

CHAPTER 1

ANIMAL REGULATION AND CONTROL

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5-1-1: GENERAL PROVISIONS:

- A. This chapter shall be known and may be cited as the Providence City “Animal Regulation and Control” Ordinance.

5-1-2: PURPOSE

- A. This chapter is intended to regulate, control, and protect animals existing within Providence City.

5-1-3: ZONING USE

- A. See Providence City Code Title 10 “Zoning Regulations, Chapter 6, Use Regulations” (page 4 of 11).
- B. No person shall stable, keep, pasture or maintain animals within the limits of the City, unless expressly allowed to do so by the Zoning Code.

5-1-4: AUTHORITY TO SET FEES AND CHARGES

- A. The City Council may from time to time, by resolution, establish a schedule of fees and charges for services performed and licenses issued under this Chapter. The fees and charges so established may recover all the reasonable costs of providing such services and issuing such licenses.

5-1-5: DEFINITIONS

For the purpose of this Chapter, unless the context clearly indicates otherwise, certain words and phrases shall have the meaning given them in this section.

ANIMAL: All non-human members of the animal kingdom including domestic, exotic and livestock species.

ANIMAL CONTROL OFFICER: An authorized employee of the City.

ASSISTANCE DOG OR SERVICE DOG A specifically trained canine assigned to a disabled person for the specific purpose of assisting the disabled person. Assistance and service dogs include, but are not limited to, guide dogs for the blind, hearing dogs, police K-9 dogs, and search dogs. An assistance or service dog is not considered a pet.

AT LARGE:	For an animal to be off the premises and not under control of its owner, an immediate family member or an authorized handler/trainer, and not under restraint by a leash, cord, chain or otherwise.
BEES:	Flying insects, closely related to wasps and ants. Any stage of the common domestic honey bee (<i>apis-mellifera</i>). <ul style="list-style-type: none"> a. "Apiary" shall mean any place where bee colonies are kept. b. "Colony" shall mean a hive and its equipment and appurtenances, including bees, comb, pollen and brood. c. "Hive" shall mean a structure intended for the housing of a bee colony.
BRAND INSPECTOR:	The inspector assigned by the State for owner verification of large animals.
CAT:	Any male, neutered male, female or spayed cat of any age. (feline)
DAIRY BUSINESS:	A commercial establishment for processing or selling milk and milk products.
DOG:	Any male, neutered male, female or spayed dog or any age. (canine)
DOMESTIC ANIMAL:	Any animal customarily kept by humans.
DOMESTIC PETS:	Animals other than those listed in the definitions of this section and includes rabbits, guinea pigs, hamsters, ferrets, white mice, fish (in aquariums), and gerbils.
DOG OF LICENSING AGE:	Any dog which has been weaned or attained the age of two (2) months.
EXOTIC ANIMAL:	Any species of animal not considered domestic or livestock, except for turtles, nonpoisonous snakes, lizards, and mammalians.
EXOTIC CAGED BIRDS:	Any avian species that is not indigenous to this state.

FEED LOTS:	A building or lot where animals are fattened for market or other purposes.
FISH:	Any of the various, mostly cold-blooded aquatic vertebrates usually having scales and breathing through gills.
IMPOUNDED:	Having been received into the custody of any authorized agent or representative of the City.
KENNEL:	Any place or premises devoted to the keeping, harboring, breeding, buying or selling of more than three (3) dogs over the age of three (3) months.
LIVESTOCK:	Any animal customarily kept by humans for the purpose of providing food, clothing or work, including, but not limited to, equine (mules, etc.), bovine (cows, etc.), ovine (sheep, etc.), caprine (goat, etc.), porcine (swine, etc.), equidae (horses, etc.), lama paco (llamas), leporidae (rabbits, etc.), and fowl (domestic poultry).
SMALL MINIATURE FARM ANIMALS:	Farm animals especially bred for their small size. Small miniature farm animals are not allowed as pets.
OWNER:	Any person who keeps or has charge, care or custody of an animal, except a veterinarian who is treating or caring for an animal in the regular practice of veterinary medicine or operation of a kennel, engaged in the regular practice of his business as such.
POT-BELLIED PIG:	A domesticated miniature Vietnamese, Chinese or Asian pot-bellied or pot belly pig, not exceeding one hundred twenty-five (125) pounds in weight and eighteen (18) inches in height measured at the shoulder. Pot-bellied pigs are not allowed in the City.
POUND:	An animal shelter, lot, premises, or building maintained by or authorized or employed by the City for the confinement or care of dogs seized either under the provisions of this Chapter or otherwise.

