

Moroni City
Codes and Ordinances

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Police Department

Section

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5-1-1: Established

There is hereby established a regularly constituted police force to be known as the Police Department, which shall consist of a Chief of Police and such other police officers as shall be employed by the City. (1982 Code § 13-111)

5-1-2: Chief of Police

The Chief of Police shall: (2000 Code)

1. **Responsible for Department:** Organize, supervise, and be responsible for all the activities of the Police Department and shall define and assign the duties of the different police officers.
2. **Attend City Council Meetings:** When required, attend meetings of the City Council to consult with and advise them on matters of public safety. He shall execute all lawful orders of the Mayor and City Council and see that all orders and judgments of the justice of the peace are carried into effect. (1982 Code § 13-112)
3. **Perform Prescribed Duties:** Exercise and perform such duties as may be prescribed by the City Council. The Chief of Police shall be under the direction, control and supervision of the Mayor. The Chief of Police may, with the consent of the Mayor, appoint assistants to the Chief of Police. (1982 Code § 3-918)

5-1-3: Powers and Duties

The Chief of Police and all police officers of the City shall have the following powers and duties in addition to those that may be assigned to them as provided above:

1. **Suppress Riots:** To suppress riots, disturbances, and breaches of the peace, and to apprehend all persons committing any offense against the laws of the State or ordinances of the City.

2. **Execute And Serve Warrants:** To execute and serve all warrants, processes, commitments, and writs whatsoever issued by the justice of the peace.
3. **Preserve Public Peace:** To preserve the public peace, prevent crime, detect and arrest offenders, protect persons and property, remove nuisances existing in the public streets, roads, highways and other public places, enforce every law relating to the suppression of offenses, render such assistance in the collection of licenses as may be required by the license collector and perform all duties enjoined upon them by law and ordinance. (1982 Code § 13-113)
4. **Maintain Register of Arrests:** The Chief of Police shall provide and cause to be kept a register of arrest. Upon such register shall be entered a statement showing the date of such arrest, the name of the person arrested, the name of the arresting officer, the offense charged and a description of any property found upon the person arrested. (1982 Code § 13-114)
5. **Stolen Property Disposition:** It shall be the duty of the Chief of Police to keep all lost or stolen property that comes into the possession of the Police Department or any of its members. He shall make all reasonable efforts to discover the owners thereof. (1982 Code § 13-117)
6. **Register of Property:** The Chief of Police must enter or cause to be entered in a suitable book a description for every article of property alleged to be stolen or embezzled and brought into his office or taken from the person or the prisoner and must attach a number to each article and make a corresponding entry thereof. (1982 Code § 13-116)
7. **Property Taken from Person Arrested:** When money or other property is taken from a person arrested upon a charge of a public offense, the officer taking it must at the time issue triplicate receipts therefor, specifying particularly the amount of money or kind of property taken. One of the receipts he must deliver to the person arrested. Another he must forthwith file with the clerk of the court to which the complaint and other papers in the case are required by law to be sent. The third receipt must be sent at once to the office of the Police Department. (1982 Code § 13-115)

5-1-4: Rates and Fees

The rates and fees Moroni City Police Department services are as follows:

- | | |
|---|------------------|
| 1. Fingerprint cards for non-court purposes: | \$10.00 per card |
| 2. Annual registration fee for sex/kidnap offenders | \$25.00 |

3. Fingerprint cards and photo for State of Utah Driving Privilege Card acquisition or renewal	\$20.00 for one print card and photo
	\$10.00 per print card thereafter
4. Civil or criminal process service	\$20.00 service fee Plus \$2.50 per mile
5. Copy of Police and/or accident reports	\$10.00 per report
6. Security at events that require such	\$25.00 per hour, per Officer
7. Pickup and storage of animal in violation of ordinance (Dog and/or vicious dog at large)	\$35.00 1 st Offense \$50.00 2nd Offense \$75.00 3rd Offense
	Plus \$5.00 a day storage
	\$65.00 Disposal Fee
	(12-30-2011)

Animal Control

Section

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5-2-1: Definitions

As used in this Chapter, unless the context otherwise indicates, the following words shall mean:

- **Animal Control Officer:** Any person employed or appointed by a county or a municipality who is authorized to investigate violations of laws and ordinances concerning animals, to issue citations in accordance with Utah law, and take custody of animals as appropriate in the enforcement of the laws and ordinances. (2011 U.C.A. § 11-46-102) (Resolution 3-1-2012)
- **At Large:** Off the premises of the owner and not under the control of the owner or a member of his/her immediate family either by leash, cord, and chain or otherwise.

