

TITLE 9. ANIMALS.

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Chapter 1. General Provisions.

9.1.010. Definitions.

1. "Animal at large" means any domesticated animal, whether or not licensed, not under restraint.
2. "Animal Control Officer" means any person or his designee employed by or contracted with the City of Saratoga Springs to provide animal control services within the city's boundaries.
3. "Animal Shelter" shall mean any lot, premises, or building maintained, authorized, contracted with or employed by the City for confinement or care or small domestic animals seized either under the provisions of this chapter or otherwise.
4. "Animal under restraint" means any animal under control of its owner or person having charge, care, custody, or control. Except that a dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or within the real property limits of the owner.
5. "Attack" means any biting or attempted biting or other action by an animal which places a person or another animal in danger of imminent bodily harm. Actual physical contact shall not be required to constitute an attack.
6. "Bite" means any actual puncture, tear, or abrasion of the skin, inflicted by the teeth of an animal.
7. "Dog" shall mean any male, neutered male, female, or spayed female dog of any age.
8. "Domesticated animal" means any animal accustomed to live in or about the habitation of man, including, but not limited to, cats, dogs, fowl, horses, swine, cattle, sheep and goats.
9. "Impounded" shall mean having been received into the custody of the Animal Control Officer.
10. "Licensed dog" means a dog wearing its current dog license as required by this chapter.
11. "Owner" means any person, firm, association or corporation who is either the legal owner, keeper, possessor, or the actual custodian of an animal.
12. "Public Nuisance" means any animal or animals which:
 - a. Causes damage to the property of anyone other than its owner;
 - b. Is a vicious animal as defined in this section and kept contrary to the provision of 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, building, or private property without the consent of the owner of such private property unless the person owning, having a proprietary interest in, having the care, charge, control, or custody of such animal shall remove any such defecation to a proper trash receptacle;

f. Barks, whines, howls or makes other disturbing noises in an excessive, continuous or untimely fashion;

g. Molests passersby or chases passing vehicles;

h. Attacks or bites any person or other domestic animal without reasonable provocation;

i. By virtue of the number maintained or the manner in which they are maintained are determined to be offensive or dangerous to the public health, welfare, or safety.

13. "Stray" means any animal running at large.

14. "Unlicensed dog" is defined and declared to mean a dog for which a license for the current year has not been paid, or for which the tag provided for within this chapter is not attached.

15. "Vicious animal" means:

a. An animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals, or

b. Which is trained or used as a fighting animal.

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

9.1.020. Duties of Animal Control Officer.

The Animal Control Officer shall perform the following duties:

1. Carry out and enforce the provisions of this chapter.

2. Take into his possession and impound all strays running at large and dispose of the same as provided for in this chapter.

3. Enforce the licensing of and control all animals as provided for in this chapter.

4. Issue citations against any person failing to comply with the provisions of this chapter.

5. Capture and secure all domestic animals found running at large and impound such animals.

6. Transport those animals duly committed to his charge or otherwise impounded to a good and sufficient animal shelter where said animals shall be maintained.

7. Enter or cause to be entered a description thereof in records kept for that purpose stating the kind of animal, the circumstances under which received or impounded, a sufficient description to provide for identification of the animal and such other information as required by the animal shelter receiving the animal.

9.1.030. Interference with Animal Control Officer Prohibited.

It shall be unlawful for any person to interfere, hinder or obstruct the Animal Control Officer or any of his authorized representatives in the discharge of their duties.

9.1.040. Fees - Services of Animal Control Officer.

The Animal Control Officer shall charge, and the owners of animals taken into his possession for impound disposal or otherwise duly committed to his charge shall pay, such fees and charges performed by the Animal Control Officer as the City Council shall establish from time to time by resolution. All fees received by the Animal Control Officer shall be paid over to the City Treasurer.

9.1.050. Dogs Running at Large Prohibited.

1. It shall be unlawful for the owner or keeper any dog to permit such dog to run at large.

2. It shall be unlawful for the owner of a dog to permit such dog to go upon the private property of any person without the permission of the owner or person entitled to possession of such private property.

3. The owner of any dog running at large shall be deemed in violation of this section regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running at large.

4. Any dog running at large in violation of the provisions of this section is hereby declared to be a public nuisance and a menace to the public health and safety, and the dog shall be taken up and impounded as provided herein.

9.1.060. Animals at Large.

No cattle, horses, mules, sheep, goats, swine or other domesticated animal shall be allowed to run at large or to be herded, picketed, or staked out upon any city street, sidewalk, or other public place within the limits of this City, and all such animals so found may be impounded. Nothing contained within this chapter shall be so construed as to prevent any person from driving cows, horses, mules or other animals from outside the City limits to any enclosure within the City limits or from any enclosure in the City to a place outside the City or from one enclosure to another within the limits of the City.

