

WEST HAVEN CITY AND WEBER COUNTY ANIMAL CONTROL ORDINANCE IS THE SAME.

Chapter 1 - Animal Control

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2-1-1 Animal. Any and all types of livestock, dogs and cats, and all other subhuman creatures, both domestic and wild, male and female, singular and plural.

2-1-2 Animal Boarding Establishment. Any establishment that takes in animals and boards them for profit.

2-1-3 Animal Grooming Parlor. Any establishment maintained for the purpose of offering cosmetology services for animals at a profit.

2-1-4 Animal Shelter. Any facility owned and operated by a governmental entity or any animal welfare organization which is incorporated within the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other domestic animals.

2-1-5 Animals at Large. An animal shall be considered to be "at large" when it is off the owner's property and not under immediate control, by means of a durable restraint device, capable of keeping the animal restrained; OR an animal that is on the property of the owner and not securely confined by a leash, building, fenced area, or appropriate transport device.

2-1-6 Bite. Any actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.

2-1-7 Cat. Any age feline, of the domestic type.

2-1-8 Cattery. Land or building used in the keeping of nine (9) or more cats, four (4) months or older.

2-1-9 Dangerous Animal. Any animal that, according to the records of the Weber County Animal Control Department, or other City or County Police Agency and/or officer;

- A. has inflicted serious injury on
- B. has killed a domestic animal, with or without provocation, while off the owner's property;
- C. has previously been found to be "potentially dangerous," the owner having received notice of such, and it is witnessed and documented that the animal aggressively bites, attacks or endangers the safety of humans or domestic animals; or
- D. the animal is found to be in violation of any of the restrictions placed upon the animal, by the Department of Animal Control, pertaining to a potentially dangerous animal, as designated in this ordinance.

2-1-10 Dog. Any Canis Familiar is over four (4) months of age. Any Canis Familiar is under the age of four (4) months is a puppy.

2-1-11 Domesticated Animals. Animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, fowls, horses, swine, goats, sheep, mules, donkeys, llamas, and cattle.

2-1-12 Estray. Any livestock, found running at large, whose owner cannot be found after a reasonable search.

2-1-13 Government Working Dog. A dog trained to assist officials of government agencies in law enforcement exercises.

2-1-14 Guard Dog. A working dog which must be kept in a fenced run or other suitable enclosure during business hours, and on a leash or under absolute control while working so that it cannot come into contact with the public.

2-1-15 Guide Dog. A dog trained and certified by a nationally recognized training establishment to assist physically handicapped persons. Examples include but are not limited to "Hearing-impaired," "Mobility-limited," and "Seeing-eye" dogs.

2-1-16 Kennel. Land or buildings used in the keeping of four (4) or more dogs, four (4) months or older.

> **2-1-17 Livestock.** Any normally domesticated animal that is not a cat, or dog, such as: cattle, sheep,

goats, mules, burros, horses, geese, ducks, turkeys, llamas, etc.

2-1-18 Pet. A domesticated animal kept for pleasure rather than utility, including but not limited to birds, cats, dogs, fish, hamsters, mice, and their animals associated with man's environment.

2-1-19 Pet Shop. Any establishment containing cages or exhibition pens, not part of the kennel or cattery, wherein dogs, cats, birds or other pets for sale are kept or displayed.

2-1-20 Potentially Dangerous Animal. Any animal that, with or without provocation, chases or approaches a person upon the streets, sidewalks, or any public grounds, in a threatening or menacing fashion, or apparent attitude of attack, or any animal with a known propensity, tendency or disposition to attack with or without provocation. In addition a potentially dangerous animal is any animal, that because of witnessed and documented action, is believed capable of causing injury, or otherwise posing a threat to the safety of humans or domestic animals.

2-1-21 Quarantine. The isolation of an animal in a substantial enclosure, so the animal is not subject to contact with other animals or unauthorized persons.

2-1-22 Restraint Device. Any chain, leash, cord, rope or other device commonly used to restrain an animal.

2-1-23 Riding School or Stable.

An establishment which offers boarding and/or riding instruction of any horse, pony, donkey, mule or burro or which offers such animals for hire.

2-1-24 Vicious Animal. Any animal which has:

- E. inflicted severe injury on a human being, with or without provocation, on public or private property;
- F. has killed a domestic animal, with or without provocation, while off the owner's property; or
- G. has been previously found to be dangerous, the owner having received notice of such, and the animal again bites, attacks or endangers the safety of humans or domestic animals, or it is witnessed and documented that the animal is in violation of restrictions, placed upon it, as a potentially dangerous or dangerous animal pursuant to Sections 2-4-05 and 2-4-06 of this ordinance.

2-1-25 Wild Animal. Any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health, or property if not kept, maintained, or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:

- H. Alligators, Crocodiles, Caiman;
- I. Bears (ursidae). All bears including Grizzly bears, Brown bears and Black Bears;
- J. Cat family (felidae) All except the commonly accepted domestic cats; including Cheetahs Cougars, Leopards, Lions, Lynx, Bobcats, Panthers, Mountain Lions, Tigers and Wildcats. Any cat cross bred with a wild animal, as described herein, shall be considered to be wild;
- K. Dog family (canidae) All dogs, with the exception of domesticated dogs, including but not limited to Fox, Coyote, and Wild Dingo. Any dog cross bred with a wild animal, as described herein, shall be considered to be a wild animal;
- L. Porcupines;
- M. Primates (all subhuman primates);
- N. Raccoons (all varieties);
- O. Skunks;
- P. Venomous snakes or lizards;
- Q. Weasels (All, Weasels, Martins, Wolverines, Ferrets, Badgers, Otters, Ermine, Mink and Mongoose, except that the possession of Mink shall not be prohibited when raised commercially for their pelts, in or upon a properly constructed legally operated ranch.