- **Dog:** Any male or female dog of any age. (Resolution 3-1-2012)
- **Impounded:** Having been received into the custody of the City pound or into the custody of any authorized agent or representative of the City.
- **Owner:** When applied to the proprietorship of a dog, shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- **Pound:** An animal shelter, lot, premises or buildings 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:** A dog for which the license for the current year has not been paid, or to which the tag provided for in this Chapter is not attached.
- **Vicious Dog:** A dog that has bitten a person or domestic animal without provocations or a dog that has a known propensity to attack or bite human beings or domestic animals. (1982 Code § 13-241; amd. 2000 Code)

5-5-2: Animal Control Officer

1. **Created:** The position of Animal Control Officer is hereby created. Until such time as an Animal Control Officer is appointed, the Chief of Police shall be ex officio Animal Control Officer. (1982 Code § 13-211; amd. 2000 Code)
2. **Duties:** The Animal Control Officer shall perform the following duties: (1982 Code § 13-212; amd. 2000 Code)
 - a. Carry out and enforce the provisions of this Chapter.
 - b. Take into his possession and impound all strays running at large and dispose of the same as hereinafter provided.
 - c. Enforce the licensing of and control all dogs within the City as hereinafter provided.
 - d. File complaints in the courts against any person failing to comply with the provisions of this Chapter and obtain licenses when required there under.
 - e. Capture and secure all dogs found running at large contrary to the provisions of this Chapter and impound such dogs in a humane manner.

- f. Provide for a good and sufficient pound in which all animals duly committed to his charge or otherwise impounded by him shall be maintained.
 - g. Enter a description thereof in records kept for that purpose stating the kind of animal, the circumstances under which received or impounded, and a description thereof sufficient to provide identification, the costs expended for the maintenance of the animal and amounts received arising out of maintenance or sale of animals. (1982 Code § 13-212)
3. **Shall Charge Fees For Services:** The Animal Control Officer shall charge, and the owners of animals taken into his possession for impound, disposal, or other services, shall pay such fees and charges for services performed by the pound or Animal Control Officer as provided in Resolution 1-5-2012. (1982 Code § 13-214; amd. 2000 Code; amd. Resolution 3-1-2012)
4. **Interference Prohibited:** It shall be unlawful for any person to interfere, molest, hinder or obstruct the Animal Control Officer or any of his authorized representatives in the discharge of their duties as herein prescribed. (1982 Code § 13-213)

5-2-3: Animal Pound

The City Council will provide suitable premises and facilities to be used by the City as the dog pound. It shall be maintained in some convenient location and shall be sanitary and so operated as to properly feed, water, and protect the dogs from injury. (1982 Code § 13-251; amd. 2000 Code)

5-2-4: Licensing Requirements

1. **Dog Licensing:**

a. Time for obtaining license; Effective Date:

- i. It is unlawful for any person to keep, harbor, or maintain any dog six (6) months old or older, unless such dog has been registered and licensed in the manner herein provided.
- ii. The fee due and payable pursuant to this Chapter shall be due January 1st, and shall be delinquent after April 1st of each year. A penalty of fifty percent (50%) shall be added to delinquent payments.
- iii. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age after April 1st of any year shall make an

application for registration and license within thirty (30) days after such acquisition, or dog attains the above stated age; provided that the license fee shall be one-half (1/2) of that required for new applications if received after September 15th of any year. (1982 Code § 13-242; amd. 2000 Code)

2. License Fees:

- a. Established: No dog license shall be issued by the City unless the fee required herein, which shall be in such amount as is established by resolution of the City Council, is paid.
- b. Kennel Fees: Anyone owning, keeping, harboring, or maintaining three (3) or more dogs over the age of four (4) months shall be considered operating a dog kennel and shall be required to pay an annual kennel license fee in such amount as is established by resolution of the City Council. (1982 Code § 13-242; amd. 2000 Code)
- c. Expiration: The license fee shall cover the calendar year in which the license was issued, expiring on December 31st of the year of issuance, regardless of the date when issued. (1982 Code § 13-242)

3. License Tag:

- a. Issuance:
 - i. A dog license shall be issued by the Animal Control Officer or such other person as the City Council may authorize. (1982 Code § 13-242; amd. 2000 Code)
 - ii. Upon payment of the license fee, the Animal Control Officer 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.
- b. Duplicate Tag: In case a dog tag is lost or destroyed, a duplicate will be issued by the Animal Control Officer upon presentation of a receipt showing the payment of

the license fee for the current year and the payment of a fee in such amount as are established by resolution of the City Council. (1982 Code § 13-243; amd. 2000 Code)

