

ORDINANCE NO. 2025-__

AN ORDINANCE AMENDING ORDINANCE NO. 2010-01 / 06-08-10 REGARDING ANIMAL CONTROL, LICENSING, PERMITS, ENFORCEMENT, AND CARE WITHIN EMERY TOWN

Section 1. Definitions

As used in this Ordinance the following terms mean:

Animal: Any live vertebrate creature, domestic or wild, except livestock

Animal Control Officer: A person or persons designated by Emery Town and /or Emery County to enforce the provisions of this Ordinance, including the collection of licensing and permit fees and the performance of other delineated duties.

Animal Shelter: Any facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this Ordinance. This section does not apply to individual sales of animals by owners.

Auctions: Any place or facility where animals are regularly bought, sold, traded, except for those facilities otherwise defined in this Ordinance. This section does not apply to individual sales of animals by owners.

Circus: A commercial variety show featuring animal acts for public entertainment.

Commercial Animal Establishment: Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel.

Grooming Shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Euthanasia and/or Humane Killing: Killing by instantaneous and/or painless method

Kennel: Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, or training for a fee or selling animals.

Livestock: Cows, horses, pigs, sheep, goats, chickens, and any other animal commonly kept for its meat, hide, milk, eggs, hair or fur or for riding purposes; not including dogs, cats, or animals commonly used as pets.

Licensing Authorities: Emery Town by and through its clerks and/or Animal Control Officer

Owner: Any person, partnership or corporation owning, keeping or harboring animals or said person, partnership or corporation who allows another person, partnership or corporation to keep or harbor one or more animals. An animal shall be deemed to be harbored if it's fed or sheltered for 3 consecutive days or more.

Performing Animal Exhibition: Any spectacle, display, act or event other than circuses in which performing animals are used.

Pet: Any animal kept for pleasure rather than utility.

Pet Shop: Any person, partnership or corporation, whether operating separately or in a connection with another business enterprise except for licensed kennel, that buys, sells, boards any species of animal other than livestock or farm animals.

Public Nuisance or Nuisance Animals:

1. Molest passerby or passing vehicles by chasing, attacking, or threatening to attack same, provided that mere barking from distance of 10 feet or greater shall not be considered molesting.
2. Attacks other animals.
3. Is repeatedly at large (other than cats)
4. Damages private or public property (including scattering garbage from garbage cans and depositing excreta on such property).
5. Barks, whines or howl in excessive, continuous or untimely fashion.

Restraint: Any animal secured by leash or lead, or under the control of a responsible person and obedient to that person's commands or within the real property limits of its owner.

Riding School or Stable: Any place which has available for hire, boarding and/or riding instructions, any horse, pony, donkey, mule or burrow.

Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.

Vicious Animal: Any animal or animals that bites or otherwise constitutes a physical threat to human beings or other animals.

Wild Animal: Any live monkey, non-human primate, racoon, skunk, fox, poisonous snake, leopard, tiger, panther, tiger, lion, lynx, or any other animal which can normally be found in the wild state.

Zoological Park: Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by person, partnership, corporation or government agency.

Section 2. Licensing

Any person owning, keeping, harboring, or having custody of any dog over 6 months of age within Emery Town must obtain a license as herein provided.

- a. Licenses shall be obtained annually through the Emery Town office. A current rabies certificate issued by a licensed veterinarian or rabies clinic, name and address of owner, description of the animal (name, color, breed, and proof of altered status if applicable) and the designated fee are required to obtain a license. A rabies certificate shall be valid for 3 years.
- b. If not revoked, licenses for the keeping of dogs shall be valid through December 31st of the year in which the license is obtained.
- c. Application for license must be made within 30 days after obtaining a dog over 6 months of age.
- d. License fees shall not be required for Service Animals or Governmental Police Dogs.
- e. Upon acceptance of the application for licensure and applicable fee, Emery Town and/or the Animal Control Officer shall issue a durable tag stamped with an identifying number and the year of issuance.
- f. Dogs must always wear identification tags or collars when off the premises of the owner of the animal.
- g. Emery Town shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public upon request during Town Office regular business hours.
- h. The licensing period shall begin with the calendar year and shall run for 1 year (January 1 through December 31). Fees paid after January 1 are not pro-rated for the remainder of the year. Application for renewal of license may be made 30 days before and up to 60 days after the start of the calendar year.
- i. Persons who fail to obtain a license as required within the time period specified in this section will be subject to a fine of \$15 in addition to the annual license.
- j. A license shall be issued after all requirements are met and applicable fee is paid.
 1. Unaltered \$20 per year
 2. Altered (natured/spayed) \$10 per year
 3. Kennel #1 (4 to 5 dogs) \$ 60 per year
 4. Kennel # 2 (6- 15 dogs) \$ 100.00
 5. Kennel # 3 (16- 50 dogs) \$200.00
- k. A duplicate license may be obtained upon payment of a \$5 replacement fee. Tags cannot be replaced.
- l. No person may use any license for any animal other than the animal for which it was issued.
- m. Dog license are due March 1st. After this date, owners of dogs not licensed will be contacted and given 30 days to pay dog license and provide proof of rabies vaccination. If the license is not paid in full the dog will be seized and transported to the county animal shelter.