- UNLICENSED DOG:** Any dog for which the license for the current year has not been paid, or to which the tag(s) provided in this Chapter is not attached when the dog is outside the owner's property.
- VICIOUS ANIMAL:** A dog or animal if it or he/she presents an unacceptably high risk of serious injury. A dog that has bitten without provocation or a dog that has known propensity to attack or bite.
- WILDLIFE ANIMAL:** A wild animal, especially animals living in a natural, undomesticated state.
- WILDLIFE OFFICER:** A person appointed by the State to manage game animals or wildlife, especially by the enforcement of game laws; i.e., Game Warden or Conservation Officer.

5-1-6: ANIMAL CONTROL OFFICERS: POWERS AND DUTIES

- A. All Animal Control Officers shall enforce all the provisions of Title 5, Chapter 1 of the Providence City Code; and all State laws relating to the care, control and treatment of animals.
- B. If any Animal Control Officer has reasonable cause to believe that any person has violated any of the provisions set forth in this section, the Officer may issue a citation to such person to appear in Court to answer such charges.
- C. Any Animal Control Officer may seize, impound or dispose of any animal when authorized to do so by Title 5, Chapter 1 of the Providence City Code, or the laws of the State relating to the care, control or treatment of animals.
- D. It shall be unlawful for any person to interfere, molest, hinder, or obstruct any Animal Control Officer or any authorized representatives in the discharge of their duties as herein prescribed.
- E. The Animal Control Officer shall collect the carcasses of all dead animals and other vertebrate creatures, with the exception of wildlife, which are to be removed by the Division of Wildlife from the streets and elsewhere in the City or as required by the City, and deliver them, together with the

carcasses of all animals he shall have had put to death as herein provided, to the Logan City landfill for proper disposal.

- F. Take into possession and impound all strays running at large and dispose of the same as hereinafter provided.
- G. Enter a description thereof in records kept for that purpose stating the kind of animal, the circumstance under which received or impounded, and a description thereof sufficient to provide identification.

5-1-7: POUNDS, IMPOUND AREAS

- A. The City Council may contract with a business, with an adjoining municipality or with the County for the purposes of providing suitable premises and facilities to be used by the City as an animal pound.
- B. No unclaimed dog shall be released for adoption without being sterilized or without a written agreement from the adopter guaranteeing that such animal will be sterilized. (Utah State Code, Title 10, Chapter 17, Municipal Animal Shelter Pet Sterilization Act)

5-1-8: IMPOUNDMENT

- A. Any animal within Providence City which is, to the knowledge of the Animal Control Officer or State Brand Inspector, engaged in or existing in a condition prohibited by this Chapter or State law, may be taken up and impounded pursuant to this section.
- B. Any animal impounded under this section must have all fees paid before being released.

5-1-9: BEES

- A. All bee colonies shall be kept in Langstroth type hives with removable frames, which shall be kept in sound and usable condition.
- B. In each instance in which any colony is situated within twenty-five (25) feet of a private or public property line of the tract upon which the apiary is situated, as measured from the nearest point of the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation or combination thereof that is parallel to the property line and extends a minimum of ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above the ground level over the property lines in the vicinity of the apiary.

- C. Each beekeeper shall ensure that a convenient source of water is available at all times so that the bees will not congregate at swimming pools, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact.
- D. It shall be unlawful to keep more than the following number of colonies on any tract within the City, based upon the size of the tract on which the apiary is situated:
- | | | |
|----|---|--------------------|
| 1. | One-quarter (1/4) acre or less -- | two (2) colonies |
| 2. | More than one-quarter (1/4) acre but less than one-half (1/2) acre-- | four (4) colonies |
| 3. | More than one-half (1/2) acre but less than one (1) acre-- | six (6) colonies |
| 4. | One acre or larger-- | eight (8) colonies |
| 5. | Regardless of size, where all hives are situated at least two hundred (200) feet in all directions from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies. | |
- E. The keeping by any person of bee colonies in the City not in strict compliance with this section is declared to be a menace to the health and safety of the residents of the City, and is hereby declared a nuisance and is prohibited.