2-2-1 Animal Control Department Created. The Weber County Commission has created the Weber County Animal Care and Control Department, a sub department of Weber County's Community Services Department, for the purpose of resolving animal related problems and disputes in the unincorporated areas of Weber County, and by contract or Interlocal Agreement with participating municipalities within the boundaries of Weber County. The Department shall participate in the disposing of the same. (Amended by Ord. #97-18, Aug. 11, 1997)

2-2-2 Power and Authority of Animal Control Officials. Any person employed by the Department of Animal Control as an Animal Control Officer shall take the oath of office and shall be vested with the power and authority to enforce this ordinance.

The Animal Control Officers or assistants are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this ordinance, and all other duties prescribed in the enforcement of this ordinance.

2-2-3 Right of Entry for Enforcement. In the enforcement of this ordinance, all Peace Officers or Animal Control Officials or employees of the Weber County Health Department, are hereby authorized to enter onto the open premises of any person or entity to take possession of any animal in violation of this ordinance.

2-2-4 Interfering with Officers Prohibited. It is unlawful for any person to knowingly and intentionally interfere with any Animal Control Officer in the lawful discharge of his duties as prescribed in this ordinance.

2-2-5 Animal Shelter Provided. The Weber County Commission shall provide suitable premises and facilities to be used as a County Animal Control Shelter wherein impounded animals can be adequately kept. Weber County shall also purchase and supply adequate food for all impounded animals.

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Chapter 3 - Licensure and Regulatory Permits

2-3-1 Licensing and Registration of Dogs. It shall be unlawful for any person to own, keep, harbor or maintain a dog over the age of four (4) months of age, without registering and obtaining a license for such dog(s) from the Animal Control Department or authorized vendor. The registering and licensing period shall begin with the calendar year and shall run for one year. A license application may be made thirty (30) days prior to, and up to sixty (60) days after, the start of the calendar year (January 1). All dogs brought into Weber County shall require registering and licensing within thirty (30) days after they enter Weber County, or within thirty (30) days after having reached the age of four (4) months. Persons who fail to obtain a license, as required, within the time period specified in this section will be subject to an additional licensing "late fee."

No dog shall be licensed as spayed or neutered without proof that the surgery has been performed.

Proof that the dog has current rabies inoculation shall be presented at the time the license is applied for. Proof must be in writing and must include the licensed veterinarian who administered that vaccine.

2-3-2 Exemptions for Licensing. The provisions of Chapter 2-3-01 of this ordinance shall not apply to the following:

- A. Persons 65 years of age or older may obtain a dog license for a spayed or neutered dog for a reduced fee. This shall be known as a "Senior Citizen License."
- B. No Weber County License Required:
 - 1. Licensed dogs, whose owners are non-residents, temporarily (up to thirty (30) days) within Weber County, provided, however, that licensed dogs whose owners remain within Weber County longer than thirty (30) days may transfer current license from another county to Weber County upon payment of a "transfer fee" and proof of current rabies vaccination;
 - 2. Individual dogs, within a properly licensed kennel or other such establishment;
 - 3. Dogs, temporarily in the possession of persons or organizations for the purpose of training such dogs, to assist the handicapped when such dogs are properly tagged and under the supervision of legitimate trainers;
 - 4. Guide dogs, if such dogs are actually being used by physically handicapped persons, for the purpose of answering their needs;
 - 5. Government working dogs, which are owned or maintained by such agencies.

Notwithstanding the foregoing, nothing in this section shall be construed so as to exempt any dog from

having a current rabies vaccination every two (2) years.

2-3-3 Tag and Collar Required. Upon payment of the license fee, there shall be issued to the owner, a metallic tag for each dog, so licensed. Every owner shall be required to provide each dog with a collar to which the license tab must be affixed, and shall see that the collar and tag are constantly worn. In the event a dog tag is lost or destroyed, a duplicate will be issued, by the Animal Control Department, upon presentation of a receipt showing payment of the license fee, and payment of a "Duplicate License" fee. The license shall not be transferable from one dog to another, and no refund shall be made on any dog license for any reason whatsoever.

2-3-4 Removal of Tag Unlawful. It shall be unlawful to deprive a registered dog of its collar and/or its tag.

2-3-5 Kennel/Cattery License. It shall be unlawful for any person to operate or maintain a kennel or cattery, as described in Chapter 1 of this Ordinance without first obtaining a "Kennel License" or "Cattery License" from the Animal Control Department, which license shall be in addition to all other required business, zoning and health inspections and permits as required by City, County and State laws. Animal owners making application for a Kennel or Cattery License shall first seek approval from the City or County Zoning Department, and an inspection approval from the Weber County Health Department. Weber County Animal Control personnel will perform an additional and final inspection, and upon approval, issue a Kennel or Cattery License. Kennel or Cattery licenses shall also be valid for a one year period. No kennel or cattery license shall be issued to any residence within any neighborhood, with zoning regulations that prohibit the same.

