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**ORDINANCE NUMBER 178**

An Ordinance repealing ~~Ordinance~~  
~~#153~~ of Elsinore City Code and  
enacting a revised Ordinance regulating  
animals within the jurisdiction.

**PREAMBLE**

WHEREAS, the City of Elsinore is  
attempting to improve the City of Elsinore  
through reasonable regulation of animals, and

WHEREAS modification of existing  
ordinances to promote uniformity and increase  
effectiveness of enforcement is necessary;

NOW, THEREFORE, be it ordained by the  
City of Elsinore as follows:

**ANIMALS**

**TITLE 6. Animals**

- Chapter 6.04. General Animal and Livestock Regulations.**
- Chapter 6.08. Dogs.**
- Chapter 6.12. Rabies Control.**
- Chapter 6.14. Special Regulations.**
- Chapter 6.16. Kennels.**
- Chapter 6.18. Administration and Enforcement**
  
- Chapter 6.04. General Animal and Livestock Regulations.**
  
- 6.04.010. Definitions**
- 6.04.020. Premises Confining Animals and Fowl-Neat and Sanitary Condition Required.**
- 6.04.030. Abandoning Sick, Diseased or Disabled Animals.**
- 6.04.040. Disposal of Animals.**
- 6.04.050. Cruelty to Animals**
- 6.04.060. Excessive Noise.**
- 6.04.070. Animals Running at Large.**
- 6.04.080. Impound.**
- 6.04.090. Keeping Certain Animals Unlawful.**
- 6.04.100. Detention of Animals.**
- 6.04.110. Inseizure of Animals.**
- 6.04.120. Animal Bites.**
- 6.04.130. Defecation and Urination.**

- 6.04.140. Interference of Officer.**
- 6.04.150. Quarantine of Animals.**

**6.04.010. Definitions.**

For the purpose of this title, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

“Animal” means any live, vertebrate creature, domestic or wild.

“Animal at Large” means any animal whether or not licensed, not under restraint.

“Animal Control Officer” means any person designated by the State of Utah, county or a municipal government as a law enforcement officer who is qualified to perform such duties under the laws of this state.

“Animal Shelter” means any facility operated by a humane society or political subdivision of the State of Utah, for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

“Animal Under Restraint” means an animal on a leash or lead which is held by a person or attached to a stationary object or confined within a vehicle or confined upon the real property of the owner or custodian.

“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 be required to constitute an attack. Attack may include jumping upon, chasing, nipping, or otherwise threatening.

“Cat” means any age feline of the domesticated types.

“Custodian” means any person having the charge, care, custody or control of an animal which he/she does not own.

“Dog” means any canis familiaris.

“Domesticated Animal” means any animal accustomed to live in or about the habitation of humans, including, but not limited to, cats, dogs, fowl, horses, swine, cattle, sheep and goats.

“Euthanasia” means the humane destruction of an animal accomplished by a method approved by the most recent Report of the American Veterinary Medical Association Panel of Euthanasia that results in unconsciousness and immediate death, or by a method that causes painless loss of consciousness and death during such loss of consciousness.

“Guard Dog” means any dog that will detect and warn its handler that an intruder is present or near and area that is being secured and will attack a human

**6.04.020. Premises Confining Animals and Fowl-Neat and Sanitary Condition Required.**

A. Wherever animals, including fowl and pigeons, may be tethered, corralled, confined and sheltered or fed, the premises shall be maintained in a neat and sanitary condition so that no nuisance due to unsightliness, odor or pest breeding or harborage shall be caused by such animals or premises.

B. All barns or stables intended for or presently used to shelter livestock which are now erected and maintained or may be erected, constructed, altered or repaired within the jurisdiction shall conform to the requirements of the applicable zoning ordinance, the building code and all other applicable laws of the jurisdiction.

**6.04.030. Abandoning Sick, Diseased or Disabled Animals.**

It is unlawful for any person to abandon or to turn out at large any sick, diseased or disabled animal, but such animal shall, when rendered worthless by reason of sickness or other disability, be disposed of by the owner thereof in the manner as provided in section 6.04.040.

**6.04.040. Disposal of Animals.**

It is unlawful for the owner of any animal or fowl that die or are killed within the jurisdiction to fail to remove or bury the carcass of such animal within two (2) days after its death; disposal shall be in full compliance with health department regulations.

**6.04.050. Cruelty to Animals.**

A. Except as authorized by law, it shall be unlawful for any person to willfully or maliciously kill, injure, maim, disfigure, torture, beat, mutilate, burn, or scald, overdrive, or otherwise cruelly set upon any animal. Each such act shall constitute a separate violation and shall be guilty of a class B misdemeanor.

