

**MIDWAY CITY
Municipal Code**

TITLE 6 ANIMAL CONTROL

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CHAPTER 6.01 DEFINITIONS

A. For the purpose of this Title, the following words and phrases shall, unless defined differently in a particular section, have the meanings respectively ascribed to them:

1. Abandonment. "Abandonment" means placing or leaving an animal in an environment where the animal is separated from basic needs such as food, water, shelter or necessary medical attention, for a period longer than 24 hours. Abandonment includes failure to reclaim an animal 72 hours beyond the time agreed upon with a kennel, grooming service, or similar facility. Abandonment includes failure to sign relinquishment authorization.
2. Animal. Birds, reptiles, and mammals other than the genus homo sapiens.
3. Animal at Large. An animal is considered to be at large if it is 1) not on property owned or leased by the animal's owner or caretaker, and 2) is not restrained or encased by the owner, caretaker, or designee.
4. Animal Under Restraint. Any animal under immediate physical control of its owner or person having charge, care, custody, or control. A dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or under the immediate control of the owner or caretaker at any time, or within the real property limits of the owner.
5. Bite. An actual puncture, tear, or abrasion of the skin, inflicted by the teeth of an animal.
6. Cat. Any age feline of the domesticated types.
7. Coordinator. The chief Animal Control Officer for Heber Valley Animal Control.
8. County. The unincorporated area of Wasatch County, the governmental body of Wasatch County or designated agents of Wasatch County as the case may be.
9. County Animal Shelter. Lot, premises, or buildings maintained or used by Midway City, Wasatch County, or any other city within Wasatch County, or combination thereof for the confinement and care of the animals seized under the provisions of this Title.
10. Dangerous Animal. A dangerous animal, i.e. means any animal, including invertebrate species, that would be a hazard to public health and safety should the animal escape. A dangerous animal, i.e. includes those animals meeting the definition of a vicious animal, i.e. as set forth in this Title and constrictor snakes in excess of ten feet in length.
11. Department. Heber Valley Animal Control, as maintained by agreement between Wasatch County, Midway City and Heber City, the Heber City Police Department, its agents and officers.

12. Dog. A *Canis Familiaris* of either sex, altered, or unaltered, or any other member of the *Canis* genus if owned or kept.
13. Dog License Application-Rabies Certificate Form. The official dog license application form issued by all the entities within Wasatch County. It is properly completed when it contains:
 - A. The dog owner's name, address, and telephone number;
 - b. The dog's name and description;
 - c. The type, lot number, and manufacturer of the rabies vaccine;
 - d. The date of vaccination;
 - e. The signature of the veterinarian who vaccinated the dog or other signature authorized by him.
14. Domesticated Animal. Any animal accustomed to living in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine, cattle, sheep, and goats.
15. Exotic Animal. An exotic animal, is any animal whose native habitat is not indigenous to the continental United States, excluding Alaska, except birds, tropical fish, and fur-bearing animals commercially bred for the furrier trade. Constrictor snakes in excess of ten feet in length are defined as dangerous animals.
16. Guard Dog. A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on leash or under absolute control while working, so it cannot come into contact with the public.
17. Hobby Breeder. Any person who keeps four, but not more than eight dogs over four months of age, but who does not maintain a premise for dogs for boarding, grooming or letting for hire for fee. Hobby Breeders are not allowed within the Midway City limits per the Zoning Title.
18. Impounded Animal. Any animal taken into custody by the department as provided in this Title.
19. Kennel. Any lot, building structure, enclosure or premises whereupon or wherein four or more dogs over four months of age are kept or maintained for any purpose, including boarding, breeding, buying, grooming, letting for hire, training for fee or selling. Kennels are a conditional use and must be approved by Midway City Planning Commission and City Council.
20. Leash. Any rope, leather strap, chain or other material being held in the hand of the person capable of control and actually controlling the animal to which it is tied.
21. Licensed Dog. A dog wearing its current dog license tag as required by this Title.
22. License Tag. A piece of metal or other durable material inscribed with a date and number which has been issued by Midway City, Wasatch County or other dog licensing agency.
23. Livestock. Livestock means animals kept for husbandry, including but not limited to fowl, ratites, horses, mules, burros, asses, cattle, sheep, goats, llamas, swine and other farm, hoofed domesticated animals, excluding dogs, cats and ferrets.
24. Neutered. Having had the testicles removed; a castrated animal.
25. Owner. Any person who is the legal owner, keeper, possessor, or the actual custodian of an animal. Ownership is conclusively 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.
26. 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 the animal is not subject to contact with other animals or unauthorized persons.
27. Spayed. Having had the ovaries and uterus removed or extirpated; an ovariohysterectomy.
28. Stray. An animal that is at large.

29. 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.
30. Vicious Animal. Any animal:
- a. 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 which is known to have attacked or bitten any human or domestic animal at least once before; or
 - b. Which attacks or has attacked a human being or other domestic animal without provocation.
 - c. Which is trained or used as a fighting animal.
 - d. This provision shall not apply to dogs owned or used by government entities.
31. Wild Animals. A wild animal means any animal of a species that in its natural life is usually untamed and undomesticated, including hybrids and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These animals, however domesticated or tamed, shall include, but are not limited to:
- a. Alligators and crocodiles;
 - b. Bears (Ursidae); All bears, including grizzly bears, brown bears, black bears, etc.;
 - c. Cat Family (Felidae); All except the commonly accepted domesticated cats, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, bobcat, etc.;
 - d. Dog Family (Canida); All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;
 - e. Porcupine (Erethizontidae);
 - f. Primate (Non-human); All subhuman primates;
 - g. Raccoon (Prosynnidae); All raccoons, including eastern raccoon, desert raccoon, ring-tailed cat, etc.;
 - h. Skunks;
 - i. Venomous fish and piranha;
 - j. Venomous snakes and lizards;
 - k. Weasels (Mustelidae); All, including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink, mongoose, etc.

CHAPTER 6.02 PENALTY AND ENFORCEMENT

Section 6.02.010 Penalty for Violation of this Chapter

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Section 6.02.010 Penalty for Violation of this Chapter

Any person violating any provision of this Title shall be guilty of a class C misdemeanor, unless a different criminal penalty shall be provided for such violation by this Title. All crimes in this Title are strict liability crimes, except where otherwise provided. Nothing in this Title shall prevent or preclude a charge for violation of any applicable section of the Utah Code or other applicable law.

Section 6.02.020 Enforcement Generally

A. Any Heber Valley Animal Control Officer, is authorized to enforce the provisions of this Title. Notwithstanding the authority of the Heber Valley Animal Control Officer, the following officers or individuals shall have authority as specifically authorized in this Section hereafter:

1. All law enforcement officers, including animal control officers, from the Wasatch County Sheriff's Office, Utah Division of Wildlife Resources, Utah Highway Patrol, and Wasatch County Attorney's Office, and Midway City Attorney's Office, or any designee of any of these agencies, is authorized to enforce the provisions of this Title on a city wide basis. Such persons may hereafter be referred to as an enforcement officer.
2. The provisions of this Section are in no way intended to preempt or restrict any other procedure authorized by Utah State Law.