2-3-6 Number of Cats and/or Dogs per Residence. No person or persons, at any one residence, within the jurisdiction of this ordinance, shall at one time own, harbor, license or maintain more than nine (9) cats and/or three (3) dogs, in any combination, except as otherwise provided in this chapter.

2-3-7 Regulatory Permits. It shall be unlawful for any person to operate a kennel or cattery unless such person first obtains a regulatory permit from the Animal Control Department, which permit shall be in addition to all other required licenses. All applications, for permits to operate such establishments, shall be submitted, together with the required permit fee, on a printed form, provided by the Animal Control Department. Before the permit is issued, approval shall be granted, by the Weber County Health Department, and appropriate zoning authority and the Animal Control Department. Establishments, in the existence prior to the ratification of this ordinance, shall obtain such regulatory permit within ninety (90) days or written notification of the "Regulatory Inspector" that such a permit is necessary.

2-3-8 Display of Permit. A valid permit shall be posted in a conspicuous place in each establishment, and said permit shall be considered as appurtenant to the premises, and not transferable to another location. The permittee shall notify the Animal Control Department within (30) days of any change of its establishment, or operation which may affect the status of the permit. In the event of a change in ownership of the establishment, the permittee shall notify the Department of Animal Control, immediately. Permits shall not be transferable from one owner to another.

2-3-9 Renewal of Permit. Any permit issued, pursuant to this section, shall automatically expire one year immediately following the date of issue. Within two (2) months prior to the date of expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee. Any application made after the expiration date, except in application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee, in addition to the regular permit fee.

2-3-10 Exemptions. Research facilities, where bona fide medical or related research is being conducted, humane shelters and other animal establishments, operated by state or local government, or which are licensed by federal law, are excluded from the licensing requirements of this ordinance.

2-3-11 Inspections. All establishments, with facilities for the maintaining of animals, shall be subject to periodic inspections, and the inspector shall make a report of such inspection with a copy to be filed with the Department of Animal Control.

2-3-12 Suspension or Revocation of Permit.

- C. *Grounds.* A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:
1. Falsification of facts in a permit application, or
 2. Violation of any of the provisions of this ordinance or any other regulation governing the establishment including noise, building and zoning ordinances, or maintaining or selling illegal species, or
 3. Conviction of a charge of cruelty to animals.

- D. *Procedure.* If an inspection of any facility operating, with a regulatory permit, reveals a violation of this ordinance, the inspector shall notify the permit holder or operator of such violation, by means of an inspection report form, or other written notice. The notification shall:
1. Set forth the specific violation found.
 2. Establish a specific and reasonable period of time for the correction of the violation(s) found.
 3. State that any failure to comply with any notice issued, in accordance with the provisions of this ordinance, shall result in immediate suspension of the permit.
 4. State that an opportunity for an appeal, from any notice of inspection finding, shall be provided, if a written request for hearing is filed with the Department of Animal Control within five (5) days of the date of notice.

Upon request of a hearing, a minimum of five (5) days notice, shall be given to the permittee, advising him of the date and time of such hearing, and listing the cause or causes for such suspension or revocation.

No new permit shall be issued to any person whose permit has been previously revoked, except upon application for a new permit, accompanied by the required application fee and unless or until all requirements of this ordinance have been met.

Any permit granted under this ordinance may be suspended or revoked by the Animal control Department for violations listed in this Chapter.

2-3-13 Notice Served. Notice provided for under this ordinance shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered, personally, to the permit holder or person in charge. Or such notice has been sent by certified mail to the last known address of the permit or license holder. A copy of such notice shall be filed with the records of the Animal Control Department.

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Chapter 4 - Nuisance

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2-4-1 Nuisance Animals. All persons having custody of animals shall exercise proper care and control of his/her animal(s) in order to prevent them from becoming a public nuisance. Any owner or possessor of an animal, who keeps such animal contrary to the provisions of the ordinance, shall be guilty of a class B misdemeanor and subject to punishment under authority of this ordinance.

An animal shall be deemed to be a public nuisance if the animal:

1. Causes damage to the property of anyone other than its owner
2. Causes unreasonable odors
3. Causes unsanitary conditions
4. Barks, whines, howls or makes other disturbing noises
5. Chases vehicles
6. Is an animal which has been impounded for being at large, or its owner or possessor has been convicted for the dog being at large on three separate occasions within a twelve month period.
7. Is an Animal previously declared Potentially Dangerous or Dangerous and is found in violation of restrictions placed on that dog by the Department of Animal Control.

2-4-2 Abatement of Public Nuisance Animals. When it reasonably appears to the Animal Control Officer that any animal is a public nuisance, as defined in this chapter, and that such nuisance should be abated, the Officer shall first attempt to obtain the written consent of the animal's owner to abate the animal. Abatement shall be defined to include either relocating or euthanizing the animal. If the animal's owner's consent cannot be readily obtained, the Animal Control Officer may file with the governing court a charge of Maintenance of a Public Nuisance. The charge shall set forth the facts, according to the best of the Officer's information and belief, indicating that the owner is maintaining a public nuisance, and the nuisance should be abated. Until such time as the owner may be summoned to appear before the court, the animal(s) may be taken into impound, by the Animal Control Department, and held there pending a decision by the court. If the charge is denied, a hearing will be set pursuant to the normal procedure of the governing court. If the court finds that the charge of maintaining a public nuisance has been proven, the court shall issue an order to the Animal Control Department, setting out the method of abatement. Abatement, by relocation, shall not be an option if the animal represents a continuing threat or serious harm, such as in the case of a vicious dog. If relocation is ordered, the court may set whatever conditions are necessary to guarantee that the said animal shall not

constitute a nuisance in the future.