B. It shall be unlawful for any person to hobble livestock in such a way as to cause injury or damage to the animal.

C. It shall be unlawful for any person to carry or to confine any animals in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, caring or confining such animal without adequate ventilation.

D. Every operator of a motor vehicle or self-propelled vehicle within the city shall, immediately upon injuring, striking, maiming, or running down any

animal, fully comply with all requirements set forth in UCA Section 41-6-30.

E. Fights. It is unlawful for any person within the jurisdiction to, in any manner, whatsoever, encourage or urge any animal to fight or urge them on after they commence to fight.

F. It shall be unlawful to fail to provide necessary food, care or shelter for an animal including veterinary care and adequate against extreme weather conditions.

**6.04.060. Excessive Noise.**

It is unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night. It shall not be a violation of this section if the excessive noise is caused due to a person trespassing or threatening to trespass upon private property in or upon which the animal is situated.

**6.04.070. Animals Running at Large.**

It shall be unlawful for the owner or custodian to allow any animal to be at large at any time within the jurisdiction.

**6.04.080. Impound**

A. The animal control officer may apprehend and impound any animal found at large within the jurisdiction. Any person apprehending any animal running at large on his/her property may deliver the same to any police officer or animal control officer, which animal may then be impounded in the animal shelter. Any animal placed in the animal shelter shall be redeemed or euthanized.

B. Any animal impounded at an animal shelter shall be held five working days if it has a current year's license tag. After five working days, if the animal is not claimed, it shall be sold, adopted, or euthanized.

C. Any animal impounded at an animal shelter shall be held three working days if it has no current year's license tag. After three working days, if the animal is not claimed, it shall be sold, adopted, or euthanized.

D. Any animal voluntarily relinquished to the animal control officer or an animal shelter by the owner or custodian thereof for destruction or other disposition need not be kept for the minimum holding period, but may be euthanized immediately.

E. The animal control officer or police officer shall have the sole discretion to determine serious injury or disease that will require euthanasia prior to three (3) working days in accordance with Section 77-24-1.5 2b of the Utah Code Annotated, 1953, as amended.

F. Any wild animal placed in the animal shelter

may be disposed of immediately.

**6.04.090 Keeping Certain Animals Unlawful.**

It shall be unlawful for any person to keep or harbor any animal which is prohibited to be kept or harbored by Sections 23-13-4, 23-20-3, or 23-20-4 of the Utah Code.

**6.04.100 Detention of Animals.**

It is unlawful for any person to detain or hold the animal of another without notifying the animal control officer or law enforcement agency and surrendering the animal upon request.

**6.04.110 Intraseizure of Animals.**

A. In enforcement of this chapter, any animal control officer or peace officer may enter into the open premises of any animal which is reasonably deemed by the officer to be in violation of this chapter. Representatives of the sheriff, animal control officers or any other designated representative of the county of municipality may enter any premises where animals are maintained for investigation or inspection with the permission of the owner or a duly executed warrant in order to determine if the premises are being used, kept, or maintained in violation of this or any other city or county ordinance. This section does not permit any person to enter a private dwelling except where necessary to rescue an animal or pursuant to the execution of a search warrant.

B. If an animal is summarily impounded without the knowledge of the owner or custodian, a notice that the animal has been impounded shall be given to the owner or custodian of the animal, if the same is known, by attaching the notice to the door at the residence thereof, or by mailing a notice to the last known address of the owner or custodian.

C. If no response is received to the notice of summary impoundment within the time frames established by the rules and regulations of the animal shelter such animal shall be euthanized as an abandoned animal.

**6.04.120 Animal Bites.**

A. It shall be unlawful for any animal to bite or attack any person or domestic animal. It is no defense that the animal is chained or confined if the chaining or confining is on public or private property where the public has access to be on such property.

B. It is unlawful for any person to keep, own, harbor, or have the control of any fierce or dangerous animal. It is prima facie evidence that an animal is a

fierce or dangerous animal if it bites or attacks a person or domestic animal. Any police officer or animal control officer may apprehend such animal and may cause it to be impounded at the animal shelter.

C. Deliberate or malicious provocation may be considered by the fact finder in determining culpability.

**6.04.130 Defecation and Urination.**

It is unlawful to allow an animal to defecate or urinate upon private property not owned by the person owning or in control of such animal.