Section 6.02.030 Right of Enforcement

In the enforcement of any provision of this Title, any authorized enforcement officer may use any means authorized by State or Federal law to investigate violations hereof and/or to take possession of any animal in violation of this Title.

Section 6.02.040 Power and Authority of Animal Control Officer

In the performance of their duties, animal control officers are hereby vested with the power and authority to issue citations to enforce the provisions of this Chapter.

Section 6.02.050 Exigent Circumstances

Any enforcement officers or any peace officer may, without the aid of a warrant, enter privately owned property when exigent circumstances exist. This includes, but is not limited to, investigation of a report of vicious animals, rabies, contagious animal diseases, and the like.

This Section is not intended to preclude entry for any other reason or circumstances authorized by State or Federal laws.

Section 6.02.060 Hindering or Obstructing Enforcement

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

CHAPTER 6.03 REGULATIONS RELATING TO ANIMALS

Section 6.03.010 Conditions of Animal Ownership

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Section 6.03.150 Injuries and Communicable Diseases

Section 6.03.010 Conditions of Animal Ownership

In addition to all other provisions of this Title, all animal owners or keepers shall comply with the following conditions of animal ownership:

- A. Animals shall be restrained or confined as required by law.
- B. Animals shall be humanely treated at all times.
- C. Vaccinations, licenses, and permits shall be obtained as required by law.
- D. Animals and animal premises shall not be permitted to disturb the peace or constitute a public nuisance or hazard, except that livestock shall be excluded under this Section.
- E. Animals shall be sufficiently cared for such that they are not abandoned under the definition of abandonment in this Title.
- F. Animal owners and keepers shall comply with all portions of this Section. Failure to do so constitutes a class C misdemeanor for each day of violation.

Section 6.03.020 Animals Prohibited or Restricted in Designated Areas

It is unlawful for any person to take or permit any animal, 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, or served, including but not limited to restaurants, grocery stores, meat markets and fruit or vegetable stores. Persons who use specially trained dogs to assist them with hearing, mobility or sight shall be exempt from this Section.

Section 6.03.030 Wild, Dangerous or Exotic Animals

The following provisions apply for Wild, Dangerous or Exotic Animals:

A. It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor, or purchase any wild, dangerous, or exotic animal. This does not apply to government agencies or otherwise as provided for by state or federal regulations and/or state or federal licenses. The keeping of any wild animal that existed prior to the effective date of this Title may be continued, except that if it is discontinued for one year or more it shall then be deemed abandoned and any future keeping of wild animals shall be in conformity with this Title.

B. The prohibitions of this Section of this Chapter shall not apply to a person, animal shelter, zoological park, veterinary hospital, animal welfare shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific research if such organizations are otherwise licensed or permitted as provided in this Title or by State or Federal law, and provided that such animals are restrained or confined in such manner as to prevent their escape and/or injury to the public.

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

Section 6.03.040 Public Nuisance

The introduction, possession, or maintenance of any animal or the allowing of any animal to be in contravention of this Title is, in addition to being a misdemeanor, hereby declared to be a public nuisance. Authorized enforcement officers and public health officers are hereby authorized, directed, and empowered to summarily abate any such public nuisance by any means reasonably necessary, including but not limited to the destruction of the animal or animals involved. It is a class C misdemeanor to own, possess, harbor, care for, or maintain any animal that is a public nuisance. Each day shall be a separate violation.

Section 6.03.050 Animals Defined as a Public Nuisance

Any non-livestock animal that does any of the following, shall be deemed a public nuisance:

A. Causes damage to the property of anyone other than its owner or custodian;

B. Is a vicious animal as defined in this Title and kept in a manner contrary to this Title;

C. Defecates on any public sidewalk, street, park, building, or on any private property without the consent of the owner of such private property. This does not apply to equestrian parks, horse race tracks or rodeo arenas; or if the owner or custodian of such animal shall immediately remove any such defecation to a proper trash receptacle. Unsighted persons while relying on a guide dog shall be exempt from this Section;

- D. Barks, whines, or howls, or makes other disturbing noises in an excessive, continuous, or untimely fashion. Continuous barking for ten minutes or longer shall be deemed excessive;
- E. Molests passers by, by threatening, nipping, chasing, jumping upon, lunging at fences, acting aggressively, etc.;
- F. Attacks domestic animals;
- G. Otherwise acts so as to constitute a nuisance or public nuisance under the provisions of the Utah Code;
- H. Is repeatedly found at large;
- I. Chases vehicles;
- J. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals kept or harbored;
- K. Attacks people or other animals, whether or not such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;
- L. Has been found by a court or by any other commission or board lawfully established under Utah law, to be a public nuisance under any other provision(s) of Utah Law;
- M. Cannot be restrained by normal restraints, such as standard leashes, standard chains, or muzzles;
- N. Cannot be effectively controlled by its owner or handler;
- O. Otherwise violates any provision of this Title.

Section 6.03.060 Officers to Determine Offensive or Dangerous Animals are a Nuisance

An animal is a nuisance if it is determined by an officer authorized to enforce this Title to be a nuisance by virtue of being offensive or dangerous to the public health, welfare, or safety.

Section 6.03.070 Officers May Determine Animals to be a Nuisance by Number

Any animals, which, by virtue of the number maintained, are determined by an officer authorized to enforce this Title to be offensive or dangerous to the public health, welfare or safety, are nuisances.

Section 6.03.080 Vicious Animals

A. An animal shall be considered vicious if such an animal:

1. Bites a person on two or more occasions or on the first bite causes serious bodily injury. Serious bodily injury is defined as an injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or
2. Has attacked domestic animals on two or more occasions; or
3. Has bitten a human on the neck or stomach.

B. It is a class C misdemeanor to own, possess, care for, harbor or maintain a vicious animal. Each day shall be a separate violation. An enforcement officer upon probable cause that a violation of this Title has occurred may require the owner or custodian of a vicious animal to deliver possession of the animal to an animal control officer. If after demand, the owner or custodian fails or refuses to deliver possession of the animal to an animal control officer, an officer may request an order from a court of competent jurisdiction requiring the owner or custodian to deliver possession of the animal to an animal control officer.

C. Vicious Animals May be Impounded. An enforcement officer may summarily impound a vicious animal which is at large or which is an immediate danger to humans or domesticated animals. A vicious animal impounded without a court order shall be held not less than five days, after which it may be destroyed or otherwise disposed of as the animal shelter manager may direct.

D. Vicious Animals May be Destroyed. If an enforcement officer cannot reasonably gain control of a vicious animal the officer may summarily destroy the animal.

E. Owners of Vicious Animals Impounded Shall Be Given Notice. If a vicious animal is impounded without the knowledge of the owner or custodian, notice that the animal has been impounded shall be given to the owner or custodian of the animal, if the same is known, by attaching a notice to a door at the residence thereof, by mailing a notice thereto, or by other reasonable means.

