

**TOWN OF INTERLAKEN  
Municipal Code**

**TITLE 05 ANIMAL CONTROL**

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**CHAPTER 5.01 DEFINITIONS**

A. For the purpose of this Title, the following words and phrases shall, unless defined differently in a particular section, have the meanings respectively ascribed to them:

1. Abandonment. "Abandonment" means placing or leaving an animal in an environment where the animal is separated from basic needs such as food, water, shelter or necessary medical attention, for a period longer than 24 hours. Abandonment includes failure to reclaim an animal 72 hours beyond the time agreed upon with a kennel, grooming service, or similar facility. Abandonment includes failure to sign relinquishment authorization.
2. Animal. Birds, reptiles, and mammals other than the genus homo sapiens.
3. Animal at Large. An animal is considered to be at large if it is 1) not on property owned or leased by the animal's owner or caretaker, and 2) is not restrained or encased by the owner, caretaker, or designee.
4. Animal Under Restraint. Any animal under immediate physical control of its owner or person having charge, care, custody, or control. A dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or under the immediate control of the owner or caretaker at any time, or within the real property limits of the owner.
5. Bite. An actual puncture, tear, or abrasion of the skin, inflicted by the teeth of an animal.
6. Cat. Any age feline of the domesticated types.
7. Coordinator. The chief Animal Control Officer for Heber Valley Animal Control.
8. County. The unincorporated area of Wasatch County, the governmental body of Wasatch County or designated agents of Wasatch County as the case may be.
9. County Animal Shelter. Lot, premises, or buildings maintained or used by Town of Interlaken, Wasatch County, or any other city within Wasatch County, or combination thereof for the confinement and care of the animals seized under the provisions of this Title.
10. Dangerous Animal. A dangerous animal, i.e. means any animal, including invertebrate species, that would be a hazard to public health and safety should the animal escape. A dangerous animal, i.e. includes those animals meeting the definition of a vicious animal, i.e. as set forth in this Title and constrictor snakes in excess of ten feet in length.
11. Department. Heber Valley Animal Control, as maintained by agreement between Wasatch County, Town of Interlaken and Heber City, the Heber City Police Department, its agents and officers

12. Dog. A *Canis Familiaris* of either sex, altered, or unaltered, or any other member of the *Canis* genus if owned or kept.
13. Dog License Application-Rabies Certificate Form. The official dog license application form issued by all the entities within Wasatch County.
14. Domesticated Animal. Any animal accustomed to living in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, swine, cattle, sheep, and goats.
15. Exotic Animal. An exotic animal, is any animal whose native habitat is not indigenous to the continental United States, excluding Alaska, except birds, tropical fish, and fur-bearing animals commercially bred for the furrier trade. Constrictor snakes in excess of ten feet in length are defined as dangerous animals.
16. Guard Dog. A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on leash or under absolute control while working, so it cannot come into contact with the public.
17. Hen. Female domestic chicken.
18. Hobby Breeder. Any person who keeps four, but not more than eight dogs over four months of age, but who does not maintain a premise for dogs for boarding, grooming or letting for hire for fee. Hobby Breeders are not allowed within the Town of Interlaken .
19. Impounded Animal. Any animal taken into custody by the department as provided in this Title.
20. Kennel. Any lot, building structure, enclosure or premises whereupon or wherein four or more dogs over four months of age are kept or maintained for any purpose, including boarding, breeding, buying, grooming, letting for hire, training for fee or selling. Kennels are not allowed within the Town of Interlaken.
21. Leash. Any rope, leather strap, chain or other material being held in the hand of the person capable of control and actually controlling the animal to which it is tied.
22. Licensed Dog. A dog wearing its current dog license tag as required by this Title.
23. License Tag. A piece of metal or other durable material inscribed with a date and number which has been issued by Wasatch County or other dog licensing agency.
24. Livestock. Livestock means animals kept for husbandry, including but not limited to fowl, ratites, horses, mules, burros, asses, cattle, sheep, goats, llamas, swine and other farm, hoofed domesticated animals, excluding dogs, cats, rabbits, female chickens (hens), and ferrets.
25. Neutered. Having had the testicles removed; a castrated animal.
26. Owner. Any person who is the legal owner, keeper, possessor, or the actual custodian of an animal. Ownership is conclusively established by a person registering as owner on a license or other legal document or being a person claiming ownership and taking possession of an animal.
27. Quarantine. The isolation of an animal under the observation of a licensed veterinarian or in the custody of the animal shelter in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
28. Rooster. Male domestic chicken.
29. Spayed. Having had the ovaries and uterus removed or extirpated; an ovariohysterectomy.
30. Stray. An animal that is at large.
31. Vaccinated Dog. A dog inoculated with an approved, currently valid, anti-rabies vaccine, and wearing a current dog license tag indicating proof of such vaccination.
32. Vicious Animal. Any animal:
  - a. 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; or which is known to have attacked or bitten any human or domestic animal at least once before; or
  - b. Which attacks or has attacked a human being or other domestic animal without provocation.