5-1-10: CATS

- A. No person owning or otherwise having a cat over six (6) months of age in his/her care, charge, control, custody, or possession, shall cause, permit or allow such cat to be in or on a public street, road, alley or other public place unless said cat is spayed or neutered.
- B. The City shall not be responsible for the capture and disposal of cats.
- C. The City will have live traps available for those who wish to use them. (a refundable deposit is required)
- D. It shall be unlawful for any person to own, keep, maintain, possess or harbor upon the premises of one (1) household, other than a veterinary clinic, more than three (3) cats. An owner or keeper of cats may keep one litter of cats intact until the cats reach six (6) months of age. At no time shall the owner or keeper retain more than three (3) cats over the age of one (1) year.

5-1-11: DAIRY BUSINESS

- A. Dairy business is allowed only in AGR and SFE zones. This business shall meet all other applicable requirements of this Chapter in regards to, but not limited to, lot size, shelter, containment and nuisances.

5-1-12: DOGS

- A. It shall be unlawful for any person to own, keep, maintain, possess or harbor upon the premises of one (1) household, other than a veterinary clinic, more than three (3) dogs over three (3) months of age. If more than three (3) dogs over the age of three (3) months are at the same residence, it shall be considered the operation of a dog kennel and shall require a kennel license.

5-1-13: DOG LICENSING

- A. Time for Obtaining License; Effective Date
1. It is unlawful for any person to keep, harbor, or maintain any dog two (2) or more months old unless such dog has been registered and licensed in the manner herein provided.
 2. The annual fee due and payable pursuant to this Chapter shall be due January 1, and shall be delinquent after January 31 of each year.
 3. The owner of any newly acquired dog of licensing age or any dog which attains licensing age after September 15 of any year shall make an application for registration and license within fifteen (15) days after acquisition of such dog or such dogs that attain the above stated age. The license fee shall be one-half (1/2) of that required for new applications received after September 1 of any year.
- B. Application; Expiration
1. Application for registration and licensing shall be made to the City. the owner shall state at the time application is made for such license the applicant's name, address, phone number, sex, breed, spayed or neutered, age (if under 12 weeks) and color of each dog owned or kept by him/her.
- C. License Fees
1. No dog license shall be issued by the City until the fee required herein has been paid. The fees shall be set by resolution by the City Council.

2. The fee due and payable pursuant to this subsection shall be due January 1 and shall be delinquent after the last day of January of each year. The penalty shall be set by resolution of the City Council.
3. Kennel fees for those owning, keeping, harboring, or maintaining more than three (3) dogs over the age of three (3) months at the same residence shall be as established by resolution of the City Council.
4. The license fee shall cover the calendar year in which the license was issued, expiring on December 31 of the year of issuance, regardless of the date when issued.

D. License Tags

1. A dog license shall be issued by the City. Upon the payment of the license fee, and with the proof of current rabies vaccination, the City shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall be changed each year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every dog owner shall provide each dog with a collar to which the license tag shall be affixed. It shall be unlawful to deprive a registered dog of its collar and/or tag when the dog is off the owners property.
2. In case a dog tag is lost or destroyed, a new tag will be issued by the City upon presentation of a receipt showing the payment of the license fee for the current year and payment of a replacement tag fee as established by resolution of the City Council.
3. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog, owner disposing of the dog or the owner leaving town before expiration date of the license period.

E. Service Dogs

1. All service dogs that are furnished to or owned by a qualified handicapped individual shall be registered with the City and as required by this Chapter and be vaccinated as required by this Chapter. The City will not charge a fee for the registration, but all other payments to meet the requirements of this Chapter are the responsibility of the dog owner.
2. Service animals that are used by any law enforcement officials or Search and Rescue shall not be required to have a City license as

long as such dog is on task under the command/control of the trainer/officer.

