

Wales Town

ORDINANCE NO. 2025-03 (Replaced 2017-02)

An animal ordinance adopted and enacted for the purpose of promoting the health, safety, and general welfare of the inhabitants of and visitors to the Town of Wales.

I. DEFINITIONS: For the purposes of this ordinance, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

ANIMAL AT LARGE:	"At large" means any dog off or away from the premises of the owner, possessor, or keeper thereof, and not under the control of such owner, possessor, or keeper. A dog shall be deemed under the control of said owner or family member if it is controlled by a leash, cord, chain or otherwise restricted to the bounds of the owner's property. A dog is <u>NOT</u> considered "At large" if it is under the direct supervision of the owner or custodian.
ANIMAL SHELTER:	A facility owned or operated by a governmental entity or any animal welfare organization that is incorporated under the laws of the state of Utah and used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other domestic animals.
ANIMAL UNDER RESTRAINT:	An animal on a leash or lead which is held by a person or attached to a stationary object, or confined within a vehicle, or confined upon the real property of the owner or custodian. "Under restraint" may also be assumed when a working animal, such as a sheep dog, is actively working, and under voice or signal restraint from its handler.
BITE:	A puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
BREEDABLE CONDITION:	A female dog, or other animal, commonly referred to as being in heat.
CUSTODIAN:	A person having the charge, care, custody or control of an animal which he does not own.
DOG:	Both male and female dogs of any age.

DOMESTICATED ANIMALS:	Animals domesticated by man so as to live and breed in a tame condition, including, but not limited to, cats, dogs, fowl, rabbits, horses, cattle, swine, sheep and goats.
IMPOUNDING FEE:	Fee fixed by the town council as stated hereafter and required to be paid for the release of an impounded animal.
KENNEL:	Premises where three (3) or more animals at least four (4) months old are raised, kept, housed, or boarded for the commercial business of breeding animals.
LAW ENFORCEMENT OFFICIAL:	Law enforcement official will have the same meaning as set forth by Utah State Code.
LEASH:	Any flexible rope, strap, cord or chain, and of such strength and design as to be capable of restraining the dog or other animal for which it is being used to lead or restrain.
LICENSED ANIMAL:	An animal which has been licensed in Wales Town by paying for and obtaining license tags in Wales Town as set forth in this ordinance.
ORDINANCE OFFICIAL:	All sitting members of the city council are designated ordinance officials; and/or anyone 21 years of age or older appointed by the city council.
OWNER:	Any person or persons, firm, association or corporation that owns, keeps, harbors or maintains a dog or other animals.
QUARANTINE:	The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
STRAY:	Any “animal at large”, as defined in this ordinance.
TRESPASS:	The presence of any animal in or upon any public place or any private place or premises without the consent of the owner, occupant or other person(s) having legal control over such place or premises.
VACCINATION:	A current immunization against rabies administered through a duly authorized and qualified veterinarian.

VICIOUS ANIMAL:

An animal:

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

II. REPORTING INJURIES: It shall be unlawful for the operator of a motor vehicle which injures or kills a domesticated animal to fail to immediately report the same to the owner or custodian of the animal, or the Wales Town clerk.

III. DISPOSAL OF DEAD ANIMALS: It shall be unlawful for the owner or custodian of any animal that dies or is killed within the limits of the town to fail to lawfully dispose of or bury the carcass of such animal within ten (10) hours after learning of the death of the animal. The owner should then notify the town in order to update their records.

IV. VICIOUS ANIMALS:

- A. Prohibited: It shall be unlawful to knowingly own, possess or harbor a vicious animal.
- B. Possession Delivered to Officials: An ordinance official may require the owner or custodian of a vicious animal to deliver possession of the animal to an impound facility. If, after demand, the owner or custodian fails or refuses to deliver possession of the animal to an impound facility, the ordinance official may request an order from a court of competent jurisdiction requiring the owner or custodian to deliver possession of the animal to an impound facility.
- C. Impoundment: An ordinance official may summarily impound a vicious animal which is at large or which is an immediate danger to humans or domesticated animals.
- D. Destruction: If an ordinance official cannot gain control of a vicious animal and the animal presents an immediate danger to a human or a domestic animal, the ordinance official may summarily destroy the animal. After the second offense the animal will be destroyed.
- E. Notice of Impound: If a vicious animal is impounded without the knowledge of the owner or custodian, notice that the animal has been impounded shall be given to the owner or custodian of the animal, if the same is known, by

attaching a notice to a door at the residence thereof or by mailing a notice to the same.