The owner or custodian of any animal shall be responsible for the removal of any defecation deposited by such animal on public property, recreation areas, or private property not owned by the person owning or in control of such animal or upon public property.

**6.04.140 Interference with Officer.**

A. It shall be unlawful for any person to interfere with, molest, hinder or prevent any police officer or animal control officer in the discharge of their duties as herein prescribed.

B. Any person who shall hinder, delay, interfere with or obstruct any police officer or animal control officer while engaged in capturing, securing or taking to the animal shelter any animal or animals liable to be impounded, or who shall break upon or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal control vehicle or other vehicle used for the collecting of any such animals shall be deemed guilty of a class B misdemeanor.

**6.04.150 Quarantine of Animals.**

Whenever any animal attacks or bites a person, the owner of the animal shall immediately notify the Sheriff's office, which shall cause the animal to be impounded or otherwise quarantined for a period of ten days. At the end of the ten-day quarantine, upon a veterinarian's examination that such animal is free from rabies. The animal may be released to the owner if all other regulations have been satisfied. The expenses incurred in the inspection of such animal shall be paid by the owner or person in control of such animal, in addition to any other fines or charges due. Such expenses shall be paid prior to the release of the animal. If the animal dies within the ten-day quarantine period, its brain shall be sent to the State Department of Health for examination of rabies. It is unlawful for an owner or keeper to fail to report any attack or bite.

## **Chapter 6.08. Dogs.**

- 6.08.010. Licensing.**
- 6.08.020. Revocation of License–Dogs.**
- 6.08.030. Dogs Running At Large.**
- 6.08.040. Female Dogs in Estrus Running At Large.**
- 6.08.050. Cruelty to Dogs.**
- 6.08.060. Dog Bites.**
- 6.08.070. Intraseizure of Dogs.**
- 6.08.080. Dog Noise Disturbance.**
- 6.08.090. Defecation and Urination.**
- 6.08.100. Detention of Dogs.**
- 6.08.110. Abandoning Sick, Diseased, or Disabled Dogs.**
- 6.08.120. Disposal of Dogs.**
- 6.08.130. Quarantine of Dogs.**
- 6.08.140. Interference with Officer.**
- 6.08.150. Dogs in Prohibited Areas.**
- 6.08.160. Allowable Number of Dogs.**
- 6.08.170. Impound**
- 6.08.180 Adoption and Spaying/Neutering.**

### **6.08.010 Licensing.**

Any person owning a dog within the jurisdiction shall license the dog pursuant to the following provisions.

#### **A. Licensing, Fees, and Registration.**

1. Registration--Required- Dogs Only. It is unlawful for any person to own, keep or harbor a dog over the age of three months within the county without making application to the county or city with jurisdiction for that purpose and paying to the county or city the annual registration fee. The licensing due date is March 1<sup>st</sup> each year.

2. A late fee shall be imposed unless a new license is purchased prior to the expiration of the current license. Licenses for the following year may be purchased within ninety (90) days prior to the expiration date.

3. All licenses and late fees required by this chapter shall be in the amounts established by this ordinance.

4. It shall be the duty of the animal control officer to register any dog on application of the owner or keeper and to issue a registration receipt and metallic registration tag on payment by the owner or keeper. Such registration receipt and metallic registration tag shall be valid and in force from the date issued until the expiration date.

5. The provisions of this section shall not apply to dogs whose owners are nonresidents temporarily within the jurisdiction for thirty (30) days

or less, nor to dogs brought into the city for the purpose of participating in any show.

B. Information Required for Registration. Before receiving a registration receipt and metallic registration tag, each owner must state at the time of application for such a permit, the name and address of the owner and sex, breed, age and color of each dog to be registered. The owner must also present a certificate from a veterinarian stating that the dog has been vaccinated for the prevention of rabies. Such certificate must give the last date of vaccination and the number of the vaccination tag used by the veterinarian at the time of vaccination and the type of vaccine administered and the date when the next vaccination is due. It is unlawful for the owner to misrepresent the age of any dog for the purpose of avoiding the payment of the license required by this chapter.

C. Collar-Tag Attachment. It shall be the duty of the owner or keeper of any dog so registered to provide a suitable collar for such dog to wear and to attach thereto the metallic registration tag having a number corresponding with the certificate of registry inscribed thereon. All dogs not so registered and collared as prescribed by this chapter may be impounded by the animal control officer or any police officer or other designated official of the jurisdiction.