5-1-14: CONTROL OF RABIES AND RABID ANIMALS

- A. Rabies vaccinations shall be required of all dogs in the City. All dogs shall be required to have a current rabies vaccination certificate on file with Providence City and all applicable tags must be worn when not in the home. Any dog found outside of the owner's home without current vaccination tags on either its collar or harness shall be considered to be in violation of this section. EXCEPTION: The owner of the dog provides documentation from a certified veterinarian stating that there is a medical reason that prevents the vaccination from being administered. The nature of reason and the estimated date of termination thereof shall be shown.
- B. Every owner of any dog within the City which is over the age of six (6) months, shall have the dog vaccinated against rabies by a duly licensed veterinarian, and shall secure from the veterinarian a certificate thereof, and shall attach to the collar or harness, which such person is required to place upon the dog, a tag showing that such vaccination has been done.
- C. Anyone having knowledge of the whereabouts of an animal known to have, or suspected of having, rabies, shall report the animal immediately to the City Animal Control Officer. The City Animal Control Officer shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal.
- D. Any dog or other animal of a species subject to rabies which is known to have bitten or injured any person so as to cause an abrasion of the skin shall be quarantined and the following provisions shall apply:
 - 1. The animal shall be observed for a period of not less than ten (10) days by the Animal Control Officer through the Bear River Health Department, and the owner of the animal shall be responsible for the total cost of the quarantine.
 - 2. The normal place of such quarantine shall be the City's animal shelter; however, other arrangements suitable to the City may be made for a period of observation specified herein upon the condition that the biting animal had a current rabies vaccination at the time the bite is inflicted.
 - 3. A person having custody of an animal under quarantine at a place other than the City's animal shelter shall immediately notify the City if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes from quarantine.

4. It shall be unlawful for any person that has custody of a quarantined animal to fail or refuse to call an officer of the City, or a veterinarian, to make an inspection or examination of the animal during, and/or at the end of the period of quarantine.
5. If the quarantined animal dies within ten (10) days from the date of the bite for which the animal was quarantined, the person having custody of said animal shall immediately notify the City of such fact and immediately deliver the animal to that person's veterinarian for removal of head of such animal which shall be delivered to a laboratory specified by the Bear River Health Department for examination for rabies.
6. At the end of the quarantine period, the Animal Control Officer, or his/her designee, shall examine the quarantined animal, and if no signs of rabies are present in the animal, the animal may be released to it's owner. Stray animals shall be disposed of.
7. Any animal of a species subject to rabies which has been bitten by a known rabid animal or has been in intimate contact with a rabid animal shall be isolated, at the owner's expense, in a suitable place approved by the City or Animal Control Officer for a period of one hundred twenty (120) days or destroyed.
8. Any regulation of this section may be regulated more stringent through the Utah Code. If so, the Utah Code shall apply.

5-1-15: DOMESTIC ANIMALS, USED AS PETS

- A. Animals, birds, and rodents that are not included in any other section of this Chapter may be considered domestic pets and shall be allowed in the zones allowed for such.

5-1-16: EXOTIC ANIMALS

- A. Exotic animals are not allowed in the City.

5-1-17: FEED LOTS

- A. Feed lots in the City are allowed only in agricultural zones through a conditional use permit. Feed lots must comply with regulations of the State and City Drinking Water Ordinance and Regulations.

5-1-18: FISH

A. Any fish that are kept on the property, other than as household pets, shall be regulated as per State regulations.

5-1-19: FOWL

A. No person shall keep on any premises owned, occupied or controlled by him/her any chickens, ducks, geese, pigeons or other domestic fowl unless such fowl is kept in an enclosure sufficient in all respects to the keeping of such fowl.

