



ORDINANCE NO. 87-1 IS HEREBY AMENDED TO READ AS FOLLOWS:
AN ORDINANCE PROVIDING FOR THE REGISTERING AND LICENSING OF DOGS, AND REGULATING DOGS RUNNING AT LARGE: AMENDING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING PENALTY FOR THE VIOLATION OF THE PROVISIONS HEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF MANTUA TOWN UTAH, AS FOLLOWS:

SECTION 1: DEFINITION OF TERMS

Unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

- A. "Dog" shall mean both male and female dogs of any age.
- B. "Licensed Dog" is hereby defined and declared to mean a dog which has been licensed in Mantua by paying for and obtaining license tags in Mantua City as set forth in this chapter.
- C. "Owner" shall mean any person or persons, firm, association or corporation that owns, keeps, harbors or maintains a dog or other animal.
- D. "At Large" shall mean any dog off or away from the premises of the owner, possessor or keeper thereof, and not under the control of the owner or his agent, chain, cord or leash.
- E. "Rabies Vaccination" shall mean any dog which has a valid current immunization against rabies administered through a duly licensed and qualified veterinarian and/or any dog which has been certified by a duly licensed and qualified veterinarian as having a current immunization against rabies.
- F. The "Animal Control Officer" shall be the Town Marshall.

SECTION 2: COLLECTION OF DOG LICENSE FEES

The Town Mayor, by and with the consent of the Town Council, shall appoint some competent person to act as Dog License Fee Collector.

SECTION 3: DOGS TO BE REGISTERED AND LICENSED; ANNUAL TAX

It shall be unlawful for any person to own or keep a dog which is over six months of age within the corporate limits of the City without making application to the City Recorder for a dog license. The fee for such license shall be established by resolution from time to time by the City Council. The license fee shall be due and payable beginning with the first day of January of each year, and shall be delinquent if not paid on or before the last day of February. Licenses shall expire on the last day of December of the year in which license is secured. After the last day of February, all delinquent license applicants shall be charged a \$5.00 late charge, except that all owners of dogs brought into the City shall be given a grace period of 30 days for the purchase of the license at the normal established fee. All dogs brought into the City in any year after the last day of February shall be charged the original rate of license if purchased within 30 days from arrival, otherwise the license shall be considered delinquent.

Dog licenses shall not be transferable from one dog to another, and no refunds shall be made on any dog license for any reason whatsoever.

Replacement dog tags shall be issued upon payment of \$1.00 for each tag so issued to replace any original tag which has been lost or destroyed, upon filing an affidavit of loss or destruction by the person who secured such original tag.

Each application for dog license shall be accompanied by a certificate signed by a licensed veterinarian which shall state the date on which such dog was immunized for rabies, and that the expiration date of effectiveness of such immunization will be effective for the entire period for which the license is issued.

SECTION 4: COLLARS AND TAGS TO BE WORN

Every owner shall be required to provide each dog registered and licensed as provided herein a suitable collar, to which the dog tag must be attached and have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate assigned and issued by the City for such dog. Vaccination tags shall be attached to the collar.

No person shall remove or cause to be removed the collar, dog tag, or vaccination tag from any licensed vaccinated dog without the consent of the owner, keeper or harborer thereof.

SECTION 5: IMPOUNDING DOGS WITHOUT COLLARS AND TAGS

Any dog over six months of age within the corporate limits of the City that is not wearing a collar with dog tag attached thereto as provided herein is hereby declared to be a nuisance and may be immediately taken and impounded. Any dog so impounded

and not claimed by its owner or keeper within 72 hours shall be sold or humanely destroyed. Such period or impoundment shall be exclusive of official City holidays and Saturdays and Sundays. The animal control officer shall make a reasonable effort to determine the ownership of the dog so impounded and send written notice of impoundment to the known owners, and owners of record.

SECTION 6: FEMALE DOG IN HEAT

The owners or keepers of a female dog shall cause such dog, when in season, to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog, or being attracted to such female dog so as to create a public nuisance.

It shall be unlawful for the owner or person having possession, charge, custody or control of any female dog to cause, permit or negligently allow the same to stray or run, or in any other manner to be at large in or upon the streets or sidewalks while such female dog is in the copulating season, and such female dog shall be deemed a nuisance and may be impounded. Such female dog may be claimed by its owner or keeper as set out in this chapter, and the animal control officer shall make a reasonable effort to determine the ownership of the dog so impounded and send written notice of impoundment to the owners.

