

# **LEEDS, UTAH**

## **ANIMAL CONTROL**

### **ORDINANCE**

#### **Ordinance Number 2008-10**

Adopted this 10<sup>th</sup> Day of December, 2008.

**This document is a complete revision of the Animal Control Ordinance dated December 12, 2007. All portions of the previous Ordinance are replaced by this Ordinance.**

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## **Ordinance Number 2008-10**

### **ANIMAL CONTROL**

An Ordinance of the Town Council of Leeds, Utah, adopting the Leeds Animal Control Ordinance, relating to all animals within the Town of Leeds.

In order to provide for the health, safety and general welfare of the citizens of Leeds, Utah, the Town Council is committed to establish an Animal Control Ordinance.

**WHEREAS**, the Town Council is authorized to adopt an Animal Control Ordinance; and

**WHEREAS**, the Town Council has discussed the changes to the Animal Control Ordinance over several meetings, having public input, and

**WHEREAS**, the Animal Control Ordinance may address issues, among others, related to the regulating and controlling of animals;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEEDS AS FOLLOWS:**

# **Animal Control Ordinance 2008-10**

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## **This Ordinance completely replaces Ordinance 2007-013.**

An ordinance of the Town of Leeds establishing the following as the Leeds Animal Control Ordinance within all Zoning Districts.

### **1. Definitions**

- 1.1. Unlicensed\_dog: Hereby defined and declared to mean a dog for which the license for the current year has not been paid, or to which the tag provided for in this part is not verified by records of the Clerk-Recorder for the Town of Leeds.
- 1.2. Owner: When applied to the proprietorship of an animal, shall mean any person, firm, association or corporation owning, keeping or harboring an animal.
- 1.3. The term 'at large': Intended to mean off the property of the owner and not under the control of the owner or member of the owners immediate family by leash, cord, chain, or fencing.
- 1.4. Impound: Shall mean the pickup of any animal, or taking into the control or possession of any animal by the Peace Officer and/or Animal Control Officer.
- 1.5. Small animals: Animals kept as pets or for family food production, or recreational purposes such as dogs, cats, rabbits and fowl.
- 1.6. Large animals: Animals kept as pets or for family food production or recreational purposes, such as horses, mules, donkeys, cattle, goats, sheep, pigs, alpaca, and llamas.
- 1.7. Exotic animals. All animals not listed under Small or Large animals

### **2. Enforcement Authority**

- 2.1. A Peace Officer and/or Animal Control Officer is authorized and empowered to apprehend and take with them and impound any animal found in violation of this chapter. This includes licensable dogs for which no license has been procured in accordance with this chapter, or any licensed or unlicensed dog(s) or animal(s) for any other violation thereof.
- 2.2. In the enforcement of this chapter, any Peace Officer and/or Animal Control Officer is authorized to enter onto open premises, excluding dwellings of any

person, to take possession of any animal in violation of this chapter. Any Peace Officer, Animal Control and/or official from the Humane Society, when in the company of a Peace Officer or Animal control Officer, when there is probable cause, may enter onto open premises to investigate any violation of this chapter.

- 2.3. A Peace Officer or Animal Control Officer is empowered to issue citations in regard to acts in violation of the chapter.

### **3. Interference with Officer Prohibited**

- 3.1. It shall be unlawful for any person, after verbal warning, intentionally to interfere with, molest, hinder or obstruct any Peace Officer or any Animal Control Officer in the lawful discharge of his duties as herein prescribed. Any person who does so, directly or indirectly, shall be guilty of a Class B misdemeanor.

### **4. Retaking Animal Unlawfully**

- 4.1. It shall be unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same under the provisions of this chapter, either by stealth, force, fraud, or to intercept or hinder any person lawfully taking up or attempting to take up such animal.

### **5. Violation**

- 5.1. Any violation of the provisions of this chapter either by failing to do those acts required herein or by doing any act prohibited herein shall be subject to verbal and/or written warning or citation.
- 5.2. Where possible upon a first offense, a warning shall be issued. A warning will be accompanied with a copy of the provision of the violated ordinance so as to provide an opportunity to become educated as to the requirements of the ordinance.
- 5.3. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Fines for violations of this chapter shall be imposed according to the court fee schedule.