9.1.070. Abandonment.

It shall be unlawful for any person to abandon or turn out at large any sick, diseased, or disabled animal, but such animal shall, when rendered useless by reason of sickness or other disability, be killed by the owner and its carcass disposed of in such a manner as not to create a nuisance or hazard to health.

9.1.080. Trespassing Animals and Fowl.

It shall be unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another. A violation of this provision shall be separate and in addition to any other violation set forth in this chapter.

9.1.090. Killing or Poisoning Prohibited.

Except as otherwise provided herein, it shall be unlawful for any person willfully to kill any domestic animal or to willfully administer poison to any such animal.

9.1.100. Attack 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 (a) of this Section shall be strictly liable for violation of this Section. In addition to being subject to prosecution under Subsection (a), 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.

9.1.110. Dead Animals.

The owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal within ten (10) hours after his death, provided that no horse, cow, ox, or other animal shall be buried within the closely-inhabited portions of this City. A violation of this section is a Class C misdemeanor.

9.1.120. Diseased Animals.

A person shall not bring into the City for sale, or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease. A violation of this section is a Class C misdemeanor.

9.1.130. Rabies Vaccination.

1. Every owner of any dog over the age of three (3) months within the City shall have the dog vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate showing proof of the rabies vaccination, and attach to the collar or harness of the dog, a tag showing the vaccination was provided.

2. It shall be unlawful for the owner of any dog to suffer, allow, or permit any dog to be or go upon any sidewalk, street, alley, public place, or square within the City without first having had such dog vaccinated as required in Subsection (1) and every two years against rabies, and without there being attached to said dog a collar or harness with a tag thereon indicating the dog has so been vaccinated. A violation of this section is a Class C misdemeanor.

9.1.140. Reporting and Quarantine of Rabid Animals.

1. Anyone having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the fact immediately to the Animal Control Officer. The Animal Control Officer shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal.

2. Any dog or other animal of a species subject to rabies which is known to have bitten or injured any person so as to cause an abrasion of the skin shall be placed in confinement under observation of a veterinary hospital or animal shelter and shall not be killed or released until 14 days after the biting or injury has occurred in order to determine whether or not the animal has rabies. If the animal dies or has been killed, its head shall be removed and immediately taken to the State Health Laboratory to be examined for rabies.

3. Any animal of a species subject to rabies which has been bitten by a known rabid animal or has been in intimate contact with a rabid animal shall be isolated in a suitable place approved by the Animal Control Officer for a period of 120 days or destroyed.

9.1.150. Dogs Which Disturb Neighborhood.

No person shall own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, yelping, or by noxious or offensive odors shall annoy, disturb or endanger the health or welfare of any person or neighborhood. A violation of this Section shall be a Class B misdemeanor and such is hereby declared a public nuisance, and each day the violation is permitted to exist or continue shall constitute a separate offense. This Section shall not apply to the City animal shelter, veterinary hospitals or medical laboratories.

9.1.160. Vicious Animals.

1. It shall be unlawful for any person to own or possess a vicious animal within the City. Whenever a prosecution for this offense is commenced under this section, the animal so involved may not be redeemed, pursuant to the provisions of this part, while awaiting a final decision the court as to the disposition to be made of such animal.

2. Upon a matter before the court under this Section, the court may, upon conviction and in addition to any sentence or sanction, order the Animal Control Officer or other authorized personnel of the City to put the animal to death or may order such other disposition of the animal as will protect the inhabitants of the City.

9.1.170. Public Nuisance.

The introduction, possession or maintenance of any animal, or the allowing of an animal to be in contravention of this Chapter is, in addition to being a misdemeanor, hereby declared to be public nuisance. A peace officer, the Animal Control Officer or their designee are hereby authorized, directed and empowered to summarily abate any such nuisance by any means reasonably necessary, including but not limited to the destruction of the animal or animals involved.

9.1.180. Number of Animals.

It shall be unlawful for any person to have charge, care or custody of more than three (3) dogs. It shall be unlawful for any person to have charge, care or custody of more than four (4) cats.

9.1.190. Revocation of License.

If the owner of any dog is convicted of a violation of this Title on two or more different occasions during any consecutive twelve month period involving the same dog, the license of the dog involved shall be revoked. The animal control officer or authorized police officer shall immediately impound and pick up any dog whose license has been revoked. Any dog impounded following revocation of its license shall be dealt with in accordance with the provisions of City ordinances for impounded animals except that under no conditions shall the animal be allowed back into the City.

9.1.200. Cruelty to Animals.

1. A person is guilty of cruelty to animals if the person intentionally, knowingly, recklessly or with criminal negligence:

- a. Fails to provide necessary food, care, or shelter for an animal in his custody;
- b. Abandons an animal in the person's custody;
- c. Transports or confines an animal in a cruel manner;
- d. Injures an animal;
- e. Causes any animal, not including a dog, to fight with another animal of like kind for amusement or gain;
- f. Causes any animal, including a dog, to fight with a different kind of animal or creature for amusement or gain;

2. A violation of Subsection (1) is:

- a. A class B misdemeanor if committed intentionally or knowingly; and
- b. A class C misdemeanor if committed recklessly or with criminal negligence.