SECTION 7: ANIMALS PROHIBITED

It shall be unlawful for any person to take any animals whether loose, or on a leash or in arms, in or about any establishment where food or food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets, fruit or vegetable stores; and it shall be unlawful for any person to cause any animal to enter or be in any place of worship during public services.

SECTION 8: DANGEROUS AND MISCHIEVOUS DOGS AT LARGE

It shall be unlawful for any owner or possessor of a vicious, fierce, dangerous or mischievous dog to permit or suffer the same to run at large, or permit or suffer it to run loose on or within the premises of any person or persons in such a manner as to endanger the life or limb of any person lawfully entering such premises.

SECTION 9: ABATEMENT OF VICIOUS ANIMALS OR PUBLIC NUISANCES

When it reasonably appears to the animal control officer that any animal is vicious or a public nuisance and that such nuisance or viciousness can only be effectively abated by the destruction of the animal, he shall first attempt to obtain the written consent of the owner to destroy it. If such consent cannot be readily obtained, the animal control officer shall impound said animal if possible. He shall file with the City Court a written charge of the maintenance of such nuisance,

setting forth such facts he can obtain along with the name and address of the owner, possessor or keeper of the animal as disclosed by the registration thereof, or based upon such information he can obtain. The Court shall then hold a hearing after not less than three days' written notice to the owner, possessor or keeper, given by first class mail or regular means of service of process. If upon such hearing, the Court finds that the charge of nuisance or vicious animal is sustained and that the destruction of such animal is the most appropriate manner to abate the same, he shall issue the animal control officer his written order for such destruction, and such order shall be executed within five (5) days thereafter. The Court may issue such other order it deems appropriate to abate vicious animals or public nuisances.

SECTION 10: KILLING; REMOVING DOG TAG FROM REGISTERED OR LICENSED DOG; PUTTING DOG TAG ON UNREGISTERED OR UNLICENSED DOG

It shall be unlawful for any person to kill or cause to be killed any registered or licensed dog without the certified written consent of the owner or possessor thereof, except as herein otherwise provided or to deprive a registered or licensed dog of its dog tag, or to put a dog tag on any dog not registered or licensed.

Any dog making a vicious and unprovoked attack on any person except in defense of the person, family or property of the owner, may be killed by any person while it is making such attack.

SECTION 11: UNLAWFUL TO TRAP ANIMALS

It shall be unlawful for any person or persons within Mantua to trap any domesticated animals with any type trap whatsoever, except under the specific supervision of the animal control officer or humane society. No domesticated animal shall be trapped at any time in any type trap designed to cause injury to said animal.

SECTION 12: BARKING OR HOWLING DOGS

It shall be unlawful for any person to own, keep or harbor within the limits of the City any dogs which by barking, howling or yelping disturbs the peace and quiet of any neighborhood or person.

SECTION 13: LEASH REQUIRED ON STREET, ETC.

It shall be unlawful for any owner or keeper of a dog to permit or suffer such dog to be on any public street, sidewalk or public place within the City unless such dog is on leash.

SECTION 14: ON PRIVATE PROPERTY WITHOUT CONSENT

It shall be unlawful for any owner or keeper of a dog to

permit or suffer such dog to run upon any private property within the City without the consent of the owner or tenant in possession of such property.

In the enforcement of any provision of this article any police officer or any animal control officer is authorized to go upon the yards and lands of any person to take possession of a licensed or unlicensed collarless fierce, dangerous or vicious dog when in fresh pursuit of such dog at the time the dog goes on to private property.

Any police officer or animal control officer, or official of the Humane Society when in the company of a police officer or animal control officer, when there is probable cause that an animal is not being provided humane care and treatment, may enter upon the premises of any person to investigate whether or not there has been a failure to provide humane care or treatment for any such animal.

SECTION 15: IMPOUNDING AND RECLAIMING DOGS RUNNING AT LARGE

A. All dogs, whether licensed or not, found running at large within the corporate limits of the City may be taken up and impounded for a period of not to exceed 72 hours as set out in this chapter. Any dog so impounded and not claimed by its owner or keeper within 72 hours or such additional time as may be determined reasonable by the animal control officer, shall be sold or humanely killed by the animal control officer or his deputy.