D. Removal of Collar and Registration Tag. It is unlawful for any person other than the owner to remove the collar from any dog to which collar has been attached the metallic registration tag herein required, or to remove said metallic registration tag from the collar to which it has been attached.

E. The owner of any dog of registration age shall make application for permit and obtain a permit tag for such dog within ten (10) days after acquisition or age attainment

#### **F. License Fees shall apply as follows:**

1. Dog, intact	\$35
2. Dog, neutered/spayed	\$10
3. Transfer of license fee	\$3
5. Replacement tag fee	\$3
6. Hobby Kennel	\$25 plus individual dog licenses
7. Class A Kennel	\$50 plus individual dog licenses
8. Class B Kennel	\$75 plus individual dog licenses
9. Guard dog license	\$25 plus dog license
10. Pet Store Permit	\$25 plus a business license.

#### **G. Service fees shall apply as follows:**

1. Impound, 1<sup>st</sup> time \$25  
plus fee and notification
2. Impound, 2<sup>nd</sup> time within 12 months \$50  
plus fee and notification
3. Board fee for dogs/cats per day \$5
4. Adoption fee \$25
5. Late fee \$25
6. Quarantine fee. \$65

H. Fees for livestock shall apply as follows:

1. Impound fees \$45/load
2. Daily board fee \$10/head/day

I. Licensing and Fee Exemptions.

1. The provisions of §6.08.010.(A)(1) shall not apply to:
  - a. Seeing eye dogs properly trained to assist blind persons, if such dogs are actually being used by blind persons to assist them in moving from place to place.
  - b. Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to an auditory stimulus.
  - c. Dogs specifically trained to assist officials of governmental agencies in the performance of their duties and which are owned by such agencies.
2. Nothing in this section (F)(1) shall be construed to exempt any dog from having a current rabies vaccination.

**6.08.020. Revocation of License – Dogs.**

If the owner of any dog is convicted of a violation of this chapter on two or more different occasions during any twelve (12) month period involving the same dog, the license of the dog involved shall be revoked. The animal control officer or other police officer shall be authorized to 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 the jurisdiction ordinances for impounded dogs. Under no conditions shall the dog be allowed to be brought back into the jurisdiction.

**6.08.030. Dogs Running At Large.**

It shall be unlawful for any dog to be at large at any time within the jurisdiction. Once a license has

been revoked for a dog, that dog cannot be licensed again in the jurisdiction.

**6.08.040. Female Dogs In Heat/Season Running At Large.**

The owners or custodians of female dogs shall cause such dogs, when in heat/season, to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or from being attracted to such female dog. It shall be unlawful for the owner or custodian of any female dog to cause, permit, or allow such dog to be at large, or to enter upon a street or sidewalk while such female dog is in estrus. If the female dog cannot be controlled by the owner during the estrus, such dog may be impounded by the animal control officer.

**6.08.050. Cruelty to Dogs.**

A. Except as authorized by law, it shall be unlawful for any person to willfully or maliciously kill, injure, maim, disfigure, torture, beat, mutilate, burn or scald, overdrive or otherwise cruelly set upon any dog. Each such act shall constitute a separate violation and shall be guilty of a class B misdemeanor.

B. It shall be unlawful for any person to carry or to confine any dog in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such dog without adequate ventilation.

C. Every operator of a motor vehicle or self-propelled vehicle within the jurisdiction shall, immediately upon injuring, striking, maiming, or running down any dog, fully comply with all requirements set forth in UCA Section 41-6-30.

D. Fights. It is unlawful for any person within the jurisdiction to, in any manner whatsoever, encourage or urge any dog or dogs to fight or urge them on after they commence to fight.

E. Failure to provide necessary food, water and care.

**6.08.060. Dog Bites.**

A. It shall be unlawful for any dog to bite or attack any person or domestic animal. It is no defense that the dog is chained or confined if the chaining or confining is on public or private property where the public has access to be on such property.

B. It is unlawful for any person to keep, own, harbor, or have the control of any fierce or dangerous dog. It is prima facie evidence that a dog is a fierce or dangerous dog if it bites or attacks a person or domestic animal. Any police officer or animal control officer

may apprehend such dog and may cause it to be impounded at the animal shelter.

C. Deliberate or malicious provocation may be considered by the fact finder in determining culpability.

**6.08.070. Intraseizure of Dogs.**

A. Whenever a police officer or an animal control officer shall have probable cause to believe that a dog has been abandoned, although confined upon private property, or is a vicious dog, the officer shall be authorized to immediately seize the dog and may impound the same in the animal shelter and such officer shall have the right to enter upon whatever premises the dog may be kept for such purpose.

