

Kanab City Ordinance 11-1-12 O

An Ordinance Amending Section 13-200 of the Kanab City General Ordinance
Regarding Animal Control and Creating an Additional Dog Household Permit

Whereas, Utah Code Annotated (UCA) 10-8-65 provides that Kanab City may license, tax, regulate or prohibit the keeping of dogs; and,

Whereas, UCA 10-8-84 provides Kanab City the authority to make all ordinances necessary to provide for the safety, health, and comfort of the City and its citizens ; and,

Whereas, the City has previously created ordinances providing for the licensure and regulation of dogs and other animals (General Ordinance Section 13-200); and,

Whereas, the Council has recently received reports related to the successful re-prioritization of the enforcement of animal ordinances; and,

Whereas, the Council has received report of a community meeting conducted by Councilman Ed Meyer and Councilman Joe B. Wright wherein those present expressed an interest in creating easier conditions whereby residents can keep more than two dogs at anyone residence; and,

Whereas, the Council recognizes that under proper conditions, a residence may be suitable for keeping more than two dogs without unreasonably imperiling the health, safety, welfare, or comfort of Kanab City citizens; and,

Whereas, the Council recognizes that under proper conditions, local animal organizations may be able to adequately supplant the need to license dogs fostered for a period of less than one year at residences within the City; and,

Whereas, the Council finds a need to update provisions with General Ordinance Section 13-200 to add clarification and remove redundancies:

NOW THEREFORE,

BE IT HEREBY ORDAINED BY THE KANAB CITY COUNCIL that:

1. The Kanab City General Ordinance Sections 13-200 et seq. are amended to state as reflected in the attachments affixed to this ordinance; and,
2. All former codes or parts thereof conflicting or inconsistent with provisions of this Ordinance or of the Code hereby adopted are hereby repealed; and,

The provisions of the code shall be severable, and if any provision thereof, of the application of such provision under any circumstance is held invalid, it shall not affect any other provisions of this code or the application in a different circumstance.

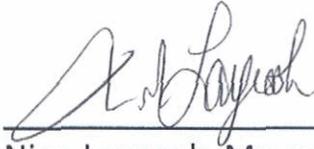
This ordinance shall be effective February 1, 2013 and upon required posting.

Passed by the Kanab City Council this 27th day of November, 2012.



Duane Huffman, Recorder





Nina Laycook, Mayor

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Section 13-128 Failure to Perform Work Made Breach of Rules

Failure to perform the specified labor, except when the strength of the prisoner will not permit, shall constitute a breach of the rules of the municipal jail, and no reduction of sentence shall be allowed under section 13-129.

Section 13-129 Time Off for Good Behavior

- A. Every person undergoing sentence for thirty days or more who has not been guilty of a breach of the rules of the prison shall be entitled to a reduction for the period of his sentence as follows: 1) From a term of one month, five days; 2) from the term of two months, ten days; 3) from a term of three months, fifteen days; 4) from a term of four months, twenty days; 5) from a term of five months, twenty-five days; 6) from a term of six months, thirty days.
- B. Proportionate reductions shall be made for the fractional parts of a month included in any sentence.

Section 13-200 Animal Control

Section 13-200.01 General Animal and Livestock Regulations

Section 13-200.01.010 Definitions

~~Definitions for the purpose of this title, unless it is plainly evident from the context that a different meaning is intended, the~~The following definitions shall apply for purposes of this title, unless it is plainly evident from the context that a different meaning is intended:

"Additional--Dog Household" means a residence that is allowed up to four dogs (including foster dogs) under the applicable license.

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

"Animal at Large" means any animal, whether or not licensed, not under restraint.

"Animal Control Board" means an administrative board consisting of the City Manager, the City Prosecutor, and a Kanab City Resident appointed by the Mayor with the advice and consent of the City Council to serve for a 4--year term. The Kanab City Resident may be removed by the City Council for misconduct or non-performance of duty. The board members shall serve in that capacity without compensation.

"Animal Control Officer" means any person designated by the State of Utah, a municipal government or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state.

"Animal Shelter" means any facility operated by a humane society or political subdivision of the State of Utah, for the purpose of impounding or caring for animals held under the authority of this Section or state law.

"Animal under Restraint" means an animal on a leash or lead which is held by a person or attached to a stationary object or confined within a vehicle or confined upon the real property of the owner or custodian.

"Attack" means any biting, ~~or~~ attempted biting, or other action by an animal ~~which~~ that places a person or another animal in danger of imminent bodily harm. Actual physical contact shall not be required to constitute an attack. Attack may include jumping upon, chasing, nipping, or otherwise threatening.

"Bite" means an actual puncture, tear, or abrasion of the skin, inflicted by the teeth of an animal.

"Cat" means any age feline of the domesticated types.

"Custodian" means any person having the charge, care, custody, or control of an animal ~~which~~ that he or /she does not own.

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"Dog" means any age canis ~~lupus familiarize familiaris~~ of the domesticated types.

~~"Domesticated Animal" means any animal accustomed to live in our about the habitation of humans, including, but not limited to, cats, dogs, fowl, horses, swine, cattle, sheep and goats.~~

"Euthanize" means a humane killing of an animal.

~~"Foster Dog" means a dog licensed by a foster--dog entity.~~

~~"Foster--Dog Entity" means an entity with an agreement with Kanab City to license dogs fostered for less than one year by City residents. The agreement shall include terms related to required vaccinations, identification, and other items required by the City Council.~~

~~"Grooming Parlor" means any establishment, not part of a kennel, where animals are bathed, clipped or combed for a valuable consideration for the purpose of enhancing their aesthetic value.~~

~~"Guard Dog" means a dog used for the purpose of deterring crime.~~

~~"Household Pet" means any animal or fowl ordinarily permitted in a house and kept for company or pleasure and not for profit, such as: dogs, cats, canaries, fish, hamsters, mice, and other animals associated with human environments. Household pets shall not include wildlife, livestock, poultry or any animals which are capable of inflicting harm or discomfort or endangering the health, safety or welfare of any person or property.~~

"Private Kennel" means any residential ~~premises~~ property where more than two dogs, or more than 4 dogs if the residence has an Additional-Dog Permit, and/or three cats are raised, kept, or housed; or any residential premises wherein any person engages in the business of breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

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"Public Kennel" means any commercial premises where any dogs ~~and/~~or cats are raised, kept, housed, or boarded; or any commercial premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, ~~or~~ selling dogs or cats.