- c. Which is trained or used as a fighting animal.
  - d. This provision shall not apply to dogs owned or used by government entities.
33. Wild Animals. A wild animal means any animal of a species that in its natural life is usually untamed and undomesticated, including hybrids and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These animals, however domesticated or tamed, shall include, but are not limited to:
- a. Alligators and crocodiles;
  - b. Bears (Ursidae); All bears, including grizzly bears, brown bears, black bears, etc.;
  - c. Cat Family (Felidae); All except the commonly accepted domesticated cats, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, bobcat, etc.;
  - d. Dog Family (Canida); All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;
  - e. Porcupine (Erethizontidae);
  - f. Primate (Non-human); All subhuman primates;
  - g. Raccoon (Prosynnidae); All raccoons, including eastern raccoon, desert raccoon, ring-tailed cat, etc.;
  - h. Skunks;
  - i. Venomous fish and piranha;
  - j. Venomous snakes and lizards;
  - k. Weasels (Mustelidae); All, including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink, mongoose, etc.

## **CHAPTER 5.02 PENALTY AND ENFORCEMENT**

### **Section 5.02.010 Penalty for Violation of this Chapter**

### **Section 5.02.020 Enforcement Generally**

### **Section 5.02.030 Right of Enforcement**

### **Section 5.02.040 Power and Authority of Animal Control**

### **Section 5.02.050 Exigent Circumstances**

### **Section 5.02.060 Hindering or Obstructing Enforcement**

### **Section 5.02.010 Penalty for Violation of this Chapter**

Any person violating any provision of this Title shall be guilty of a class C misdemeanor, unless a different criminal penalty shall be provided for such violation by this Title. All crimes in this Title are strict liability crimes, except where otherwise provided. Nothing in this Title shall prevent or preclude a charge for violation of any applicable section of the Utah Code or other applicable law.

### **Section 5.02.020 Enforcement Generally**

A. Any Heber Valley Animal Control Officer, is authorized to enforce the provisions of this Title. Notwithstanding the authority of the Heber Valley Animal Control Officer, the following officers or individuals shall have authority as specifically authorized in this Section hereafter:

1. All law enforcement officers, including animal control officers, from the Wasatch County Sheriff's Office, Utah Division of Wildlife Resources, Utah Highway Patrol, and Wasatch

County Attorney's Office, and Town of Interlaken Enforcement Officer, or any designee of any of these agencies, is authorized to enforce the provisions of this Title on a city wide basis. Such persons may hereafter be referred to as an enforcement officer.

2. The provisions of this Section are in no way intended to preempt or restrict any other procedure authorized by Utah State Law.

#### **Section 5.02.030 Right of Enforcement**

In the enforcement of any provision of this Title, any authorized enforcement officer may use any means authorized by State or Federal law to investigate violations hereof and/or to take possession of any animal in violation of this Title.

#### **Section 5.02.040 Power and Authority of Animal Control Officer**

In the performance of their duties, animal control officers are hereby vested with the power and authority to issue citations to enforce the provisions of this Chapter.

#### **Section 5.02.050 Exigent Circumstances**

**Any enforcement officers or any peace officer may, without the aid of a warrant, enter privately owned property when exigent circumstances exist. This includes, but is not limited to, investigation of a report of vicious animals, rabies, contagious animal diseases, and the like. This Section is not intended to preclude entry for any other reason or circumstances authorized by State or Federal laws.**

#### **Section 5.02.060 Hindering or Obstructing Enforcement**

It shall be unlawful for any person to interfere with, molest, hinder, or prevent the animal control officer from discharging his duties. Any person who shall hinder, delay, interfere with, or obstruct the animal control officer while engaging in capturing, securing or taking to the Heber Valley Animal Control Shelter any animal or animals 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 shelter or ambulance, wagon or other vehicle used for the collecting or conveying of any animals to the shelter shall be deemed guilty of a class C misdemeanor.

## **CHAPTER 5.03 REGULATIONS RELATING TO ANIMALS**

### **Section 5.03.010 Conditions of Animal Ownership**

### **Section 5.03.020 Animals Prohibited or Restricted in Designated Areas**

### **Section 5.03.030 Wild, Dangerous or Exotic Animals**

### **Section 5.03.040 Public Nuisance**

### **Section 5.03.050 Animals Defined as a Public Nuisance**

### **Section 5.03.060 Officers to Determine Offensive or Dangerous Animals are a Nuisance**

### **Section 5.03.070 Officers May Determine Animals to be a Nuisance by Number**

### **Section 5.03.080 Vicious Animals**

### **Section 5.03.090 Allowing Aggressive, Dangerous, or Vicious Animals to go at Large**

### **Section 5.03.100 Judicially Excluded Animals**

### **Section 5.03.110 Cruelty to Animals**

### **Section 5.03.120 Affirmative Defense**

### **Section 5.03.130 Officers' Authority to Take Possession of Animals—Lien for Care**

### **Section 5.03.140 Number of Animals**

### **Section 5.03.150 Injuries and Communicable Diseases**

### **Section 5.03.010 Conditions of Animal Ownership**

In addition to all other provisions of this Title, all animal owners or keepers shall comply with the following conditions of animal ownership:

- A. Animals shall be restrained or confined as required by law.
- B. Animals shall be humanely treated at all times.
- C. Vaccinations, licenses, and permits shall be obtained as required by law.
- D. Animals and animal premises shall not be permitted to disturb the peace or constitute a public nuisance or hazard, except that livestock shall be excluded under this Section.
- E. Animals shall be sufficiently cared for such that they are not abandoned under the definition of abandonment in this Title.
- F. Animal owners and keepers shall comply with all portions of this Section. Failure to do so constitutes a class C misdemeanor for each day of violation.

### **Section 5.03.030 Wild, Dangerous or Exotic Animals**

The following provisions apply for Wild, Dangerous or Exotic Animals:

- A. It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor, or purchase any wild, dangerous, or exotic animal. This does not apply to government agencies or otherwise as provided for by state or federal regulations and/or state or federal licenses. The keeping of any wild animal that existed prior to the effective date of this Title may be continued, except that if it is discontinued for one year or more it shall then be deemed abandoned and any

future keeping of wild animals shall be in conformity with this Title.

#### **Section 5.03.040 Public Nuisance**

The introduction, possession, or maintenance of any animal or the allowing of any animal to be in contravention of this Title is, in addition to being a misdemeanor, hereby declared to be a public nuisance. Authorized enforcement officers and public health officers are hereby authorized, directed, and empowered to summarily abate any such public nuisance by any means reasonably necessary, including but not limited to the destruction of the animal or animals involved. It is a class C misdemeanor to own, possess, harbor, care for, or maintain any animal that is a public nuisance. Each day shall be a separate violation.

#### **Section 5.03.050 Animals Defined as a Public Nuisance**

Any non-livestock animal that does any of the following, shall be deemed a public nuisance:

- A. Causes damage to the property of anyone other than its owner or custodian;
- B. Is a vicious animal as defined in this Title and kept in a manner contrary to this Title;
- C. Defecates on any public street, or on any private property without the consent of the owner of such private property, or if the owner or custodian of such animal shall immediately remove any such defecation to a proper trash receptacle. Unsighted persons while relying on a guide dog shall be exempt from this Section;
- D. Barks, whines, or howls, or makes other disturbing noises in an excessive, continuous, or untimely fashion. Continuous barking for five minutes or longer shall be deemed excessive;
- E. If a dog barks repeatedly with no threat or cause for alarm, for example in response to normal vehicular traffic, pedestrian travel, or wildlife, and this noise can be heard from neighboring property, the owner may be cited for public nuisance. If the barking behavior is consistent and repetitive, this would constitute a public nuisance. If the barking is a result of an intruder in the home, an emergency in the vicinity of the home, or an outsider trespassing on their property, it would not be considered a public nuisance;
- F. Any dog left outside at night between the hours of 10:00PM and 7:00AM who barks, whines, or howls, or makes other disturbing noises for one minute or longer shall be considered a public nuisance. Additional fines or penalties may be invoked for such a disturbance;
- G. Molests passers by, by threatening, nipping, chasing, jumping upon, lunging at fences, acting aggressively, etc.;
- H. Attacks domestic animals;
- I. Otherwise acts so as to constitute a nuisance or public nuisance under the provisions of the Utah Code;

- J. Is repeatedly found at large;
- K. Chases vehicles;
- L. Chases or harasses wildlife;
- M. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals kept or harbored;
- N. Attacks people or other animals, whether or not such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;
- O. Has been found by a court or by any other commission or board lawfully established under Utah law, to be a public nuisance under any other provision(s) of Utah Law;
- P. Cannot be restrained by normal restraints, such as standard leashes, standard chains, or muzzles;
- Q. Cannot be effectively controlled by its owner or handler;
- R. Otherwise violates any provision of this Title.

#### **Section 5.03.060 Officers to Determine Offensive or Dangerous Animals are a Nuisance**

An animal is a nuisance if it is determined by an officer authorized to enforce this Title to be a nuisance by virtue of being offensive or dangerous to the public health, welfare, or safety.

#### **Section 5.03.070 Officers May Determine Animals to be a Nuisance by Number**

Any animals, which, by virtue of the number maintained, are determined by an officer authorized to enforce this Title to be offensive or dangerous to the public health, welfare or safety, are nuisances.

#### **Section 5.03.080 Vicious Animals**

An animal shall be considered vicious if such an animal:

- A. Bites a person on two or more occasions or on the first bite causes serious bodily injury. Serious bodily injury is defined as an injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty; or
  1. Has attacked domestic animals on two or more occasions; or
  2. Has bitten a human on the neck or stomach.