B. If a dog is summarily impounded without the knowledge of the owner or custodian, a notice that the dog has been impounded shall be given to the owner or custodian of the dog, if the same is known, by attaching the notice to the door at the residence thereof or by mailing a notice to the last known address of the owner or custodian.

C. If no response is received to the notice of summary impoundment within the time frames established by the rules and regulations of the animal shelter, such dog shall be euthanized as an abandoned dog.

D. A dog summarily impounded as provided in this section may be recovered by the owner complying with the regulations of the animal shelter. If, in a subsequent court proceeding, the dog is determined not to be abandoned, vicious or a nuisance, the dog shall be released to the owner or custodian without any charge.

**6.08.080. Dog Noise Disturbance.**

Excessive Noise. It is unlawful for any person to harbor, keep, or own within the jurisdiction any dog which barks, whines, howls, or makes other disturbing noises in an excessive, continuous, or untimely fashion day or night. Any police officer or animal control officer may apprehend such dog and may cause it to be impounded in the animal shelter. A second conviction of this section by the same dog within a twelve month period shall be grounds for removal of the dog from the jurisdiction, which dog will not be allowed to return.

**6.08.090. Defecation and Urination.**

A. It is unlawful to allow a dog to defecate or urinate upon private property not owned by the person owning or in control of such dog or upon public

property.

The owner or custodian of any dog shall be responsible for the removal of any defecation deposited by such dog on public property, recreation areas, or private property not owned by the person owning or in control of such dog.

B. Kennels and Runs. It is unlawful for the owner or occupant of any premises on which a kennel, run, or other structure or area for housing or keeping of dogs is situated, or allow such kennel, run or other structure or area of the premises to become unsanitary, unclean, or to emit undue stench or odor. The owner or occupant of any premises permitting any such condition to exist that does not abate such condition within 24 hours after notice shall be issued a citation. If such a notice is given, the condition must remain abated on a permanent basis. Additional notices shall not be necessary prior to the issuance of a citation.

**6.08.100. Detention of Dogs.**

It is unlawful for any person to detain or hold the dog of another without notifying the animal control officer or law enforcement agency.

**6.08.110. Abandoning Sick, Diseased, or Disabled Dogs.**

It is unlawful for any person to abandon or to turn out at large any sick, diseased or disabled dog, but such dog shall, when rendered worthless by reason of sickness or other disability, be disposed of by the owner thereof in the manner as provided in Section 6.08.120.

**6.08.120 Disposal of Dogs.**

It is unlawful for the owner of any dog that dies or is killed within the jurisdiction, to fail to remove or bury the carcass of such dog within two days. Disposal shall be in full compliance with health department regulations.

**6.08.130. Quarantine of Dogs.**

Whenever any dog attacks or bites a person, the owner of the dog shall immediately notify law enforcement which shall cause the dog to be impounded or otherwise quarantined for a period of ten days. At the end of the ten-day quarantine period, the dog may be released from quarantine to the owner, but not sold or adopted upon a veterinarian's examination that such dog is free from rabies. The expenses incurred in the inspection of such dog shall be paid by the owner or person in control of such dog, in addition to any other fines or charges due. Such expenses shall be paid prior to the release of the dog. If the dog dies within the ten-

day quarantine period, its brain shall be sent to the State Department of Health for examination for rabies.

**6.08.140. Interference with Officer.**

A. It shall be unlawful for any person to interfere with, molest, hinder or prevent any police officer or animal control officer in the discharge of their duties as herein prescribed.

B. Any person who shall hinder, delay, interfere with or obstruct any police officer or animal control officer while engaged in capturing, securing or taking to the animal shelter any dog or dogs liable to be impounded, or who shall break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal control vehicle or other vehicle used for the collecting of any such animals shall be deemed guilty of a class B misdemeanor.

**6.08.150. Dogs in Prohibited Areas.**

A. It shall be unlawful for any person to take or to permit any dog, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets, food or vegetable stores; and it shall be unlawful for any person to allow any dog to enter or be in any place of worship during public services; and it shall be unlawful for any person to allow any dog to enter in or be upon any public park or cemetery where it is posted that no dogs are allowed.

B. An exception to this section shall be for any dog trained and used for physically handicapped persons, such as dogs for the blind or hearing impaired.

**6.08.160. Allowable Number of Dogs.**

Except as otherwise provided in this chapter, no more than two (2) dogs which are three (3) months of age or older shall be kept at any residence or commercial establishment at any time. This provision shall not apply to licensed kennels, grooming parlors, veterinary clinics, approved licensed adoption agency.