- c. Tag Not Transferrable: 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. (1982 Code § 13-243)

4. **Licensing Exemptions:**

- a. Temporary Residents: 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, or to commercial kennels.
- b. Guide Dogs: Dogs used as guides for blind persons and commonly known as Seeing Eye dogs shall be licensed and registered as other dogs hereinabove provided; except that the owner or keeper of such dog shall not be required to pay any fee therefore. (1982 Code § 13-242)

5. **Classification of Violation**: A violation of this section is a class B misdemeanor.

5-2-5: Cruelty to Animals Prohibited

It shall be unlawful for any person to:

1. **Treat in Cruel and Inhumane Manner**: Overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel and inhumane manner, any animal or cause any of these acts to be done. (1982 Code § 13-231A)
2. **Abandon**: Abandon or turn out at large any sick, diseased, or disabled animal, but such animal shall, when rendered useless by reason of sickness or other disability, be killed by the owner thereof and its carcass disposed of in such a manner as to create no nuisance or hazard to health. (1982 Code § 13-222)
3. **Kill or Poison**: Willfully to kill any domestic animal, or to administer poison to any such animal or to expose any poisonous substance with the intent that it shall be taken by any such animal. (1982 Code § 13-224)

4. **Fail to Provide Care:** Fail to provide any animal in his/her charge or custody with necessary sustenance, drink and protection from the elements, or cause any of these acts to be done. (1982 Code § 13-231B; amd. Resolution 3-1-2012)
5. **Indecent Exhibit:** Intentionally exhibit any stud, horse or bull or other animal indecently, or let any male animal to any female animal for the purpose of providing entertainment or viewing to any person. (1982 Code § 13-231D)
6. **Maintain Place of Exhibition:** Maintain any place where fowl or any animals are suffered to fight upon exhibition or for any sport upon any wager. (1982 Code § 13-231C)
7. **Classification of Violation:** A violation of this section is a class B misdemeanor.

5-2-6: Vicious Dogs

1. **Unlawful to Own and Possess:** It shall be unlawful for any person to own and possess a vicious dog within the City. Whenever a prosecution for this offense is commenced under this Section, the dog so involved may not be redeemed, pursuant to the provisions of this Chapter, while awaiting final decision of the court as to the disposition to be made of such dog. (1982 Code § 13-250)
2. **Disposition After Conviction of Offense:** Upon the trial of any offense under this Section, the court may, upon a conviction and in addition to the usual judgment of conviction, order the Animal Control Officer or other authorized personnel of the City to put the dog to death or may order such other disposition of the dog as will protect the inhabitants of the City. (1982 Code § 13-250; amd. 2000 Code)
3. **Classification of Violation:** A violation of this section is a class B misdemeanor.

5-2-7: Control of Rabies and Rabid Animals

1. **Rabies Vaccination Required:** It shall be unlawful for the owner of any dog to suffer, allow, or permit such dog to be or go upon any sidewalk, street, alley, public place, or square within the City without first having had such dog vaccinated every two (2) years against rabies, as provided in subsection B of this Section, within the past two (2) years, and without there being on such dog a collar or harness with a license tag thereon showing that such dog has been so vaccinated. (1982 Code § 13-248)
2. **Vaccination by Licensed Veterinarian;** Exception: Every owner of any dog over the age of six (6) months within the City shall have the dog vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate thereof, and

shall attach to the collar or harness, which such person is hereby required to place upon the dog showing that such vaccination had been done. (1982 Code § 13-247; amd. Resolution 3-1-2012)

3. **Reporting of Rabid Animals:** Anyone having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the fact immediately to Animal Control Officer or Moroni City Police Department. The Animal Control Officer or Moroni City Police Department shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal. (1982 Code § 13-228; amd. 2000 Code; amd. Resolution 3-1-2012)
4. **Biting Animal Quarantined:** Any dog or other animal of a species subject to rabies which is known to have bitten or injured any person, or animal, so as to cause an abrasion of the skin shall be placed in confinement under observation of a veterinary hospital or the City Pound and shall not be killed or released until at least fourteen (14) days after the biting or injury has occurred in order to determine whether or not the animal has rabies. If the animal dies or has been killed, it shall be immediately taken, at the owners expense, to the State Health Laboratory to be examined for rabies. (1982 Code § 13-229; amd. Resolution 3-1-2012)
5. **Bitten Animal Quarantined:** 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 known rabid animal shall be isolated in a suitable place approved by the Animal Control Officer for a period of one hundred twenty (120) days or destroyed. (1982 Code § 13-230; amd. 2000 Code; amd. Resolution 3-1-2012)