B. It is a class C misdemeanor to own, possess, care for, harbor or maintain a vicious animal. Each day shall be a separate violation. An enforcement officer upon probable cause that a violation of this Title has occurred may require the owner or custodian of a vicious animal to

deliver possession of the animal to an animal control officer. If after demand, the owner or custodian fails or refuses to deliver possession of the animal to an animal control officer, an officer may request an order from a court of competent jurisdiction requiring the owner or custodian to deliver possession of the animal to an animal control officer.

C. Vicious Animals May be Impounded. An enforcement officer may summarily impound a vicious animal which is at large or which is an immediate danger to humans or domesticated animals.

D. Owner of a Vicious Animal May Contest Impoundment in Court. The owner or custodian of an animal impounded other than by a court order may contest the impounding by filing a notice with the proper court and serving the same on the animal shelter within five days after the impounding.

### **Section 5.03.090 Allowing Aggressive, Dangerous, or Vicious Animals to go at Large**

Definitions (as used in this Section):

A. Attack. A threat to do physical harm causing a present fear of immediate harm, and it need not include actual physical contact.

1. Dangerous Dog. (1) Any dog with a known propensity, tendency or disposition to cause injury to, or otherwise endanger the safety of humans or domestic animals; or (2) any dog which attacks a human being or domestic animal without provocation.

2. Owner. Any person or legal entity having a possessors property right in a dog or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them.

3. A dangerous dog is “unconfined” if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet.

B. Any owner or keeper of a vicious animal, knowing its propensities, who willfully allows it to go at large or who keeps it without ordinary care, is strictly liable for a class C misdemeanor and is strictly liable for any damages or injury caused, if the animal while at large, or while not kept with ordinary care, causes injury to another animal, to any human being or to property.

C. The owner of an aggressive, dangerous, or vicious dog shall not suffer or permit such dog to go unconfined.

D. The owner of an aggressive, dangerous, or vicious dog shall not suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained and muzzled.

E. Aggressive Animal at Large. An animal will be considered aggressive if, while at large, the animal chases, worries, or threatens a person in any way that would cause a reasonable person to be fearful. Complaining parties must be forthcoming with their testimony including the



signing of a witness statement or citation or providing sworn testimony. Nevertheless, an Animal Control Officer may make the determination based on the Animal Control Officer's own observations or on the previous history of the animal.

F. Dangerous Animal at Large. An animal will be considered dangerous if, while at large, the animal:

1. Bites a person.
2. Attacks a domestic animal resulting in injury or death.
3. Has violated any part of this Section two or more times before. Such an animal is to be impounded at the shelter or licensed veterinary facility at the expense of the owner until a determination is made by the court that the animal is or is not a threat and/or danger to the public.

G. Vicious Animal. An animal will be considered vicious if the animal:

1. Bites a person on two or more occasions or on the first bite causes serious bodily injury. Serious bodily injury is defined as an injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
2. Has attacked domestic animals on two or more occasions.
3. Has bitten a human on the neck or stomach.

H. Petition to Classify as Vicious:

1. If an Animal Control Officer does not or refuses to deem an animal to be a vicious animal, any person may petition to have an animal classified as vicious by filing with the Animal Control Department a written "Petition to Classify an Animal as Vicious" on a form provided by the Animal Control Department.
2. Notice: Upon receipt of a properly executed petition, the Animal Control Officer shall ensure a copy thereof is mailed or hand-delivered to the animal's owner.
3. Response: The owner shall then have ten calendar days from the date of receipt to submit a written response to the allegations of the petition. If mailed, the petition shall be deemed received five calendar days after the date of mailing.
4. Decision: Upon receipt of the owner's written response, if any, the Animal Control Officer shall decide whether the animal is to be classified as vicious. The Animal Control Officer shall ensure written notice of his decision is mailed or hand-delivered to the owner.
5. Appeal: Appeal of the Animal Control Officer's decision may be made to the mayor of Town of Interlaken City. The appeal shall be filed with the Mayor in writing within five calendar days of receipt of the Animal Control Officer's decision. The Mayor's decision regarding the appeal shall be the final decision of the City.
6. Destruction of Vicious Animal: If an animal is classified as vicious and time for appeal has expired or the Animal Control Officer's decision is upheld on appeal pursuant to 5.03.090 G, the Animal Control Officer shall have the animal destroyed as soon as possible.

### **Section 5.03.100 Judicially Excluded Animals**

It shall be unlawful to bring any animal into Wasatch County, including the Town of Interlaken limits, which has, in any jurisdiction:

- A. Been judicially determined to be vicious, a nuisance, or a threat to the health or safety of human beings.
- B. Been judicially removed from any county or municipality for violations of the laws or ordinances, which by their nature are also in violation of this Title.