**6.08.170. Impound.**

A. Any dog impounded at any animal shelter shall be held five working days if it has a current year's license tag. After five working days, if the dog is not claimed, it shall be sold, adopted, or euthanized.

B. Any dog impounded at an animal shelter shall be held three working days if it has no current year's license tag. After three working days, if the dog is not claimed, it shall be sold, adopted, or euthanized.

C. Any dog voluntarily relinquished to the animal control officer or an animal shelter by the owner or custodian thereof for destruction or other disposition need not be kept for the minimum holding period, but shall be euthanized immediately.

D. The animal control officer or police officer shall have the sole discretion to determine serious injury or disease that will require euthanasia prior to three (3) working days in accordance with Section 77-24-1.5 2(b) UCA as amended.

## **Chapter 6.12. Rabies Control.**

### **6.12.010. Rabies Control.**

### **6.12.020. Vaccination Required.**

### **6.12.010. Rabies Control.**

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

B. Report of Suspected Rabid Animals. Any person who observes or has knowledge of an animal which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion that it may have rabies shall notify the animal control officer and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the state or city-county health departments.

C. Isolation of Biting or Suspected Rabid Animals. Upon the reasonable order of the animal control or public health officer, a biting or suspected rabid animal shall be isolated, at the owner's expense if owned, in strict confinement under proper care and under the observation of a licensed veterinarian in an animal shelter or veterinary hospital in a manner approved by the animal control officer.

D. Examination of Head. Any biting or suspected rabid animal may be humanely euthanized immediately, and such animal's undamaged and properly packaged and properly refrigerated head shall be delivered promptly to an approved medical facility having the capability of performing tests to demonstrate the presence of rabies.

E. Release. Ten (10) days after the day of infliction of a bite by an animal, such animal may be released to its owner after a licensed veterinarian has examined that animal and in his/her opinion found it not to have had rabies in a transmittable stage on the day of infliction of the bite. Non-immunized animals shall be vaccinated for rabies before release.

F. Animals Possibly Exposed to Rabies. Any animal of a species subject to rabies which has been bitten by a known rabid animal, or which has been in intimate contact with such an animal, shall be isolated, at the owner's expense if owned, in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of six (6) months, or euthanized.

Notwithstanding the foregoing, the following alternative is permitted in cases of dogs and cats. If the dog or cat has been vaccinated against rabies at least thirty (30) days prior to the suspected exposure with a type of vaccine produced under U.S.D.A. license and within the time period approved by the state veterinarian, the dog or cat may be re-vaccinated and isolated in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of thirty (30) days.

### **6.12.020. Vaccination Required.**

A. Dog, ferret, and cat owners shall obtain a rabies vaccination for each dog, ferret, or cat they own, keep, harbor or have custody of, within ten (10) days after it becomes three months of age, or within ten (10) days after obtaining any dog, ferret, or cat over three months of age. It shall be unlawful for any person or persons to own, keep, harbor or possess or to have in his or her care, charge or custody, any dog, ferret, or cat three months of age or over unless such dog, ferret, or cat has a current and valid rabies vaccination administered by any duly qualified and licensed veterinarian, with a rabies vaccine approved by the State Department of Health for use in dogs, ferrets, and cats. Such vaccination shall be repeated at intervals specified by the State Department of Health in order to maintain adequate immunity.

B. In addition to the current years license, the vaccination tag shall be attached to or otherwise worn by the dog. It shall be unlawful for any person or persons to remove or cause to be removed the vaccination tag from any dog without consent of the owner, keeper, or harborer thereof. The vaccination tag shall not be transferrable from one dog to another.



## **Chapter 6.14. Special Regulations**

### **6.14.010. Guard Dogs.**

### **6.14.020 Requirements for Pet Shops.**

### **6.14.030. Requirements for Grooming Parlors.**

## **6.14. Special Regulations**

### **6.14.010. Guard Dogs.**

A. It shall be unlawful for any person to own a guard dog without first obtaining a guard dog permit as provided hereafter. It shall be unlawful for any person to hire the use of a guard dog that has not been issued a guard dog permit.

B. A permit required by this section shall be obtained from the animal control office. The application shall set forth the type of dog, the site(s) where said dog shall be used, the hours of use of said dog, and any other information deemed appropriate by the sheriff's office.