### **6. Zoning Restrictions**

- 6.1. Animals may be kept within the Town of Leeds only in accordance with the Leeds Land Use and Subdivision Ordinance and the restrictions of each zone as specified in that ordinance.
- 6.2. Small animals may be kept based on the applicable zoning ordinance, and subject to the nuisance and vicious animal provisions of this Ordinance. Conditional use permits must be obtained where required by the zoning ordinance.

- 6.3. Large animals are permitted in zones as stated in the Leeds Land Use and Subdivision Ordinance that applies. Conditional use permits must be obtained where required by the zoning ordinance.

## **7. Abandonment**

- 7.1. It shall be unlawful for any person to abandon or turn out at large any sick, diseased, or disabled animal. Should an animal be rendered useless by reason of sickness or other disability, the animal may be put down by a veterinarian and its carcass disposed of in such manner as to create no nuisance or hazard to health.
- 7.2. It shall be unlawful to any person to abandon or cease caring for the needs of any pet or other animal which has been in that person's care or keeping.

## **8. Killing or Poisoning Prohibited**

- 8.1. It shall be unlawful for any person willfully to kill any domestic animal not belonging to him/her or to cruelly kill or administer poison to any animal or to expose any poisonous substance with the intent that it shall be taken by any such animal.

## **9. Unlawful Acts**

- 9.1. It shall be unlawful for any person to torture, cruelly beat, mutilate, overload, drive when overloaded, overwork, or needlessly kill, or carry to transport in any vehicle or other conveyance in a cruel or inhumane manner, any animal or cause any of these acts to be done.
- 9.2. It shall be unlawful for any person to fail to provide any animal in his charge or custody with necessary sustenance, drink, and protection from the elements, or cause any of these acts to be done.
- 9.3. It shall be unlawful for any person to maintain any place where fowls or any animals are used for sport or wager.
- 9.4. It shall be unlawful for any person to intentionally exhibit any stud, horse or bull or other animal indecently, for the purpose of providing entertainment or viewing to any person.
- 9.5. It shall be unlawful for any person under eighteen (18) years old to ride a stud horse on any public street or trail within the Town of Leeds.
- 9.6. It shall be unlawful for any person to maliciously provoke or tease any animal.

## **10. Lost or Stray Animals**

- 10.1. Whenever an animal is found which appears to be lost or strayed, it shall be the duty of the finder to notify the Peace Officer or Animal Control Officer within twenty-four hours.
- 10.2. A person may contact the Town of Leeds with the license tag number and a description of the 'found' dog. The Town official will contact the owner and inform them of the location of the animal.
- 10.3. Any animal turned over to the Peace Officer or Animal Control Officer will have a picture and identifying information about the animal placed on the public bulletin boards at the Town Hall and the Post Office. All efforts will be made by the Officials to locate the owner of the animal.
- 10.4. Any animals turned over to the Peace Officer may be impounded. The owner will be responsible for all impound fees and citations prior to recovery of the animal.

## **11. Impounding – Animals to Be Impounded**

- 11.1. Peace Officers or Animal Control Officers may place all animals which they take into custody in a designated animal impound facility. The following animals may be taken into custody and impounded by the Officer without filing of a complaint:
  - 11.2. Any animal being kept or maintained contrary to the provisions of this chapter;
  - 11.3. Any animal running at large contrary to the provisions of this chapter;
  - 11.4. Any animal which is by this chapter required to be licensed and is not licensed; any animal not wearing a tag shall be presumed to be unlicensed for purposes of this chapter;
  - 11.5. Any sick or injured animal whose owner cannot be located;
  - 11.6. Any abandoned animal;
  - 11.7. Animals which are not vaccinated for rabies in accordance with the requirements of this chapter;
  - 11.8. Any animal to be held for quarantine;
  - 11.9. Any vicious animal not properly confined;

- 11.10. Any animal not having proof of rabies which bites a person shall be impounded and quarantined for a period of not less than ten (10) days.