### **Section 5.03.110 Cruelty to Animals**

A person commits cruelty to animals if he intentionally or knowingly:

- A. Fails to provide any animal in his charge or custody with adequate food, drink, care, and shelter.
- B. Abandons an animal in his custody.
- C. Carries or confines any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to carrying or confining such animal without adequate ventilation or for an unusual length of time.
- D. Wrongfully kills, maims, disfigures, tortures, mutilates, burns, scales, over-drives, overworks, or otherwise cruelly sets upon any animal. Each offense shall constitute a separate violation.
- E. Makes accessible to any animal, with intent to cause harm or death, any substance that has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health, when applied in such a manner as to reasonably prohibit access to other animals.
- F. Causes any animal, including a dog, to fight with another animal or creature of like kind for amusement or gain; or causes any animal, including a dog, to fight with a different kind of animal or creature for amusement or gain.

### **Section 5.03.130 Officers' Authority to Take Possession of Animals--Lien for Care**

- A. Any enforcement officer may take possession of any animals being treated cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for them, or upon permission of the owner destroy them.
- B. Officers caring for animals pursuant to this Section have a lien for the reasonable value of the care and/or destruction. Disposition of any such animals shall be according to procedures authorized for any other impounded animal.

C. Any enforcement officer may humanly destroy any animal found suffering past recovery for any useful purpose.

#### **Section 5.03.140 Number of Animals**

No person shall harbor or possess more than three dogs and/or three cats, four months of age or older.

#### **Section 5.03.150 Injuries and Communicable Diseases**

No person shall knowingly harbor or keep any dog or other animal with a serious injury or afflicted with mange, ringworm, distemper or any other contagious disease, unless such a dog or other animal is, in the opinion of the department or a duly licensed veterinarian, being given adequate treatment for such disease. The department or any duly licensed veterinarian may take immediate possession of any such animal not being so treated or which is not responding to such treatment, and immediately dispose of the animal unless the owner shall forthwith place such animal under the control and treatment of a licensed veterinarian.

### **CHAPTER 5.04 REGULATIONS FOR SPECIFIC ANIMALS**

#### **Section 5.04.010 Dogs Generally**

#### **Section 5.04.020 Cats Running at Large**

#### **Section 5.04.030 Chickens**

#### **Section 5.04.040 Livestock**

#### **Section 5.04.010 Dogs Generally**

##### **A. Dogs Running at Large.**

1. It is unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a class C misdemeanor under this Section as well as for any violation(s), damage, or injury committed by the dog, regardless of whether or not the person knows the dog is running at large. A dog is not "at large" if it is confined within a building or enclosure or within the confines of your property or is restrained by a leash.
2. However, dogs may be at large while participating in field trials and obedience classes organized and sanctioned by recognized dog clubs, while assisting a peace officer engaged in law enforcement duties, or while being trained for the above purposes so long as such dogs are under direct and effective sound or gesture control within sight of such individuals to assure that they do not violate any other provisions at law.
3. Any person authorized herein to enforce this Title may impound a dog at large and take it to a "No Kill Animal Shelter".

##### **B. Attacks By Dogs.**

1. Attacking Dogs. It is unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog to attack, chase, or "worry" any person, any domestic

animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. "Worry," as used in this Section, means to harass by tearing, biting, excessive or loud barking at a close distance, or shaking with the teeth.

2. Owner Liability. The owner or person having charge, care, custody, or control of any dog in violation of subsection (1) of this Section shall be strictly liable for violation of this Section regardless of whether such person knew of the dog's actions. In addition to being subject to prosecution under subsection (1), the owner of such dog shall also be liable in damages to any person injured, or to the owner of any animal(s) injured or destroyed thereby.

C. Possession of a Vicious Dog. The possession of a vicious dog is unlawful unless it is restrained, confined, or muzzled so that it cannot bite or attack any person or animal. Dogs held in violation of this Section shall be deemed a public nuisance, and their continued possession or ownership shall be unlawful, each day being a separate violation. The department may impound any such dog and take them to an No Kill Animal Shelter after five working days to allow for legal restraining action by the owner. The following are conditions of ownership of any animal that is fierce, dangerous, or vicious:

1. The dog must be kept in a heavy gauge wire dog run which is six feet in height with a secure ceiling and floor.
2. The dog must be kept on a leash and properly muzzled when out of its enclosure.
3. All other applicable provisions of this Title must be complied with.

D. Guard Dogs. Guard dogs shall be kept in such a manner so that they cannot come into contact with persons or other animals that are legally upon the premises where a guard dog is maintained. The property shall be posted with a sign clearly visible stating that a guard dog is on the premises.

E. Dog Fighting.

1. It is unlawful for any person to:
  - a. Own, possess, keep, or train a dog with the intent to engage it in an exhibition of fighting with another dog.
  - b. Cause a dog to fight with another dog or cause a dog to injure another dog for amusement or gain.
  - c. Tie, attach, or fasten any live animal to a machine or device propelled by any power, for the purpose of causing the animal to be pursued by a dog.
  - d. Permit or allow any act which violates Subsection (a), (b), or (c) of this Subsection on any premises under his charge; or to control, aid or abet any such act.
2. Possession of any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenny, or other paraphernalia together with evidence that the paraphernalia is being used or is intended for use in the unlawful training of a dog to fight with another dog, together with the possession of any such dog, is prima facie evidence of violation of this Section.
3. It is unlawful for any person to knowingly and intentionally be present as a spectator at any place made for an exhibition of dog fighting, or to knowingly and intentionally be present at a dog fighting exhibition or any other occurrence of fighting or injury described in this Section. A person who violates this Section is guilty of a class C misdemeanor.
4. Nothing in this Section shall be interpreted to prohibit any of the following:
  - a. The training of dogs or the possession or use of equipment in the training of dogs for any purpose not prohibited by law.