5-1-20: LIVESTOCK

A. Open Space for Livestock

TYPE	AREA PER ANIMAL
Horses, mules, cattle, llamas, etc.	5,000 square feet
Sheep, goats, etc.	1,000 square feet

B. Enclosures for Livestock

TYPE	AREA PER ANIMAL
Horses, mules, cattle, llamas, etc.	800 square feet
Sheet, goats, etc.	200 square feet

C. Enclosures and Feeders

1. Enclosures or feeders for livestock shall not be placed and used within forty (40) feet of a property line of a house/residence, school, church, business, or any other structure used as human habitation. This shall not apply to a residence owned or occupied by the person owning or in possession of such animals as long as it does not abut closer than the required forty (40) feet of the abutting property.

D. Standards of Care

1. Any person owning or having custody or control of any livestock shall provide it with necessary food, drink and shelter and at nighttime shall secure it in a pen, corral or barn, or by such other humane means that will effectively restrain it from wandering. A stable, pen, stall, corral or other structure/enclosure shall be

no smaller than 10 feet x 10 feet in size for each horse, cow, mule or llama. This same size enclosure may house up to five (5) sheep, goats, etc.

2. Every person who stables, keeps, pastures or maintains livestock in the City shall at all times keep the stable and/or enclosure in which livestock is kept, clean and free from manure, mud, and everything of a foul and unclean nature. Odor and flies shall be controlled. Stables, corrals and enclosures of less than 80 square feet shall be cleaned no less than weekly, and the material removed from the premises.

5-1-21: WILDLIFE

- A. Wildlife shall be regulated and controlled by the Division of Wildlife.

5-1-22: ANIMALS KEPT IN VEHICLES

- A. An animal shall not be confined in a vehicle unless there is adequate ventilation, and unless the temperature or other conditions do not threaten the health of the animal. If the animal is confined in a vehicle in a manner that threatens its health, any Animal Control Officer or police officer may enter the vehicle by whatever force is necessary to release the animal without liability upon the City or any person for resulting damage.
- B. Any person who owns or has custody or control of an animal that has been confined in a vehicle in a manner that threatens its health may be charged with a violation as provided for in this Chapter.
- C. Any animal that has been confined in a vehicle in violation of this section may be impounded pending a hearing to determine if the animal shall be returned to its owner. In the event of such impoundment, the owner or keeper of the animal shall be liable for all costs and expenses of impounding and/or keeping the animal.

5-1-23: ANIMAL FEED, BEDDING STORED ON CITY PROPERTY

- A. Hay, grain, straw or other types of feed or bedding shall not be fed, placed or stored on City property.

5-1-24: PUBLIC NUISANCES: PROHIBITED

- A. No owner or person having an animal in his care, charge, control, custody or possession shall permit or allow the existence of a public nuisance, including, but not limited to the following:
1. Permit such animal to obstruct the reasonable and comfortable use of property in any neighborhood or community by running at large, chasing vehicles, molesting passersby while at large, or barking.
 2. No person shall own, keep, or harbor any animal which by loud, continued or frequent barking, howling, yelping, screeching, bawling, crowing, or making other noises create a disturbance.
EXCEPTION: Animals legally contained on private property that are harassed by people, trespassing animals, animals at large, or non-licensed pets may be temporarily excluded if it is determined that these conditions for disturbance do exist.
 3. Permit unsanitary conditions to exist on the premises where such animals are kept which would cause odors, attract flies or vermin, or which would otherwise be injurious to the public health, be offensive to the senses, or be an obstruction to the free use of the property.
- B. A violation of this subsection shall be a Class C misdemeanor, subject to penalty as provided in Section 1-4-1 of this Code, and such is hereby declared to be a nuisance. Each day a violation is permitted to exist or continue, shall constitute a separate offense.

5-1-25: ODOR AND FLY CONTROL

- A. Odors and flies from animal operation/keeping shall be controlled. Odors detected from animal operations are a complex mixture of gases.
- B. All animals give off natural odors. Most often the odor and presence of flies is a result of uncontrolled anaerobic decomposition of manure and feed spoilage. Owner will minimize the annoyance to the majority of the neighbors, at the same time protect the rights of the animal(s) owner.
1. One (1) day out of the week is not a nuisance
 2. Several neighborhood people (3 or more) smelling odors from a facility for (4) four days out of the week makes the odor a nuisance.
 3. A high accumulation of flies that is abnormal for the location and attracted to the animal operation is considered a nuisance.