9.1.210. Penalty.

Unless otherwise indicated, a violation of any provision in this Title shall be a Class B misdemeanor.

Chapter 2. Licenses and Registration.

9.2.010. License and Registration Required.

1. Except as otherwise provided within this Chapter, it is unlawful for any person to keep, harbor or maintain any dog four (4) or more months old unless such dog has been registered and licensed in the manner herein provided. The owner or custodian of any dog shall obtain a license for the animal within thirty (30) days after the dog reaches four (4) months, or, in the case of a dog over four (4) months, within ten (10) days of the acquisition of the dog. Persons seeking dog licenses shall be eighteen (18) years of age or older.

2. License applications must be submitted annually to the City or to the Animal Shelter, utilizing a standard form that shall state the name, address, and telephone number of the applicant; the breed, sex, color and age of the animal; and a valid rabies vaccination certificate for the animal. The application shall be accompanied by the prescribed license fee and proof of a current rabies vaccination certificate.

3. A dog license shall be effective for a period of twelve (12) months from the date of purchase. A late fee shall be imposed unless a new license is purchased prior to the expiration of the license. Licenses for the following year may be purchased within ninety (90) days prior to the expiration day.

4. The City Council shall establish by resolution the amount of all fees required under this Chapter. The fees established by the City Council shall coincide with the fees established by the Animal Shelter. Upon receipt, the City shall remit all fees collected under this Chapter to the Animal Shelter.

5. Upon payment of the license fee, the City or Animal Shelter shall issue to the owner a certificate and a tag for each dog licensed. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate. The owner shall attach the tag to a collar or harness for the animal and see that the collar and the tag are constantly worn. Failure to attach the tag as provided shall constitute a violation of this Chapter, except that dogs that are kept for show purposes are exempt from wearing the collar and tag.

6. Dog tags shall not be transferable from one dog to another. No refunds shall be made on any dog license fee for any reason. Replacements for lost or destroyed tags shall be issued upon payment of a replacement fee to the City of the Animal Shelter.

7. No person shall remove or cause to be removed the collar, harness or tag from any licensed dog without the consent of the owner or custodian of the dog, except a licensed veterinarian or law enforcement officer who removes the tag for medical or other reasons.

8. The remittance of fees to the Animal Shelter and licensing provisions associated with said Animal Shelter shall apply only as long as the City contracts with an approved Animal Shelter.

Chapter 3. Impounding.

9.3.010. Animal Shelter.

The City Council may contract with an adjoining municipality or Utah County for the purpose of providing suitable premises and facilities to be used by the City as an animal shelter.

9.3.020. Impounding.

It shall be the duty of every law enforcement officer, Animal Control Officer or other designated official to apprehend any dog found running at large, not wearing a tag or which is in violation of this Chapter and to impound such dog in the animal shelter or other suitable place. The Animal Control Officer or his designee, upon receiving any dog shall make a complete registry, entering the breed, color, sex of such dog and whether the dog is licensed. If licensed, he shall enter the name and address of the owner and the number of the license.

9.3.030. Notice to Owners.

Upon receipt of a lost or stray animal bearing a current year's license tag, the Animal Control Officer shall immediately telephone or mail to the owner of record at the address indicated on the license form, a notice of the animal's location. Notice shall be deemed given when sent to the last known address of the listed owner.

9.3.040. Record of Impounded Animals.

The Animal Control Officer or his designee shall keep a record of each animal impounded by him, the date the animal was impounded and the date and manner of its disposal. If the animal was redeemed, reclaimed or sold, a record shall be made of the person receiving the animal, the amount of fees received or collected, together with the number of any tag and the date of any tag exhibited or issued upon the redemption or sale of such animal.

9.3.050. Redemption of Impounded Animals.

Any dog impounded as a licensed or unlicensed dog may be redeemed and taken from the animal shelter by

the owner or any authorized person upon exhibiting to the person having charge of the animal shelter a certificate of registration and licensing for the dog as required in this Chapter. The person redeeming any animal from the animal shelter shall pay an impound fee and any other charges for housing the animal as set by the animal shelter or adopted by the City Council. The Animal Control Shelter shall hold an impounded lost or stray dog or cat 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 Chapter if it was wearing a current year's license tag, so that the owner or custodian may claim it prior to other disposition. All impounded animals not redeemed within five (5) days shall be disposed of according to the rules and in a manner as adopted by the animal shelter.

9.3.060. Disposal of Unredeemed Animals.

The Animal Control Shelter may humanely dispose of, 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 to alleviate suffering or to protect other impounded animals from exposure to a contagious disease.