"Leash" or "Lead" means any chain, rope, or device used to restrain an animal.

"License" ~~A means a~~ properly completed and validated license and rabies certificate issued by the ~~city-City~~ or other ~~city-City~~-designated licensing agency.

~~"License and Rabies Control Certificate" The official license application form issued by the city.~~

"License Tag" ~~A means a~~ piece of metal or other durable material inscribed with {Kanab City} and a number that has been issued by ~~the city-City~~ or other ~~city-City~~-designated licensing agency.

"Licensed Animal" ~~An means an~~ animal wearing its current license tag as required by this Section.

"Micro-chipping" ~~is means~~ a tool that makes it easier to identify the owner of a lost or stray dog. The microchip is implanted in between the shoulder blades of the dogs (this is actually not very painful) and acts as an identity tag. ~~when-When~~ the dog is found, the information stored in the chip enables the ~~city-City~~ to clearly and quickly find out who the owner is.

"Neutered" ~~is means~~ having had the testicles removed; a castrated animal.

"Owner" means any person, partnership, ~~or~~ corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

~~"Pets" a domesticated animal kept for pleasure rather than utility, including, but not limited to, birds, cats, dogs, fish, hamsters, mice and other animals associated with man's environment.~~

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~~"Pet Shop" means any establishment, not part of a kennel, containing cages or exhibition pens wherein dogs, cats, birds, or other pets for sale are kept or displayed.~~

"Quarantine" means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

"Spayed" means hHaving had the ovaries and uterus removed or extirpated; an ovariohysterectomy.

~~"Stray" any "animal at large".~~

~~"Vaccinated Animal" An animal inoculated with an approved, currently valid, antirabies vaccine, and wearing a current license tag indicating proof of such vaccination.~~

"Veterinary Clinic" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis, or treatment of diseases and injuries of animals.

"Vicious Animal" ~~is~~ means an animal

1. with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals;
2. ~~which~~ that attacks a human being or other domestic animal without provocation; or
3. ~~which~~ that is trained or used to fight or to attack humans.

"Wild Animal" means ~~all~~ an animals commonly accepted as being "wild" and includes, but is not limited to, the following, no matter how domesticated they may be:

- A. Alligators and crocodiles;;
- B. Bears (ursidae);;
- C. Cat family (felidae), except the commonly accepted domesticated cats;;

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- D. Coyotes, foxes and wolves~~;~~
- E. porcupine (erchizontiade)~~;~~
- F. Nonhuman primates (hominidae)~~;~~
- G. Raccoon (prosynnidae)~~;~~
- H. Skunks~~;~~
- I. venomous snakes or venomous lizards~~;~~
- J. Weasels (mustelidae); ~~and~~
- K. Ferrets.

Section 13-200.01.011 Purpose

The ~~city-City council-Council~~ finds that to adequately protect the residents of the City of Kanab from dangerous or potentially dangerous animals, from rabid animals, or from animals causing a nuisance, it is necessary to provide a management and licensing structure, pound facilities, and care requirements for animals within the ~~city-City~~ limits. The ~~city-City council-Council~~ further finds that regulations are necessary to ensure humane treatment for all animals within the ~~city-City~~ limits. The purpose of this Section is to establish standards for the keeping of animals and fowl, in a manner ~~which-that~~ will not endanger the health, peace, ~~and-or~~ safety of the residents of the City, ~~of Kanab~~ and which will ~~enassure~~ that such animals and fowl are kept in clean and sanitary conditions and ~~are~~ not subject to suffering, cruelty, or abuse.

The City Council further finds that Kanab is in a unique situation with the regards to sheltering animals. ~~The Council desires to bring dog ownership into compliance with the two dog limit of the ordinance, and the use of the amnesty and private kennel provisions in order to facilitate the transition.~~

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Section 13-200.01.020 Premises Confining Animals and Fowl-Neat and Sanitary Condition Required.

- A. Wherever animals, including fowl and pigeons, may be tethered, corralled, confined and sheltered, or fed, the premises shall be maintained in a neat and sanitary condition so that no nuisance due to unsightliness, odor, or pest breeding or harborage shall be caused by such animals or premises.
- B. All barns or stables intended for or presently used to shelter livestock ~~which~~ that are now erected and maintained or may be erected, constructed, altered, or repaired within the city shall conform to the requirements of the applicable zoning ordinance, the building code, and all other applicable laws of the city.

Section 13-200.01.030 Abandoning Sick, Diseased, or Disabled Animals

It is unlawful for any person to abandon or to turn out at large any sick, diseased, or disabled animal, but such animal shall, when rendered worthless by reason of sickness or other disability, be disposed of by the owner thereof in the manner as provided in section 13-200.01.040.

Section 13-200.01.040 Disposal of Animals

~~It is unlawful for the owner of~~ If any an animal or fowl ~~that dies or are killed~~ within the limits of this city, the owner of that animal or fowl must ~~fail to~~ remove or bury the carcass ~~of such animal~~ within ten hours after of its death, ~~provided that n~~ No horse, cow, ox, pig, sheep, goat, ostrich, llama, emu, any wildlife or other animal shall be buried within the limits of the City. Except at designated landfills, it is unlawful to bury a non-domesticated animal within the City limits, including, but not limited to, a horse, cow, ox, pig, sheep, goat, ostrich, llama, emu, or wild animals.