In the event the court determines that, in fact, the animal is a public nuisance, the owner shall pay the cost of all impoundment fees, maintenance fees, or any other fee that may incur as a result of such impoundment.

2-4-3 Control and Fencing. It is unlawful for any person, owning or having the custody, possession or control of any animal of a class of livestock to allow, either negligently or with specific intent, the animal to run at large in or about a public property or roadway where such is not permitted by law, or to otherwise permit the animal to be herded, pastured or to go upon the land of another without permission.

All fencing of property where a class of livestock are kept, shall be of a 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.

Failure to properly confine any class of livestock shall constitute a violation of this section.

2-4-4 Female Dogs in Heat. Any owner or person, having charge, care, custody or control of any female dog, in heat, shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined, in a building or secure enclosure, so as to prevent it from attracting, by scent, or coming into contact with other dogs and creating a nuisance, except for planned breeding.

2-4-5 Possession of a Potentially Dangerous Animal. Any person, who owns or maintains a potentially dangerous animal, shall use all reasonable means, at his or her disposal, to restrict a potentially dangerous animal from injuring any other person or animal. The Animal Control Department may from time to time, impose specific restrictions regarding the housing of potentially dangerous animals.

2-4-6 Possession of Dangerous Animals. Any dangerous animal, while on the owner's property, must be securely confined indoors, or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure, for a dangerous animal, shall have secure sides and top and shall also provide protection from the elements for the animal. The structure shall be such that the animal cannot burrow or dig under the sides of the enclosure.

Dangerous animals, when outside the property enclosure, must be under immediate control of a responsible adult by means of an adequate restraining device as defined herein, and muzzled. The muzzle shall be made in such a manner that it will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any person or animal.

An Animal Control Officer may take into immediate possession any dangerous animal, if the officer determines that the animal is:

- H. Not maintained in a proper closure;
 - I. Is outside of the dwelling, of the owner, or outside of a proper enclosure and not under physical restraint of the person; or
 - J. If there are any further violations of any legal restrictions previously placed on such animal, by the Weber County Animal Control Department, as provided in this ordinance.

2-4-7 Failure to properly Confine Potentially/Dangerous Animal. Any owner, of any potentially dangerous or dangerous animal, who willfully allows it to go at large or who fails to hold the same in the manner specified for such animal, by the Department of Animal control, is guilty of a misdemeanor.

2-4-8 Animals at Large Prohibited. It shall be unlawful for any animal, as defined herein, to be allowed, either negligently or with specific intent, to run at large, as defined in chapter one (1) of this ordinance. 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, **or while on the owner's private property**, so long as such dogs are under the direct other and effective sound or gesture control, and **within sight of owners or such individuals noted above**, to assure that such animals do not violate any provisions of this ordinance.

2-4-9 Allowing Domestic Fowl to Trespass Prohibited. It is unlawful for the owner, of any domestic fowls, such as: turkeys, ducks, geese, chickens, peacocks or any other variety of fowl, to permit such fowl to trespass or go upon the premises of another or to run at large on any public property or roadway. Fowl are kept and maintained, by municipalities, within the confines of public parks or aviaries are exempt, excepting that they shall not be allowed on public roadways.

2-4-10 Staking Animals Improperly on Unenclosed Premises. It is unlawful for any person to chain, stake out or tether any animal on any unenclosed premises, in such a manner that the animal may go beyond the property line, unless such person has permission of the owner of the affected property, or the person with whom he shares joint tenancy. No animals are to be staked along public roadway easements.

2-4-11 Keeping Wild Animals Prohibited - Exceptions. It is unlawful for any person to sell, offer for sale,

barter, give away, keep, own, harbor or purchase any wild animal, as defined in Title 50 of the Code of Federal Regulation, Utah Law or regulation, or in this title, or which is fierce, dangerous, noxious, or naturally inclined to do harm; provided, however, that an animal shelter, zoological park, veterinary hospital, human society shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific purposes may keep such animal if protective devices are provided and adequate to prevent such animal from escaping or injuring the public.

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Chapter 5 - Impoundment

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2-5-1 Impoundment Authorized. The Animal Control Department shall place all animals, which are taken into custody, in a designated animal impound facility.

The following animals may be taken into custody and impounded as deemed necessary:

1. Any animal being kept or maintained contrary to the provisions of this ordinance;
2. Any animal running at large, with any reasonable means used to immobilize or capture such animal;
3. Any animal which is by this ordinance required to be licensed and is not licensed; an animal not wearing a tag shall be presumed to be unlicensed for the purposes of this section;
4. Sick or injured animals, whose owner requests impoundment, and agrees to pay a reasonable fee for services rendered;
5. Any abandoned, neglected animal, whose safety may be threatened, should the animal not be readily placed into protective custody;
6. Animals which are not vaccinated for rabies, in accordance with the requirements of this ordinance;
7. Any animal needing to be held for quarantine;
8. Any potentially dangerous or dangerous animal not properly confined as required by Sections 2-4-05 and 2-4-06 of this ordinance; or
9. Any animal, in the custody of any person or persons, who are arrested or otherwise detained, by any police officer, in the event another responsible party cannot be located by the owner

2-5-2 Impoundment/Record keeping Requirements. The impounding facility shall keep a record of each animal impounded, which includes the following information:

10. Complete description of the animal, including any tag numbers;
11. The manner and date of impound;
12. The location of the pickup and identification number of the impounding officer;
13. The manner and date of disposal;
14. The name and address of the redeemer of purchaser;
15. The name and address of any person relinquishing the animal;
16. All fees received; and
17. All expenses occurring during impoundment

2-5-3 Redemption Requirements. The owner, of an impounded animal, or his authorized representative, may redeem such animal before disposition, provided he pays:

18. The impound fees;
19. The daily board charges;
20. The veterinary costs incurred during the impound period;

21. License fee, if applicable;
22. A transportation fee, if transportation of an impounded animal, by specialized equipment is required. "Specialized Equipment" is that equipment, other than the usual patrol and operation vehicles of Animal Control, which is designed for specific purposes such as, but not limited to, Livestock trailers and carcass trailers. This fee shall be determined, by the Weber County Commission, at a level which approximates the cost of utilizing the specialized equipment in the particular situation;
23. Any other expenses incurred, to impound an animal in accordance with state or local laws, including any reasonable restitution for property damage created by the animal, or that occurs as a result of the impoundment.

The Weber County Commission shall from time to time, set impound fees and daily board charges for the impounding of animals. Such fees shall taken into account and the type of animal impounded.

2-5-4 Terms of Impoundment Destruction and Disposal of Animals.

- X. Animals shall be impounded for a minimum of three (3) working days before further disposition. If an animal is licensed by the Animal Control Department the impound shall be for five (5) working days. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification, during that time. Notice shall be deemed given, when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility, by the owner thereof, for destruction or other disposition need not be kept for the minimum holding period before release or other disposition, as herein provided.
- Y. All animals, except those quarantined or confined by court order, or those subject to Section 4-25-4, Utah Code Annotated, which are held longer than the minimum impound period, and all animals voluntarily relinquished to the impound facility, maybe destroyed. Any healthy dog or cat may be sold in compliance with the Weber County Animal Control Adoption Policy after payment of all applicable fees. Other small animals, not included as livestock, may also be sold at the discretion of the Animal Control Department.
- Z. Any licensed animal impounded, and having or suspected of having serous physical injury or contagious disease, requiring medical attention, may, at the discretion of the Animal Control Officer be released to the care of a veterinarian with or without the consent of the owner.
- AA. When, in the judgment of an Animal Control Officer, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitation otherwise established in this ordinance, and without court order.
- BB. An Animal Control Officer, may destroy an animal, upon request of the owner, without transporting the animal to County facilities. An appropriate fee shall be charged the owner, for the destruction and any subsequent disposal of the carcass, done by the Animal Control Department.

2-5-5 Declaration and Disposal of Vicious Animals. If an Animal Control Officer determines as a result of a witnessed incident, that an animal is potentially danger or dangerous, and finds that the animal is in violation of such restrictions as the department deems necessary for the safety of persons and/or animals in the community, the department may declare the animal to be a vicious animal. The Animal Control Department, including any officers or agents thereof, are hereby authorized to immediately take possession of the vicious animal and place the animal in a proper quarantine facility and thereafter destroy the animal in an expeditious and humane manner, if the owner or custodian, after having received notice of such, fails to make a request, in writing, to the Animal Control Department to delay such action. (Amended by Ord. #97-18, Aug. 11, 1997)

It is determined that a proper holding period for any vicious animal shall be three (3) working days. In the event, the owner or custodian, of the vicious animal fails to request, in writing, a formal hearing with the three (3) day holding period, the Department of Animal Care and Control is authorized to destroy the vicious animal, in a humane manner. The holding period shall be extended to meet state and local regulations for quarantine for any animal needing rabies evaluation.

Any owner or custodian, who files a written request, shall be afforded a hearing before an independent board,

selected by the Director of Community Services, which may include a representative from the city wherein the vicious dog resides, a representative from a local humane organization, other than Weber County Animal Control, and another person to be selected at random. It shall be the responsibility of this board to determine whether the animal should be returned to the owner or custodian to be destroyed.

At any hearing under this section, the Animal Control Officer making the declaration, of a vicious animal, shall appear and testify, under oath, regarding the facts which led to the required findings. The Animal Control Officer shall be subject to cross examination, of the owner, custodian or authorized representative.

The Animal Control Officer may also present any additional evidence or sworn testimony supporting his or her decision. The owner or custodian of the animal may likewise present evidence or sworn testimony, in support of his or her position. The hearing shall be informal, but will be recorded.

The Department of Animal Control shall not order the destruction of the animal until a decision is rendered, and the Animal Control Department is notified of the decision in writing, by the hearing board.

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Chapter 6 - Rabies Control/Animal Bites

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2-6-1 Vaccination Requirements. All dogs, cats or other animals, susceptible to rabies, for which a federally approved vaccine is available, shall be vaccinated at three (3) months of age and again at fifteen (15) months of age, by a licensed veterinarian or rabies clinic. Every dog shall be revaccinated every twenty four (24) months and every cat revaccinated every twelve (12) months, thereafter. Any unvaccinated dog or cat over three (3) months of age, adopted or brought into the jurisdiction, must likewise be vaccinated initially. Thereafter valid protection must be maintained.

2-6-2 Exception for Transient Animals. The provisions of this chapter, with respect to vaccination, shall not apply to any animal owned by a person temporarily remaining within the jurisdiction for less than thirty (30) days. Such animal(s) shall be confined, by restraint device, and under supervision of the owner. It is unlawful to bring any animal into the jurisdiction which does not comply with the animal health laws and import regulations.