F. Court May Order Destruction of a Vicious Animal. A vicious animal impounded by an order of court acting pursuant to this Section shall be destroyed or otherwise disposed of, as the court shall direct.

G. Vicious Animals May be Impounded. A vicious animal impounded without a court order shall be held not less than five days, after which it may be destroyed or otherwise disposed of as the animal shelter manager may direct.

H. Owner of a Vicious Animal May Contest Impoundment in Court. The owner or custodian of an animal impounded other than by a court order may contest the impounding by filing a notice with the proper court and serving the same on the animal shelter within five days after the impounding.

Section 6.03.090 Allowing Aggressive, Dangerous, or Vicious Animals to go at Large

A. Definitions (as used in this Section).

1. Attack. A threat to do physical harm causing a present fear of immediate harm, and it need not include actual physical contact.
2. Dangerous Dog. (1) Any dog with a known propensity, tendency or disposition to cause injury to, or otherwise endanger the safety of humans or domestic animals; or (2) any dog which attacks a human being or domestic animal without provocation.
3. Owner. Any person or legal entity having a possessors property right in a dog or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them.
4. A dangerous dog is “unconfined” if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet.
(6.05.020 A. 3.)

B. Any owner or keeper of a vicious animal, knowing its propensities, who willfully allows it to go at large or who keeps it without ordinary care, is strictly liable for a class C misdemeanor and is strictly liable for any damages or injury caused, if the animal while at large, or while not kept with ordinary care, causes injury to another animal, to any human being or to property.

C. The owner of an aggressive, dangerous, or vicious dog shall not suffer or permit such dog to go unconfined.

D. The owner of an aggressive, dangerous, or vicious dog shall not suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained and muzzled.

E. Aggressive Animal at Large. An animal will be considered aggressive if, while at large, the animal chases, worries, or threatens a person in any way that would cause a reasonable person to be fearful. Complaining parties must be forthcoming with their testimony including the signing of a witness statement or citation or providing sworn testimony. Nevertheless, an Animal Control Officer may make the determination based on the Animal Control Officer’s own observations or on the previous history of the animal.

F. Dangerous Animal at Large. An animal will be considered dangerous if, while at large, the animal:

1. Bites a person.
2. Attacks a domestic animal resulting in injury or death.
3. Has violated any part of this Section two or more times before. Such an animal is to be impounded at the shelter or licensed veterinary facility at the expense of the owner until a determination is made by the court that the animal is or is not a threat and/or danger to the public.

G. Vicious Animal. An animal will be considered vicious if the animal:

1. Bites a person on two or more occasions or on the first bite causes serious bodily injury. Serious bodily injury is defined as an injury that involves a substantial risk of death,

unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

2. Has attacked domestic animals on two or more occasions.
3. Has bitten a human on the neck or stomach.

H. Petition to Classify as Vicious:

1. If an Animal Control Officer does not or refuses to deem an animal to be a vicious animal, any person may petition to have an animal classified as vicious by filing with the Animal Control Department a written "Petition to Classify an Animal as Vicious" on a form provided by the Animal Control Department.
2. Notice: Upon receipt of a properly executed petition, the Animal Control Officer shall ensure a copy thereof is mailed or hand-delivered to the animal's owner.
3. Response: The owner shall then have ten calendar days from the date of receipt to submit a written response to the allegations of the petition. If mailed, the petition shall be deemed received five calendar days after the date of mailing.
4. Decision: Upon receipt of the owner's written response, if any, the Animal Control Officer shall decide whether the animal is to be classified as vicious. The Animal Control Officer shall ensure written notice of his decision is mailed or hand-delivered to the owner.
5. Appeal: Appeal of the Animal Control Officer's decision may be made to the mayor of Midway City. The appeal shall be filed with the Mayor in writing within five calendar days of receipt of the Animal Control Officer's decision. The Mayor's decision regarding the appeal shall be the final decision of the City.
6. Destruction of Vicious Animal: If an animal is classified as vicious and time for appeal has expired or the Animal Control Officer's decision is upheld on appeal pursuant to 6.03.090 G, the Animal Control Officer shall have the animal destroyed as soon as possible.

Section 6.03.100 Judicially Excluded Animals

It shall be unlawful to bring any animal into Wasatch County, including the Midway City limits, which has, in any jurisdiction:

- A. Been judicially determined to be vicious, a nuisance, or a threat to the health or safety of human beings.
- B. Been judicially removed from any county or municipality for violations of the laws or ordinances, which by their nature are also in violation of this Title.

Section 6.03.110 Cruelty to Animals

A person commits cruelty to animals if he intentionally or knowingly:

- A. Fails to provide any animal in his charge or custody with adequate food, drink, care, and shelter.
- B. Abandons an animal in his custody.

C. Carries or confines any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to carrying or confining such animal without adequate ventilation or for an unusual length of time.

D. Wrongfully kills, maims, disfigures, tortures, mutilates, burns, scales, over-drives, overworks, or otherwise cruelly sets upon any animal. Each offense shall constitute a separate violation.

E. Makes accessible to any animal, with intent to cause harm or death, any substance that has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health, when applied in such a manner as to reasonably prohibit access to other animals.

F. Causes any animal, including a dog, to fight with another animal or creature of like kind for amusement or gain; or causes any animal, including a dog, to fight with a different kind of animal or creature for amusement or gain.

Section 6.03.120 Affirmative Defense

It is an affirmative defense to prosecution under this Title that the conduct of the actor toward the animal was for the branding of livestock, by a licensed veterinarian using accepted veterinary practice, or directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.

Section 6.03.130 Officers' Authority to Take Possession of Animals--Lien for Care

A. Any enforcement officer may take possession of any animals being treated cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for them, or upon permission of the owner destroy them.

B. Officers caring for animals pursuant to this Section have a lien for the reasonable value of the care and/or destruction. Disposition of any such animals shall be according to procedures authorized for any other impounded animal.

C. Any enforcement officer may humanly destroy any animal found suffering past recovery for any useful purpose.

Section 6.03.140 Number of Animals

No person shall harbor or possess more than three dogs and/or three cats, four months of age or older without purchasing a kennel license or a hobby breeder's license.

Section 6.03.150 Injuries and Communicable Diseases

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

CHAPTER 6.04 REGULATIONS FOR SPECIFIC ANIMALS

Section 6.04.010 Dogs Generally

Section 6.04.020 Cats Running at Large

Section 6.04.030 Livestock

Section 6.04.010 Dogs Generally

A. Dogs Running at Large.

1. It is unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a class C misdemeanor under this Section as well as for any violation(s), damage, or injury committed by the dog, regardless of whether or not the person knows the dog is running at large. A dog is not “at large” if it is confined within a building or enclosure or is restrained by a leash.
2. However, dogs may be at large while participating in field trials and obedience classes organized and sanctioned by recognized dog clubs, while assisting their owner or trainer in legal hunting or in herding of livestock, while assisting a peace officer engaged in law enforcement duties, or while being trained for the above purposes so long as such dogs are under direct and effective sound or gesture control within sight of such individuals to assure that they do not violate any other provisions at law.
3. Any person authorized herein to enforce this Title may impound a dog at large, and dispose of such dog as provided in this Title.