5-1-26: CRUELTY TO ANIMALS

- A. No person shall:
1. Mistreat, tease or torment any animal.
 2. Treat any animal in a cruel or inhumane manner.
 3. Abandon or turn out any animal.
 4. Poison any domestic animal.
 5. Fail to provide proper care for any animal.
 6. Intentionally exhibit any stud, horse, or bull or any other animal indecently.
 7. Maintain any place where any fowl or other animals are suffered to fight upon exhibition.

5-1-27: DANGEROUS OR VICIOUS ANIMALS

- A. It shall be unlawful for any person to own or possess any vicious animal within the City.
- B. Any person that owns or has in his/her custody or control any animal known by that person to be dangerous to the safety of any person or other animal, or any animal about which any Animal Control Officer has given notice in writing to the owner or custodian thereof of a suspected dangerous propensity, shall keep such animal safely and securely restrained at all times. Any such animal which is allowed beyond safe and secure restraint is a public nuisance, and the owner and keeper of such an animal may be charged with a violation as provided in this Chapter.
- C. Any person who owns or has custody of any animal which causes physical injury to any person or animal while not restrained may be charged with a violation.
- D. If an Animal Control Officer has probable cause to believe that an animal poses an immediate threat to public safety, the animal may be seized and impounded pending a hearing in the Municipal Court to determine if the animal is a public nuisance. If the Court so determines, the Court may order the nuisance abated and such other relief the Court deems proper.
- E. If the animal that has been impounded is found by the Court to be a nuisance, the owner or keeper of the animal shall be liable for all costs and expenses of impounding and keeping of the animal.

5-1-28: ANIMALS AT LARGE

- A. No person owning or having the custody or control over any animal shall permit such animal to run at large, or be pastured, herded, or tied in any street, alley, or other public place.
- B. In addition to the provisions of this section, the owner of an animal found in violation shall be fined fifty (\$50.00) dollars for the first incident. With each additional incident, the owner shall be fined twice the amount of the previous fine.
- C. The owner of any animal which is in violation of the provisions of this section five (5) or more times may be required by the Court to remove the animal from the premises.

5-1-29: VEHICULAR ACCIDENTS WITH ANIMALS; DUTIES

- A. Any operator of a vehicle whose vehicle strikes an animal shall stop at once and immediately report any injury or death to the animal's owner. If the owner cannot be ascertained and located, the operator shall at once report the accident to the Sheriff's Office.

5-1-30: RESPONSIBILITY

- A. No person shall create or maintain any condition or keep any animal, fowl, household pet, or insect under his/her jurisdiction in such a way that such condition or operation is likely to cause the transmission of any diseases.
- B. No owner, keeper, caretaker, or attendant of an animal, shall allow an animal to defecate on private or public property other than his/her own. If such animal does defecate upon public or private property, the owner, keeper, caretaker, or attendant must immediately and thoroughly clean the fecal matter from such property.
- C. Anyone walking, driving, or riding an animal on public or private property other than his/her own must carry with him/her visible means of cleaning up any fecal matter left by the animal. Animals used during parades or used in law enforcement are exempt from this section.
- D. No vehicle, trailer or other conveyance used to transport animals shall be cleaned out and the fecal matter deposited upon any public property.
- E. No animals are allowed in City parks unless the area is designated for animals. This shall not apply if a City sponsored event includes animals to be allowed for the event.

5-1-31: LOUD OR OFFENSIVE ANIMALS; PENALTY:

No person shall own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, yelping, or by noxious or offensive odors shall annoy, disturb, or endanger the health and welfare of any person or neighborhood. A violation of this subsection shall be a Class C misdemeanor, subject to penalty as provided in Section 1-4-1 of this Code, and such is hereby declared to be a nuisance, and each day a violation is permitted to exist or continue shall constitute a separate offense. The owner of a dog or dogs found in violation of the provisions of this section 5.1 on five (5) or more separate occasions may be required by the court to permanently remove the dog or dogs from the premises. This subsection shall not apply to the City pound, veterinary hospitals, or medical laboratories.