Section 13-200.01.050 Cruelty to Animals

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- A. Except as authorized by law, it shall be unlawful for any person to willfully or maliciously kill, injure, maim, disfigure, torture, beat, mutilate, burn or scald, overdrive, or otherwise cruelly set upon any animal. Each such act shall constitute a separate violation, and the violator shall be guilty of a ~~class~~-Class B misdemeanor for each act.
- B. It shall be unlawful for any person to hobble livestock in such a way as to cause injury or damage to the animal.
- C. It shall be unlawful for any person to carry or to confine any animals in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such animal without adequate ventilation.
- D. Every operator of a motor vehicle or self-propelled vehicle within the ~~city~~-City shall, immediately upon injuring, striking, maiming, or running down any animal, fully comply with all requirements of Utah Law set forth in UCA Section 41-13-200-30.
- E. ~~Fights~~-It is unlawful for any person within the City limits ~~of the city~~ to, in any manner whatsoever, encourage or urge any animal to fight or urge ~~them-it~~ on after they-animals commence to fight.
- F. It shall be unlawful for any person to fail to provide any-an animal in his or /her charge or custody with necessary sustenance, drink, and protection from the elements, or cause any of these acts to be done.

Section 13-200.01.060 Excessive Noise

- A. Is a ~~class~~-Class C misdemeanor for any person to possess or own an animal or fowl and to allow the animal or fowl to make a sound or combination of sounds that are frequent, repetitive, or continuous, and loud or raucous to the extent that the sound or sounds unreasonably disturbs or interferes with the peace, comfort or repose of another, including but not limited to barking, howling, braying, quacking, and crowing.

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- B. It shall be prima facie evidence that the noise referred to in subsection A is frequent, repetitive or continuous if it occurs:
- a. Between the hours of 10:01 p.m. and 7:00 a.m. and continuously for a period of five minutes or more, or intermittently for a period of fifteen minutes or more; ~~or-~~
 - b. Between the hours of 7:01 a.m. and 10:00 p.m. and continuously for a period of fifteen minutes or more, or intermittently for a period of thirty minutes or more.
- C. It Ss shall be prima facie evidence that the noise referred to in subsection A is loud or raucous to the extent that it unreasonably disturbs or interferes with the peace comfort or repose of another if the sound can be heard anywhere on the property of another.
- D. It Ss shall be an affirmative defense under this section that the animal was intentionally provoked to make such noise; provided that enactment of this provision shall in no way abrogate any other provision under this code concerning animal noise.
- E. In addition to any other penalty authorized by law, a person found guilty of this section shall pay a fine of not less than one hundred fifty dollars for the first occurrence, and a fine of not less than three hundred dollars for additional occurrences s within a 12 month period.

Section 13-200.01.070 Animals Running at Large

It shall be unlawful for any animal to be at large at any time within the corporate limits of the [cityCity](#). The owner or custodian of any animal which is at large shall be in violation of this section, regardless of the precautions taken to prevent the escape of the animal and regardless of lack of knowledge of the offense at the time it occurs. In addition to any other penalty, there shall be a \$35 pick-up fee for each animal apprehended under this provision.

Section 13-200.01.080 Impound

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- A. The animal control officer may apprehend and impound any animal found at large within the city. Any person apprehending any animal running at large on his or her property may deliver the same to any city City police officer or animal control officer, which animal may then be impounded in the animal shelter. ~~Any animal placed in the animal shelter shall be redeemed or euthanized.~~
- B. Any animal impounded at an animal shelter shall be held for five working days if it has a current year's license tag. ~~After five working days, if~~ if the animal is not claimed or adopted within the five days, it shall be euthanized.
- C. Any animal impounded at an animal shelter shall be held for three working days if it ~~has no~~ does not have the current year's license tag. ~~After three working days, if~~ if the animal is not claimed or adopted within the three days, it shall be euthanized.
- D. Any animal voluntarily relinquished to the animal control officer or an animal shelter by the owner or custodian thereof for destruction or other disposition need not be kept for the minimum holding period, but shall be euthanized immediately.
- E. The animal control officer or police officer shall have the sole discretion to euthanize a dog before the end of the waiting periods provided in B and C if the dog is seriously ill or seriously injured ~~determine serious injury or disease that will require euthanasia prior to three (3) working days.~~
- F. Any wild animal placed in the animal shelter may be disposed of immediately.

Section 13-200.01.090 Keeping Certain Animals Unlawful

It shall be unlawful for any person to keep or harbor any animal which is prohibited to be kept or harbored by UCA 23-13-4, 23-20-3 or 23-20-4.

Section 13-200.01.100 Detention of Animals

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It is unlawful for any person to detain or hold the animal of another without notifying the animal control officer or law enforcement agency within twenty four hours.

Section 13-200.01.110 Intra-seizure of Animals

- A. Whenever a police officer or an animal control officer shall have probable cause to believe that an animal has been abandoned, although confined upon private property, that is in violation of any of the provisions of Section 13-200 of the Kanab Municipal Code, or is a vicious animal, the officer shall be authorized to immediately seize the animal and may impound the same in the animal shelter and such officer shall have the right to enter upon whatever premises the animal may be kept for such purpose.
- B. If an animal is summarily impounded without the knowledge of the owner or custodian, a notice that the animal has been impounded shall be given to the owner or custodian of the animal, if the same is known, by [handing the notice to the owner or custodian](#), attaching the notice to the door at the residence thereof, or ~~by~~ mailing a notice to the last known address of the owner or custodian.
- C. If no response is received to the notice of summary impoundment within the time frames established by the rules and regulations of the animal shelter, [and the animal is not adopted in accordance with those rules and regulations, such-the](#) animal shall be ~~adopted-or~~ euthanized as an abandoned animal.
- D. An animal summarily impounded as provided in this section may be recovered by the owner complying with the regulations of the animal shelter. If, in a subsequent court proceeding, the animal is determined not to be abandoned, vicious, or a nuisance, the animal shall be released to the owner or custodian without any charge.

Section 13-200.01.120 Animal Bites

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- A. It shall be unlawful for any animal to bite or attack any person or domestic animal. It is no defense that the animal is chained or confined if the chaining or confining is on public or private property where the public has access to be on such property. The owner or custodian of any animal is in violation of this section regardless of the precautions taken to prevent the bite or attack and regardless of the lack of knowledge of the offense at the time it occurs.
- B. It is unlawful for any person to keep, own, harbor, or have the control of any fierce or dangerous animal. It is prima facie evidence that an animal is a fierce or dangerous animal if it bites or attacks a person or domestic animal. Any police officer or animal control officer may apprehend such animal and may cause it to be impounded at the animal shelter.

