

CHAPTER 20

ANIMALS IN HOWELL TOWN

TABLE OF CONTENTS

SECTION 20-1. ANIMALS RUNNING AT LARGE2
SECTION 20-2. NUISANCE ANIMALS2
SECTION 20-3. ATTACKS AGAINST PERSONS OR ANIMALS2
SECTION 20-4. ANIMALS UPON UNENCLOSED PREMISES3
SECTION 20-5. LAWFUL TO GO ON PREMISES3
SECTION 20-6. PENTALTY4

SECTION 20-1 ANIMALS RUNNING AT LARGE

Animals running at large. It shall be unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal at any time to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this Section regardless of the precautions taken to prevent the escape of the animal and regardless of whether or no he knows that the animal is running at large.

SECTION 20-2 NUISANCE ANIMALS

Any owner or person having charge, care, custody or control of an animal or animals causing a nuisance as defined below shall be in violation of this Chapter and subject to the penalties provided herein. Any animal which does any of the following shall be deemed a nuisance:

- Causes damage to the property of anyone other than its owner;
- Causes unsanitary conditions in enclosure or surroundings;
- Bark, whines, howls, brays, whinnies, or makes other disturbing noises in an excessive, continuous or untimely fashion;
- Molests passersby or chases passing vehicles;
- Attacks other domestic animals;
- Is a vicious animal not properly restrained as required herein;
- Is determined by the Animal Services Division , Health Department, or Box Elder County Sheriff’s Department Animal Control Officer to be a public nuisance by virtue of being offensive of dangerous to the public health, welfare or safety; or
- Otherwise acts so as to constitute a nuisance under Chapter 10, Title 76 of the Utah Code Annotated.

SECTION 20-3 ATTACKS AGAINST PERSONS OR ANIMALS

A. Attacks. It shall be unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal to attack, chase or worry any person, any domestic animal, an species of hoofed protected wildlife, or domestic fowl. “Worry” as used in this section shall mean to harass by tearing, snapping, chasing, biting, shaking with the teeth or other similar threatening actions.

B. Owner liability. The owner in violation of any Chapter herein shall be strictly liable for violation of this section. In addition to being subject to

prosecution under these Chapters, the owner of such animal shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.

C. Defenses. The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

1. That the animal was properly confined on the premises.
2. That the animal was deliberately or maliciously provoked.

SECTION 20-4 ANIMALS UPON UNENCLOSED PREMISES

A. Animals upon unenclosed premises. It shall be unlawful for any person to chain, stake out or tether any animals on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.

B. Places prohibited. It shall be unlawful for any person to take or permit any animal, whether loose, or on a leash or in arms, in or about any establishment or place of business where food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets, fruit or vegetable stores.

Notwithstanding service animals, it shall be unlawful for any person to take or permit any animal to enter upon Howell Town properties, including the Community Center, when a public function is taking place unless the animal is properly leashed and controlled. Any person allowing animals to enter upon public Town properties shall be responsible for the clean up of animal feces or be subject to penalties set forth herein for such failure.

SECTION 20-5 LAWFUL TO GO ON PREMISES

Lawful to go on premises. In the enforcement of any provision of this ordinance, any police officer, sheriff deputy, or town councilmembers are authorized to enter the premises of any person or entity to take possession of any fierce, stray, dangerous, or vicious animal, animals at large, or animals which have committed an act prohibited by town ordinance, cite the owner of such animal without removal, or both, and perform any other duty or task provided in this title and/or by law.

SECTION 20-6 PENALTY

A. The town shall record each violation of this ordinance and shall give notice as follows to each person who fails to comply with the ordinance:

1. First Violation – Verbal Warning.
2. Second Violation – Written Warning.
3. Third Violation – Fine of \$50.00.
 The fine to be doubled for each offense thereafter.

B. Report of Bite. The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the Town clerk or the Box Elder County Sheriff within 24 hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies. The owner of the biting animal shall be in violation of this ordinance and shall be subject to state and county laws pertaining to the same.