police officer.
- J. Any animal adopted/rescued from the animal shelter being kept or maintained contrary to the provisions of its adoption/rescue contract.⁴

1.6.2 Impoundment/Record Keeping Requirements

The impounding facility shall keep a record of each animal impounded, which includes the following.

- A. Complete description of the animal including any tag numbers.
- B. The manner and date of impound.
- C. The location of the pickup and identification number of the impounding officer.
- D. The manner and date of disposal.
- E. The name and address of the redeemer or purchaser.
- F. The name and address of any person relinquishing the animal.

⁴ Amended 6/20/2013: Added 1.6.1.J.

- G. All fees received.
- H. All expenses accruing during impoundment.

1.6.3 Redemption Requirements

- A. The owner of any impounded animal or his authorized representative may redeem such animal before disposition, provided he pays:
 - 1. The impound fees.
 - 2. The daily board charge.
 - 3. The Veterinary costs incurred during the impound period.
 - 4. License fee including appropriate rabies vaccination fee, if applicable.
 - 5. A transportation fee if transportation of an impounded animal by specialized equipment is required. “Specialized equipment” is that equipment, other than the usual patrol and operation vehicles of animal control, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers. This fee shall be determined by the Huntsville Town Council at a level which approximates the cost of utilizing the specialized equipment in the particular situation.
 - 6. Any other expenses incurred to impound an animal in accordance with state or local laws, including any reasonable restitution for property damage created by the animal, or that occurs as a result of the impoundment.
 - 7. Micro-chipping costs.⁵
- B. The Animal Shelter Facility Manager shall from time to time set impound fees and daily board charges for the impounding of animals. Such fees shall take into account the type of animal impounded.

1.6.4 Terms of Impoundment, Destruction and Disposal of Animals

- A. Animals shall be impounded for a minimum of three (3) working days before further disposition unless the animal is wearing a license tag or other identification, in which case it shall be held a minimum of five (5) working days. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility by the owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.
- B. All animals, except those quarantined or confined by court order, or those subject to section 4-25-4 Utah Code Annotated, which are held longer than the minimum impound period, and all animals voluntarily relinquished to the impound facility, may be destroyed or disposed of as the Animal Shelter Facility Manager shall direct. Any healthy dog or cat may be sold in compliance with the Weber County Animal Control Adoption Policy after payment of all applicable fees. Other small animals not included as livestock may also be sold as determined by the Animal Shelter Facility Manager. Disposition may include being placed for adoption, relinquished to an approved incorporated animal welfare organization, rescued by other resources approved by the Director or designee, euthanized, or relinquished for scientific or educational purposes as provided by law.⁶
- C. any healthy dog or cat placed into the adoption program may be adopted by a qualified applicant after completion of the adoption application and after agreeing to comply with the adoption contract. Any person adopting a dog or cat from the facility shall have the animal spayed or neutered by a licensed veterinarian within a reasonable time as determined by the Facility Manager or designee based on the age and health of the animal. Failure to provide written verification by a licensed veterinarian within the requested time shall be

⁵ Amended 6/20/2013: Added 1.6.3.7: Microchipping costs.

⁶ Amended 6/20/2013: Added last sentence to paragraph 1.6.4 B.

unlawful. No person adopting a dog or cat shall allow the adopted animal to be used for any experimental or research purposes or for breeding.⁷

- D. Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease, requiring medical attention may, at the discretion of the Animal Shelter Facility Manager, be released to the care of a Veterinarian with or without the consent of the owner.
- E. When in the judgment of the Animal Shelter Facility Manager, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to person or property, such animal may be destroyed without regard to any time limitation otherwise established in this Title, and without court order.
- F. The Animal Shelter Facility Manager or any of his agents may destroy an animal upon request of the owner. An appropriate fee shall be charged the owner for the destruction and any subsequent disposal of the carcass by the Animal Shelter.

1.6.5 Declaration and Disposal of Vicious Animals

If the Animal Shelter Facility Manager, or his assistants, or authorized agents determine, as a result of a witnessed incident, that an animal is dangerous or potentially dangerous, and finds that the animal is in violation of department vicious animal guidelines and the department deems it necessary for the safety of persons and/or animals in the community, the department may declare the animal to be a vicious animal. The Animal Control Department, including any officers or agents hereof, are hereby authorized to immediately take possession of the vicious animal and place the animal in a proper quarantine facility.

