

CHAPTER 13-200. ANIMAL CONTROL

PART 13-210. POUNDMASTER

13-211. OFFICE OF POUNDMASTER CREATED. The position of municipal poundmaster is hereby created. The Richmond City Council is hereby empowered to appoint an individual to fill the position of poundmaster at a mutually agreed upon rate of compensation, or said Council may contract the duties and responsibilities of poundmaster with another individual or agency.

13-212. DUTIES OF POUNDMASTER. The poundmaster shall perform the following duties:

- A. Carry out and enforce the provisions of this chapter.
- B. Take into his/her possession and impound all strays running at large and dispose of the same as provided by this chapter.
- C. Enforce the licensing and control of all dogs within the municipality as provided by this chapter.
- D. File complaints in the courts against any person, firm, or corporation failing to comply with the provision of this chapter including obtaining of licenses when required by this chapter.
- 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 the poundmasters charge or otherwise impounded by the poundmaster shall be maintained.
 1. At the discretion of the Richmond City Council pound facilities may be contracted to competent local animal care facilities.
- G. Maintain accurate records concerning all animals reported or apprehended to include but not limited to:
 1. Description of animal sufficient to ensure proper identification.
 2. Circumstances under which the animal was reported, received and/or impounded in sufficient detail to be presented to a court of law.
 3. The costs expended for the maintenance of the animal including disposition if applicable.
 4. Amounts received through the sale of animals if applicable.
 5. Final disposition of the animal.

13-213. LAWFUL TO GO ON PREMISES. In the enforcement of any provision of this chapter, any officer of the law and/or the poundmaster or his/her deputies are authorized to enter the premises of any person or entity to take possession of any fierce, stray, dangerous, or vicious dog or other animal, dogs or other animals at large, or dogs or other animals which have committed an act prohibited by City ordinance, when in fresh pursuit of such dog or other animal at the time the dog or other animal goes onto private property whether registered or unregistered, and as otherwise provided in this chapter and by law.

13-214. INTERFERENCE WITH OFFICER PROHIBITED. It shall be unlawful for any person to interfere, molest, hinder, or obstruct the poundmaster or any of his/her authorized representatives in the discharge of their duties as prescribed by this chapter.

13-215. FEES - SERVICES OF POUNDMASTER.

A. The poundmaster shall charge, and the owners of animals taken into his/her possession for impoundment, disposal, or other services, shall pay such fees and charges for services performed by the pound or poundmaster as the Richmond City Council shall establish from time to time by ordinance or resolution. All fees, including bails under Title 13-254, shall be paid over to the Richmond City Treasurer. In the case of bails being received by the Richmond City Court as a result of a formal citation, the owner or caretaker of the animal must then pay to Richmond City any and all additional administrative, pound, rabies, micro-chipping, and/or licensing costs as applicable to the animal before the release is authorized or adhere to the provisions of Title 13-215.B. below.

B. Should the Richmond City Council contract out the care of such animals, the following protocol will be observed:

1. Payment for all costs associated with impoundment, care and boarding will be paid to Richmond City.

a. A flat \$40.00 impoundment fee to cover all City administrative costs, in addition to other impound related costs, will be applied to any and all animals impounded.

2. Richmond City will provide the owner or caretaker of the impounded animal with a release form, upon payment of all fees, to be presented to the contracting agency. In the case of un-licensed dogs, proof of rabies vaccination and payment of licensing tag will be required in addition to the fees associated with the impounding, care and boarding of the animal.

a. Dogs, whether licensed or not, that have been impounded will have a micro-chip implanted for future identification purposes, at the expense of the owner, prior to being released. Dogs already with an implanted micro-chip are exempt from this requirement.

3. Upon receipt of the release form, the contracting agency will be authorized to release the animal(s) into the custody of the bearer.

PART 13-220. CARE AND KEEPING.

13-221. ALLOWABLE ANIMALS. Domesticated dogs, domesticated cats, and those animals contained under the definition of “animal unit” in the current Planning and Zoning Ordinance to include horses, cows, steers, sheep, goats, rabbits, chickens, pheasants, turkeys, ducks, geese, and pigeons will be allowable within the municipal limits of Richmond City.

