

Ordinance No. 22-1

August 3, 2022

**Rich County Ordinance For the
Control of Dogs and Other Pets**

The County Legislative Body of Rich County, Utah ordains as follows:

Section 1. Repeal of prior ordinance.

The prior county ordinance entitled "An Ordinance for the Control of Dogs and Other Animals," enacted October 21, 1981 is repealed and replaced in its entirety.

Section 2. Definitions

As used in this Ordinance the following terms mean:

"Animal" means any live vertebrate creature, domestic or wild.

"At large" means the animal is roaming off the keeper's property while not under restraint.

"Keeper" means any person, partnership, or corporation owning, keeping, harboring or having custody of an animal.

"Pet" means any animal kept for pleasure rather than utility. Pet specifically includes dogs and cats. Pet does not include a dog employed by law enforcement.

"Public nuisance" means any animal which: (1) molests passersby or passing vehicles; (2) attacks other animals; (3) trespasses on school grounds; (4) is repeatedly at large; (5) damages private or public property; (6) barks, whines, or howls in an excessive, continuous, or untimely fashion; or (7) lunges at fences.

"Restraint" means the animal is (1) secured by a leash, lead, cage, or other device capable of keeping the animal under physical control and under the control of a responsible person and obedient to that person's commands, or (2) confined by fencing within the real property limits of its keeper.

"Vicious animal" means any animal that has, by an instance of its behavior, posed a physical threat to any human being or other animal. Vicious animal includes any animal that has bitten a human without adequate provocation. Adequate provocation only exists when the animal is defending itself or a human from actual physical attack.

“Bite” means any actual puncture, tear, or abrasion of the skin inflicted by an animal’s teeth.

“Wild animal” means non-human primate, raccoon, skunk, fox, poisonous snake, crocodilian, leopard, panther, tiger, lion, lynx, coyote, wolf, bear, all poisonous animals, or any other warm-blooded animal which is normally be found in the wild state.

Section 3. Requirements for keeping a pet.

(a) All dogs, except as provided in section (4) below, shall be kept under restraint when the dog is in public or likely to come into contact with people in public. This includes the keeper’s yard when the dog is not otherwise appropriately restrained by fencing.

(b) Keepers must exercise proper care and control of his or her animals to prevent them from becoming a public nuisance.

(c) Every female pet in heat shall be confined in a building or secure enclosure in such a manner that the animal cannot mate except for planned breeding.

(d) A keeper shall quickly remove and properly dispose of all fecal droppings a pet leaves on public property or private property belonging to another.

(e) Dogs must wear an identification tag on its collar at all times when off the private property of the keeper.

Section 4. Service animals, hunting dogs, and dogs working livestock.

(a) A working dog while being used for herding livestock; a hunting dog while lawfully being used to hunt game; or a dog while being trained for herding or hunting shall not be deemed to be an animal at large and does not need to be restrained if the dog is under the proper control of its keeper.

(b) A service animal, properly certified and licensed for helping persons with disabilities or being trained to do so, does not need to be physically restrained if the dog is under the proper direct control of its keeper.

Section 5. No wild animals as pets.

No person may keep or permit to be kept a wild animal as a pet in Rich County.

Section 6. Impoundment of animals.

- (a) Nuisance animals and animals at large may be taken by the Sheriff's Department and impounded in a safe, secure, and humane location.
- (b) The Sheriff's Department shall give prompt notice to the owner or keeper, if known, that the animal has been impounded. Impounded animals shall be returned to the owner or keeper promptly, unless forfeiture proceedings will be commenced.
- (c) A person reclaiming an impounded animal shall pay a fee of \$25 plus \$25 dollars for any subsequent day in which the animal was under the custody of the Sheriff's Department.
- (d) Impounded animals shall be kept for not less than three (3) non-holiday weekdays.
- (e) Any animal not reclaimed by within three (3) working days, shall become the property of the county and shall be placed for adoption in a suitable home or euthanized. Placing the animal for a suitable adoption is strongly preferred over euthanasia.
- (f) In addition to, or in lieu of, impounding an animal found at large, the Licensing Authority officer, humane officer, or police officer may issue to the Keeper of such animal a citation for violation of this ordinance.
- (g) No unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized

Section 7. Vicious animals.

- (a) If law enforcement has probable cause that an animal is vicious, the animal shall be impounded.
- (b) The County Attorney shall be immediately notified that a vicious animal has been impounded.
- (c) The County Attorney shall then determine whether civil or criminal forfeiture proceedings are appropriate. If so, appropriate proceedings shall be commenced as required by law. See Utah Forfeiture and Disposition of Seized Property Act, Utah Code § 24-4-101 et seq.

(d) A vicious animal impounded under this section shall be kept by the Sheriff's Department until a final determination is made.

Section 8. Enforcement.

Violation of this ordinance is a class-B misdemeanor.

Section 9. Severability Clause.


If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 10. Effective Date.

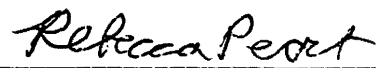
This ordinance shall become effective immediately upon posting as provided by law.

APPROVED and ADOPTED this 3 day of August, 2022.

BOARD OF RICH COUNTY COMMISSIONERS


Chairman

ATTEST:


Rich County Clerk

Commissioner Bill Cox voted yes

Commissioner Sim Weston voted yes

Commissioner Jonathan Lee voted yes