

ORDINANCE NUMBER 02-18-2018 (THIS ORDINANCE REPEALS AND SUPERSEDES PROVISIONS IN ORDINANCES NUMBER 06-12-2012A.)

AN ORDINANCE FOR THE CONTROL OF UNRESTRAINED DOGS THAT POSE A THREAT TO THE SAFETY AND WELL BEING OF PEOPLE AND PROPERTY

THEREFORE, BE IT ORDANINED THAT ORDINANCE NUMBER 02-18-2018 BE IN EFFECT FOR THIS PURPOSE.

Throughout this Ordinance, the term “person (s) responsible” shall mean “person (s) having charge, care, control, or custody”.

1. DOGS

A. *ALL dogs must have current immunization (shots) against the rabies virus.*

B. *Dogs running-at-Large Prohibited:* It is unlawful for the owners(s) of or person(s) responsible for any dog(s) to allow such dog(s) to run at large at any time of day or night. The owner(s) or person(s) responsible shall be strictly liable of any damage(s) caused by such dog(s).

C. *Female Dogs-in-Heat:* The owner(s) of or person(s) responsible for, in addition to being subject to subsection 1.A., shall confine any female dog(s) –in-heat within a building or other secure enclosure that minimizes attraction of, and prevents contact with, other dogs. The only exception to this subsection is for arranged breeding of such female(s) with selected male(s) within a building or secured enclosure.

D. *Attack by dogs:*

1. *Responsibility for Dogs:* It is unlawful for the owner(s) of or person(s) responsible for any dog(s) to allow such dog(s) to attack, chase, or worry any person, livestock, domestic animal including fowl, or any species of protected wildlife, [“Worrying” shall include harassing by barking and chasing as well as by biting, shaking with the teeth or tearing the skin or clothing.]

2. *Responsibly for Dogs With Aggressive Propensities:* The owners(s) of or person(s) responsible for any dogs(s) with aggressive propensities [including prior chasing, attacking, or worrying (as defined in subsection 1.C.1.) any person, livestock, domestic animal or fowl, or species of protected wildlife] must ensure that such dog(s) are maintained within a secure enclosure or restrained securely. The presence of any such unstrained dog(s) outside the control of the owner(s) or person(s) responsible will constitute a violation of subsection 1.C.2.

3. *Liability:* Owner(s) of or person(s) responsible for any dog(s) in violation of subsection 1.C.1 or 1.C.2. Shall be strictly liable for any damages to persons, livestock, domestic animals or fowls assaulted, injured, or destroyed in violation of subsection 1.C.1. or 1.C.2. The owners(s) of or person(s) responsible for any such dogs(s) must make the offending dog(s) immediately available for testing for

such dog(s) must make the offending dog(s) immediately available for testing for rabies virus and other pathogens. The owner(s) of or person(s) responsible for any such dog(s) shall pay all charges for the testing procedures.

4. *Mitigating Factors*: The following may be considered for possible mitigation of penalties or damages, or dismissal of charges:

a. Secure confinement or restraint of any such dog(s) was in place on the premises of the owner(s) or person(s) responsible.

b. Deliberate provocation of the dog(s) occurred.

5. *Force May Be Used*: Aggressive and/or trespassing dog(s) may be captured or driven away using force.

6. *Killing of Any Offending Dog(s) Authorized*: Anyone is legally permitted to kill any dog(s) committing or having committed any of the acts in subsection 1.C.1. or during pursuit of such dog(s) immediately thereafter.

7. *Cause of Action for Damages*: The owner(s) of any livestock, domestic animal, or fowl that has been injured or killed by any dog(s) may bring a civil action for damages against the owner(s) of or person(s) responsible for such dog(s). If any dog(s) owned by different persons participate in damaging any livestock, domestic animal, or fowl, the owners of or persons responsible for the respective dogs shall be jointly and severally liable under this section.

VIOLATION OF THIS ORDINANCE IS A CLASS C MISDEMEANOR

2. ENFORCEMENT

A. *Complaints*: Complaints regarding violation(s) of this ordinance can be made to members of the Scipio Town Council or any person(s) appointed by the Scipio Town Council. One member of the Town Council or appointed person(s) will investigate the validity of such complaints.

B. *Warnings for Violation(s) of Subsections 1.A. and 1.B.*: Complaints considered to be valid will result in a verbal warning to the dog owner(s) or person(s) responsible. Failure to correct such violation(s) within three (3) days will result in a letter of warning to the dog owner(s) or person(s) responsible with a copy filed with the Scipio Town Clerk. Any further violation(s) will result in referral to the Millard County Sheriff's office. Costs associated with impounding dog(s) will be the responsibility of the owner(s) or person(s) responsible.

C. *Immediate Action for Violations of Subsection 1.C.*: Complaints regarding dog attacks should be made immediately to the Millard County Sheriff's Office and/or to a member of the Town Council depending on the severity of the attack. Other legal action may be pursued in addition to remedies noted in Subsection 1.C.