B. Dogs Prohibited Where Notice Given. It shall be a class C misdemeanor for the owner or person having charge, care, custody or control of a dog to allow such dog to be present on a public park, trail, sidewalk, or gathering place where notice against such is given through the posting of signage by the entity controlling such place. Persons who use specially trained dogs to assist them with hearing, mobility or sight shall be exempt from this Section.

C. Attacks By Dogs.

1. **Attacking Dogs.** It is unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog to attack, chase, or “worry” any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. “Worry,” as used in this Section, means to harass by tearing, biting, excessive or loud barking at a close distance, or shaking with the teeth.
2. **Owner Liability.** The owner or person having charge, care, custody, or control of any dog in violation of subsection (1) of this Section shall be strictly liable for violation of this Section regardless of whether such person knew of the dog’s actions. In addition to being subject to prosecution under subsection (1), the owner of such dog shall also be liable in damages to any person injured, or to the owner of any animal(s) injured or destroyed thereby.
3. **Dogs May Be Killed.** Any person may kill or injure a dog while it is committing any of the acts specified in this Section, or while the dog is being pursued immediately thereafter.

D. Possession of a Vicious Dog. The possession of a vicious dog is unlawful unless it is restrained, confined, or muzzled so that it cannot bite or attack any person or animal. Dogs held

in violation of this Section shall be deemed a public nuisance, and their continued possession or ownership shall be unlawful, each day being a separate violation. The department may impound any such dog and dispose of it in any humane manner after five working days to allow for legal restraining action by the owner. The following are conditions of ownership of any animal that is fierce, dangerous, or vicious:

1. The dog must be kept in a heavy gauge wire dog run which is six feet in height with a secure ceiling and floor.
2. The dog must be kept on a leash and properly muzzled when out of its kennel.
3. All other applicable provisions of this Title must be complied with.

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

F. Dog Fighting.

1. It is unlawful for any person to:
 - a. Own, possess, keep, or train a dog with the intent to engage it in an exhibition of fighting with another dog.
 - b. Cause a dog to fight with another dog or cause a dog to injure another dog for amusement or gain.
 - c. Tie, attach, or fasten any live animal to a machine or device propelled by any power, for the purpose of causing the animal to be pursued by a dog.
 - d. Permit or allow any act which violates Subsection (a), (b), or (c) of this Subsection on any premises under his charge; or to control, aid or abet any such act.
2. Possession of any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenny, or other paraphernalia together with evidence that the paraphernalia is being used or is intended for use in the unlawful training of a dog to fight with another dog, together with the possession of any such dog, is prima facie evidence of violation of this Section.
3. It is unlawful for any person to knowingly and intentionally be present as a spectator at any place made for an exhibition of dog fighting, or to knowingly and intentionally be present at a dog fighting exhibition or any other occurrence of fighting or injury described in this Section. A person who violates this Section is guilty of a class C misdemeanor.
4. Nothing in this Section shall be interpreted to prohibit any of the following:
 - a. The use of dogs for the management of livestock by the owner, his employees or agents, or any other person in the lawful custody of livestock.
 - b. The use of dogs for hunting.
 - c. The training of dogs or the possession or use of equipment in the training of dogs for any purpose not prohibited by law.

G. Enforcement Under This Section. Enforcement of any of the provisions under this Section in no way prevents or excludes enforcement for dog violations under any or all other provisions of this Title or of State law.

Section 6.04.020 Cats Running at Large

It is unlawful for the owner or person having charge, care, custody, or control of any cat to allow such cat to run at large. The owner or person charged with responsibility for a cat found running at large shall be strictly liable for a class C misdemeanor under this Section as well as for any violation(s), damage, or injury committed by the cat, regardless of whether or not the person knows the cat is running at large.

Section 6.04.030 Livestock

A. It is a class C misdemeanor for any person owning or having the custody, possession, or control of an animal of a class of livestock or fowl to allow the animal to run at large. Such will give rise to strict liability criminally. Each animal at large and each day it is at large may constitute a separate misdemeanor violation. It shall be the duty of all owners or keepers of livestock to fence such animals in properly.

B. All fencing of property where a class of livestock or fowl is kept, shall be of sufficient construction to prevent the escape of or injury to the animals being confined within the fencing. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstances, may be broken, damaged, or in any way create the possibility of injury to the confined animal or to allow the escape thereof.

C. Any animal in violation of this Section may be impounded and disposed of in accordance with this Title or in accordance with the State Law.

CHAPTER 6.05 STANDARDS FOR ANIMAL FACILITIES OR SHELTERS

Section 6.05.010 General Standards

Section 6.05.020 Kennel Regulations

Section 6.05.030 Hobby Breeders

Section 6.05.040 Renewal and Fee for License

Section 6.05.050 Licensee of Kennel or Hobby Breeders Required to Notify City.

Section 6.05.060 Standards and Procedure for Inspection

Section 6.05.070 Suspension or Revocation of a License

Section 6.05.080 Horse Stable Regulations

Section 6.05.010 General Standards

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

- A. Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- B. All animals shall be supplied with sufficient good and wholesome food and fresh water as often as the feeding habits of the respective animals require.
- C. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
- D. All animals shall be so maintained so as to eliminate excessive odor and noise. Livestock being raised as part of a working farm shall be except from regulation under this paragraph.
- E. No animal shall be without attention more than 24 consecutive hours. Whenever an animal is left unattended at a commercial animal facility the telephone number of the department of animal control or the name, address and telephone number of the responsible person shall be posted in a conspicuous place at the front of the property. However, this provision shall not apply to livestock. Livestock shall be attended at reasonable intervals.
- F. Animal buildings and enclosures shall be so constructed and maintained as to prevent escape of the animal. All reasonable precautions shall be taken to protect the public from the animal and the animal from the public.
- G. Every building or enclosure wherein animals are maintained shall be constructed of a material easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating, cooling, and shelter shall be provided as required according to the physical need of the animal, with sufficient light to allow observation of animals and sanitation.

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

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

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

K. All wild animals permitted pursuant to this Section shall be maintained in buildings, enclosed yards, or cages as specified by the Coordinator and such shall be kept at distances from adjacent buildings as specified in the Midway City Land Use Title.

Section 6.05.020 Kennel Regulations

A. Specific kennel definitions.

1. Cages. Individual, portable facilities for containing dogs or other animals.

2. Exercise yard. An area enclosed by a fence of at least six feet in height wherein dogs are allowed to run and exercise. Every portion of an exercise yard fence shall be separate and removed from any property boundary fence.

3. Fencing. Unless otherwise authorized, shall mean a good grade commercial net fence with net spacing of no greater than two inches, carried on solid posts set in concrete, suggested minimum is eleven gauge wire, two inch steel posts set on no greater than ten foot spans.