Section 13-200.01.130 Defecation and Urination

It is unlawful to allow an animal to defecate or urinate upon private property not owned by the person owning or in control of such animal. The owner or custodian of any animal shall be responsible for the removal of any defecation deposited by such animal on public property, recreation areas, or private property not owned by the person owning or in control of such animal.

Section 13-200.01.140 Enforcement

In the enforcement of any provision of this Section, any police officer or animal control officer is authorized to enter the premises of any person to take possession of a fierce, dangerous, or vicious animal or animals running at large, when in fresh pursuit of such animal at the time the animal goes onto the private property.

Section 13-200.01.141 Revocation of License or Permits

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A. The Chief of Police may revoke any permit or license of a person holding a permit or license if he ~~or~~ /she ~~refuses or fails to~~ does not comply with any section of Section 13-200, the regulation promulgated by said authorities, or any applicable law governing the protection and keeping of animals.

~~B.~~ If a person's permit or license is revoked for any reason other than by court order, the person may appeal the revocation to the animal control board by delivering a written notice of appeal to the City Office within 10 calendar days from the date of revocation. If a notice of appeal is properly made and delivered under Section B, the animal control board shall hold an administrative hearing within 10 calendar days of receiving the notice to determine the disposition of the appeal. The animal control board's decision shall be final.

~~BC.~~ Any person whose permit or license is revoked shall, within ten days thereafter if no appeal is made or within 10 days after a written decision upholding the revocation by the animal control board, humanely dispose of ~~all the~~ animals owned under the permit or license, kept, or harbored by such person under the permit or license, and no part of the permit or license fee shall be refunded.

~~CD.~~ It shall be a condition of the issuance of any permit or license that the licensing authorities, animal control officers, police officers, or humane officer, shall be permitted to inspect all animals and the premises where animals are kept at any time. If permission for an inspection is refused, the permit or license of the refusing owner or keeper shall be revoked.

~~DE.~~ If the applicant has withheld or falsified any information on the application, the licensing authorities shall refuse to issue a permit or license.

~~EF.~~ No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment or kennel. 13-200.02.141 Inspections

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~~As a condition of licensing and pursuant to 13-200.01.141.C., all licensed dogs and the premises where they are kept are subject to inspection at any reasonable time.~~

Section 13-200.01.150 Interference with Officer

A. It shall be unlawful for any person to interfere with, molest, hinder, or prevent any police officer or animal control officer in the discharge of their duties as herein prescribed.

B. Any person who shall hinder, delay, interfere with, or obstruct any police officer or animal control officer while engaged in capturing, securing, or taking to the animal shelter any animal or animals ~~liable~~ needing to be impounded, or who shall break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal control vehicle or other vehicle used for the collecting of any such animals shall be ~~deemed~~ guilty of a class B misdemeanor.

Section 13-200.01.160 Quarantine of Animals

Whenever any animal attacks or bites a person, the owner of the animal shall immediately notify the police department, which shall cause the animal to be impounded or otherwise quarantined for a period of ten days. At the end of the ten-day quarantine period, the animal may be released from quarantine, upon a veterinarian's examination that such animal is free from rabies. The expenses incurred in the inspection of such animal shall be paid by the owner or person in control of such animal, in addition to any other fines or charges due. Such expenses shall be paid prior to the release of the animal. If the animal dies within the ten-day quarantine period, its brain shall be sent to the State Department of Health for examination for rabies.

~~Section 13-200.01.170 Licensing—Registration of Animals {EXCEPT DOGS} Shall be Voluntary.~~

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~~Any person owning an animal within the city limits may license such animal by following the provisions of this Section.~~

~~A. Licensing, Fees, and Registration.~~

~~1. All licenses and late fees required by this Section shall be in amounts established by city council resolution.~~

~~2. It shall be the duty of the animal control officer to register any animal on application of the owner or keeper and to issue a registration receipt and metallic registration tag on payment by the owner or keeper. Such registration receipt and metallic registration tag shall be valid and in force from the date issued until the expiration date.~~

~~B. Information Required for Registration. Before receiving a registration receipt and metallic registration tag, each owner must state at the time of application for such a permit, the name and address of the owner and sex, breed, age and color of each animal to be registered. The owner must also present a certificate from a veterinarian stating that the animal has been vaccinated for the prevention of rabies. Such certificate must give the last date of vaccination and the number of the vaccination tag used by the veterinarian at the time of vaccination.~~

~~C. Collar Tag Attachment. It shall be the duty of the owner or keeper of any animal so registered to provide a suitable collar for such animal to wear and to attach thereto the metallic registration tag having a number corresponding with the certificate of registry inscribed thereon.~~

~~D. Removal of Collar and Registration Tag. It is unlawful for any person other than the owner to remove the collar from any animal to which collar has been attached the metallic registration tag herein required, or to remove said metallic registration tag from the collar to which it has been attached.~~

~~Section 13-200.01.180 Revocation of License—Animals~~

~~If the owner of any animal is convicted of a violation of this Section on two or more different occasions during any twelve (12) month period~~

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~~involving the same animal, the license of the animal involved shall be revoked. The animal control officer or other police officer shall be authorized to immediately impound and pick up any animal whose license has been revoked. Any animal impounded following revocation of its license shall be dealt with in accordance with the provisions of city ordinances for impounded animals. Under no conditions shall the animal be allowed to be brought back into the city.~~

Section 13-200.01.190 Female Cats in Heat/Season Running at Large

Females in Heat/Season Running at Large. The owners or custodians of female cats shall cause such cats, when in heat/season, to be penned or enclosed in such a manner as to preclude other cats from attacking such female cat or from being attracted to such female cat. It shall be unlawful for the owner or custodian of any female cat to cause, permit, or allow such cat to be at large, or to enter upon a street or sidewalk while such female cat is in copulating heat/season regardless of lack of knowledge of the offense at the time it occurs. If the female cat cannot be controlled by the owner [in accordance with this section](#) during the copulating heat/season, such cat may be impounded by the animal control officer.

Section 13-200.01.200 Threatening Passers-By

It shall be unlawful for any animal to threaten ~~a passers-by~~ by nipping, chasing, jumping upon, or attacking. The owner or custodian of such animal shall be guilty of a ~~class-Class~~ C misdemeanor.