B. The owner or keeper of any dog so impounded may reclaim the dog within the period of impoundment by paying the City a fee in accordance with the following schedule:

(1) For the first impoundment of such dog, the amount of \$25.00 plus a fee of \$2.00 per day for each day of impoundment;

(2) For the second such impoundment of the same dog, the amount of \$50.00 plus \$2.00 per day for each day of impoundment;

(3) For the third such impoundment of the same dog, \$75.00 plus \$2.00 per day for each day of impoundment.

The City Council may by resolution change these fee amounts as it from time to time deems appropriate.

C. If any dog impounded as herein provided was not wearing a collar and dog tag at the time it was impounded, it shall not be released to the owner or keeper thereof, until the owner or keeper has in addition to paying the impounding fee, either purchased a dog tag as provided for by city ordinance or produced the registration, dog tag, or official receipt for the payment of the current year's registration of the dog.

permit or suffer such dog to run upon any private property within the City without the consent of the owner or tenant in possession of such property.

In the enforcement of any provision of this article any police officer or any animal control officer is authorized to go upon the yards and lands of any person to take possession of a licensed or unlicensed collared animal, dangerous or vicious dog when in fresh pursuit of such dog at the time the dog comes to private property.

Any police officer or animal control officer or official of the Humane Society when in the company of a police officer or animal control officer, when there is probable cause that an animal is not being provided humane care and treatment, may enter upon the premises of any person to investigate whether or not there has been a failure to provide humane care or treatment for any such animal.

SECTION 10. IMPOUNDING AND RECALLED DOGS REMAINING AT LARGE.

A. All dogs, whether licensed or not, found running at large within the corporate limits of the City may be taken up and impounded for a period of not to exceed 72 hours as set forth in this chapter. Any dog so impounded and not claimed by the owner or keeper within 72 hours or such additional time as may be determined reasonable by the animal control officer, shall be sold or humanely killed by the animal control officer or his deputy.

B. The owner or keeper of any dog so impounded may reclaim the dog within the period of impoundment by paying the City a fee in accordance with the following schedule:

- (1) For the first impoundment of such dog, the amount of \$25.00 plus a fee of \$2.00 per day for each day of impoundment;
- (2) For the second such impoundment of the same dog, the amount of \$50.00 plus \$2.00 per day for each day of impoundment;
- (3) For the third such impoundment of the same dog, \$75.00 plus \$2.00 per day for each day of impoundment.

The City Council may by resolution change these fee amounts as to from time to time deems appropriate.

C. If any dog impounded as herein provided was not wearing a collar and dog tag at the time it was impounded, it shall not be released to the owner or keeper thereof, until the owner or keeper has in addition to paying the impounding fee, either purchased a dog tag as provided for by city ordinance or produced the registration, dog tag, or official receipt for the payment of the current year's registration of the dog.

D. If there shall be attached to such dog a tag for the then current calendar year, the animal control officer shall notify the person to whom such permit was issued, at the address given in such permit.

E. All impounded dogs not claimed by the owner or keeper within 72 hours or such additional time as may be determined reasonable by the animal control officer may be sold for the best price obtainable, at either public or private sale, or otherwise humanely disposed of by the animal control officer. Before any such dog is released to such buyer, such dog shall be vaccinated for rabies at the buyer's expense.

F. It shall be unlawful for the animal control officer to destroy, cause or allow to be destroyed, any dog impounded until the expiration of the impounding time limit of 72 hours, except in such case as the animal control officer may impound or receive a dog severely injured, or which has a contagious disease other than rabies; and if in the judgment of the animal control officer, the dog is suffering and recovery is doubtful, he may destroy said dog in a humane manner.

G. It shall be unlawful for any person to harbor or keep within the City any lost or strayed dog. whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the animal control officer who shall impound such dog and dispose of the same as herein provided for the disposition of a dog impounded or running at large contrary to the terms of this chapter.

SECTION 16: VACCINATION REQUIRED

It shall be unlawful for any person to own, keep or hold or harbor any dog over the age of six months within the City unless such dog shall have been vaccinated with a rabies vaccine approved by the State Department of Health. Such immunization must be effective for the period as provided herein.

SECTION 17: DUTY OF OWNER IF RABIES SUSPECTED

Whenever the owner or person having custody or possession of any dog or other person, have reason to believe that such dog has rabies or has shown symptoms of rabies, such owner or person shall immediately notify the animal control officer or the police department, who shall cause to have an inspection or examination of such animal performed by a licensed veterinarian at the expense of the owner. Such owner or person having custody shall immediately confine such animal by a leash or chain on the owner's premises under the observation of a veterinarian for a period of two weeks or by removal from the owner's premises to a veterinary hospital for observation for a like period.