4. Kennel. Any lot, building structure, enclosure or premises whereupon or wherein four or more dogs over four months of age are kept or maintained for any purpose. Including boarding, breeding, buying, grooming, letting for hire, training for fee or selling.

5. Kennel Building. A permanent structure designed, intended, or used exclusively for the housing of dogs.

6. Kennel Run (inside). The separated area inside a kennel building used for the interior housing of dogs.

7. Kennel Run (outside). An area adjacent to a kennel building and enclosed by a fence at least six feet in height.

B. Kennel Requirements. Each person operating a kennel shall comply with these requirements:

1. License. Each kennel must have a current valid kennel license and a current valid business license in those areas which require a business license in addition to a kennel license. Such licenses are required to be displayed and readily available for inspection by any authorized person.

2. Records. A kennel record must be kept available for inspection and such record to show the name, current address, and telephone of the owner of the dog, the date entered the kennel, the reason for its being in the kennel, i.e. for boarding, sale, breeding, grooming, etc., the description of the dog, (age, breed, sex, color, etc.). On any dog over four months of age, a current valid rabies certificate shall be maintained as a part of this record, as long as the dog is maintained in the kennel.

3. Physical facilities. The basic intent of these regulations is to see that all animals receive proper care, that they are being treated kindly, properly fed, and that their surroundings are being kept in a sanitary condition.

4. Animal Rooms:

a. Cage. Cage length and width shall exceed the animal's length from the base of the tail to the tip of the nose by at least six inches. Cage height shall exceed the animal's height by at least four inches. Small puppies may be caged together using their combined length according to the above formula. Cages shall be so constructed and be of such material as to be maintained in a sanitary condition. Animals shall be removed from and be provided with an exercise yard for their use for such periods as determined by the size, age, and condition of the animal. Diseased animals must be maintained apart from healthy animals in suitable and separate quarters.

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

5. Sound Standards. All kennels shall be constructed of material which contains the sound one foot away from the kennel at any direction such that at no time does the sound level exceed 55 dBA as measured by meter.

6. Outdoor Facilities:

a. Shall be provided with windbreaks, roofing, and shelter adequate to protect the animals from the weather.

b. They shall be adequately drained and maintained in a sanitary manner.

c. Adequate and sanitary means of disposing of droppings shall be provided.

d. All kennel runs shall be fenced with a net fence with net spacing no greater than two inches, such fence to be separate and apart from property boundary fence, by at least 25 feet.

e. Kennel runs shall have a minimum free and clear area of ten square feet per dog. Large breed dogs require larger kennel runs up to a minimum of 75 square feet per dog.

7. Indoor Shelter:

a. Except where animals are caged, shall have a minimum of six square feet per dog.

b. When the minimum area is provided it should be supplemented with exercise yards for dogs, which are maintained for extended periods.

c. Kennels shall not be left unattended for a period in excess of 24 hours.

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

C. Inspections. All areas of kennel runs, yards, food storage, and auxiliary buildings shall be subject to inspection of authorized persons.

D. Identification. An emergency name, address, and phone number shall be posted in a conspicuous place at the front of the property.

E. Exception. Nothing in this Section shall be construed to require a veterinarian that maintains a facility for treating sick animals to obtain and maintain a license for a kennel for the purposes of the veterinary practice.

Section 6.05.030 Hobby Breeders

Breeders of dogs may obtain a permit to keep four but not more than eight dogs over four months of age, in a residential area inside the Midway City limits but in those areas allowed provided:

- A. Such dogs are individually licensed.
- B. Proof of rabies certificate is maintained for each dog.
- C. Such dogs are registered with a national registry (AKC, UKC, ETC).
- D. Approval is granted by the appropriate authority, zoning, Wasatch County Health Department, and the Coordinator acting under authority of this Title.
- E. Adequate runs (not necessarily concrete) as follows:
 - 1. Mature small dogs 15-inch shoulder height minimum 4-foot high fencing.
 - 2. Mature large dogs 15-inch shoulder height and over minimum 6-foot high fencing.
- F. The holder of a permit issued under this Section keeps no more than one litter intact until the dogs reach six months of age.
- G. No more than one animal from the litter is retained until it reaches twelve months of age.
- H. At no time may the holder of the permit retain more than nine dogs over six months of age nor more than eight dogs over one year of age.
- I. Other provisions of this Title are complied with and no dog or premises is deemed a nuisance.

Section 6.05.040 Renewal and Fee for License

Where Hobby Breeding is allowed, the breeder shall pay an annual license fee as established by the City Council, renewable each year after inspection by the Animal Control Officer.

Section 6.05.050 Licensee of Kennel or Hobby Breeders Required to Notify City

The licensee shall notify the Heber Valley Animal Control Officer or his agents within 30 days of any change in this establishment or operation that may affect the status of his license. In the event of a change in ownership of the establishment, the licensee shall notify a Heber Valley Animal Control Officer immediately. Licenses shall not be transferable.

Section 6.05.060 Standards and Procedure for Inspection

A yearly inspection for a license for all Kennels and Hobby Breeders is hereby required and licensees must demonstrate to the inspector that they meet the following requirements:

- A. Provide a type of structure, building, pen, or cages to protect the animal from weather.

- B. Provide food, water, and sanitation facilities provided for animals.
- C. Take measures related to health of animals, control of noise, and odors.

Section 6.05.070 Suspension or Revocation of a License

The suspension or revocation of a license shall be determined because of violation of rules or regulations on the following grounds:

- A. Falsification of facts in license application or purebred registration.
- B. Violation of any established ordinances or regulations relating to noise, odor, building, or zoning ordinances.
- C. Conviction on a charge of cruelty to animals.
- D. Inspector shall inform licensee of such violations by written notice.
- E. Establish specific and reasonable period of time for the correction of such violation(s) found.
- F. An opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the City Council within two weeks of notice.

Section 6.05.080 Horse Stable Regulations

A. Definitions:

1. Certified Planner. A person who is licensed to prepare nutrient management plans (NMP) for Animal Feed Operations by the United States Department of Agriculture.
2. Horse Stable Aisle. A common facility between individual horse stalls where horses are handled or moved between one place and another within, or into and outside of, the stable
3. Hand. A standard measure for the height of horses equal to four inches measured from the bottom of the hooves to the top of the withers. Horse sizes are extremely variable, from small pony breeds to large draft breeds. The height at the withers of an average horse is 16 hands (5' 4").
4. Horse Stable. A place where more than four horses are kept and sheltered for a fee.
5. Horse Stall. A place where horses are kept indoors individually separated one from another.
6. Birthing Stall. (Foaling Stall) A special stall kept apart from other stalls where a mare can give birth to a foal without disturbance from other horses.
7. Straight stall. A long stall from which a horse may enter and leave in only one direction.
8. Withers, (N, plural). They are made up by the dorsal spinal processes of the first five to nine thoracic vertebrae (every horse has 18 thoracic vertebrae), which are unusually long in this area. Since they do not move relative to the ground (as does the horse's head), the height of a horse is measured from the ground to the withers.