Section 13-200.01.210 Penalties

Unless otherwise specifically provided, ~~every a~~ person ~~whose animal violates~~ [who violates](#) any provision of ~~this~~ [Section 13-200](#) is guilty of a Class C misdemeanor.

[In addition to any other penalty authorized by law and unless otherwise specified, a person found guilty of violating sSection 13 shall pay a fine of](#)

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at least one hundred and fifty dollars for the second occurrence and at least three hundred dollars for each additional occurrence within a 12-month period.

Section 13-200.02.010 Licensing

Any A person owning a dog within the city-City limits shall license the dog pursuant to the following provisions:

A. Licensing, Fees, and Registration.

1. ~~Registration-Required-Dogs-only.~~ It is unlawful for any person to own, keep, or harbor a dog over the age of three months within the limits of this city-City without ~~making application to the city for that purpose~~ licensing the dog with Kanab City and paying to the city-City an annual registration fee.
2. A late fee shall be imposed unless a new license is ~~purchased~~ acquired prior to before the expiration of the current license. Licenses for the following year may be purchased within ninety (90) days ~~prior to before~~ the expiration date.
3. All licenses and late fees required by this Section shall be in the amounts established by city-City council-Council resolution.
4. It shall be the duty of the animal control officer to ~~register~~ license any dog ~~on~~ upon a qualified application of the owner or keeper and to issue a ~~registration-license~~ receipt and metallic ~~registration-license~~ tag on payment by the owner or keeper. Such ~~registration-license~~ receipt and metallic ~~registration-license~~ tag shall be valid and in force from the date issued until the expiration date.
5. The provisions of this section shall not apply to dogs whose owners are nonresidents temporarily within the city-City for thirty (30) days or less, nor to dogs brought into the city-City for the purpose of participating in any show or event.

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- B. Information Required for ~~Registration~~License. Before receiving a ~~registration~~license receipt and metallic ~~registration~~license tag, each owner must ~~state at the time of identify in the~~ application for such a ~~permit~~license, the name and address of the owner and sex, breed, age, and color of each dog to be ~~registered~~licensed. The owner must also present a certificate from a veterinarian stating that the dog has been vaccinated for the prevention of rabies. Such certificate must give the last date of vaccination and the number of the vaccination tag used by the veterinarian at the time of vaccination. It is unlawful for the owner to misrepresent the age of any dog for the purpose of avoiding the payment of the license required by this Section.
- C. Collar-Tag Attachment. It shall be the duty of the owner or keeper of any dog so ~~registered~~licensed to provide a suitable collar for such dog to wear and to attach thereto the metallic ~~registration~~license tag having a number corresponding with the certificate of registry inscribed thereon. All dogs not so ~~registered~~licensed and collared as prescribed by this Section may be impounded by the animal control officer or any police officer or other designated official of the city.
- D. Removal of Collar and ~~Registration~~License Tag. It is unlawful for any person other than the owner to remove the collar from any dog to which collar has been attached the metallic ~~registration~~license tag herein required, or to remove said metallic ~~registration~~license tag from the collar to which it has been attached.
- E. The owner of any dog of ~~registration~~license age, ~~except exempt dogs~~under paragraph F, shall make application for permit and obtain a permit tag for such dog within ten (10) days after acquisition or age attainment.

~~F.~~—Licensing and Fee Exemptions.

~~G.F.~~ The provisions of §13-200.02.010.(A)(1) shall not apply to:

1. Seeing eye dogs properly trained to assist blind persons, if such dogs are actually being used by blind persons to assist them in moving from place to place.

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2. Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to an auditory stimulus.
3. Dogs specifically trained to assist officials of governmental agencies in the performance of their duties and which are owned by such agencies.
- ~~3.4. Foster Dogs~~
- 4.5. Nothing in this section ~~(F)(1)~~ shall be construed to exempt any dog from having a current rabies vaccination.

~~Section 13-200.02.020 Revocation of License—Dogs~~

~~If the owner of any dog is convicted of a violation of this Section on two or more different occasions during any twelve (12) month period involving the same dog, the license of the dog involved shall be revoked. The animal control officer or other police officer shall be authorized to immediately impound and pick up any dog whose license has been revoked. Any dog impounded following revocation of its license shall be dealt with in accordance with the provisions of city ordinances for impounded dogs. Under no conditions shall the dog be allowed to be brought back into the city.~~

~~Section 13-200.02.030 Dogs Running at Large~~

~~It shall be unlawful for any dog to be at large at any time within the corporate limits of the city. The owner or custodian of any dog which is at large shall be in violation of this section, regardless of the precautions taken to prevent the escape of the dog and regardless of lack of knowledge of the offense at the time it occurs.~~

Section 13-200.02.040 Female Dogs in Heat/Season Running at Large

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The owners or custodians of female dogs shall cause such dogs, when in heat/season, to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or from being attracted to such female dog. It shall be unlawful for the owner or custodian of any female dog to cause, permit, or allow such dog to be at large, or to enter upon a street or sidewalk while such female dog is in copulating heat/season regardless of lack of knowledge of the offense at the time it occurs. If the female dog cannot be controlled by the owner [in accordance with this section](#) during the copulating heat/season, such dog may be impounded by the animal control officer.