- V. NON RESIDENTS; DOGS LICENSED BY ANOTHER AUTHORITY:** Nothing in this ordinance shall be construed to affect persons not residing in the town that may temporarily visit therein and own an animal; provided that such person shall constantly keep such animal under his personal care and shall not allow the same to run at large. For the purpose of this ordinance, an animal properly licensed under a licensing ordinance by any city, town or county shall be deemed to be a licensed or registered animal under the terms and provisions of this ordinance. (Proof of rabies vaccination will be required if the animal remains in Wales Town over 30 days.)

VI. LICENSING AND REGISTRATION OF DOGS:

A. Required; Fee; Delinquency:

1. All dogs over four (4) months of age, kept, harbored or maintained by any person in the town, for a period longer than thirty (30) days, shall be licensed and registered. A dog license shall be issued by a town official, after collection of the fee in such amount as established by resolution of the town council. If male dogs have been neutered or female dogs have been spayed, and the owner has veterinary records of proof, license fees shall be in such lesser amount as established by resolution of the town council. The license period shall be from July 31 to June 30 of each year. It shall be the duty of the owner of all dogs licensed under the provisions of this ordinance to provide such dogs with a suitable collar whereon a rabies tag and said license shall be displayed.
2. If such license is not obtained by July 31 of each year, there shall be an additional (late) charge in such amount as established in paragraph XVIII of this ordinance.

B. Application: An official dog license application shall be properly completed when it contains:

1. The dog owner's name, address and telephone number.
2. The dog's name and description.
3. A copy of the immunization record and the spayed/neutered record showing the date of the rabies vaccination and the signature of the veterinarian who performed such service or other signature authorized by him.
4. A photograph of the dog.

C. Receipt: The dog license issued pursuant to this chapter shall set forth a description of the dog licensed, the year in which the license was issued, the number of the license tag and a statement showing the amount of the fee and that such fee has been paid.

D. Tag for License:

1. Issuance: Upon payment of the license fee, the town shall issue a tag and make available a copy of this ordinance for each animal licensed. The tag shall have stamped thereon the license number corresponding with the tag number on the application and receipt.
2. Wearing of Tag Required: Exception: It shall be unlawful for a person owning, keeping or harboring a licensed animal to cause or allow the licensed animal to not wear the duly issued license tag, unless such animal has a medical or other reason for not being able to wear a collar or harness.
3. Nontransferable: License tags shall not be transferable from one animal to another. No refunds shall be made on any license fee for any reason. Replacements for lost or destroyed tags shall be issued by the town.
4. Removal Prohibited: It shall be unlawful to remove or cause to be removed, the collar, harness, or tag from a licensed animal without the consent of the owner or custodian of the animal, except for a licensed veterinarian or animal control officer who removes such for medical or other reasons.

VII. KENNELS:

- A. Permit Required: No person shall operate or maintain an animal kennel without first obtaining a permit from the town council. All applications for permits to operate or maintain an animal kennel shall be submitted in writing. The application shall first be referred to the planning zoning committee, and upon their approval, the town shall issue the permit upon payment of the fee in such amount as established by resolution of the town council. A permit shall be required for any person operating or maintaining a kennel consisting of three (3) or more animals.
- B. Annual Fee for Permit: Any person conducting, operating or maintaining a kennel shall each calendar year pay to the town, for the privilege of conducting, operating or maintaining such kennel, a permit fee in such amount as established by resolution of the town council. Any person conducting, operating or maintaining a kennel for the commercial business of breeding or boarding animals shall also be required to license all animals in the kennel.

- C. A Wales Town business license will also be required to operate an animal kennel and must be presented to the Planning and Zoning Committee prior to the issuance of a Kennel Permit.
- D. Inspection: It shall be the duty of the Planning & Zoning Committee to inspect all registered kennels when issuing a permit (and annually thereafter) to see that the provisions pertaining to the sanitation and care of such places are being observed. An inspection fee will be assessed as set by resolution.