Total numbers of said animals, less dogs and cats, will be in keeping with the provisions of the aforesaid ordinance. Animals not listed in the current animal unit definition will be handled on a case-by-case basis presented by the owner to the Richmond City Council. The keeping of pigs is prohibited.

13-222. ANIMALS AT LARGE. No cattle, horses, sheep, goats, or related animals 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 Richmond City, and all such animals so found may be impounded. Nothing contained within this chapter shall be so construed as to prevent any person from driving cows, horses, or other animals from outside the limits of Richmond City to any enclosure within the limits of Richmond City or from any enclosure within Richmond City to a place outside of Richmond City or from one enclosure to another within the limits of Richmond City.

13-223. ABANDONMENT. It shall be unlawful for any person to 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 manner as to create no nuisance or hazard to health. Said owner of the animal in question may contract for the disposal of said animal with person(s) or organization competent to carry out such disposal.

13-224. TRESPASSING ANIMALS AND FOWL. 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. Restitution for damages inflicted by trespassing animals upon property shall be the responsibility of the owner or caretaker.

13-225. KILLING OR POISONING PROHIBITED. It shall be unlawful for any person not lawfully owning the animal to willfully kill any domestic animal(s), or to administer poison to any such animal(s) or to expose any poisonous substance with the intent that it shall be taken by any such animal(s). The sole exception to this provision shall be in the instance of domesticated animals of a predatory nature or heritage that are placing the life or well-being of another domestic animal(s) in jeopardy; however, in no case will the spread of poisonous substance(s) be allowed.

13-226. DEAD ANIMALS. The owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal within ten hours after its death, provided that no horse, cow, steer, sheep, or other animal shall be buried within the closely inhabited portions of Richmond City. A violation of this section is a class C misdemeanor.

13-227. DISEASED ANIMALS. It is a class C misdemeanor for any person to bring into the municipal limits of Richmond City for sale or have in his/her possession with intent to sell or offer for sale, any animal(s) which has/have a communicable disease or which has/have been exposed to or which is/are liable to carry infection from a communicable disease.

13-228. SALE OF DISEASED ANIMALS. It is a class C misdemeanor for any person to bring into the municipal limits of Richmond City for sale or to sell, or offer for sale any cattle, sheep, fish, game, fowl, or poultry which is diseased, unsound, and unwholesome or which for any other reason is unfit for human consumption.

13-229. 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 an elected or appointed official of Richmond City. This information will be promptly reported to appropriate health authorities and the poundmaster. Reports of any person or animal bitten by a rabid or suspected rabid animal will be promptly reported as above.

13-230. BITING ANIMAL QUARANTINED FOR OBSERVATION. 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 placed in confinement under observation of a licensed doctor of veterinary medicine or qualified veterinary staff member 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, the head of said animal shall be immediately removed and taken to the state diagnostic laboratory to be examined for rabies. All expenses associated with the quarantining or examination will be assigned to the animal's owner.

13-231. RABIES CONTACTS 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 rabid animal shall be isolated in a suitable place approved by the poundmaster for a period of one hundred twenty (120) days. If it is confirmed without any doubt that the suspected infected animal definitely has not bitten, scratched, or otherwise been responsible for opening the skin of any human, the animal may be destroyed. All expenses associated with the quarantining, examination, or destruction of the animal will be assigned to the animal's owner.

13-232. UNLAWFUL ACTS. It shall be unlawful for any person to:

A. 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 inhuman manner, any animal or cause any of these acts to be done.

B. Fail to provide any animal in his/her charge or custody with necessary sustenance, drink, and reasonable protection from the elements, or cause any of these acts to be done.

C. Maintain any place where fowls or any animals are suffered to fight upon exhibition or for sport upon any wager.

D. 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 or persons.

PART 13-240. DOGS.

13-241. DEFINITIONS. As used in this ordinance, unless the context otherwise indicates, the following definitions shall apply:

A. **At large:** shall mean 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, or his/her agent or a member of his/her immediate family. A dog shall be deemed under the control of said owner or family member if it is on a leash, cord, or chain.