~~Section 13-200.02.050 Cruelty to Dogs~~

- ~~A.—Except as authorized by law, it shall be unlawful for any person to willfully or maliciously kill, injure, maim, disfigure, torture, beat, mutilate, burn or scald, overdrive or otherwise cruelly set upon any dog. Each such act shall constitute a separate violation and shall be guilty of a class B misdemeanor.~~
- ~~B.—It shall be unlawful for any person to carry or to confine any dog in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such dog without adequate ventilation.~~
- ~~C.—Every operator of a motor vehicle or self-propelled vehicle within the city shall, immediately upon injuring, striking, maiming or running down any dog, fully comply with all requirements set forth in UCA Section 41-13-200-30.~~
- ~~D.—Fights. It is unlawful for any person within the limits of the city to, in any manner whatsoever encourage or urge any dog or dogs to fight or urge them on after they commence to fight.~~

~~Section 13-200.02.060 Dog Bites~~

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- ~~A.—It shall be unlawful for any dog to bite or attack any person or domestic animal. It is no defense that the dog is chained or confined if the chaining or confining is on public or private property where the public has access to be on such property. The owner or custodian of any dog is in violation of this section regardless of the precautions taken to prevent the bite or attack and regardless of the lack of knowledge of the offense at the time it occurs.~~
- ~~B.—It is unlawful for any person to keep, own, harbor, or have the control of any fierce or dangerous dog. It is prima facie evidence that a dog is a fierce or dangerous dog if it bites or attacks a person or domestic animal. Any police officer or animal control officer may apprehend such dog and may cause it to be impounded at the animal shelter.~~

~~Section 13-200.02.070 Intra-seizure of Dogs~~

- ~~A.—Whenever a police officer or an animal control officer shall have probable cause to believe that a dog has been abandoned, although confined upon private property, that is in violation of any of the provisions of Section 13-200 of the Kanab Municipal Code, or is a vicious dog, the officer shall be authorized to immediately seize the dog and may impound the same in the animal shelter and such officer shall have the right to enter upon whatever premises the dog may be kept for such purpose.~~
- ~~B.—If a dog is summarily impounded without the knowledge of the owner or custodian, a notice that the dog has been impounded shall be given to the owner or custodian of the dog, if the same is known, by attaching the notice to the door at the residence thereof or by mailing a notice to the last known address of the owner or custodian.~~
- ~~C.—If no response is received to the notice of summary impoundment within the time frames established by the rules and regulations of the animal shelter, such dog shall be adopted or euthanized as an abandoned dog.~~

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~~D.—A dog summarily impounded as provided in this section may be recovered by the owner complying with the regulations of the animal shelter. If, in a subsequent court proceeding, the dog is determined not to be abandoned, vicious or a nuisance, the dog shall be released to the owner or custodian without any charge.~~

~~Section 13-200.02.090 Defecation and Urination~~

~~A.—It is unlawful to allow a dog to defecate or urinate upon private property not owned by the person owning or in control of such dog.~~

~~1.—The owner or custodian of any dog shall be responsible for the removal of any defecation deposited by such dog on public property, recreation areas, or private property not owned by the person owning or in control of such dog.~~

~~B.—Kennels and Runs. It is unlawful for the owner or occupant of any premises on which a kennel, run, or other structure or area for housing or keeping of dogs is situated, to allow such kennel, run, or other structure or area of the premises to become unsanitary, unclean, or to emit undue stench or odor. The owner or occupant of any premises permitting any such condition to exist that does not abate such condition within 24 hours after notice shall be issued a citation. If such a notice is given, the condition must remain abated on a permanent basis. Additional notices shall not be necessary prior to the issuance of a citation.~~

~~Section 13-200.02.100 Detention of Dogs~~

~~It is unlawful for any person to detain or hold the dog of another without notifying the animal control officer or law enforcement agency within twenty four hours.~~

~~Section 13-200.02.110 Abandoning Sick, Diseased, or Disabled Dogs~~

~~It is unlawful for any person to abandon or to turn out at large any sick, diseased or disabled dog, but such dog shall, when rendered worthless by~~

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~~reason of sickness or other disability, be disposed of by the owner thereof in the manner as provided in section 13-200.02.120.~~

~~Section 13-200.02.120 Disposal of Dogs~~

~~It is unlawful for the owner of any dog that dies or is killed within the limits of this city, to fail to remove or bury the carcass of such dog within ten hours after its death.~~

~~Section 13-200.02.130 Quarantine of Dogs~~

~~Whenever any dog attacks or bites a person, the owner of the dog shall immediately notify the police department, which shall cause the dog to be impounded or otherwise quarantined for a period of ten days. At the end of the ten-day quarantine period, the dog may be released from quarantine, upon a veterinarian's examination that such dog is free from rabies. The expenses incurred in the inspection of such dog shall be paid by the owner or person in control of such dog, in addition to any other fines or charges due. Such expenses shall be paid prior to the release of the dog. If the dog dies within the ten-day quarantine period, its brain shall be sent to the State Department of Health for examination for rabies.~~

~~Section 13-200.02.140 Enforcement~~

~~In the enforcement of any provision of this Section, any police officer or animal control officer is authorized to enter the premises of any person to take possession of the registered or unregistered, fierce, dangerous, or vicious dog or dogs running at large, when in fresh pursuit of such dog at the time the dog goes onto the private property. It is not the intent of this subsection to authorize any entry onto property which is in violation of State or Federal Constitutional restrictions regarding search and seizure.~~

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~~Section 13-200.02.150 Interference with Officer~~

- ~~A.—It shall be unlawful for any person to interfere with, molest, hinder or prevent any police officer or animal control officer in the discharge of their duties as herein prescribed.~~
- ~~B.—Any person who shall hinder, delay, interfere with or obstruct any police officer or animal control officer while engaged in capturing, securing or taking to the animal shelter any dog or dogs liable to be impounded, or who shall break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal control vehicle or other vehicle used for the collecting of any such animals shall be deemed guilty of a class B misdemeanor.~~

Section 13-200.02.160 Dogs in Prohibited Areas

- A. It shall be unlawful for any person to take or to permit any dog, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, as required by Utah [State code law](#); ~~and it shall be unlawful for any person to allow any dog to enter or be in any place of worship during public services~~; and it shall be unlawful for any person to allow any dog to enter in or be upon any public park, school, cemetery, or other [city City](#) property where it is posted that no dogs are allowed.
- B. An exception to this section shall be for any dog trained and used for physically handicapped persons, such as dogs for the blind or hearing impaired.

Section 13-200.02.170 Allowable Number of Dogs

- A. Except as otherwise provided in this Section, no more than two (2) dogs which are three (3) months of age or older shall be kept at any [property residence](#) at any time.

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B. ~~Additional--Dog Households, Dog public and private~~ kennels, ~~breeding kennels, veterinary hospitals, boarding kennels,~~ or any similar facilities ~~which that~~ keep more animals than allowed by this section, are permitted within the City and exempt from this section only if licensed by the City and lawfully located pursuant to City Zoning Regulations.