Section 3. Permits

1. Permit Required.

No person shall operate a commercial animal establishment or animal shelter within Emery Town without first obtaining a permit issued under this section.

2. Application and Term.

Permits shall be issued upon satisfactory completion of an application demonstrating compliance with this Ordinance and all applicable laws, and upon payment of the applicable fee. Permits shall be valid for one (1) year, from January 1 to December 31, and shall be renewed annually.

3. Fees and Classifications.

Kennel #1 Authorized to house up to 5 dogs \$60.00

Kennel #2 Authorized to house 6 – 15 dogs \$100.00

Kennel #3 Authorized to house 16 or more dogs \$200.00

Permit Transfer Fee Change of ownership \$25.00

Fees paid after January 30 are not prorated for the remainder of the year. Every facility regulated by this Ordinance shall be considered a separate enterprise and shall require an individual permit. Any person whose operation changes category after a permit is issued shall be subject to reclassification, and appropriate adjustment of the permit fee shall be made if applicable. There shall be no refund of any portion of the original fee.

4. Compliance.

All commercial animal establishments and animal shelters shall comply with the provisions of this Ordinance and any other applicable federal, state, or local laws or regulations.

Section 4. License and Permit Issuance and Revocation

- (a) Emery Town may revoke any license or permit if the holder refuses or fails to comply with this Ordinance, the regulations promulgated by said authorities, or any law governing the protection and keeping of animals, but only after said person is given a hearing with an opportunity to hear the evidence against him/her and present evidence in his/her defense and only after said licensing authorities shall make written findings of fact from such hearing which justify such revocation.
- (b) Any person whose permit is revoked shall within 10 days thereafter deliver to the County Animal Shelter or any other licensed facility, or euthanize all animals owned, kept, or harbored by such person and no part of the permit or license fee shall be refunded.
- (c) It shall be a condition of the issuance of any permit or license that the Animal Control Officer shall be permitted to inspect all animals and premises where animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit or license of refusing owner.

- (d) If applicant has withheld or falsified any information on the application, Emery Town and/or Animal Control Officer shall refuse to issue a permit or license or revoke the same if already issued.
- (e) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- (f) Any person having been denied a license or permit may not reapply for a period of 30 days. Each reapplication shall be accompanied by a \$25 fee.

Section 5 Restraint

- (a) All dogs shall be kept under restraint so as not to become a public nuisance.
- (b) No owner shall fail to exercise proper care and control of their animal(s) to prevent them from becoming a public nuisance.
- (c) Every female dog in heat shall be confined in a building or secured enclosure in such a manner that such a female dog cannot come into contact with another animal except for planned breeding.
- (d) Every vicious animal, as determined by the Animal Control Officer, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premise of its owner.

Section 6. Citizen Complaints

- (a) Any person submitting a formal complaint regarding unrestrained, vicious, or nuisance animals that are a public nuisance and who wants Emery Town to resolve the complaint must present formal complaint to the Town Office. A formal complaint must include the name, address and phone number of the person making the complaint, the nature of the complaint including date(s) and time(s) if applicable.
- (b) The owner of violating animal(s) will be contacted by Animal Control Officer and informed of the complaint. The owner will be instructed to correct the violation immediately.

- (c) If a second complaint is received for the same violation the Animal Control Officer will contact the complainant and set a humane trap for 2 calendar days at or near the residence of complainant or the location where the violation occurred. If the dog reported to be in violation of this Ordinance is not captured within the 2 calendar days that the trap is set, the trap will be removed, and the complaint will be considered invalid.
- (d) Any animal(s) in Emery Town limits that has been deemed by the Mayor and Town Council as a public nuisance will be seized and transported to the animal shelter. Whether or not the animal will be returned to its owner will be decided by the Mayor and Town Council.