After placing the animal in the animal control facility, the Animal Shelter Facility Manager shall attempt to obtain the written consent of the animal's owner to destroy the animal in a humane manner. If the animal owner's consent cannot be readily obtained, the Animal Shelter Facility Manager shall file a complaint with the courts claiming that the animal is vicious and needs to be destroyed. If the court finds that the animal is vicious, then the Animal Control Department will seek an order from the Court allowing the Animal Control Department to destroy the animal in a humane manner.

In the event the court determines that the animal is a vicious animal, the owner shall pay the cost of all impoundments fees, or any other fees that may occur as a result of such impoundment.

1.6.6 Micro-Chipping of Animals⁸

Any animal adopted, rescued, or reclaimed from the animal shelter shall be implanted with an identification chip prior to leaving the shelter. The person/organization adopting, rescuing, or reclaiming the animal shall be responsible for the related fees. This fee shall be determined by the Weber County Commission from time to time and will take into account the cost of materials.

1.7 Rabies Control

1.7.1 Animal Rabies Vaccination Requirements

All dogs, cats or other animals susceptible to rabies for which a federally approved vaccine is available shall be vaccinated at four (4) months of age and again at fifteen (15) months of age by a licensed veterinarian or rabies clinic. Every dog shall be revaccinated every twenty-four and/or thirty-six (36) months and every cat revaccinated every twelve (12) months thereafter. Any unvaccinated dog or cat over four (4) months of age adopted or brought into the jurisdiction must likewise be vaccinated initially. Thereafter valid protection must be maintained.

⁷ Amended 6/20/2013: Added paragraph 1.6.4.C.

⁸ Amended 6/20/2013: Added section 1.6.6: Microchipping of animals

1.7.2 Exception for Transient Animals

The provisions of this Title with respect to vaccinations shall not apply to any animal owned by a person temporarily remaining within the jurisdiction for less than thirty days. Such animals shall be kept under strict supervision of the owner. It is unlawful to bring any animal into the jurisdiction which does not comply with the animal health laws and import regulations.

1.7.3 Vaccination Certification and Tags

- A. It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination, in duplicate, which includes the following information;
1. Owner's name and address
 2. Description of the animal
 3. Date of vaccination
 4. Rabies vaccination tag number
 5. Type of vaccine administered
 6. Manufacture's serial number of vaccine
- B. A copy of the certificate shall be distributed to the owner of the animal, and the original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this chapter.
- C. Additionally, a metal or durable plastic rabies vaccination tag, serially numbered shall be securely attached to the collar or harness of the animal. An animal not wearing such a tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this Title.

1.7.4 Impoundments of Animals Without Valid Vaccination Tags

- A. Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of a rabies vaccination and payment of all impoundment fees prior to release.
- B. Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within fourteen days (14) of release.
- C. Any animal not reclaimed within the prescribed period of time shall be disposed of pursuant to provisions of section 1.6.4.

1.7.5 Rabid Animal Report

Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies, or of an animal or person bitten by such a suspect animal, shall notify the Animal Control Department, or the State or local Health Department.

1.7.6 Quarantine and Disposition of Biting or Rabid Animal

- A. An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal affected with rabies, or that has been exposed to rabies shall be reported by the owner as set forth above, and shall immediately be confined in a secure place by the owner. The owner shall turn over the animal to the Animal Control Department agents upon demand.
- B. The owner of any animal of a species subject to rabies that has been bitten by another animal known to be capable of harboring the rabies virus, shall surrender the animal to an authorized Animal Control official upon demand.

- C. Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than ten (10) days by the Animal Control Department. The owner of the animal shall bear the cost of the confinement. The animal shelter shall be the normal place for such quarantine, but other arrangements, including confinement by the owner may be made by the Animal Control Department, if the animal has current Rabies Vaccinations at the time the bite is inflicted, or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Animal Control Department if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health or Animal Control Officer to make an inspection or examination of the animal during the period of quarantine. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately notify the Animal Control Department.