F. Enforcement Under This Section. Enforcement of any of the provisions under this Section in no way prevents or excludes enforcement for dog violations under any or all other provisions of this Title or of State law.

#### **Section 5.04.030 Chickens**

An individual property owner may keep a maximum of six (6) female chickens (hens) in Interlaken Town. Male chickens (roosters) are not allowed in Interlaken Town. All structures used to house chickens must be in compliance with the provisions set forth by this Title.

#### **Section 5.04.040 Livestock**

It is a class C misdemeanor for any person owning or having the custody, possession, or control of an animal of a class of livestock in Interlaken Town. Any animal in violation of this Section may be impounded and disposed of in accordance with this Title or in accordance with the State Law.

### **CHAPTER 5.05 STANDARDS FOR ANIMAL FACILITIES OR SHELTERS**

#### **Section 5.05.010 General Standards**

#### **Section 5.05.020 Kennel Regulations**

#### **Section 5.05.030 Hobby Breeders**

#### **Section 5.05.010 General Standards**

Every person within the Town of Interlaken limits, who owns any animal is required by this Title to comply with the following:

- A. Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- B. All animals shall be supplied with sufficient good and wholesome food and fresh water as often as the feeding habits of the respective animals require.
- C. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
- D. All animals shall be so maintained so as to eliminate excessive odor and noise. Livestock being raised as part of a working farm shall be except from regulation under this paragraph.
- E. No animal shall be without attention more than 24 consecutive hours.

F. Animal buildings and enclosures shall be so constructed and maintained as to prevent escape of the animal. All reasonable precautions shall be taken to protect the public from the animal and the animal from the public.

G. Every building or enclosure wherein animals are maintained shall be constructed of a material easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating, cooling, and shelter shall be provided as required according to the physical need of the animal, with sufficient light to allow observation of animals and sanitation.

H. Medical treatment shall be provided as necessary in order to maintain the health of the animals.

I. All animal rooms, cages, enclosures, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein.

J. Owners shall not allow animals that are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear, or torment.

#### **Section 5.05.020 Kennel Regulations**

Kennels, as defined in this Title, are not allowed in Interlaken Town.

#### **Section 5.05.030 Hobby Breeders**

Hobby breeding is not allowed in Interlaken Town.

## **CHAPTER 5.06 IMPOUNDMENT AUTHORIZED**

### **Section 5.06.010 Enforcement Officer May Capture Animal**

### **Section 5.06.020 Animals to be Impounded**

### **Section 5.06.030 Capture by Individuals**

### **Section 5.06.040 Information Upon Relinquishment**

### **Section 5.06.050 Notice to Owner-Lost Animals**

### **Section 5.06.060 Redemption by Owner**

### **Section 5.06.070 Holding Period**

### **Section 5.06.080 Disposal of Unredeemed Animals**

### **Section 5.06.090 Destruction of Animals**

### **Section 5.06.100 Redemption of Unvaccinated Animal**

### **Section 5.06.110 Vaccination Allowed Upon Impoundment**

### **Section 5.06.120 Establishment of Animal Disposal Facilities**

### **Section 5.06.010 Enforcement Officer May Capture Animal**

Any enforcement officer or designee may attempt to capture any animal found in violation of this Title and taken to a No Kill Animal Shelter if in their judgment such action is required for public health and safety.

### **Section 5.06.020 Animals to be Impounded**

The following animals may be taken into custody and impounded without the filing of a complaint:

- A. Any vicious animal not properly confined as required by this Title.
- B. Any animal running at large.
- C. Any unlicensed animal, which is required by this Title to be licensed. Any animal not wearing a tag shall be presumed to be unlicensed for purposes of this Section, except those dogs specifically exempted.
- D. Sick or injured animals whose owner cannot be located.
- E. Any abandoned animal.
- F. Animals that are not wearing a rabies vaccination tag in accordance with the requirements of this Title.
- G. Any animal to be held for quarantine.
- H. Any animal being kept or maintained contrary to the provisions of this Title.

### **Section 5.06.030 Capture by Individuals**

Any person who finds an animal at large may take it into his possession and must within 24 hours thereafter notify the Heber Valley Animal Control Shelter and surrender the animal to the Heber Valley Control Shelter upon demand. No such action shall result in a charge against Town of Interlaken. The finder of an animal at large shall use reasonable care to preserve it from injury; however, he shall not be held liable if the animal dies, escapes, or injures itself while he is carrying out the provisions of this Section except as occasioned by his own negligence.