C. ~~Additional--Dog--Household Permit:~~

1. A person may ~~can~~ receive an ~~Additional--Dog--Household Permit~~ by meeting the following requirements:

- a) All dogs within the household must meet the licensing requirements of Section 13-200.02.010;
- b) All dogs within the household must be spayed or neutered;
- c) The residence must have a fully fenced yard of at least 450 square feet capable of containing all dogs;-
- d) Dogs may not be chained or tethered to a fixed location outdoors at anytime; and-
- e) An applicant must submit an application provided by the City agreeing to the terms of this provision, and must include as part of the application images of the required fence and fenced property.
- f) If the applicant does not own the property, the property owner must co-sign the application.

2. ~~Additional--Dog--Household Permits~~ will be revoked for any of the following reasons:

- a. ~~Two convictions within 12 months under Section 13-200.01.060 for excessive noise;~~
- b. ~~Two convictions within 12 months under Section 13-200.01.070 for animals at large;~~
- c. ~~One conviction under Section 13-200.01.050 for cruelty to animals;~~

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- d. One conviction under Section 13-200.01.020 for failure to maintain premises in a neat and sanitary condition;
 - e. One conviction for other serious dog-related offenses (greater than a Class C misdemeanor); or;
 - f. Failure to maintain the requirements of this section
- 1.3. Additional--Dog--Household Permits are not transferable between applicants nor properties.

~~Section 13-200.02.171 Amnesty Exception~~

- ~~A.—There shall be a one time amnesty exception to section 13-200.02.170. Up to four (4) dogs which are kept upon residential premises at the time of adoption of this ordinance may continue to be kept on the premises if the dogs are licensed with the City within 30 days of adoption of the ordinance. The dogs in excess of the two provided in subsection 13-200.02.170 A shall be "amnesty" dogs and the total dogs on the premises during the amnesty period shall not exceed four dogs over the age of three (3) months.~~
- ~~B.—An amnesty dog may not be replaced upon its death or other disposition and shall be the oldest dog(s). Upon the death or other disposition of a nonamnesty dog(s) it shall be replaced by an amnesty dog.~~
- ~~C.—Amnesty dogs shall be implanted with a microchip purchased by the owner from the City within 30 days of adoption of this ordinance.~~

~~Section 13-200.02.172 Micro-chipped Dogs~~

- ~~A.—The owner shall, at his/her own expense, have the dog permanently identified by having the licensing number assigned by the city to such dog and having the dog implanted with a microchip that the owner shall purchase from the city for the purpose of identifying dogs under the amnesty program.~~

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- ~~B. Owners shall assume the risk of non-identification of all micro-chipped, unrestrained dogs that are subsequently impounded by animal control officers.~~
- ~~C. It is unlawful for any vendor of microchips to refuse to provide information to the City as to the identification of the owner or animal that has been micro-chipped.~~
- ~~D. All "amnesty" dogs under section 13-200.01.171, in addition to being licensed pursuant to this Section, shall be implanted with a microchip purchased from the City within 30 days of the adoption of this ordinance.~~

Section 13-200.02.180 Impound

- A. Any dog impounded at an animal shelter shall be held five working days if it has a current year's license tag ~~and~~/or identifiable microchip information which is readable and has been registered with the City. After five working days, if the dog is not claimed or adopted, it shall be euthanized.
- B. Any dog impounded at an animal shelter shall be held three working days if it does not have a current year's license tag ~~and~~/or identifiable microchip information which is readable and has been registered with the City. After three working days, if the dog is not claimed or adopted, it shall be euthanized.
- C. Any dog voluntarily relinquished to the animal control officer or an animal shelter by the owner or custodian thereof for destruction or other disposition need not be kept for the minimum holding period, but shall be euthanized immediately.
- D. The animal control officer or police officer shall have the sole discretion to euthanize a dog before the end of the waiting period if the dog is seriously ill or seriously injured~~determine serious injury or disease that will require euthanasia prior to three (3) working days.~~

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~~Section 13-200.02.190 Threatening Passers-By~~

~~It shall be unlawful for any dog to threaten passers by by nipping, chasing, jumping upon, attacking, or chasing any person, bicycle, or motor vehicle.~~

~~Section 13-200.02.200 Penalties Unless~~

~~Unless otherwise specifically provided, every person whose dog violates any provision of this Section is guilty of a class C misdemeanor.~~

Section 13-200.03.010 Rabies Control

- A. A Report of Bites. ~~All~~ A persons bitten and the parents or guardians of a minor ~~children~~ child bitten by a dog, cat, skunk, fox, bat, coyote, bobcat, or other animal known to constitute a serious threat of rabies shall notify the animal control officer immediately thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.
- B. Report of Suspected Rabid Animals. Any person who observes or has knowledge of an animal ~~which~~ that shows symptoms of rabies or which acts in a manner ~~which~~ that would lead to a reasonable suspicion that it may have rabies shall notify the animal control officer and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the state or city-county health departments.
- ~~C.~~ E.—Isolation of Biting or Suspected Rabid Animals.
- ~~D.~~ C. Upon the reasonable order of the animal control or public health officer, a biting or suspected rabid animal shall be isolated, at the owner's expense if owned, in strict confinement under proper care and under the observation of a licensed veterinarian in an animal shelter or veterinary ~~hospital~~ clinic in a manner approved by the animal control officer.

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- ~~E.D.~~ Examination of Head. Any biting or suspected rabid animal may be humanely euthanized immediately, and such animal's undamaged and properly packaged and properly refrigerated head shall be delivered promptly to an approved medical facility having the capability of performing tests to demonstrate the presence of rabies.
- ~~F.E.~~ Release. Ten (10) days after the day of ~~infliction of~~ a bite by an animal, such animal may be released to its owner after a licensed veterinarian has examined that animal and in his or /her opinion found it not to have had rabies in a transmittable stage on the day of ~~infliction of~~ the bite. Non-immunized animals shall be vaccinated for rabies before release.
- ~~G.F.~~ Animals Possibly Exposed to Rabies. Any animal of a species subject to rabies ~~which that~~ has been bitten by a known rabid animal, or ~~which that~~ has been in intimate contact with such an animal, shall be isolated, at the owner's expense if owned, in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of six (6) months, or euthanized. Notwithstanding the foregoing, the following alternative is permitted in case of dogs and cats. If the dog or cat ~~has had~~ been vaccinated against rabies at least thirty (30) days ~~prior to before~~ the suspected exposure with a type of vaccine produced under U.S.D.A. license and within the time period approved by the state veterinarian, the dog or cat may be re-vaccinated and isolated in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of thirty (30) days.