C. Permits are not transferrable from one owner to another or from one site to another.

D. On the premises where a guard dog is used, conspicuous warning signs shall be posted at each door or gate that gives access to the guard dog. A telephone number that provides 24 hour access to the dog's handler must be provided.

E. A guard dog shall not be allowed to become a nuisance.

F. A guard dog shall, in addition to being licensed, be microchipped and the microchip number registered with the animal control officer or the sheriff's office. The license shall be attached to a 1 inch wide red or orange collar with the word "Danger" written or embroidered in black letters. The collar must be on the dog at all times.

G. Any person violating any provision of this section shall be guilty of a class B misdemeanor. Each day a guard dog is deployed for use by any person in violation of this section shall be deemed a separate offense.

### **6.14.020 Requirements for Pet Shops.**

In addition to obtaining the permit required by this section, all pet shops within the jurisdiction shall:

A. Be operated in such a manner as not to constitute a nuisance.

B. Provide an isolation area for animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals.

C. Keep all animals caged or under the control of

the owner or operator of the pet store.

D. Comply with the provisions of the chapter regarding the care and housing of animals as listed in the kennel section.

E. Not sell animals which are unweaned or so young or weak that their sale poses a serious risk of death or inadequate development to them.

F. Supply any purchaser of a dog/puppy with an application for a license.

G. Provide the purchaser of an animal with written instructions as to the proper care and control of that species.

### **6.14.030. Requirements for Grooming Parlors.**

A. Shall meet zoning requirements of local zoning authority.

B. Shall be operated in such a manner as not to constitute a nuisance.

C. Shall provide cages of sufficient space to allow animals to stand up, lie down, and turn around without touching the sides.

D. All animals shall be caged or under control of the owner, operator or their employees.

E. Shall have a valid business license as required in the jurisdiction.

F. Shall have a kennel license if animals are also boarded or kept or housed overnight.

## **Chapter 6.16. Kennels.**

- 6.16.010 Allowable Number of Dogs.**
- 6.16.020. Permit Required.**
- 6.16.030. Fees.**
- 6.16.040. Violation – Permit Revocation.**
- 6.16.050. Inspection.**
- 6.16.060. Definition – Exception for Puppies.**
- 6.16.070 Classes of Kennels.**
- 6.16.080. Business License.**
- 6.16.090. Dog Licenses.**

## **6.16. Kennels.**

### **6.16.010. Allowable Number of Dogs.**

Except as otherwise provided in this chapter, no more than two (2) dogs which are three (3) months of age or older shall be kept on any premises at any time. This provision shall not apply to licensed kennels, grooming parlors, or veterinary clinics, approved, licensed adoption agencies

### **6.16.020. Permit Required.**

A. Permit required. No person shall operate or maintain a kennel without first obtaining a permit from the division of animal control with jurisdiction over those premises.

B. Application. All applications for permits to operate or maintain a kennel, shall be submitted in writing upon printed forms provided for such purposes by the jurisdiction. The application shall first be referred to the animal control officer. Upon approval, the jurisdiction shall issue the permit upon payment of the fee herein provided.

C. Before the permit can be issued the following conditions concerning the location of the kennel must be met.

- (1) The location where the dogs are kept, raised, housed, or boarded must be 60 feet away from any neighboring house, and;
- (2) Must conform to existing easements, setbacks, and zoning requirements. Approval of the zoning administrator of the jurisdiction shall be required prior to permit issuance.
- (3) Fencing which eliminates public sight into and out of the kennel is required.

D. The following minimum standards shall be complied with to obtain and maintain a kennel permit.

- (1) Enclosure must be provided which shall allow adequate protection against

weather extremes. Floors of buildings, runs and walls shall be of an appropriate material as required by the specific breed of animal and also to permit proper cleaning and disinfecting.

- (2) Adequate ventilation shall be maintained and an appropriate temperature provided as required by the specific breed of animal housed therein.
- (3) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.
- (4) Runs shall provide an adequate exercise area and protection from the weather.
- (5) All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
- (6) The food shall be free of contamination, palatable and of sufficient nutritive value as to meet the normal daily requirements for the condition and size of the animal.
- (7) Fresh water is to be available at all times.

E. Holders of existing kennel permits which do not meet the distance requirements required in this chapter shall have one year within which to come into compliance.

F. The jurisdiction shall have the power to revoke the kennel permit in the event that the permit holder is convicted of any other violation of the provisions of this title.

### **6.16.030. Fees.**

Any person conducting, operating or maintaining a kennel shall pay to the jurisdiction for the privilege of conducting, operating, or maintaining such kennel an annual permit fee adopted by regulation of the jurisdiction.