Any dog found by a licensed veterinarian not to be rabid may

be released to the owner or, if unclaimed or a stray, may be destroyed or sold as provided in this chapter.

Any dog determined by a licensed veterinarian to be infected with rabies shall be promptly destroyed by the animal control officer. Notification of the State Health Department of any rabid dog shall be made by the animal control officer within 24 hours of determination of rabies.

SECTION 18: RABID DOGS DEATH

If such dog dies in the two-week period of confinement, a post mortem examination shall be ordered by the animal control officer.

SECTION 19: PERSON BITTEN BY DOG

Whenever any person shall be bitten by a dog, the owner or person having the custody of such dog shall immediately notify the animal control officer. The animal control officer so notified shall make or shall have made an examination of such dog and shall determine whether it has been properly immunized for rabies as provided in this chapter, and if he shall determine that the dog has not been properly immunized or that such immunization for any reason may not be effective on the date of such examination, then it shall be the duty of the animal control officer, or his duly appointed representative, to take custody of such dog and confine and isolate the same not to exceed a period of 14 days, and an examination and disposition shall be made in accordance with this chapter.

SECTION 20: MUZZLING TO PREVENT SPREAD OF RABIES

If it shall appear to the animal control officer that there is danger of the spread of rabies among dogs, it shall be the duty of the animal control officer to notify the City Council who will issue an order, and immediately give public notice that within five (5) days of such notice all dogs must be muzzled or confined in such a way as approved by the City Council as to prevent their being able to bite any other animal or any person. Thereupon, it shall be the duty of every owner or person having custody of any dog to confine or provide the same with a substantial muzzle approved by the City Council and to keep the dog confined or muzzled without interruption during the period covered by the order and notice of the City Council. The notice may be given by publishing the same once in a newspaper published in the City, or by posting in three (3) conspicuous places in the City, one of the notices to be posted at the door of the City Hall. The notices shall contain the order of the City Council and shall require the muzzling or confining of all dogs within five (5) days from the day of publication or posting of such notice, to continue for such time as the City Council at its discretion may determine.

SECTION 21: UNMUZZLED DOGS AT LARGE TO BE CONFINED

If, after the giving of the notice as provided for above, there shall be found within the City any unconfined or unmuzzled dogs running at large, it shall be the duty of the animal control officer or other representatives of the animal control officer to confine the same forthwith, as herein provided.

SECTION 22: EXEMPTIONS

Any dog which has been duly or properly trained to assist the blind and is acting in that capacity shall be licensed and the owner shall be required to furnish proof of vaccination; however, no license fee payment shall be required for such dogs and Section 7 hereof shall not apply to such dogs.

SECTION 23: ANIMAL CONTROL OFFICER AUTHORIZED TO DESTROY DOGS

The Animal Control Officer is hereby authorized to kill any dog while it is attacking, chasing or worrying any domestic animal having a commercial value, or any species of hoofed protected wildlife, while attacking domestic fowls, or while such dog is being pursued thereafter.

SECTION 24: ORDINANCES IN CONFLICT HEREWITH REPEALED

All ordinances, or provisions of ordinances, in conflict with this ordinance are hereby repealed.

SECTION 25: EFFECTIVE IMMEDIATELY UPON POSTING

In the opinion of the Mayor and Town Council of the Town of Mantua, it is necessary for the peace, health and safety of the inhabitants of the Town of Mantua that this ordinance become effective immediately upon posting. This ordinance shall be deposited in the office of the Clerk of the Town of Mantua and posted in three (3) public places within said Town and shall take effect immediately upon its first such posting.

SECTION 26: PENALTY

Any person violating any provision of this Ordinance, except as herein provided, shall be guilty of an infraction and upon conviction, be fined in any sum not exceeding \$500.00, and not less than the following amounts:

- A. For a first offense, not less than \$25.00.
- B. For a second offense within a five-year period, not less than \$50.00.

C. For a third offense within a five-year period, not less than \$75.00.

PASSED AND ADOPTED by the Town Council of Mantua Town, Utah, the 7 day of April 1988.

Leon R. Johnson
Mayor

Richard L. Papp
Town Councilman

David Hansen
Town Councilman

Stephen Faulkner
Town Councilman

John C. Smith
Town Councilman

ATTEST: Adriana Ferguson
Town Clerk