Section 13-200.03.020 Vaccination Required

- A. Dog owners shall obtain a rabies vaccination for each dog they own, keep, harbor, or have custody of, within ten (10) days after it becomes three months of age, or within ten (10) days after obtaining any dog over three months of age. It shall be unlawful for any person or persons to own, keep, harbor, ~~or possess,~~ or to have in his or her

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care, charge, or custody, any dog three months of age or over unless such dog has a current and valid rabies vaccination administered by any duly qualified and licensed veterinarian, with a rabies vaccine approved by the State Department of Health for use in dogs. Such vaccination shall be repeated at intervals specified by the State Department of Health in order to maintain adequate immunity.

- B. In addition to the current year's license, the vaccination tag shall be attached to or otherwise worn by the dog. It shall be unlawful for any person or persons to remove or cause to be removed the vaccination tag from any dog without the consent of the owner, keeper, or harbinger thereof. The vaccination tag shall not be transferable from one dog to another.

~~Section 13-200.03.030 Penalties~~

~~Unless otherwise specifically provided, every person who violates any provision of this Section is guilty of a class C misdemeanor.~~

Section 13-200.04 Kennels

~~Section 13-200.04.010 Allowable Number of Dogs and Cats~~

~~Except as otherwise provided in this Section, no more than two (2) dogs and/or three (3) cats which are three (3) months of age or older shall be kept at any residence at any time.~~

Section 13-200.04.020 Permit Required

- A. Permit required. No person ~~shall~~may operate or maintain a kennel without first obtaining a permit from Kanab City.
- B. Application. All applications for permits to operate or maintain a kennel shall be submitted in writing upon printed forms provided for

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such purposes by the [cityCity](#). The application shall first be referred to the [city-City](#) animal control officer. Upon approval, the [city-City](#) shall issue the permit upon payment of the fee herein provided.

- C. Before the permit can be issued the following conditions concerning the location of the kennel must be met.
 1. A private kennel shall be located in a Residential Agricultural (RA) District, with a conditional use permit and shall not exceed more than three (3) dogs per acre. The location where the dogs or cats are kept, raised, or housed, must be 200 feet away from any neighboring house, and must be 150 feet from any road.
 2. A public kennel shall be located in a permitted commercial district, with a conditional use permit.
- D. The following minimum standards shall be complied with to obtain and maintain a kennel permit.
 1. Enclosure must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an appropriate material as required by the specific breed of animal and also to permit proper cleaning and disinfecting.
 2. Adequate ventilation shall be maintained and an appropriate temperature provided as required by the specific breed of animal housed therein.
 3. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.
 4. Runs shall provide an adequate exercise area and protection from the weather.
 5. All animal quarters and runs are to be kept clean, dry, and in a sanitary condition.
 6. The food shall be free of contamination, palatable, and of sufficient nutritive value as to meet the normal daily requirements for the condition and size of the animal.

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7. Fresh water is to be available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.
- E. Holders of existing kennel permits which do not meet the distance requirements required in this Section shall be exempt from the distance requirements for their existing animals. As animals die, are sold, given away, or are otherwise removed from the property, they may not be replaced unless all of the conditions of this Section are met. The ~~city~~ City shall have the power to revoke the kennel permit in the event that the permit holder is convicted of any other violation of the provisions of this title.

Section 13-200.04.030 Fees

Any person conducting, operating, or maintaining a kennel shall pay to the ~~city~~ City for the privilege of conducting, operating, or maintaining such kennel an annual permit fee, which shall be in an amounts established by ~~city~~ City council Council resolution.

~~Section 13-200.04.040 Violations – Permit Revocation~~

~~Whenever the animal control officer or police officer finds or discovers any violations of any rule or regulation promulgated as herein provided by the city county health department, it shall, upon receipt of such notice, immediately notify the owner or custodian of such kennel, to appear before the city council at a day and time certain to show cause why the permit should not be revoked for such violation.~~

Section 13-200.04.050 Inspection

It shall be the duty of the animal control officer or police officer to periodically inspect all registered kennels, to see that the provisions of this Section pertaining to the sanitation and care of such places are being observed.

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Section 13-200.04. 060 Definitions - Exception for Puppies-Kittens

- A. Kennel as defined in §13-200.01.010 shall be applicable to this Section.
- B. This Section shall not apply to the birth of puppies or kittens in a situation which is not an intentional commercial breeding business so long as the total number of dogs or cats is reduced ~~down to two (2) dogs and or three (3) cats or less within three (3) months from the birth of the puppies or kittens~~ the allowable number per the definition of Kennel.

~~Section 13-200.04.070 Penalties~~

~~Unless otherwise specifically provided, every person who violates any provision of this Section is guilty of a class C misdemeanor.~~

EXHIBIT A

LICENSE AND REGISTRATION REQUIRED FEES

- ~~1. Unaltered Dog License (Male or Female) \$ 25.00~~
- ~~1A. Unaltered dog license (Male or Female) under the amnesty program. 25.00~~
- ~~2. Altered Dog License (Male or Female) 15.00~~
- ~~2A. Altered dog license (Male or Female) under the amnesty program. 15.00~~
- ~~3. At Large Pickup Fee \$ 35.00~~
- ~~4. Impound Fee Per Day \$10.00~~
- ~~5. Late Fee on License (After February 15) \$10.00~~
- ~~6. Emergency Euthanasia \$40.00~~
- ~~7. Burial Fee \$40.00~~
- ~~8. Kennel license \$300.00~~
~~(Includes monthly inspections.)~~
- ~~9. Microchip fee (without implanting) \$10.00~~

Section 13-300 Criminal Code