B. Horse Stable Regulations.

1. Any new building used to stable horses must conform to the current building codes for structural integrity. Stables can be located in existing structures; however, alterations to existing facilities must meet existing codes. Historically significant structures that were built before there were building codes may be used as stables but alterations to those buildings must meet existing codes.
2. All stalls, aisles, wash stalls, arenas and other facilities used for stabling, handling or treating horses must have positive drainage for liquid discharges that not only drain water from the facility but ultimately discharge the water to environmentally acceptable termination facilities year round. A nutrient management plan (NMP) must be prepared by a Certified Planner to control and contain onsite all runoff from a 25-year, 24-hour storm event for stable facilities regulated under this Section for more than four horses. These must be reviewed by the City Engineer who shall provide comment to the City Planner and the animal control officer. The City Planner shall review the plan and provide comments about the plan to the Wasatch County Health Department and animal control officer. The Wasatch County Health Department is not required to approve or disapprove the plans, but is to be asked for review and comment. If the stable requires approval as a concentrated animal feeding operation (CAFO), the City Planner shall refer the plan to the appropriate agency for review and approval before recommending approval of the license for the stable.
3. Horse stables shall be designed, or modified, so that the air will be exchanged at least eight times per hour. This can be accommodated by natural or mechanical ventilation.
4. Horse stalls must have a ceiling height of no less than ten feet for 50 percent of the stall area facing the aisle or door so as to accommodate a horse standing a minimum of 16-hands high rearing on its hind quarters at the front of the stall. The minimum height for the rest of the stall may not be less than six feet.
5. Horse stall sizes shall be no less than is necessary to accommodate a horse so that it can turn and lie in the stall. Straight stalls are not approved for use in Midway City.
6. Stables that are to be built specifically for greater and less than average size horses, which are less than 14.2-hands tall or are greater than 16.3-hands tall may be accommodated by special application that certifies how the breed of horses that use the facility will be controlled to avoid improper placements.
7. Electrical wire in confinement areas must be contained in the walls or within electrical conduit.
8. Light bulbs must be protected by cages built to protect the bulb from contact with horses.
9. Electrical power outlets in stable facilities must be protected with Ground Fault Current Interrupt (GFCI) facilities.

C. Standards of Care

1. Water Requirements:

- a. A horse needs at least 15 gallons per day of fresh water; therefore, horses must have unlimited access to fresh water at all times of the year. Horses kept on pasture shall have access to fresh water at all times.
- b. Water tanks shall be kept clean.
- c. Watering tanks shall be kept free of ice by use of a tank heater.
- d. Automatic watering devices must be cleaned regularly and checked for malfunction.
- e. All watering devices using a City water supply shall be equipped with a backflow prevention mechanism to prevent cross-contamination of the system.

2. Feed Requirements:

- a. All hay will be of good quality to keep weed seeds out of the feed and pastures and to protect other properties.
- b. Hay may be made from several different types of grasses, alfalfa, or a mix of grasses and alfalfa. Oat hay and beardless barley hay are acceptable. Moldy or excessively dusty hay is not acceptable.
- c. Horses shall be fed hay and/or grain daily if pasture is inadequate or is unavailable due to inclement weather.
- d. Grain shall be stored in such a way as to prevent the introduction of animal feces and urine. All facilities will have a rodent and vermin reduction plan so as to not create a nuisance.
- e. Any feed that has been spoiled by mold, feces or urine shall not be fed to any animal and shall be disposed.
- f. All barn cats will be neutered or spayed.
- g. Horses in stalls must be turned out of their stalls once each day for at least one hour, except for stallions, which may be confined to the stable to protect other horses, unless the horse is being confined for medical purposes.

3. Shelter. If not kept in a stable, pastured horses must be provided shelter or weatherproof blankets. Acceptable shelters are windbreaks, loafing sheds and run-ins. Structures shall be maintained in good repair.

4. Fence Standards:

- a. Fences shall be of sufficient height to prevent a horse from jumping over them and strong enough to prevent a horse from breaking them. All fences and gates shall be kept in good repair. Barbed wire fences shall not be used to enclose horse pastures. T-posts whenever used shall be capped to prevent injury. Fences shall be maintained regularly to reduce the potential for injury to horses enclosed therein.
- b. Exception to Fence Standard. Horses may be turned out into fields which are primarily used for hay production after the last crop of hay has been harvested to forage for remaining feed prior to frost. These fields need not have barbed wire removed for temporary pasturage.

5. Horse Health Care:

- a. Hoof Maintenance. Horses should be shod or trimmed regularly. Injuries to the hoof such as splits or cracks should be attended to immediately. Horses with severely neglected feet will be impounded by the Animal Control Officer.
- b. Vaccinations. All horses in Midway City shall be vaccinated according to the State Veterinarian's recommendations. Presently this includes inoculations for West Nile virus, influenza (flu), rhinopneumonitis (rhino), eastern and western strains of encephalomyelitis (sleeping sickness) and tetanus (EET). Other vaccinations may be required in case of outbreaks of disease.
- c. EIA Testing. Equine Infectious Anemia (EIA) is a disease transmitted by blood sucking insects. The State requires that a horse that tests positive be euthanized and the barn in which it is stabled be quarantined. Midway City requires all horses to be tested annually.
- d. Parasite Control. Internal parasites can cause quite a variety of illnesses and produce a generally poor appearance. Since parasites use the ground as part of their reproductive cycle, stables in Midway City shall have a parasite control program.

6. Stable Maintenance:

- a. Stables and stalls will be kept clean and neat.
- b. Horses in stalls shall have their stall cleaned daily.