## **12. Impound Procedure**

- 12.1. Any animal impounded will be taken to a recognized animal control facility. Records will be kept, fees will be charged, and disposition of animals will be in accordance with the policies of that shelter. Animal owners shall be responsible for all fees charged by the impound facility as well as administrative fees charged by the Town.

## **13. Dog Licensing**

- 13.1. All dogs must be licensed each calendar year.
- 13.2. Within the R-R-20 zone or higher, up to 4 dogs may be licensed, per property.
- 13.3. Within the Residential Zone up to 3 dogs may be licensed, per property.
- 13.4. Any person owning, possessing or harboring any dog shall obtain a license for such animal within thirty (30) days after the dog reaches the age of six (6) months, or in the case of a dog over six (6) months, within five (5) business days of acquisition of the dog.
- 13.5. License application must be submitted annually to the Town of Leeds Business Office utilizing a standard form which requests name, address, telephone number of applicant, breed, sex, color, age of the dog, and rabies information. The application shall be accompanied by the prescribed license fee and by a valid rabies vaccination certificate. Rabies vaccination shall be current and given by a licensed veterinarian. A photo of the dog must accompany the application beginning in January of 2008.
- 13.6. License Fees and other animal control fees are set by resolution and may be changed from time to time by resolution.
- 13.7. The license shall be effective from the date of purchase through the end of December of the same calendar year. A renewal license must be purchased between January 1 and the animal licensing clinic, or January 31, whichever is later. After that date, a late fee shall be imposed, per the fee schedule.
- 13.8. Any person having over the allowed dogs within their zone shall constitute boarding. A Conditional Use Permit must be approved per the terms and conditions of the Zoning and Land Use Ordinance.
- 13.9. Any person who operated a Kennel for the purpose of boarding or caring for dogs outside of a Commercial Zone must have a business license to operate a kennel.

**14. Cats**

- 14.1. The owner or owners of any cat over the age of four (4) months within the Town shall have the cat vaccinated against rabies by a duly licensed veterinarian and shall secure a certificate.

**15. Weaner Pigs**

- 15.1. Weaner pigs shall be permitted in areas zoned for animals, per the Land Use Ordinance.
- 15.2. Setbacks for pens for weaner pigs shall be the same as required for other small animals.
- 15.3. All pens shall be cleaned regularly, a minimum of three (3) times a week.
- 15.4. No mud bogs shall be allowed in the pens. All pens shall have drainage to keep water from pooling within the pen.
- 15.5. Other conditions as may be imposed by the planning commission relative to specific sites and/or conditional use applications.

**16. Animals Running At Large**

- 16.1. It shall be unlawful for the owner or person having charge, care, custody or control of any animal (includes fowl), to allow such animals or at any time to run at large. It will be unlawful for the owner of any animal to permit such animal to go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property. Any animal at large shall be in violation of this section regardless of the precautions taken to prevent the escape of the animal and to prohibit it from running at large.

**17. Animals on Unenclosed Premises**

- 17.1. It shall be unlawful for any person to chain, stake out, or tether any dog, cattle, horse, sheep, goat or domestic fowl on any unenclosed premise 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.

**18. Female Dogs in Heat**

- 18.1. Any owner or person having charge, care, custody or control of any female dog in heat shall, in addition to restraining such dog from running at large, take care to confine the dog so as to prevent it from attracting by scent or coming into contact with other dogs except for planned breeding.

## **19. Dogs Attacking Persons and Animals**

- 19.1. Attacking dogs. It shall be 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, domestic animal or any species of hoofed, protected wildlife, or to attack domestic fowl.
- 19.2. Owner liability. The owner in violation of 19.1 of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under 19.1, the owner of such dog shall also be liable for damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.
- 19.3. Defenses. The following shall be considered in mitigating the penalties or damages or in dismissing the charge:
  - 19.3.1. That the dog was properly confined on the premises;
  - 19.3.2. That the dog was deliberately or maliciously provoked;
  - 19.3.3. That the dog was acting in defense of its owner.
- 19.4. Upon the trial of any offense under this section, the Court may upon conviction and in addition to the usual judgment of conviction, order the Officer or other authorized person of the municipality to put the dog to death or may order such other disposition of the dog as will protect the inhabitants and animals of the municipality.