### **Section 5.06.040 Information Upon Relinquishment**

Any person who relinquishes an animal to the Heber Valley Animal Control Shelter shall give his name, address and, if he is not the owner, the location where he found the animal.

### **Section 5.06.050 Notice to Owner-Lost Animals**

Upon receipt of a lost or stray animal bearing a current year's license tag, the Heber Valley Animal Shelter personnel or enforcement officer shall immediately telephone or mail to the owner of record at the address indicated on the license form, a notice of the location of the animal. Compliance with notice requirements of this Section shall be deemed as met if an authorized person shall have mailed the notice to the owner of record at his address of record, postage prepaid.

### **Section 5.06.060 Redemption by Owner**

The owner of an impounded animal may claim it prior to its legal disposition by providing proper identification, meeting all the legal requirement, board, medical care, vaccination, and/or other costs.

### **Section 5.06.070 Holding Period**

The animal control facility shall hold an impounded, lost, or stray dog or cat for not less than five working days after notice is given pursuant to this Title, so that the owner or custodian may claim it prior to other disposition. If the owner is not known, no notice is required and the animal shall be held not less than five working days after it is first impounded.

### **Section 5.06.080 Disposal of Unredeemed Animals**

The department may take an animal to a No Kill Shelter, or may transfer to a new owner upon payment of the applicable fee, any impounded animal not claimed by its owner or custodian within the prescribed holding time. Animals relinquished by their owners may take an animal to a No Kill Shelter

### **Section 5.06.090 Destruction of Animals**

**When, in the judgment of the animal shelter personnel, it is determined that an**



**impounded animal should be destroyed for humane reasons, disease control or to protect the public or animal regulation personnel from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order.**

#### **Section 5.06.100 Redemption of Unvaccinated Animal**

A. All unvaccinated animals at the Heber Valley Animal Control Shelter may be vaccinated before being released. The person taking custody of the animal shall pay for the cost of the vaccination before the animal is released.

B. If vaccination is not available, then the owner of any impounded animal which has not been vaccinated as required by this Title upon satisfactory proof of ownership, may redeem his animal by making a deposit with the Heber Valley Animal Control Shelter in the amount that is in effect at the time, and be allowed ten days to get such animal vaccinated. If owner fails to procure a vaccination certificate within such ten days, the deposit shall be forfeited and the animal shall be impounded. Upon presentation within such period of time of a certificate of vaccination issued under this Chapter, the deposit shall be refunded.

#### **Section 5.06.110 Vaccination Allowed Upon Impoundment.**

Any animal impounded at the Heber Valley Animal Control Shelter may be vaccinated for disease control.

#### **Section 5.06.120 Establishment of Animal Disposal Facilities**

The Department shall establish at the Heber Valley Animal Control Shelter a The Department may, at its option, upon payment of applicable fees, accept animals for humane disposal. The owner or possessor of such animals shall first complete appropriate forms setting forth the facts constituting such ownership and/or possession, certifying that he has the right to request disposal of such animals and agree to hold the Heber Valley Animal Control Shelter and Town of Interlaken, or their agents, and employees harmless from any liability for its acceptance and disposal of such animals. The owner or person requesting the disposal of any animal shall certify in writing that, to the best of his knowledge, the animal has not bitten a human being or animal within the period established by this Chapter for isolation of biting animals and suspected rabid animals. Notwithstanding the foregoing, the shelter may authorize, with permission of the owner if known, the euthanasia of a biting animal for the purpose of laboratory examination.

## **CHAPTER 5.07 LICENSING AND REGISTRATION**

### **Section 5.07.010 Dog Licenses**

### **Section 5.07.020 Exceptions**

### **Section 5.07.030 Voluntary Registration of Cats**

### **Section 5.07.010 Dog Licenses**

A. Required. All dog owners, except tourists or visitors who stay less than one month in an area coming within the jurisdiction of this Title shall apply for and obtain a separate dog license for each dog they own, possess, keep, or harbor, after it is four months old. Each license shall be issued Wasatch County or by municipalities under contract with Wasatch County. All dog owners must possess such license at the time the dog is four months old or one month after obtaining or bringing into Interlaken Town any dog over four months of age. Dog owners shall renew the dog license before it becomes delinquent for as long as they own, possess, keep, or harbor, or otherwise have custody of the dog. Licenses not purchased or renewed within 15 days after expiration, of the date on which they become due, shall be considered delinquent and a late fee as determined by the Town Council shall be added to the cost of the new license.

B. Presumption that License Required. Any dog that is legally impounded according to the provisions of this Chapter shall be presumed to be a dog which, prior to impounding, required a license, regardless of such dog's actual age or owner's place of residence.

C. Validity. Rabies Vaccination Prerequisite to Issuance. Licenses shall be valid from the date issued until the expiration date. No dog shall be licensed without proof of approved rabies vaccination. No license may expire later than the expiration date of the rabies vaccination. An owner may purchase a license for 24 months depending upon the date and kind of vaccine used upon payment of the fee established by the City Council. In the event the owner demonstrates proof of an unexpired rabies vaccination, the license fee shall be appropriately prorated.