B. **Dog:** shall mean any male, neutered male, female, or spayed female dog of any age or breed.

C. **Dog of licensing age:** shall mean any dog which has attained the age of four (4) months.

D. **Impounded:** shall mean having been received into the custody of the municipal pound or into the custody of any authorized agent or representative of Richmond City.

E. **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.

F. **Pound:** shall mean an animal shelter, lot, premises, or buildings maintained by or authorized or employed by Richmond City for the confinement or care of dogs seized either under the provision of this chapter or otherwise.

G. **Poundmaster:** shall mean the custodian selected by the Richmond City Council to be responsible for the operation of the dog pound and/or duties as contained in 13-212.

H. **Unlicensed dog:** is hereby defined and declared to mean a dog for which the license fee for the current year has not been paid, or to which the tag provided for in this part is not attached.

I. **Vicious dog:** means a dog that has bitten without provocation or a dog that has a known propensity to attack or bite.

13-242. LICENSE AND REGISTRATION REQUIRED.

A. It is unlawful for any person to keep, harbor or maintain any dog four (4) or more months of age unless such dog has been registered and licensed in the manner herein provided.

B. Application for registration and licensing shall be made to the poundmaster or such

other person as the Richmond City Council may authorize to receive such applications.

C. Dog licenses shall be issued by Richmond City upon payment of a license fee. The fee schedule shall be:

1. Between January 1st and the last day of February of each year:

- | | |
|--|---------|
| a. Each neutered male or spayed female | \$5.00 |
| b. Each intact male or female | \$10.00 |

2. Between March 1st and December 31st of each year with the exception of conditions as set forth in 13-242.D:

- | | |
|--|---------|
| a. Each neutered male or spayed female | \$10.00 |
| b. Each intact male or female | \$20.00 |

D. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age on or after March 1st of any year shall make an application for registration and license within twenty (20) days after such acquisition or the dog attaining the above stated age. Following such application, the license shall be issued at the fee rate established for the January 1st to last day of February rate. Owners who falsify statement(s) relative to acquisition or age date are subject to the penalties associated with perjury.

E. At the time of application the owner shall provide the following information and documentation.

1. Name and physical address of the owner.
2. Name, physical address, breed, and color characteristics of the dog.
3. Certified proof of current rabies vaccination.
4. If applicable, certified proof of neutering/spaying of the animal.

F. The license and fee shall expire on December 31st of each year regardless of the date when the current license was issued.

13-243. EXCEPTIONS.

A. The provisions of this section are not intended to apply to dogs whose owners are nonresidents temporarily within the municipality, nor to dogs brought to the municipality for the purpose of participating in any dog show, nor to temporary housing in commercial kennels.

B. Temporary dogs may be kept, boarded, harbored, or maintained within the city for a period not to exceed thirty (30) days. Anyone keeping, boarding, harboring, or maintaining a dog on a temporary basis shall notify the Richmond City Office within five (5) days of receiving

said dog and record with the Richmond City Office the date the dog entered the city on a temporary basis. Anyone keeping, boarding, or maintaining a temporary dog within the city who fails to notify the Richmond City Office is in violation of this chapter. Temporary dogs must have a valid rabies certificate and current license issued by the city or county of permanent residence while in the city. Veterinary clinics are exempt from this provision. The Richmond City Office will notify the poundmaster or other designated authority of the presence of said dog(s).

1. Dog(s) being kept, boarded, harbored, or maintained on a temporary basis will be subject to all requirements relative to maintaining control over the dog(s). Refer to 13-245.

C. Individual dogs used as guides for blind persons and commonly known as seeing eye dogs shall be licensed and registered as other dogs except that the owner or keeper of such dog shall be exempt from the payment of any fee. Multiple ownership of guide or seeing eye dogs shall fall under the provisions of 13-260.