2-6-3 Vaccination Certification and Tags.

- A. It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination, in duplicate, which includes the following information:
 1. Owner's name and address
 2. Description of the animal
 3. Date of vaccination
 4. Rabies vaccination tag number
 5. Type of vaccine administered
 6. Manufacturer's serial number of vaccine
- B. A copy of the certificate shall be distributed to the owner of the animal, and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this chapter.
- C. Additionally, a metal or durable plastic rabies vaccination tag, serially numbered, shall be securely attached to the collar or harness of the animal. An animal not wearing such a tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this ordinance.

2-6-4 Impoundment of Animals without Valid Rabies Vaccination Tags.

- D. Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed, by its owner, by furnishing proof of a rabies vaccination and payment of all impoundment fees prior to release.
- E. Any unvaccinated animal may be reclaimed, prior to disposal, by payment of impound fees and by obtaining a rabies vaccination within seventy-two (72) hours of release.

- F. Any animal not reclaimed, within the prescribed period of time, shall be disposed of, pursuant to provisions of Chapter 2-5-04.

2-6-5 Rabid Animal Reports. Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies, or of an animal or person bitten by such a suspect animal, shall notify the Department of Animal Control, or the State or County Health Department.

2-6-6 Quarantine and Disposition of Biting Animals.

- G. An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal affected with rabies, or that has been exposed to rabies, shall be reported by the owner as set forth above, and shall immediately be confined in a secure place by the owner. The owner shall turnover the animal to the Animal Control Agents upon demand.
- H. The owner of any animal or species subject to rabies, which has been bitten by another animal known to be capable of harboring the rabies virus, shall surrender the animal to an authorized official, upon demand. Any person authorized to enforce this ordinance may enter upon private property to seize the animal, if the owner refuses to surrender the animal.
- I. Any animal, of a species subject to rabies, that bites a person or animal or is suspected of having rabies, may be seized and quarantined, for observation for a period of not less than ten (10) days, by the Animal Control Department. The owner of the animal shall bear the cost of confinement. The Animal Shelter shall be the normal place for such quarantine, but other arrangements, including confinement by the owner, may be made by the Animal Control Department if the animal has current rabies vaccinations, at the time the bite is inflicted, or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Animal Control Department if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It is unlawful for any person who has custody of a quarantined animal, to fail or refuse to allow a health or Animal Control Officer to make an inspection or examination during the period of quarantine. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately notify the Animal Control Department, in order that the department may immediately remove and deliver the head to the State Health Department.

If at the end of the ten (10) day period, an investigating officer of the Department of Animal Care and Control examines the animal and finds no sign of rabies, the animal may be released to the owner, or in the case of a stray, it shall be disposed of as provided in Chapter 2-5-04.

- J. Unvaccinated Bitten Animals.
 - 1. In the case of an unvaccinated animal species subject to rabies, which is known to have been bitten, by a known rabid animal, such bitten or exposed animal shall be immediately destroyed.
- K. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.
- L. Vaccinated Bitten Animals.
 - 1. If the bitten or exposed animal is currently vaccinated as prescribed herein, the animal shall be revaccinated within twenty-four (24) hours and quarantined for a period of thirty (30) days following vaccination; or
 - 2. If the animal is not revaccinated within twenty-four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for six (6) months.
 - 3. The animal shall be destroyed if the owner does not comply with subdivisions one or two of this subsection E, regarding exposure by known rabid animals.
- M. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Sheriff of Weber County.

2-6-7 Bites-Duty to Report.

- N. Any person having knowledge of any individual or animal having been bitten, by an animal, of a species subject to rabies shall report the incident immediately to the Department of Animal Control.
- O. The owner, of an animal, that bites a person and any person bitten by an animal, shall report the bite to the Department of Animal Control within twenty-four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.
- P. A physician or other medical personnel, who renders professional treatment to a person bitten by an animal, the bite of which might cause rabies, shall report the fact that he has rendered professional treatment, to the Department of Animal Control, within twenty-four (24) hours of his first professional attendance. He shall report the name, sex and address of the person bitten, as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Animal Control Department.
- Q. Any person treating an animal bitten, injured or mauled by another animal, shall report the incident to the Department of Animal Control. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury, and the location of the incident.
- R. Any person not conforming with the requirements of this chapter shall be in violation of this ordinance.

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Chapter 7 - Animal Care and Offenses

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2-7-1 Cruelty to Animals. A person commits cruelty to animals when he:

- A. Causes one animal or fowl to fight with another.
- B. Intentionally or carelessly administers or applies any poisonous or toxic drug or any material injurious to tissues or organs to any animal or livestock, or procures or permits the same to be done, whether the animals be his own property or that of another. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin, in furtherance of public health, when applied in such a manner as to reasonably prohibit access to other animals.
- C. By act or omission causes pain, suffering, terror or torment, or if he injures, mutilates, or causes disease or death to any animal or fowl.
- D. Administers, applies, procures or permits the administration or application of any trapping mechanism, other than a live capture trap or exposes such a trapping mechanism to animals or livestock, with the intent to harm or take the animal, whether the animal be his own property or that of another. All set live capture traps shall be checked and emptied daily. This provision shall not be interpreted so as to prohibit the use of trapping mechanisms by those licensed, with the State, and whose traps have owner identification permanently affixed to them.
- E. Neglects or fails to supply such animal with necessary space, shelter and protection from the elements.
- F. Raises, trains, purchases or sells any animal or fowl for fighting or harbors fowl for fight purposes, which has the comb clipped or the spur altered or who is in possession of an artificial spur.
- G. Is present, as a spectator, at any animal contest wherein one animal or fowl is caused to fight with another, or rents any building, shed, room, yard, ground or premises for the purpose of holding such a contest between animals or knowingly suffers or permits the use of any building, shed, room, yard, ground or premises belonging to him or under his control for any of these purposes.
- H. Abandons an animal.
- I. Performs or causes to be performed any of the following operations:
 1. Inhumanely removes any portion of the beak of any bird, domestic or wild.
 2. Alters the gait or posture of an animal, by surgical, chemical, mechanical, or any other means, including soring.
 3. Crops or cuts the ears, removes an animals claws or sterilizes a dog or cat and is not a

licensed veterinarian except when the same is performed in accordance with state law.

4. Inhumanely docks the tail of an animal or removes an animal's dewclaws in a fashion not in accordance with state law.

- J. Sells, purchases, owns or has custody of any animal or fowl that has been dyed, painted or otherwise artificially colored.
- K. Offers chicks, duckling, goslings or their fowls for sale, raffles, offers as a prize, a premium, or an advertising device, or displays chicks, ducklings, goslings or other fowl to the public without providing and operating brooders or other heating devices that may be necessary to maintain the chicks, ducklings, goslings or other fowl in good health, and without keeping adequate food and water available to the birds at all times.
- L. Carries or causes to be carried any animal in a manner harmful to that animal. Suitable racks, cars, crates or cages in which such animals may stand, move freely or lie down during transportation, or while awaiting slaughter, must be provided.
- M. Leaves any animal confined in a vehicle, unattended, in excessively hot or cold weather.
- N. Continuously drives or works a horse or other animal to a point of observable strain, and denies the animal rest periods. Working animals shall be offered water periodically.
- O. Takes or kills any wild bird(s) or robs or destroys their nest, eggs or young, or any bird in violation of the laws of the State of Utah.
- P. Inhumanely hobbles livestock or other animals.
- Q. Leaves any livestock species used for draught, driving or riding purposes on the street without protection from the weather and without food and water.
- R. Recklessly rides or drives any horse or other livestock species on any street, highway or avenue within this jurisdiction.
- S. Induces or encourages an animal to perform through the use of chemical, mechanical, electrical or manual devices in a manner in which will cause, or is likely to cause physical injury or unnecessary suffering.

2-7-2 Defense.

- T. It is a defense to prosecution, under this section, that the conduct of the actor, towards the animal, was, by a licensed veterinarian using an accepted veterinary practice or directly related to a bona fide experimentation for scientific research; provided, that if the animal is to be destroyed, the manner employed will not be necessarily cruel, unless directly necessary to the veterinary purpose or scientific research involved.
- U. Any person may kill a 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.
- V. Any dog making a vicious and unprovoked attack on any person, except when the attack is in defense of the person, family or property of the dogs owner, may be killed by any person while it is making such an attack.

2-7-3 Injuries and Communicable Diseases. No person shall knowingly harbor or keep any animal with a serious injury, or afflicted with mange, ringworm, distemper, parvo, kennel cough, or any other contagious disease, unless such animal is being given adequate treatment to control or eliminate disease.

2-7-4 Charge of Violator Seizure of Animals. It shall be the duty of a person filing charges, under this chapter, to seize or arrange to be seized, an animal found in the keeping or custody of a person being charged, and which are being used or will be used, as evidence in the case, resulting from such charge. The person making said seizure shall cause such animals to be delivered, immediately, to the Department of Animal Control, or in such cases as may be necessary, to a veterinarian for treatment. It shall be the duty of that department to humanely hold such animals until further court order regarding their disposal. The perpetrator of any such act shall be responsible for the cost of impound, board and any medical expenses

incurred during the holding period of the animal.

2-7-5 Harboring of Animals Prohibited Duty to Notify. It is unlawful for any person to harbor or keep within this jurisdiction any lost or strayed animal whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Weber County Animal Shelter within seventy two (72) hours. An Animal Control Officer may take the animal into protective custody.

2-7-6 Places Prohibited to Animals. It shall be unlawful for any person to take or permit any animals, whether on a leash or in the arms of the owner, in any establishment or place of business where food or food products are sold or distributed, including but not limited to restaurants, grocery stores, meat markets, and fruit and vegetable stores. This, however, shall not apply to Guide Dogs or to Government Working Dogs, while they are being used in law enforcement exercises.

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Chapter 8 - Enforcement and Penalties

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2-8-1 Power and Authority of Animal Control Officer. In the performance of his duties, the Animal Control Officer is hereby vested with the power and authority of that office, within the County Animal Control Department. Badges of authority shall be issued by the Weber County Sheriff to Officers having received and been sworn to the oath of office by the Clerk of Weber County.

2-8-2 Investigation. Animal Control Officers and/or Peace Officers may enter upon privately owned land, to investigate reports of vicious animals, cruelty cases, rabies and other contagious animal disease, and to investigate violations of and enforce the provisions of this ordinance.

2-8-3 Penalties. Any person violating any provision of this ordinance shall be deemed guilty of a class B misdemeanor and shall be punished within the confines of that class as prescribed by the laws of the State of Utah. If any violation be continued, each day's violation shall be deemed a separate offense.