VIII. RABIES CONTROL:

- A. **AS A CONDITION PRECEDING THE APPLICATION FOR ANY DOG LICENSE, IT SHALL BE REQUIRED THAT THE DOG WILL BE VACCINATED FOR RABIES.** It shall be the duty of the owners of all dogs licensed under the provisions of this ordinance to provide such dogs with a suitable collar. The metallic license tag provided by the town shall be attached thereto, which license tag shall have a number corresponding with the application and receipt.
- B. Determination of Rabid Dog:
 - 1. If a dog is determined to be rabid within the town, an ordinance official shall immediately notify the director of the county health department and observe, maintain, deliver or dispose of such animal as directed by the director of the county health department.
 - 2. The owner of any animal set forth in this subsection shall be required to pay the expense of maintaining the animal as provided in this subsection. The director of the county health department is hereby authorized to direct any reasonable observation, maintenance, delivery or disposal of rabid or suspected rabid animals as he sees fit.
- C. Confinement and Observation:
 - 1. Every owner or other person shall immediately notify the ordinance official if he knows or suspects that an animal is rabid or knows or suspects that a person has been bitten or injured as to cause abrasion of the skin by any animal. All such animals shall be strictly confined for a period of ten (10) days at the expense of the owner. Animal control shall determine if the confinement shall be by chain, crate or cage on the owner's premises under the observation of a veterinarian for a period of ten (10) days, or removal from the owner's premises to a veterinary hospital or animal shelter for observation for a like period. It shall be unlawful for any person knowing or suspecting an animal has rabies or confined as set forth herein, to allow such animals to be taken off his

premises or beyond the town limits without the written permission of the ordinance official. The health officer may make an inspection or examination thereof at any time during this period. If it shall appear to the health officer, upon examination as aforesaid, or otherwise, that the animal has rabies, he shall authorize it to be destroyed.

2. Before release to owner after quarantine, the owner shall pay pound fees and all other expenses related to quarantine, including food, medicines and veterinarian fees to the town.
- D. Disposition of Animal Bitten by Rabid Animal: Whenever any animal shall be bitten by another animal having rabies, the owner or person having custody or possession of the animal so bitten shall, upon being informed thereof, either destroy such animal or quarantine it and keep it confined for a period of six (6) months. The health officer shall have discretion to destroy or quarantine the animal so bitten.

IX. RUNNING AT LARGE:

- A. It shall be unlawful for the owner or keeper of any animal, whether registered or not, to permit such animal to run at large.
- B. Dog owners shall at all times keep their dogs under control so as to prevent them from running or wandering unattended, from biting or harassing any person engaged in a lawful act, from interfering with the use of public property or with the use of another person's private property, and from being in violation of other sections of this ordinance.
- C. Exceptions: However, dogs are not at large while participating in field trials and obedience classes organized and sanctioned by recognized organizations, while assisting their owner or trainer in legal hunting or in herding of livestock, while assisting a peace officer engaged in law enforcement or while being trained for such purposes on private land with permission of a landowner, 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 provision of this ordinance.

X. DOGS CHASING CERTAIN ANIMALS PROHIBITED: Any person may kill a dog while it is ACTIVELY attacking, chasing or worrying any domestic animal having a commercial value or any species of protected wildlife, or while attacking domestic fowl, or while such dog is pursued for cause.

XI. FEMALE DOGS IN SEASON: Dog owners shall securely confine their female dogs while the same are in season within an enclosure and manner which will prevent the attraction of male dogs to the immediate vicinity.

XII. NUISANCES PROHIBITED: No person shall fail to exercise proper care and control of animals within their custody to prevent them from becoming a public nuisance. Any animal who engages in the following conduct is hereby declared a public nuisance:

- A. Annoying, harassing, nipping, mauling or biting any person or passerby;
- B. A female dog in breedable condition being at large within the town;
- C. Damaging or destroying any property or thing of value;
- D. Creating an untimely disturbance in a neighborhood by howling, barking or making other noises;
- E. Committing excretion on public or private property other than the property of its owner;
- F. Chasing vehicles.