13-244. TAG AND COLLAR. Upon payment of the license fee, the poundmaster or designated member of the Richmond City Office shall issue to the owner a license certificate and a tag for each dog so licensed. The tag shall be changed every year and shall have stamped thereon 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, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the poundmaster or designated member of the Richmond City office staff upon presentation of a receipt showing the original payment of the license fee for the current year and the payment of two dollars (\$2) for such duplicate. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of the death of the dog or because of the owner leaving Richmond City before expiration of the license period. It shall be unlawful to deprive a registered dog of its collar and/or tag.

13-245. RUNNING AT LARGE PROHIBITED.

A. It shall be unlawful for the owner or keeper of any dog to permit such dog to run at large.

B. It shall be unlawful for an owner of 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.

C. 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.

D. 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 by this chapter.

E. A dog shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper unless such dog is in the immediate presence of the owner, possessor or keeper thereof or his/her agent, or a member of his/her family and under the actual physical control by means of a leash, cord or chain, or under consistent and demonstrable audio control, whether verbal or mechanical in nature. Procuring a license and tag shall not authorize the running at large of said dog.

13-246. FEMALE 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 female dog so as to create a public nuisance.

13-247. STRAYS. It shall be unlawful for any person to harbor or keep within the municipality any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the poundmaster or the Richmond City Office who shall impound said dog for running at large contrary to the terms of this part. If there shall be attached to such dog a license tag for the current fiscal year, the poundmaster shall notify the person to whom such license was issued, at the address given in the license.

13-248. RABIES AND RABIES SHOT REQUIRED.

A. Every owner of any dog over the age of six (6) months within the corporate limits of Richmond City shall have the dog vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate of proof, 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.

B. It is 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 municipality without first having had such dog vaccinated against rabies as above provided within the past three (3) years, and without there being on such dog a collar or harness with a license tag attached showing that such dog has been so vaccinated. In the case of a dog being vaccinated for the first time, the rabies tag must be current within one (1) year.

13-249. DOGS WHICH DISTURB NEIGHBORHOOD. No person, persons, firm, or corporation 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, nor any dog which molests passers-by, chases vehicles, habitually attacks or destroys other domestic animals, or trespasses upon school grounds or upon private property in such a manner as to damage property. Any dog falling into the above listed categories is hereby declared a nuisance, and each day a violation is permitted to exist or continue shall constitute a separate offense. A violation of this section shall be a class C misdemeanor. This section shall not apply to the municipal dog pound or veterinary hospitals.

13-250. VICIOUS DOGS - SPECIAL PROVISIONS.

A. It shall be unlawful for any person to own or possess a vicious dog within the limits of Richmond City. It shall be unlawful for any person owning or having custody or control of any dog known by such person to be vicious or dangerous to permit or negligently allow it to run at large, or permit or negligently allow it to run loose or within the premises of such person in such a manner as to cause injury to any person or other animal. 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 part, while awaiting final decision of the court as to the disposition to be made of such dog.

B. Any vicious dog running at large or loose within the premises of the owner or person having custody or control of such dog where it is reasonably likely to endanger the life or limb of or cause injury to any person lawfully entering such premises, shall immediately be captured by the poundmaster, his/her deputies, or any police officer and humanely destroyed or quarantined as provided.

C. If the capture of such dog cannot be accomplished without serious risk or harm to the poundmaster, his/her deputies, or police officers, such dog may be destroyed by these personnel by the safest and most appropriate means available. It shall be the duty of the owner or person having custody or control of any vicious dog, upon request, to assist in the capture of such dog.

D. Any person violating this section shall be punished by imprisonment not to exceed six months and/or by paying a bail not to exceed two hundred ninety-nine (\$299) dollars.

E. Upon the trial of any offense under this part, the court may, upon conviction and in addition to the usual judgment of conviction, order the poundmaster or other authorized personnel of the municipality to put the dog to death or may order such other disposition of the dog as will protect the inhabitants of the municipality.

13-251. DOG POUND. The Richmond City Council may contract with some humane person as poundmaster, with an adjoining municipality or with the county for the purpose of providing suitable premises and facilities to be used by the municipality 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. Part 13-212.F.1 may apply at the discretion of the Richmond City Council.