If at the end of (10) day period, an investigating officer of the Animal Control Department examines the animal and finds no sign of rabies, the animal may be released to the owner or, in the case of a stray, it shall be disposed of as provided in section 1.6.4.

D. Unvaccinated Bitten Animals

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

E. Vaccinated Bitten Animals

1. If the bitten or exposed animal is currently vaccinated, as prescribed herein, the animal shall be revaccinated within twenty-four (24) hours and quarantined for a period of thirty (30) days following revaccination; or
2. If the animal is not revaccinated within twenty-four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for 6 months.
3. The animal shall be destroyed if the owner does not comply with subparagraphs 1.7.6.E.1 or .2 of this Title regarding exposure by known rabid animals.

F. Removal of Quarantined Animals

It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Animal Shelter Facility Manager.

1.7.7 Duty to Report Bite

- A. Any person having knowledge of any individual or animal having been bitten, by an animal, of a species subject to rabies shall report the incident immediately to the Animal Control Department.
- B. The owner, of an animal, that bites a person and any person bitten by an animal, shall report the bite to the Animal Control Department within twenty-four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.
- C. To the extent this section does not conflict with Health Insurance Portability and Protection Act (HIPPA) provision a physician or other medical personnel, who renders professional treatment to a person bitten by an animal, the bite of which might cause rabies, shall report the fact that he has rendered professional treatment, to the Animal Control Department, within twenty-four (24) hours of his first professional attendance. He shall report the name, sex and address of the person bitten, as well as the type and location of the bite.

If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Animal Control Department.

- D. Any person treating an animal bitten, injured or mauled by another animal, shall report the incident to the Animal Control Department. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury, and the location of the incident.
- E. Any person not conforming with the requirements of this chapter shall be in violation of this Title.

1.8 Other Animal Control Laws

1.8.1 Cruelty to Animals

A person commits cruelty to animals when he:

- A. Causes one animal or fowl to fight with another.
- B. Intentionally or carelessly administers or applies any poisonous or toxic drug or any material injurious to tissues or organs to any animal or livestock, or procures or permits the same to be done, whether the animals be his own property or that of another. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin, in furtherance of public health, when applied in such a manner as to reasonably prohibit access to other animals.
- C. By intention or negligence or omission causes pain, suffering, terror or torment, or if intentionally or with negligence injures, mutilates, or causes disease or death to any animal or fowl.
- D. Administers, applies, procures or permits the administration or application of any trapping mechanism, other than a live capture trap or exposes such a trapping mechanism to animals or livestock, with the intent to harm or take the animal, whether the animal be his own property or that of another. All set live capture traps shall be checked and emptied daily. This provision shall not be interpreted so as to prohibit the use of trapping mechanisms by those licensed, with the State, and whose traps have owner identification permanently affixed to them.
- E. Neglects or fails to supply an animal under his/her control, custody or care with necessary space, shelter and protection from the elements.
- F. Raises, trains, purchases or sells any animal or fowl for fighting or harbors fowl for fighting purposes or which has the comb clipped or the spur altered or who is in possession of an artificial spur.
- G. Is present, as a spectator, at any animal contest wherein one animal or fowl is caused to fight with another, or rents any building, shed, room, yard, ground or premises for the purpose of holding such a contest between animals or knowingly suffers or permits the use of any building, shed, room, yard, ground or premises belonging to him or under his control for any of these purposes.
- H. Abandons an Animal
- I. Performs or causes to be performed any of the following operations.
 - 1. Inhumanely removes any portion of the beak of any bird, domestic or wild.
 - 2. Alters the gait or posture of any animal, by surgical, chemical, mechanical, or any other means, including soring.
 - 3. Crops or cuts the ears, removes an animal's claws or sterilizes a dog or cat and is not a licensed veterinarian.
 - 4. Inhumanely docks the tail of an animal or removes an animal's dewclaws.