## **20. Vicious Animals**

- 20.1. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal, so that it shall not injure any person or property is a hazard to public safety and the Peace Officer and/or Animal Control Officer shall seek a court order for destruction of the animal.
- 20.2. It shall be unlawful for any person to own a dog that bites a person or domestic animal without provocation, or to own a dog that has a known propensity to attack or bite human beings or domestic animals without provocation. (This shall not prohibit ownership of particular breeds of dogs, but is meant only to apply to individual dogs that have such a propensity.) After a dog bites a person or domestic animal, the Officer may impound the dog, at owner's expense, which may not be redeemed while awaiting final decision of the court as to the disposition to be made of the dog.

- 20.3. All animal bites must be reported to a Peace Officer and/or an Animal Control Officer. The officer will make record of all animal bites according to Police Procedure. If any animal attacks or bites a person or animal, such animal may be immediately impounded by the Peace Officer and/or Animal Control Officer without court order and held at owner's expense pending court action. Any such animal shall be deemed a vicious animal; or the Officer shall seek a court order for destruction of the animal. Parties owning such animals shall, if possible, be notified immediately of the animal's location by the Officer. This section shall not limit any other section in this chapter.
- 20.4. Upon the trial of any offense under this section, the court may upon conviction, order the Officer or other authorized person to put the dog to death or may order such other disposition of the dog as will protect the inhabitants of the town.

## **21. Nuisance Animals**

21.1. Any owner or person having charge, custody or control of or caring for or feeding an animal or animals causing a nuisance as defined below shall be in violation of this ordinance and subject to the penalties herein. Any animal falling under one or more of the following shall be deemed a nuisance:

- 21.1.1. Causes damage to the property of anyone other than its owner;
- 21.1.2. Is a vicious animal as defined herein;
- 21.1.3. Causes unreasonable noise by excessive barking, howling, or braying;
- 21.1.4. Causes unreasonable fouling of the air by odors;
- 21.1.5. Causes unsanitary conditions in enclosures or surroundings;
- 21.1.6. 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 person owning, having a proprietary interest in, harboring or having care, charge, control, custody or possession of such animal shall remove any such defecation to proper trash receptacle.
- 21.1.7. Any animal which disturbs or endangers the health and welfare of any person or neighborhood by loud, continued, or frequent noise or by noxious or offensive odors.

21.2. A violation of this section shall be a Class C misdemeanor and such is hereby declared to be a nuisance, and each day a violation is permitted to exist or continue shall constitute a separate offense.

**ORDINANCE 2008-10 PASSED AND ADOPTED this 10th day of December, 2008  
By the Leeds Town Council by the following vote.**

	AYE	NAY	ABSTAIN	ABSENT
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<b>MAYOR</b>				
Trudy Law	<u>  X  </u>	_____	_____	_____

**TOWN COUNCIL MEMBERS**

Frank Lojko	<u>  X  </u>	_____	_____	_____
Alan Roberts	<u>  X  </u>	_____	_____	_____
Keith Sullivan	<u>  X  </u>	_____	_____	_____
Jared Westhoff	<u>  X  </u>	_____	_____	_____

**Aye votes   5      Nay votes \_\_\_\_\_    Abstentions \_\_\_\_\_**

**ORDINANCE #2008-10 was passed   X      rejected \_\_\_\_\_**

**THIS ORDINANCE NO. 2008-10 SHALL TAKE EFFECT THE FOLLOWING  
CALENDAR DAY UPON ADOPTION.**

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**TRUDY LAW, MAYOR  
TOWN OF LEEDS**

**ATTEST:**

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**DEBBIE SHAKESPEARE  
CLERK/RECORDER**