D. Tags to be Worn. Each dog, required to be licensed, shall wear at all times the current license tag assigned to the dog except:

1. when the dog is participating in any dog exhibition, field trial, or competition; or
2. when the dog is confined in a licensed kennel or veterinary hospital, in which case the license tag number shall be recorded and placed nearby so that it is readily identifiable with the dog with which it belongs; or if not licensed, that fact shall be clearly indicated on the facility's records. a license tag shall not be removed from any dog without the consent of the owner thereof.

E. Lost Tags Shall be Replaced. Whenever a license tag is lost or damaged, the owner shall apply for and secure a replacement from the City upon payment of the prescribed fee.

### **Section 5.07.020 Exceptions**

The licensing provisions of this Chapter not apply to the following:

A. Transient, Show Dogs. Dogs whose owners are nonresidents temporarily within Town of Interlaken City for 30 days or less, or dogs brought into Town of Interlaken City for the purpose

of participating in any dog show.

B. Seeing Eye, Hearing, and Law Enforcement Dogs. Any dog which has been duly or properly trained to assist the blind, deaf, or law enforcement personnel and is currently acting in that capacity.

C. Police Service Dogs.

### **Section 5.07.030 Voluntary Registration of Cats**

The owner of any cat may, upon submission of proof of rabies vaccination, certified to by a licensed veterinarian, register their cat with Wasatch County or by municipalities under contract with Wasatch County. No person shall remove a registration tag from a cat without the consent of the owner thereof. Licensing shall be valid for the period of rabies vaccination. The obtaining of such a license shall be optional on the part of the owner.

## **CHAPTER 5.08 VACCINATION**

### **Section 5.08.010 Dogs**

### **Section 5.08.020 Cats**

### **Section 5.08.010 Dogs**

A. Vaccination Required. Dog owners shall obtain a rabies vaccination for each dog they own, keep, harbor, or have custody of, within one month after it becomes four months of age, or within one month after obtaining any dog over four 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 care, charge, or custody, any dog four 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. Exemption From Rabies Vaccination During Illness. Notwithstanding any other provisions of this Chapter, a dog need not be vaccinated for rabies during an illness if a licensed veterinarian has examined the dog and certified in writing that such vaccination should be postponed because of a specified illness. Old age, debility and pregnancy are not considered contraindications to rabies vaccination. Exemption certificates are subject to approval by the department and shall be valid only for the duration of the illness. Exemption from vaccination does not exempt a dog from the licensing requirement.

### **Section 5.08.020 Cats**

Cat owners shall obtain a rabies vaccination for each cat they own, keep, harbor, or have custody of, within one month after it becomes four months of age, or within one month after

obtaining any cat over four 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 care, charge, or custody, any cat four months of age or over unless such cat 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 cats. Such vaccination shall be repeated at intervals specified by the Utah State Department of Health in order to maintain adequate immunity.

## **CHAPTER 5.09 RABIES CONTROL**

### **Section 5.09.010 Report of Bites**

### **Section 5.09.020 Report of Suspected Rabid Animals**

### **Section 5.09.030 Quarantined for Ten Days of Biting or Suspected Rabid Animals**

### **Section 5.09.040 Examination of Head**

### **Section 5.09.050 Domesticated Animals**

### **Section 5.09.010 Report of Bites**

All persons bitten and the parents or guardians of minor children bitten by a dog, cat, skunk, fox, bat, coyote, bobcat, or other animal known to constitute a serious threat of rabies shall notify the department or Wasatch County Health Department immediately thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.

### **Section 5.09.020 Report of Suspected Rabid Animals**

Any person who observes or has knowledge of an animal which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion that it may have rabies shall notify the department or Wasatch County Health Department and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the department or Wasatch County Health Department.

### **Section 5.09.030 Quarantined for Ten Days of Biting or Suspected Rabid Animals**

Upon the reasonable order of the department or public health officer, a biting or suspected rabid animal or an animal suspected of other contagious diseases i.e. avian flu, the animal shall be quarantined 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, veterinary hospital, or other adequate facility in a manner approved by the department or Wasatch County Health Department.

### **Section 5.09.040 Examination of Head**

Any biting or suspected rabid animal or bat may be humanely euthanized immediately by the department or the Wasatch County Health Department, and such animals undamaged and properly packaged and properly refrigerated head shall be delivered promptly to an approved medical facility having the capability of performing the fluorescent antibody test to demonstrate

the presence of rabies.

**Section 5.09.050 Domesticated Animals**

The provisions of this Section notwithstanding, if the biting or suspected contagious rabid animal is of the domesticated variety that is owned or obviously could have an owner, said animal shall be confined for a period of ten days to allow time for an attempt to locate an owner unless county veterinarian or other licensed veterinarian shall reasonably deem it necessary to sacrifice the animal for the purpose of laboratory examination.