- c. Shavings from walnut and cedar are toxic to horses and are not permitted as beddings.
 - d. Stables, and arenas, training and exercise facilities shall have manure removed daily.
 - e. Facilities shall be kept in good repair and shall not be allowed to become rundown, unsafe, an eyesore or a nuisance.
7. Pasture Management. If the facilities include pastures, such pastures must be managed in accordance with a pasture plan that will keep the forage green and healthy. Pasturage:
- a. Shall be watered and managed in such a way as to maintain pasture quality and green grass coverage of at least three inches average stubble height.
 - b. Shall not become denuded, weedy, dusty or muddy. Such pasture conditions shall be considered a public nuisance.
8. Manure Management. The purpose for manure management is to reduce dust, odor and insect problems related to the deposition of manure from horses confined to small areas where nature does not degrade and decompose the manure naturally without causing impacts to surrounding human environments.
- a. All manure and used bedding shall be collected from stalls, pastures, arenas (both indoor and outdoor), trails, training and exercise facilities regularly. Such waste shall be stored in such a way as to minimize odor and flies.
 - b. Manure may be composted on site if the facility has a plan to distribute the compost and has the equipment and appropriately trained personnel necessary to do so.
 - c. Manure may not be imported from other facilities for composting.
9. No point Source Pollution. All facilities are responsible for ensuring that they do not pollute water by collecting and properly disposing of manure and contaminated storm water (runoff). Clear runoff shall be diverted away from concentrated feed areas and manure stockpiles. Runoff from manure stockpiles and concentrated feed areas shall be contained and controlled so as not to affect or contaminate neighboring properties.
10. Carcass Disposal. Disposal of dead animals is allowed only through a property-licensed facility and/or through the County transfer station in accordance with appropriate laws and regulations.
11. Fly, Odor, Dust and Weed Control. It shall be the duty of horse facility operators implementing stable plans covered by these requirements to manage their operations so that they do not become, in the reasonable opinion of the Animal Control Officer, fly, odor, and dust and/or weed nuisances.
12. Noncompliance. In the event that, in the reasonable opinion of the Animal Control Officer, the facility does not comply with the above requirements the City of Midway may issue a Notice of Violation.
13. Emergency Services. Stabled horses generally will not leave their stalls to avoid a fire or other disaster that strikes their stable. It is necessary that all stables have an emergency action plan to use when disaster strikes so the animals and adjacent properties are protected as much as possible. To this end each licensed Stable shall have an Emergency Preparedness plan filed with the City and the Local Health, Fire department and Sherriff's office that has the following parts:
- a. The name and address of the owner of the facility and the name of any manager or other responsible party on site.
 - b. A plan that shows the physical layout of the stable and surrounding property;
 - c. All stables must be accessible by a fire apparatus access road and provide access for emergency equipment all around the stable.

- d. The plan must highlight the gates, stalls, doors, aisles, driveways, fueling facilities, propane tanks, shutoff and meter locations for natural gas supplies, electrical power panels and breakers, septic tanks, drain fields, sumps, drains and other information that will help emergency services personnel know how to enter the property and help with evacuation during an emergency.
 - e. The plan must highlight fire hydrants and any other fire suppression equipment within 350 feet of the property.
 - f. List the number of animals expected to be housed in the stable and provide a list of names and addresses of the owners of each animal when requested by emergency personnel or authorized city officers.
 - g. Include an emergency evacuation plan for the horses showing the evacuation location and perimeters of the evacuation area sufficiently large enough to avoid smoke or fire damage to the horses and a perimeter large enough to avoid fire damage to horses which are pastured outside the facility.
14. Corrective Action Plan. When the Animal Control Officer finds an owner is in noncompliance of the standards of this Title and the offender has not been out of compliance in this Section of the animal control Title previously, the remedy is best characterized as needing corrective action. In lieu of prosecution or issuance of a Notice of Violation, the Animal Control Officer may accept a corrective action plan which, if followed, will correct the out of standard behavior within a reasonable time, not to exceed one year.

CHAPTER 6.06 IMPOUNDMENT AUTHORIZED

Section 6.06.010 Enforcement Officer May Capture Animal

Section 6.06.020 Animals to be Impounded

Section 6.06.030 Capture by Individuals

Section 6.06.040 Information Upon Relinquishment

Section 6.06.050 Notice to Owner-Lost Animals

Section 6.06.060 Redemption by Owner

Section 6.06.070 Holding Period

Section 6.06.080 Disposal of Unredeemed Animals

Section 6.06.090 Destruction of Animals

Section 6.06.100 Redemption of Unvaccinated Animal

Section 6.06.110 Vaccination Allowed Upon Impoundment

Section 6.06.120 Establishment of Animal Disposal Facilities

Section 6.06.010 Enforcement Officer May Capture Animal

Any enforcement officer or designee may attempt to capture any animal found in violation of this Title and may destroy an animal if in their judgment such action is required for public health and safety.

Section 6.06.020 Animals to be Impounded

The following animals may be taken into custody and impounded without the filing of a complaint:

- A. Any vicious animal not properly confined as required by this Title.
- B. Any animal running at large.
- C. Any unlicensed animal, which is required by this Title to be licensed. Any animal not wearing a tag shall be presumed to be unlicensed for purposes of this Section, except those dogs specifically exempted.
- D. Sick or injured animals whose owner cannot be located.
- E. Any abandoned animal.
- F. Animals that are not wearing a rabies vaccination tag in accordance with the requirements of this Title.
- G. Any animal to be held for quarantine.
- H. Any animal being kept or maintained contrary to the provisions of this Title.

Section 6.06.030 Capture by Individuals

Any person who finds an animal at large may take it into his possession and must within 24 hours thereafter notify the Heber Valley Animal Control Shelter and surrender the animal to the Heber Valley Control Shelter upon demand. No such action shall result in a charge against Midway City. The finder of an animal at large shall use reasonable care to preserve it from injury; however, he shall not be held liable if the animal dies, escapes, or injures itself while he is carrying out the provisions of this Section except as occasioned by his own negligence.

Section 6.06.040 Information Upon Relinquishment

Any person who relinquishes an animal to the Heber Valley Animal Control Shelter shall give his name, address and, if he is not the owner, the location where he found the animal.

Section 6.06.050 Notice to Owner-Lost Animals

Upon receipt of a lost or stray animal bearing a current year's license tag, the Heber Valley Animal Shelter personnel or enforcement officer shall immediately telephone or mail to the owner of record at the address indicated on the license form, a notice of the location of the animal. Compliance with notice requirements of this Section shall be deemed as met if an authorized person shall have mailed the notice to the owner of record at his address of record, postage prepaid.

Section 6.06.060 Redemption by Owner

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

Section 6.06.070 Holding Period

Unless an animal is destroyed or otherwise disposed of under other provisions of this Title, the animal control facility shall hold an impounded, lost, or stray dog or cat for not less than five working days after notice is given pursuant to this Title, so that the owner or custodian may claim it prior to other disposition. If the owner is not known, no notice is required and the animal shall be held not less that five working days after it is first impounded.

Section 6.06.080 Disposal of Unredeemed Animals

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

Section 6.06.090 Destruction of Animals

When, in the judgment of the animal shelter personnel, it is determined that an impounded animal should be destroyed for humane reasons, disease control or to protect the public or animal regulation personnel from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order.

Section 6.06.100 Redemption of Unvaccinated Animal

A. All unvaccinated animals at the Heber Valley Animal Control Shelter may be vaccinated before being released. The person taking custody of the animal shall pay for the cost of the vaccination before the animal is released.

B. If vaccination is not available, then the owner of any impounded animal which has not been vaccinated as required by this Title upon satisfactory proof of ownership, may redeem his animal by making a deposit with the Heber Valley Animal Control Shelter in the amount that is in effect at the time, and be allowed ten days to get such animal vaccinated. If owner fails to procure a vaccination certificate within such ten days, the deposit shall be forfeited and the animal shall be impounded. Upon presentation within such period of time of a certificate of vaccination issued under this Chapter, the deposit shall be refunded.

Section 6.06.110 Vaccination Allowed Upon Impoundment.

Any animal impounded at the Heber Valley Animal Control Shelter may be vaccinated for disease control.