### **6.16.040. Violations – Permit Revocation.**

Whenever the animal control officer or police officer finds or discovers any violations of any rule or regulation promulgated as herein provided by the health department, the officer shall, upon receipt of such notice, immediately notify the owner or custodian of such kennel, to appear before the jurisdiction at a day and time certain to show cause why the permit should not be revoked for such violation.

### **6.16.050. Inspection.**

It shall be the duty of the animal control officer or police officer to periodically inspect all registered kennels, to see that the provisions of this chapter

pertaining to the sanitation and care of such places are being observed.

**6.16.060 Definition – Exception for Puppies.**

A. Kennel as defined in §6.04.010 shall be applicable to this chapter.

B. This chapter shall not apply to the birth of puppies in a situation which is not an intentional commercial breeding business so long as the number of dogs is reduced down to two (2) or less within three (3) months from the birth of the puppies.

**6.16.070. Classes of Kennels.**

Kennels shall be classified as follows:

A. Hobby Kennel – Owners having 3 to 4 dogs which are neutered or spayed are required to obtain a hobby kennel license.

B. Class A Kennel – Owners having 3 to 4 dogs any one of which is intact and all owners with more than 5 and less than 10 dogs, neutered or intact are required to obtain a Class A kennel license.

C. Class B Kennel – Owners having more than 10 dogs are required to obtain a Class B kennel license.

**6.16.080. Business License.**

Owners which are maintaining kennels as part of a business shall be required to purchase the locally required business license.

**6.16.090. Dog Licenses.**

All dogs that are maintained in a kennel and that are over 3 months of age shall be individually licensed.

**Chapter 6.18. Administration and Enforcement.**

**6.18.010 Administration.**

**6.18.020. Duties of Animal Control**

**6.18.030. Enforcement, Generally.**

**6.18.040. Authority.**

**6.18.050. Right of Entry for Enforcement.**

**6.18.060. Investigation.**

**6.18.070. Penalties.**

**6.18. Administration and Enforcement.**

**6.16.010 Administration.**

Animal control services for the unincorporated portion of the County of Sevier shall be under the direction and supervision of the Sheriff of Sevier County. Within the limit of the cities and towns, the city/town councils may contract with the sheriff for the services of his officers and for the use of impound facilities. The sheriff may designate a Director of Animal Control to be responsible for the administration of this chapter.

**6.18.020. Duties of Animal Control.**

A. Enforce this title and perform other responsibilities inherent thereto.

B. Supervise Sevier County Animal Shelter.

C. Keep records of all animals impounded at said shelter.

D. Keep accounts of all moneys collected and received.

E. Establish, in cooperation with Sevier County Health Department and other interested governmental agencies, measures for the control of and immunization for rabies.

**6.18.030. Enforcement, Generally.**

The sheriff, each animal control officer, and any peace officer are responsible for enforcing the provisions of this title and other provisions of applicable state law.

**6.18.040. Authority.**

A. The sheriff, his designated director, his authorized deputies, and the authorized animal control officers of the municipalities are empowered to apprehend, transport, and impound any animal found in violation of this chapter, including licensable animals for which no license has been procured, or any licensed or unlicensed animal for any other violation thereof, and issue criminal citations and/or notice of violation of this chapter.

B. Badges of authority shall be issued by the county sheriff or municipality, and the recipient thereof shall be duly sworn in as an animal control officer.

ATTESTED:

**6.18.050. Right of Entry for Enforcement.**

A. In enforcement of this title, any animal control officer or peace officer may enter into the open premises of any person to secure or take possession of any animal which is reasonably deemed by the officer to be in violation of this title.

B. Representatives of the sheriff, animal control officers or any other designated representative of the county of municipality may enter any premises where animals are maintained for investigation or inspection with the permission of the owner or a duly executed warrant in order to determine if the premises are being used, kept, or maintained in violation of this or any other city or county ordinance.

C. This section does not permit any person to enter a private dwelling except where necessary to rescue an animal or pursuant to the execution of a search warrant.

**6.18.060. Investigation.**

The public health officer, animal control officer, and any peace officer may enter privately owned land to investigate reports of vicious animals, rabies, and other contagious animal diseases and investigate violations of this chapter.

**6.18.070. Penalties.**

A person convicted the first time for an offense within this chapter for which a specific penalty is not stated is guilty of a class C misdemeanor. Second and subsequent offenses shall constitute class B misdemeanors.

Approved and enacted this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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Recorder

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Mayor