

**ESCALANTE CITY  
ORDINANCE 2022-02**

**AN ORDINANCE AMENDING ESCALANTE CITY CODE 5.04 ( ANIMAL  
CONTROL)**

**WHEREAS**, the City Council, as the governing body of the City of Escalante, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the City of Escalante to amend the following Ordinance; and

**WHEREAS**, The City Council and Mayor wish to amend such an Ordinance.

**WHEREAS**,

**NOW THEREFORE**, be it ordained by the Council of Escalante City, in the State of Utah, as follows:

**SECTION 1:**        **AMENDMENT** “5.04.020 Possession Of Animals” of the Escalante Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.020 Possession Of Animals

- A. No animal within the boundaries of Escalante City shall be allowed to run loose, unless: it is on real property that the animal owner owns, leases or otherwise has permission to use; is in the vehicle; or is under the immediate control of a person.
- B. No Person is allowed to possess a vicious animal within the boundaries of Escalante City unless the animal is restrained, confined or muzzled so that it cannot attack or fight any person or other animal. A vicious animal is one that has the known propensity to attack, bite, growl, or snarl at a person or other animal.
- C. No owner of an animal that is within the boundaries of Escalante City shall allow the animal to bark, make other sounds, or otherwise create disturbances to an extent that the peace and quiet enjoyment of any other person is disturbed.
- D. The owner of any animal and any other person who, at the time of a violation of this Ordinance, is responsible for the care of the animal involved in the violation is guilty of a Class B misdemeanor for each violation and may be punished in accordance with the prescribed penalties under Utah law for Class B Misdemeanors.
- E. If there is substantial evidence that any animal within Escalante City has attacked a person or other animal, any law enforcement officer may destroy the animal if the law enforcement officer reasonably believes the animal may in the future attack another person or other animal.
- F. If an animal is attacking or preparing to attack another person or animal within the boundaries of Escalante City, the victim or any other person reasonably acting to protect another person or another person’s property may destroy the animal.

- G. If there is substantial evidence of a violation of this Ordinance, a law enforcement officer may impound the offending animal if the law enforcement officer reasonably believes the animal may, in the future, repeat the offense. If within five (5) days after the animal is impounded the owner has not obtained an order from the justice court judge of Escalante City or other appropriate court ordering the release of the animal, the animal may be destroyed.
- H. In the event an animal is impounded pursuant to this Ordinance, the owner of the animal is required to pay an impound fee to Escalante City in the amount of ~~twenty five dollars (\$25.00)~~ ~~+0.00~~ per day for each day the animal is impounded. An animal may not be released from impound unless and until all impound fees are paid in full or arrangements are made for payment with the City Office. ;
- I. The Ordinance does not apply to livestock which are defined as cattle, horses, sheep, chickens or pigs.

**SECTION 2:            AMENDMENT** “5.04.140 Penalty” of the Escalante Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.140 Penalty

The owner of any animal ~~and any other person for who,~~ at the time of a violation of this chapter, is responsible for the care of the animal involved in the violation and is guilty of an infraction. ; ~~f~~For each violation the owner of the animal ~~and~~ may be punished in accordance with the prescribed penalties under Utah law for infractions.

**SECTION 3:            AMENDMENT** “5.04.040 Animal Pound” of the Escalante Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.040 Animal Pound

The city council may contract with some ~~humaner~~responsible person as animal control officer, with an adjoining municipality or with the county for the purpose of providing suitable premises and facilities to be used by the city as the animal pound. It shall be maintained in some convenient location and shall be sanitary and so operated as to properly feed, water and protect the animals from injury.-

**SECTION 4:**        **AMENDMENT** “5.04.120 Impounding” of the Escalante Municipal Code is hereby *amended* as follows:

AMENDMENT

5.04.120 Impounding

- A. Duty Of Official To Impound: If there is substantial evidence of a violation of this chapter, a law enforcement officer may impound the offending animal if the law enforcement officer reasonably believes the animal may, in the future, repeat the offense. If within five (5) days after the animal is impounded the owner has not obtained an order from ~~the justice court judge of Escalante City or other~~an appropriate court ordering the release of the animal, the animal may be destroyed.
- B. Interference With Impounding Prohibited: It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the animal control officer or any of his assistants while engaging in capturing, securing or taking to the animal pound any animal or animals liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal pound or ambulance, wagon or other vehicle used for the collecting or conveying of animals to the animal pound.
- C. Records Maintained: The animal control officer shall keep a record of each animal impounded by him, the date of receipt of such animal, the date and manner of its disposal and if redeemed, reclaimed or sold, the name of the person by whom redeemed, reclaimed or purchased, the address of such person, the amounts of all fees received or collected for or because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and the date of any tag exhibited or issued upon the redemption or sale of such animal.
- D. Redemption Of Impounded Dogs: In the event an animal is impounded pursuant to this chapter, the owner of the animal is required to pay an impound fee to Escalante City in the amount of ~~ten~~twenty-five dollars (\$~~10~~25.00) per day for each day the animal is impounded. An animal may not be released from impound unless and until all impound fees are paid in full or arrangements are made for payment with the City Office.
- E. Disposition Of Unclaimed Or Infected Dogs: All impounded dogs not redeemed within five (5) days of the date of impounding may be destroyed or sold for the cost of the impound fees to the person first making written request for purchase ~~at such price as may be deemed agreeable~~. In the case of dogs severely injured or having contagious disease other than rabies and which in the animal control officers judgment are suffering and recovery is doubtful, the animal control officer may destroy the dog without awaiting the five (5) day period.

**SECTION 5:**        **AMENDMENT** “5.04.050 Licensing Requirements” of the Escalante Municipal Code is hereby *amended* as follows:

## AMENDMENT

### 5.04.050 Licensing Requirements

- A. License Required: It is unlawful for any person to keep, harbor or maintain any dog six (6) or more months old unless such dog has been registered and licensed in the manner herein provided.
- B. Application; Information:
1. Application for registration and licensing shall be made to the city recorder or such other person as the city council may authorize to receive such applications.
  2. The owner shall state at the time application is made for such license his name and address and the sex, breed and color of each dog owned or kept by him.
- C. Issuing Authority: A dog license shall be issued by the city recorder or such other person as the city council may authorize.
- D. Fee For License: No dog license shall be issued by the municipality until the fee required herein is paid. Until otherwise changed by resolution of the city council, the following fee shall be charged:
- Each spayed female \$~~5~~10.00  
Each neutered male \$~~5~~10.00  
Each unspayed female \$25.00  
Each unneutered male \$25.00
- E. Date Due; Penalty: The fee due and payable pursuant to this section shall be due January 1 and shall be delinquent after February 28 of each year. A penalty of thirty three and one-third percent (33 1/3%) shall be added to delinquent payments.
- F. Newly Acquired Dogs: The owner of any newly acquired dog of licensing age or of any dog which attains licensing age after March 1 of any year shall make an application for registration and license within fifteen (15) days after such acquisition or dogs attain the above stated age.
- G. Kennel License Fee: Anyone owning, keeping, harboring or maintaining six (6) or more dogs over the age of two (2) months shall be considered to be operating a kennel and shall be required to pay an annual kennel license fee of one hundred dollars (\$100.00) per year.
- H. Term Of License: 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.
- I. Exceptions:
1. Temporary Nonresidents: The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought to the city for the purpose of participating in any dog show, nor to commercial kennels.
  2. Guide And Service Dogs: The fee provisions of paragraph D shall not apply to:
    - a. 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.

- b. Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds.
- c. Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

3. Rabies Vaccination Required: Nothing in this paragraph shall be construed as to exempt any dog from having a current rabies vaccination.

J. License Tag:

- 1. Issuance: Upon payment of the license fee, the city recorder shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall be changed every 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, except those operating a kennel, shall provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. It shall be unlawful to deprive a registered dog of its collar and/or tag.
- 2. Duplicate Tag: In case a dog tag is lost or destroyed, a duplicate will be issued by the city recorder upon presentation of a receipt showing the payment of the license fee for the current year and the payment of two dollars (\$2.00) for such duplicate.
- 3. Tag Not Transferable: 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 or the owner leaving the city before expiration of the license period.

PASSED AND ADOPTED BY THE ESCALANTE CITY COUNCIL FEBRUARY 15, 2022.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Councilmember Chad Lyman	_____	_____	<u>  X  </u>	_____
Councilmember Dan'l Lindsay	<u>  X  </u>	_____	_____	_____
Councilmember Marlene Stowe	<u>  X  </u>	_____	_____	_____
Councilmember Guy Graham	<u>  X  </u>	_____	_____	_____
Councilmember Lenza Wilson	<u>  X  </u>	_____	_____	_____

Presiding Officer

Attest



Melani Torgersen, Mayor, Escalante City



Stephanie Steed, CMC, City Recorder Escalante City