5-2-8: Animals at Large; Exceptions

No cattle, horses, mules, sheep, goats or swine shall be allowed to run at large or to be herded, picketed or staked out, upon any street, sidewalk or other public place within the limits of the City, and all such animals so found may be impounded. Nothing herein contained shall be so construed as to prevent any person from driving cows, horses, mules, or other animals from outside the City limits to any enclosure within the City limits or from any enclosure within the City limits to a place outside the City or from one enclosure to another within the limits of the City. (1982 Code § 13-221)

1. **Classification of Violation:** A violation of this section is a class B misdemeanor.

5-2-9: Dogs at Large

1. **Unlawful:** It shall be unlawful for the owner or keeper of any dog to permit such dog to run at large.

2. **Private Property:** It shall be unlawful for an owner or a dog to permit such dog to go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.
3. **Violation Regardless of Precautions:** The owner of any dog running at large shall be deemed in violation of this Section, regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running at large.
4. **Declared Nuisance:** Any dog running at large in violation of the provisions of this Section is hereby declared to be a nuisance and a menace to the public health and safety, and the dog shall be taken up and impounded as provided in this Chapter. (1982 Code § 13-224)
5. **Classification of Violation:** A violation of this section is a class C misdemeanor.

5-2-10: Prohibited Acts and Conditions

1. **Disposition of Dead Animals; Violation:** The owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal within ten (10) hours after its death; provided, that no horse, cow, ox, or other animal shall be buried within the closely inhabited portions of the City. A violation of this subsection is a Class C misdemeanor, subject to penalty as provided in Section 1-4-1 of this Code. (1982 Code § 13-225; amd. 2000 Code)
2. **Diseased Animals:** It is a Class C misdemeanor, subject to penalty as provided in Section 1-4-1 of this Code, for any person to bring into the City, or have in his/her possession within the City, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease. (1982 Code § 13-226; amd. 2000 Code; amd. Resolution 3-1-2012)
3. **Sale of Diseased Animals:** It is a Class C misdemeanor, subject to penalty as provided in Section 1-4-1 of this Code, for any person to bring into the City for sale, or to sale, or offer to sale, any cattle, sheep, swine, fish, game, fowl or poultry which is diseased, unsound and unwholesome, or which for any other reason is unfit for human consumption. (1982 Code § 13-227; amd. 2000 Code; amd Resolution 3-1-2012)
4. **Female Dogs in Heat:** The owner of a female dog in heat shall cause such dog to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such dog as to create a public nuisance. (1982 Code § 13-245)

5. **Harboring Stray Dogs:** It shall be unlawful for any person to harbor or keep within the City any lost or stray dog. Whenever any dog shall be found which appears to be lost or stray, it shall be the duty of the finder to notify the City Recorder/Clerk or Animal Control Officer, who shall impound for running at large contrary to the terms of this Chapter. If there shall be attached to such dog a license tag for the then current fiscal year, the Animal Control Officer shall notify the person to whom such license was issued, at the address given on the license. (1982 Code § 13-246)

6. **Loud or Offensive Animals:** 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. This subsection shall not apply to the City dog pound, veterinary hospitals, or medical laboratories. (1982 Code § 13-249; amd. 2000 Code)

7. **Trespassing Animals:** It shall be unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person. (1982 Code § 13-223)

5-2-11: Impounding

1. **Duty of Official to Impound:** It shall be the duty of every police officer or other designated official to apprehend any dog to be found running at large, not wearing his/her tag, or which is in violation of this Chapter and to impound such dog in the pound or other suitable place. The Animal Control Officer, or some other designated official, upon receiving any dog, shall make a complete registry, entering the breed, color and mix of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and number of the license. (1982 Code § 13-252; amd. 2000 Code)

2. **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 dog pound, any dog or dogs liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any dog pound or ambulance, wagon, or other vehicle used for the collecting or conveying of dogs to the dog pound. (1982 Code § 13-256; amd. 2000 Code)