Section 6.06.120 Establishment of Animal Disposal Facilities

The Department shall establish at the Heber Valley Animal Control Shelter a humane procedure for euthanasia of animals. The Department may, at its option, upon payment of applicable fees, accept animals for humane disposal. The owner or possessor of such animals shall first complete appropriate forms setting forth the facts constituting such ownership and/or possession, certifying that he has the right to request disposal of such animals and agree to hold the Heber Valley Animal Control Shelter and Midway City, or their agents, and employees harmless from any liability for its acceptance and disposal of such animals. The owner or person requesting the disposal of any animal shall certify in writing that, to the best of his knowledge, the animal has not bitten a human being or animal within the period established by this Chapter for isolation of biting animals and suspected rabid animals. Notwithstanding the foregoing, the shelter may authorize, with permission of the owner if known, the euthanasia of a biting animal for the purpose of laboratory examination.

CHAPTER 6.07 LICENSING AND REGISTRATION

Section 6.07.010 Dog Licenses

Section 6.07.020 Exceptions

Section 6.07.030 Voluntary Registration of Cats

Section 6.07.010 Dog Licenses

A. Required. All dog owners, except tourists or visitors who stay less than one month in an area coming within the jurisdiction of this Title shall apply for and obtain a separate dog license for each dog they own, possess, keep, or harbor, after it is four months old. Each license shall be issued by Midway City. All dog owners must possess such license at the time the dog is four months old or one month after obtaining or bringing into Midway City any dog over four months of age. Dog owners shall renew the dog license before it becomes delinquent for as long as they own, possess, keep, or harbor, or otherwise have custody of the dog. Licenses not purchased or renewed within 15 days after expiration, of the date on which they become due, shall be considered delinquent and a late fee as determined by the City Council shall be added to the cost of the new license.

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

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

D. Validity. Rabies Vaccination Prerequisite to Issuance. Licenses shall be valid from the date issued until the expiration date. No dog shall be licensed without proof of approved rabies vaccination. No license may expire later than the expiration date of the rabies vaccination. An owner may purchase a license for 24 months depending upon the date and kind of vaccine used upon payment of the fee established by the City Council. In the event the owner demonstrates proof of an unexpired rabies vaccination, the license fee shall be appropriately prorated.

E. Tags to be Worn. Each dog, required to be licensed, shall wear at all times the current license tag assigned to the dog except:

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

F. Lost Tags Shall be Replaced. Whenever a license tag is lost or damaged, the owner shall apply for and secure a replacement from the City upon payment of the prescribed fee.

G. Transfer of License.

1. Owners of dogs having a current license issued by another dog licensing agency outside of Wasatch County may upon proof of license issued by said agency be issued a City dog license upon payment of the applicable transfer fee. The rabies vaccination for any such dog must be valid for the duration of the license issued.
2. Whenever the ownership of a licensed dog changes, the new owner shall apply for and obtain a transfer license and pay the applicable fee.
3. The address of the owner is presumed to be the address where the dog is kept. Any change of address must be reported to Midway City within one month following such change.
4. Dog owners or the parent or guardian of minor children who sell or otherwise transfer the ownership or custody of a dog shall within one month thereafter inform the department of the name, address, and telephone number of the new owner and the name and description of the dog. If the ownership or custody of a vicious dog is transferred, the owner or the custody of a vicious dog is transferred, the owner or the parent or guardian of minor children shall, in addition, advise the new owner in writing of the details of the dog's record and provide the department with a copy thereof containing an acknowledgment by the new owner of his receipt of the original.

Section 6.07.020 Exceptions

The licensing provisions of this Chapter not apply to the following:

- A. Transient, Show Dogs. Dogs whose owners are nonresidents temporarily within Midway City for 30 days or less, or dogs brought into Midway City for the purpose of participating in any dog show.
- B. Dog Maintained in a Licensed Kennel. Any dog which has not reached the age of four months or any dog kept or maintained exclusively in a licensed kennel shall not be registered and no fee is required.
- C. Seeing Eye, Hearing, and Law Enforcement Dogs. Any dog which has been duly or properly trained to assist the blind, deaf, or law enforcement personnel and is currently acting in that capacity.
- D. Dogs Maintained by Impecunious Person. If any person shall furnish evidence satisfactory to the department that such person, by reason of unavoidable poverty, merits exemption from the payment of any fees or charges by this article, the dog shall be registered buy the department shall waive the payment of any such fees or charges.
- E. Police Service Dogs.

Section 6.07.030 Voluntary Registration of Cats

The owner of any cat may, upon submission of proof of rabies vaccination, certified to by a licensed veterinarian, and upon payment of the fee established by resolution of the City Council, be issued a license certificate and tag. No person shall remove a registration tag from a cat

without the consent of the owner thereof. Licensing shall be valid for the period of rabies vaccination. The obtaining of such a license shall be optional on the part of the owner.

CHAPTER 6.08 VACCINATION

Section 6.08.010 Dogs

Section 6.08.020 Cats

Section 6.08.010 Dogs

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

B. Exemption From Rabies Vaccination During Illness. Notwithstanding any other provisions of this Chapter, a dog need not be vaccinated for rabies during an illness if a licensed veterinarian has examined the dog and certified in writing that such vaccination should be postponed because of a specified illness. Old age, debility and pregnancy are not considered contraindications to rabies vaccination. Exemption certificates are subject to approval by the department and shall be valid only for the duration of the illness. Exemption from vaccination does not exempt a dog from the licensing requirement.

Section 6.08.020 Cats

Cat owners shall obtain a rabies vaccination for each cat they own, keep, harbor, or have custody of, within one month after it becomes four months of age, or within one month after obtaining any cat over four 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 cat four months of age or over unless such 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 cats. Such vaccination shall be repeated at intervals specified by the Utah State Department of Health in order to maintain adequate immunity.

CHAPTER 6.09 RABIES CONTROL

Section 6.09.010 Report of Bites

Section 6.09.020 Report of Suspected Rabid Animals

Section 6.09.030 Quarantined for Ten Days of Biting or Suspected Rabid Animals

Section 6.09.040 Examination of Head

Section 6.09.050 Domesticated Animals

Section 6.09.010 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 department or Wasatch County Health Department immediately thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.

Section 6.09.020 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 department or Wasatch County Health Department and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the department or Wasatch County Health Department.

Section 6.09.030 Quarantined for Ten Days of Biting or Suspected Rabid Animals

Upon the reasonable order of the department or public health officer, a biting or suspected rabid animal or an animal suspected of other contagious diseases i.e. avian flu, the animal shall be quarantined 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, veterinary hospital, or other adequate facility in a manner approved by the department or Wasatch County Health Department.

Section 6.09.040 Examination of Head

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

Section 6.09.050 Domesticated Animals

The provisions of this Section notwithstanding, if the biting or suspected contagious rabid animal is of the domesticated variety that is owned or obviously could have an owner, said animal shall be confined for a period of ten days to allow time for an attempt to locate an owner unless county

veterinarian or other licensed veterinarian shall reasonably deem it necessary to sacrifice the animal for the purpose of laboratory examination.