- J. Sell, purchases, owns, or has custody of any animal or fowl that have been dyed, painted, or otherwise artificially colored.
- K. Offers chicks, duckling, goslings or their fowls for sale, raffles, offers as a prize, a premium, or an advertising device, or displays chicks, ducklings, goslings or other fowl to the public without providing and operating brooders or other heating devices that may be necessary to maintain the chicks, ducklings, goslings or other fowl in good health, and without keeping adequate food and water available to the birds at all times.
- L. Carries or causes to be carried any animal in a manner harmful to that animal. Suitable racks, cars, crates or cages in which such animals may stand, move freely or lie down during transportation, or while awaiting slaughter, must be provided.
- M. Leaves any animal confined in a vehicle unattended in excessively hot or cold weather.
- N. Continuously drives or works a horse or other animal to a point of observable strain, and denies the animal rest periods. Working animals shall be offered water periodically.
- O. Takes or kills any wild bird(s) or robs or destroys any nest containing eggs, or young of any bird in violation of the laws of the State of Utah.
- P. Inhumanely hobbles livestock or other animals.
- Q. Leaves any livestock species used for drought, driving or riding purposes on the street without protection from the weather and without food and water for a period of time that would endanger the health or safety of the animal.
- R. Recklessly rides or drives any horse or other livestock species on any street, highway or avenue within its jurisdiction.
- S. Induces or encourages an animal to perform through the use of chemical, mechanical, electrical or manual devices in a manner in which will cause, or is likely to cause physical injury or unnecessary suffering.
- T. Violates any other state law relating to cruelty of animals.

1.8.2 Defenses

- A. It is a defense to prosecution under this section that the conduct of the actor towards the animal was by a licensed veterinarian using an accepted veterinary practice or directly related to a bona fide experimentation for scientific research; provided, that the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose of scientific research involved.
- B. Any person may kill or disable any animal while it is attacking, chasing or harassing any domestic animal having a commercial value, or any species of hoofed protected wildlife, while attacking domestic fowls, or while such animal is being pursued thereafter.
- C. Any dog making a vicious and unprovoked attack on any person, except when the attack is in defense of the person, family or property of the dog's owner, may be killed by any person while it is making such an attack.

1.8.3 Injuries and Communicable Diseases

No person shall knowingly harbor or keep any animal with a serious injury, or afflicted with mange, ringworm, distemper, parvo, kennel cough, or any other contagious disease, unless such animal is being given adequate treatment to control or eliminate the disease.

1.8.4 Seizure of Animals

A person filing charges under this Title may seize or arrange to be seized an animal found in the keeping or custody of a person being charged, and which is being used or will be used as evidence in the case resulting from such charge. The person making said seizure shall cause such animal to be delivered immediately to the Animal Control Department, or when necessary to a veterinarian for treatment. It shall be the duty of that department to humanely hold such animal until further court order regarding its disposal. The perpetrator of any such act shall be responsible for the costs of impound, board, and any medical expenses incurred during the holding period of the animal.

1.8.5 Harboring of Lost or Stray Animals Prohibited

It is unlawful for any person to harbor or keep within this jurisdiction any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Weber County Animal Shelter within seventy-two (72) hours. An Animal Control Officer may take the animal into protective custody.

A person driving a vehicle shall immediately notify the Animal Control Department, and/or Weber Area Dispatch upon injuring, striking, maiming or running down any domestic animal. Emergency vehicles and school buses are exempted from the requirements of this section.

1.8.6 Places Prohibited to Animals

- A. It shall be unlawful for any person to take or permit any animals, excluding Hearing or Seeing Eye Dogs and service animals whether on a leash or in the arms of their owners, in any establishment or place of business where food or food products are sold or distributed, including but not limited to restaurants, grocery stores, meat markets, and fruit or vegetable stores.
- B. Dogs, whether on a leash, or not on a leash, shall be completely prohibited from school premises or posted picnic, park, pond, and play areas. This, however, shall not apply to guide dogs in the company of a blind or hearing impaired person, or trained dogs in the presence of their master, for the purpose of public education programs or law enforcement exercises.

1.9 Enforcement and Penalties

1.9.1 Power and Authority of Animal Control Officer

In the performance of their duties, the Animal Control Officer is hereby vested with the power and authority given by this Title within the office of the Animal Control Department. Badges of authority shall be issued by the Animal Shelter Facility Manager, officers having received and been sworn to the oath of office by the Huntsville Town Clerk.