XIII. PROHIBITED ACTS AND ACTIVITIES:

- A. Cruelty: It shall be unlawful for any person to mistreat or torture any dog or other animal, or have the right to destroy any dog or other animal, except to destroy it in a humane manner. Violations will be subject to law enforcement investigation and criminal prosecution.
- B. Care and Maintenance of Animals: It shall be unlawful for a person to fail to provide any animal in his charge or custody, as owner or otherwise, with reasonably adequate food, drink, care and shelter. Violations will be subject to law enforcement investigation and criminal prosecution.
- C. Theft of Animal: It shall be unlawful to exercise unauthorized control over an animal belonging to another with a purpose to deprive him thereof. Violations will be subject to law enforcement investigation and criminal prosecution.
- D. Interference With Officials: Any person who shall do any act which hinders, delays, interferes with or obstructs an ordinance official while engaging in capturing, securing or taking to the animal pound any animal, or who shall break open or in any manner directly or indirectly aid, counsel or advise the breaking open of any animal pound or animal control vehicle, shall be subject to law enforcement investigation and criminal prosecution.

XIV. IMPOUNDING:

- A. Authority: Any dog which is unlicensed, unvaccinated or running at large, as provided in this ordinance, shall be subject to impoundment. Any animal

impounded shall be subject to sale, retention, disposition or release as provided herein.

- B. Release; Fee: Any impounded animal may be redeemed and taken from such impoundment by the owner, or any authorized person, only upon receipt from the ordinance official which states that the following procedures hereinafter set out have been complied with:
1. In the event said dog is not licensed, the dog shall be released to the owner at any time within three (3) business days upon payment of an impound fee.
 2. An ordinance official shall notify the registered owner of an impounded animal which is wearing a license tag issued by the town, either by phone or by certified mail, return receipt requested, that said animal is being held by the animal shelter. Said notice shall be mailed or phone call made to the address or phone number given at the time the license was purchased. No such animal shall be disposed of until at least five (5) days from the date of phone contact or receiving the return receipt.
 3. Any impounded animal may be redeemed and taken from such pound by the owner or any authorized person, upon exhibiting to the person having charge of said pound a receipt from the ordinance official which establishes reasonable proof of ownership, evidence of current registration, and proof of current rabies vaccination. In the event an impounded dog has not been licensed or properly vaccinated, the person redeeming such dog shall be required to license his dog and pay to the town a fee sufficient to cover the impound costs. The city will hold in trust the dog license until the dog owner furnishes proof of vaccination to the town.

XVI. HARBORING STRAY ANIMALS: Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify an ordinance official for impoundment. If there shall be attached to such animal a license tag for the current calendar year, the town shall notify the person to whom such license was issued in accordance with the provisions set out in this ordinance. Upon verification by the ordinance official that the animal is a stray, the ordinance official may remove such animal to an adoption shelter facility.

XVII. ENFORCEMENT; PENALTY; and APPEAL:

- A. Citation: Any ordinance official or other authorized person charged with enforcing the provisions of this ordinance may, in lieu of impounding a dog or other animal found in violation hereof, issue a citation to the owner or custodian of such dog or other animal.
- B. Criminal Violations: Criminal violations of Utah State Code beyond the scope of this ordinance will be investigated by a Law Enforcement Official.

- C. Penalty: Any person violating any provision of this ordinance, except as herein provided, shall be subject to civil penalty (fine or forfeiture).
- D. Appeals Process: Any person wishing to appeal the assessment of a civil penalty (fine or forfeiture) shall make a written request no less than seven (7) days prior to the next publicly noticed Town Council Meeting. Such appeal will be placed on the agenda for consideration. The ordinance official originating the citation for civil penalty will provide any necessary factual information/evidence and will abstain in the final appeal decision.

Be it noted, all previous ordinances or acts in conflict with this ordinance, or any part thereof, are hereby repealed to the extent of the conflicts.

This resolution shall become effective on the 1st day of July of 2025.

Passed, adopted and approved by the Mayor and the Town Council of Wales Town, Sanpete County, Utah on this 1st day of July 2025.

By: _____
Mayor – Byron L. Davis

Attest: _____
Town Clerk – Kevin E. Washburn