3. **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. (1982 Code § 13-253; amd. 2000 Code)
4. **Redemption of Impounded Dogs:** Any dog impounded as a licensed or unlicensed dog may be redeemed and taken from such pound by the owner or any authorized person, upon exhibiting to the Animal Control Officer or person having charge of said pound, a certificate of registry as provided in subsection (A) of this Section, showing that the license imposed by this Chapter has been paid for such dog and upon paying the person in charge of the pound an impounding fee in such amount as set by resolution of the City Council for each and every day such dog shall have been impounded. All impounded dogs not redeemed within five (5) days shall be adopted or sold for the best price obtainable at either private or public sale, and all monies received from such sales shall be retained by the City. All dogs that are not adopted, sold, or redeemed in the required time shall be disposed of in a humane manner. (1982 Code § 13-254; amd. 2000 Code; amd. Resolution 3-1-2012)
5. **Disposition of Severely Injured or Infected Dogs:** In the case of dogs severely injured or having a contagious disease other than rabies and which in the Animal Control Office's judgment are suffering and recovery is doubtful, the Animal Control Officer may cause the dog to be disposed of in a humane manner without awaiting the five (5) day period. (1982 Code § 13-225; amd. 2000 Code; amd. Resolution 3-1-2012)

5-2-12: Related Utah Code Annotated Sections

City of Moroni hereby adopts the following U.C.A. sections related to the Animal Control Ordinance.

A. U.C.A. 11-46-102 – Definitions

As used in this chapter:

- (1) "Animal" means a cat or dog.
- (2) "Animal Control Officer" means any person employed or appointed by a county or municipality who is authorized to investigate violations of laws and ordinances concerning animals, to issue citations in accordance with Utah law, and take custody of animals as appropriate in the enforcement of the laws and ordinances.

(3) “Animal shelter” means a facility or program:

(a) providing services for stray, lost, or unwanted animals, including holding and placing the animals for adoption, but does not include an institution conducting research on animals, as defined in Section 26-6-1; or

(b) a private humane society or private animal welfare organization.

(4) “Person” means an individual, an entity, or a representative of an entity.

B. U.C.A. 11-46-103 – Stray Animals

(1) Each municipal or county animal control officer shall hold any unidentified or unclaimed stray animal in safe and humane custody for a minimum of five business days after the time of impound and prior to making any final disposition of the animal.

(2) A record of each animal held shall be maintained. The record shall include:

(a) date of impound;

(b) date of disposition; and

(c) method of disposition, which may be:

(i) placement in an adoptive home or other transfer of the animal, which shall be in compliance with Part 2, Animal Shelter Pet Sterilization Act;

(ii) return to its owner;

(iii) placement in a community cat program as defined in Section 11-46-302;
or

(iv) euthanasia.

(3) An unidentified or unclaimed stray animal may be euthanized prior to the completion of the five working day minimum holding period to prevent unnecessary suffering due to serious injury or disease, if the euthanasia is in compliance with written agency or department policies and procedures, and with any local ordinances allowing the euthanasia.

(4) An unidentified or unclaimed stray animal shall be returned to its owner upon:

(a) proof of ownership;

(b) compliance with requirements of local animal control ordinances; and

(c) compliance with Part 2, Animal Shelter Pet Sterilization Act.

C. U.C.A. 11-46-203 – Animal shelters to transfer only sterilized animals, or shall require sterilization deposit.

(1) An animal shelter may not transfer an animal that has not been sterilized, except as provided in Subsection (2) or Section 11-46-206.

(2) An animal shelter may transfer an animal for adoption that has not been sterilized only of the animal shelter:

(a) establishes a written agreement, executed by the recipient, stating that the animal is not sterilized and the recipient agrees in writing to be responsible for ensuring the animal is sterilized:

(i) within 30 days after the agreement is signed, if the animal is six months of age or older; or

(ii) if the animal is younger than six months of age, within 30 days after the animal becomes six months of age; and

(b) receives from the recipient a sterilization deposit as provided under section 11-46-204, the terms of which are part of the written agreement executed by the recipient in accordance with this section.

(3) The shelter may waive the sterilization deposit and release any unsterilized animal to a sponsor, as defined in Section 11-46-302, provided the sponsor is a non-profit organization that qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue Code and provides proof of sterilization within 30 days.