1.9.2 Right of entry for enforcement and/or investigation⁹

In the enforcement of this title, all law enforcement officers, animal control officials, or employees of the health department are hereby authorized to enter onto the open premises or privately owned land of any person or entity to take possession of any animal or to investigate reports of vicious animals, cruelty cases, rabies and other contagious diseases, and to investigate violations of and enforce the provisions of this title. Law enforcement, animal control officials, and health department employees are prohibited from entering onto the curtilage of any residence of business without first obtaining a warrant or without exigent circumstances.

1.9.3 Penalties

Any person violating any provision of this Title shall be deemed guilty of a Class B or C Misdemeanor and shall be punished within the confines of that class as prescribed by the laws of the State of Utah. If any violation be continued, each day's violation shall be deemed a separate offense.

⁹ Amended 6/20/2013: Added Section 1.9.2: Right of entry for enforcement and/or investigation.

1.9.4 Applicability of Procedure for All Peace Officers

The foregoing provision of this Title shall govern all peace officers in issuing citations for violations of this Title, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for offense of like grade.

1.9.4 Repeal

Any titles or portions of titles previously adopted by Huntsville Town which are in conflict with the provisions of this Title, are hereby repealed.

1.10 Animal Control Department-Service Fees

The following fees shall be determined by the Animal Control Department and imposed by the Animal Control Officer for services rendered on behalf of Huntsville Town. These fees shall then be remitted to the Huntsville Town Clerk or Treasurer.

- A. Reclaim by owner of impounded animals.
 - 1. Dogs
 - a. First-time, license
 - b. First-time, unlicensed
 - c. Licensed, but not wearing tag
 - d. Additional times during twelve-month period
 - e. Boarding, daily fee
 - 2. Cats
 - a. Impound charge
- B. Charge to relinquish an owned dog or cat.
 - 1. Dog or litter of puppies
 - 2. Cat or litter of kittens
- C. Euthanasia request by owner with disposal.
 - 1. Dogs
 - 2. Cats
 - 3. Litters to four months of age
 - 4. One pup or kitten to four months of age
- D. Quarantined animals - charges to owner.
 - 1. Dogs
 - a. Stray
 - b. Owned
 - 2. Cats
- E. Reclaim of livestock by owner.
 - 1. Impound charge
 - 2. Boarding, daily fee

1.11 Wildlife Regulations¹⁰.

¹⁰ Title 1.11: Added on 4-16-2020

- A. Feeding, touching, teasing, molesting, or intentionally disturbing any wildlife on private or public lands, including but not limited to, deer, elk, moose, wild turkey, is prohibited except as provided in this section or otherwise by law.
- B. The following regulations apply:
 - 1. A property owner shall immediately remove any materials placed on their property by others in violation of this section.
 - 2. There shall be a presumption that the placement of fruit, grain, hay, vegetable, minerals, salt, or other food in aggregate volume of more than one-half gallon at a height of less than six (6) feet off the ground, or in any drop feeder, automatic feed, or similar device regardless of height, is for the purpose of feeding wildlife in violation of this section.
- C. This section does not apply to:
 - 1. Bona fide agriculture operations using sound agricultural practices.
 - 2. Domestic Animals.
 - 3. Naturally growing plants, gardens, residue maintained as a mulch pile, and bird feeders.
 - 4. Authorized hunting and trapping activities (also see Utah State Administrative Rules R651-614).
 - 5. Recreational feeding of wild songbirds, hummingbirds, or passerine birds in a manner that does not attract wildlife such as deer, elk, moose, or wild turkeys.
 - 6. Permitted or conditional land use permits granted by the Town involving wildlife.
 - 7. Public officials, employees, or authorized agents acting within the scope of their employment for public safety or wildlife management purposes.
- D. Each violation of this section is an Infraction subject to a fine not to exceed \$750.

This Animal Control Title shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 18 day of December 2007.

Mayor, James C. McKay

ATTEST

Dated this 18th day of December 2007.

Clerk/Recorder, Gail Ahlstrom

Vote of the Town Council	yea	nay
Council Member Gault	___	___
Council Member Sorenson	___	___
Council Member Stevenson	___	___
Council Member Truett	___	___
Mayor McKay	___	___