Section 7. Penalties, Fines, Violation Notices, and Impoundment

If an animal(s) in violation is captured, the following penalties and/or fines will apply:

- (a) If by license tag or other means the owner of an impounded animal can be identified, the Animal Control Officer shall contact the owner of the animal by telephone, mail or personal contact.
- (b) The animal will be impounded and confined in a humane manner.
- (aa) The owner of the animal shall contact the Town Animal Control Officer and/or Town Office during regular business hours to make arrangements to pay a \$25 fine.
- (bb) For dogs: The owner of the animal shall produce copies of a current dog license and rabies vaccination. If the dog has not been licensed and/or vaccinated the owner of the animal will be given 5 days to obtain and produce evidence of having obtained both to the Town Office. Applicable fines and penalties will be levied against the owner of the animal.
- (cc) If the owner of the animal does not respond or cannot be located or does not wish to pay the fine(s) the animal(s) will be impounded in the County Animal Shelter.

(B) Second Offense:

- (a) The owner of the animal will be contacted by telephone, mail, or personal contact and advised that the animal(s) has been impounded in the County Animal Shelter and must contact that entity for information on how to regain custody of the animal, including fines and penalties.

(C) Third Offense

- (a) The animal will be impounded in the County Animal Shelter and current license shall be revoked.

Livestock shall not be governed by this Ordinance to the extent they are under the regulations of the State Department of Agriculture or under provisions of the Utah Agriculture Code.

Section 8. Animal Care

No owner shall fail to provide their animals with sufficient food, water, shelter, and humane care and treatment.

No person shall beat, cruelly mistreat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dog fight, cockfight, bullfight or other combat between animals and/or humans.

No owner of animal shall abandon such animal.

- (a) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop and render such assistance as may be reasonably possible and shall immediately report such injury or death to the owner of the animal; in the event the owner cannot be identified or located, such vehicle operator shall at once report the accident to the Town office and/or Town Animal Control Officer.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed with vegetable substances.

- (a) No animal shall be unreasonably or inhumanely confined.

Section 9. Keeping of Wild Animals

- (a) No person shall keep or permit to be kept on their premises any wild or vicious animal for display or exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses or animals duly permitted and licensed by the State Division of Wildlife Resources.

- (b) No person shall keep or permit to be kept any type of wild animal as pet.

Section 10. Performing Animal Exhibitions

No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

All equipment used on performing animals should fit properly and be in good working condition.

Section 11. Animal Waste

The owner of every animal shall be responsible for the immediate removal of any excreta deposited by his animal(s) on public walks, recreation areas or private property.

Section 12. Isolation of Biting Animals

Any animal which bites or otherwise exposes any person to danger of disease shall be isolated in strict confinement at the owner’s expense in the County Animal Shelter and observed for at least 14 days (10 days for dogs and cats) after the day of infliction of the bite, with the exception of the following alternative tom 10 days isolation of dogs and cats is permitted. Dogs and cats which have been isolated in strict confinement under proper care and under observation of a licensed veterinarian, in a pound. Veterinary hospital or other adequate facility in a manner approved by the Animal Control Officer after 5 days of veterinary observation if upon conducting a thorough physical examination on the fifth day or more after inflicting the bite, observing veterinarian certifies that the are no clinical signs or symptoms of any disease.

Notwithstanding the foregoing provisions, the Animal Control Officer may authorize, with the permission of the owner and other legal restrictions permitting, the euthanasia of biting animal(s) for the purpose of laboratory examination for rabies using fluorescent rabies and antibody (FRA) test in approved public health laboratory.

Section 13. Penalties and Fines

Any person violating any provision of this Ordinance shall be guilty of a Class B misdemeanor and shall be subject to imprisonment for not more than 6 months and/or a fine not exceeding \$299.

Fine Schedule

Animal not licensed	\$50 (\$25 with proof)
Animal not vaccination	\$50 (\$25 with proof)
Nuisance Animal (Running at large)	\$50 first offense
	\$75 second offense
	\$100 third offense

Section 14. Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. Ordinance 05-09-06 is hereby repealed entirely.

Section 15. 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.

PASSED AND APPROVED this 12 day of Nov, 2025.

EMERY TOWN

By: _____

Jack Funk, Mayor

ATTEST:

Kris B. Ashley, Town Recorder