D. U.C.A. 11-46-204 – Sterilization Deposit

(1) A sterilization deposit may be:

- (a) a portion of the adoption fee or purchase price of the animal, which will enable the adopter to take the animal for sterilization to a veterinarian with whom the animal shelter has an agreement that the veterinarian will bill the animal shelter directly for the sterilization;
 - (b) a deposit that is:
 - (i) refundable to the recipient if proof of sterilization of the animal within the appropriate time limits under Section 11-46-203 is presented to the animal shelter not more than three months after the date the animal is sterilized; and
 - (ii) forfeited to the animal shelter if proof of sterilization is not presented to the animal shelter in compliance with Section (1)(b)(i); or
 - (c) a deposit under Section 11-46-206 required for an owner to claim an unsterilized animal impounded at the animal shelter.
- (2) Sterilization deposits under Subsection (1) shall reflect the average reduced cost of sterilization of an animal based on the gender and weight of the animal, that is reasonably available in the area where the animal shelter is located, but the deposit may not be less than \$25.
- (3) If a female animal and her litter are transferred to one person, a sterilization deposit is required only for the female animal.
- (4) All sterilization deposits forfeited or unclaimed under this section shall be retained by the animal shelter and used by the animal shelter only for:
- (a) a program to sterilize animals, which may include a sliding scale fee program;
 - (b) a public education program to reduce and prevent overpopulation of animals and the related costs to local governments;
 - (c) a follow-up program to assure that animals transferred by the animal shelter are sterilized in accordance with the agreement executed under Section 11-46-203; and
 - (d) any additional costs incurred by the animal shelter in the administration of the requirements of this chapter.

E. U.C.A. 11-46-205 – Failure to comply with sterilization agreement.

If a recipient fails to comply with the sterilization agreement under Subsection 11-46-203(2): the failure is ground for seizure and impoundment of the animal by the animal shelter from whom the recipient obtained the animal;

- (1) the recipient relinquishes all ownership rights regarding the animal and any claim to expenses incurred in maintenance and care of the animal; and
- (2) the recipient forfeits the sterilization deposit.

F. U.C.A. 11-46-206 – Sterilization deposit – When required for redemption by owner of impounded animal.

(1) Upon the second impound within a 12-month period and upon any subsequent impound of an animal that is claimed by its owner, an animal shelter may release the impounded animal to its owner only upon payment of all impound fees required by the shelter and:

- (a) receipt of proof the animal has been sterilized; or
- (b) a sterilization deposit.

(2) The sterilization deposit shall be refunded to the owner only if the owner provides proof of sterilization to the animal shelter within 30 days of release of the animal to the owner.

G. U.C.A. 11-46-207 – Penalties

(1) (a) A person who knowingly commits any of violations in Subsection (2) is subject to a civil penalty of not less than \$250 on a first violation, and a civil penalty of not less than \$500 on any second or subsequent violation.

(b) The administrator of the animal shelter imposes the civil penalties under this section.

(2) A person is subject to the civil penalties under Subsection (1) who:

- (a) falsifies any proof of sterilization submitted for the purpose of compliance with this part;
 - (b) provides to an animal shelter or a licensed veterinarian inaccurate information regarding the ownership of any animal required to be submitted for sterilization under this part;
 - (c) submits to an animal shelter false information regarding sterilization fees or fee schedules; or
 - (d) issues a check for insufficient funds for any sterilization deposit required of the person under this part.
- (3) A person who contests a civil penalty imposed under this section is entitled to an administrative hearing that provides for the person's rights of due process.
- (4) All penalties collected under this section shall be retained by the animal shelter imposing the penalties, to be used solely for the purposes of Subsection 11-46-204(4).

H. U.C.A. 11-46-208 – Local ordinances may be no less restrictive.

Local ordinances or the adoption or placement procedures of any animal shelter shall be at least as restrictive as the provisions of this part.

Minors

Section

- Curfew

5-4-1

5-4-1: Curfew

1. That no persons seventeen (17) or younger shall remain upon any of the streets, alleys or public places or vacant lots at night between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M. unless such person is accompanied by a parent, legal guardian or other person having legal custody of such minor person or unless the employment or lawful business of such minor makes it necessary to be upon any of the above mentioned locations between such specified hours, in which event such minor person shall obtain a permit from the City Police accordingly.
2. Notwithstanding the above, it shall be unlawful for a person seventeen (17) years of age or younger except under the circumstances stated above to be on or remain upon school grounds or church grounds between the hours of nine o'clock (9:00) P.M. and five o'clock (5:00) A.M.
3. In the event a minor receives two (2) or more citations for the violation of this section, the parents or legal guardian of said minor may be cited for contributing to the delinquency of a minor or any other similar offense relating to the failure to properly supervise a minor child under their care. (08-04-2010)