2-8-4 Applicability of Procedure for all Peace Officers. The foregoing provisions, of this ordinance, shall govern all peace officers in issuing citations for violations of this ordinance, but the procedure prescribed, herein, shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for offense of like grade.

2-8-5 Repeal. Any ordinance, sections or portions of ordinances previously adopted, by the Weber County Commission, which are in conflict with the provisions of this ordinance, are hereby repealed.

2-8-6 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.

2-8-7 Statement of Purpose. In the opinion of the Board of County Commissioners of Weber County, this ordinance is necessary for the peace, health and safety of Weber County and the inhabitants thereof; therefore, this ordinance shall become effective immediately, upon its passage and upon a copy being published in accordance with law, and a copy being deposited in the office of Weber County Clerk in Ogden, Utah.

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Chapter 9 - Service Fees (Amended by Ordinance 2003-9, June 3, 2003)

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2-9-1 Service Fees.

The following fees for services shall be set from time to time by the Board of County Commissioners by amendment.

A. Licensing fees:

1. Dogs	
a. Unaltered	\$20.00
b. Altered (spayed or neutered)	\$10.00
c. Altered and owned by a "Senior Citizen"	\$5.00
d. Late Fee	\$20.00
e. Duplicate license	\$5.00
f. Dogs certified for, specifically trained for and used by Physically Handicapped persons (including mobility-limited, hearing-impaired/deaf, and seeing eye dogs) as well as government owned working dogs	FREE
g. Transfer Fee	\$5.00

- B.
C. Reclaim by owner of impounded small animals:

1. Dogs and Cats Altered/Unaltered	
a. First time	\$45.00
i) The fee for first time offenses for unaltered dogs or cats will be refunded if the dog or cat is spayed or neutered within three (3) working days.	
ii) Dogs will not be released until proof of a current license is shown.	
b. 2nd time during 12 month period	\$55.00
c. 3rd time during 12 month period	\$65.00
d. Additional times during 12 month period	\$100.00
e. Board, daily fee	\$10/day
f. Sterilization deposit	\$25.00

- D.
E. Adoption:

1. Dogs and Cats	
a. Adoption fee, Each	\$85.00 (Dogs) \$65.00 (Cats)
b. Adoption fee includes spay/neuter, microchip, shots, leash, and collar and ID tags	\$30.00
c. If dog or cat has already been spayed or neutered	\$30.00

- F.
G. Relinquish fee:

1. Dog or Cat	
a. Any age (except litter mates under four months)	\$15.00
b. Litter mates under four (4) months	EACH \$3.00
c. Pick up at residence	EACH \$25.00
d. Litter Mates: \$15.00 for the first animal, and \$3.00 for each litter mate under 4 months thereafter	

- H.
I. Euthanasia request -- \$20.00
J. Quarantined small animal -- charges to owner:

1. Dog or Cat (10 days)	EACH \$85.00 or \$8.50/day
-------------------------	----------------------------

- K.
L. Dead on Arrival Animals

1. Dog or Cat brought to shelter	\$5.00
2. Dog or Cat picked up by Shelter	\$25.00

- M.
N. Reclaim of livestock by owner:

1. Impound charge	
a. Large size animals: horses, cows, etc	\$60.00
b. Small size animals: sheep, goats, etc	\$45.00

2. Transportation fee per specialized vehicle	\$50.00
3. Daily boarding fee, EACH	\$15.00

NOTE: Small size requires pickup truck only to impound.

O.

P. Trap Rental:

1. Cat trap	
a. Rental fee for 7 days	EACH \$10.00
b. Subsequent rental fee per day	EACH \$1.00

NOTE: Rental fees to go into a trap maintenance/replacement account.

Q.

R. Kennel License and/or Cattery License:

1. Kennel	
4-15 dogs	\$50.00
16-30 dogs	\$75.00
More than 30 dogs	\$100.00
2. Cattery	
10-30 cats	\$50.00
More than 30 cats	\$75.00

S.

T. Fees to municipalities for shelter service fees only:

1. Small animal impoundment	
a. Litter mates under 4 months, 1 to 5 days	
	(non-contracting municipalities), EACH \$62.00
	(contracting municipalities) \$52.00
b. Unclaimed animals, 1 to 5 days	
	(non-contracting municipalities) \$62.00
	(contracting municipalities) \$52.00
c. Room and board per day	EACH \$8.00
d. Others	*
e. Dead on arrival animals	\$5.00

U.

V. Quarantine

a. Dog or Cat (10 days) EACH	
	(non-contracting municipalities) \$100.00
	(contracting municipalities) \$85.00
b. Other	*

W.

X. Relinquish of small animals

a. Dogs EACH	\$15.00
b. Cats EACH	\$15.00
c. Others	*

Y.

Z. Livestock:

a. Impound charge	
b. Large size animal	EACH \$50.00
c. Small size animal	EACH \$30.00
d. Transportation fee per vehicle	\$50.00 per trip
Daily boarding fee	EACH \$10.00

AA.

BB. Euthanasia request -- \$20.00

CC. Animal control per year for contracting municipalities

A. Cities under 1,000 population	\$3,000
B. Cities 1,000 to 4,999 population	\$6,500
C. Cities 5,000 and over population	\$13,000

* Cost depends upon the cost incurred by the county to provide for the animal's needs until a release is obtained or until the animal can legally, and humanely, be relocated or put to sleep.

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