13-252. IMPOUNDING. It shall be the duty of the poundmaster, every police officer, or other designated official to apprehend any dog found running at large, whether or not wearing his/her tag, or which is in violation of any portion of this Part and to impound such dog in the pound or other suitable place. For each incident formal citations are to be issued by legal authority, or an information duly filed by the City Prosecutor in response to a complainant. If the poundmaster or other law enforcement officers can confirm that no previous violation of record has occurred attributable to the owner or animal in the previous twelve (12) month period, he/she is authorized to issue one (1) warning before being required to issue a citation; however, a record of the warning is to be submitted to the Richmond City Office for inclusion into the master record file. Said file is to be consulted before a warning is issued in lieu of a citation. The poundmaster or some other designated official, upon receiving any dog, shall make a complete registry, entering

the breed, color and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and number of the license.

13-253. RECORD OF IMPOUNDING DOGS. The poundmaster 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.

13-254. REDEMPTION OF IMPOUNDED DOGS.

A. 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 poundmaster or person having charge of said pound or facility, a certificate of registration as provided in Title 13-242, showing that the license imposed by this part has been paid for such dog, as required, and a certificate of release as provided in Title 13-215. In addition to fees associated with registration and impoundment costs, bails will be paid in keeping with the provisions of Title 13-255.

B. In addition to the above noted bail, the owner must also pay all costs for boarding said dog. If applicable, the owner must also obtain or provide proof of rabies vaccination and any licensing fees for said dog. Refer to 13-215.B.

C. All impounded dogs not redeemed within three (3) working days shall be sold for the best price obtainable at either private or public sale, and all moneys received from such sales shall be paid daily to the treasurer. All dogs that are not adopted, sold or redeemed in the required time shall be disposed of in a humane manner per 13-256.

13-255. ASSIGNMENT OF OFFENSES AND BAIL RATES.

A. For the purpose of this ordinance, offenses will be assigned in one of two ways. If the animal involved is licensed, each offense will be assigned separately to that animal no matter who claims ownership or guardianship. If the animal is not licensed, and ownership can be determined, the offense will be assigned to the owner or the address where the animal belongs.

B. Offenses will be cumulative; however, if either the animal or the owner/address goes without subsequent offense for a period of twenty-four consecutive months, the record will be erased and returned to a zero offense status.

C. Bail rates for offenses involving animals will be as follows. Property or other material damages will be handled separately and in addition to the bail. Unless the Court rules otherwise, the maximum amount will be considered the norm.

1. First offense – a maximum of twenty-five dollars (\$25.00).
2. Second offense – a maximum of fifty dollars (\$50.00).

3. Third offense – a maximum of one hundred dollars (\$100.00).
4. Fourth offense – a maximum of two hundred dollars (\$200.00).
5. Fifth offense – a maximum of five hundred dollars (\$500.00).

6. Subsequent offenses shall be considered Class C misdemeanors with each separate offense being treated individually by the Court.

13-256. DISPOSITION OF UNCLAIMED AND INFECTED DOGS. All impounded dogs not redeemed within three (3) working days of the date of impounding may be destroyed or sold to the person first making written request for purchase at such price as may be deemed agreeable; dogs will be scanned for microchip implanting prior to disposition as outlined above. In the case of dogs severely injured or having contagious disease other than rabies and which in the poundmaster's judgment are suffering and recovery is doubtful, the poundmaster may destroy the dog without awaiting the expiration of the three (3) working days period.

13-257. INTERFERENCE WITH IMPOUNDING PROHIBITED. It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the poundmaster or any of his/her 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.

13-258. DOGS ATTACKING PERSONS OR ANIMALS.

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

B. The owner in violation of subsection A of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A of this section, the owner of such dog shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.

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

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

13-259. DOGS ON UNENCLOSED PREMISES; PLACES PROHIBITED.

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

B. It shall be unlawful for any person to take or permit any dog, 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. Seeing eye dogs are exempt from this section.

PART 13-260. KENNELS.

13-261. DEFINITION AND ESTABLISHMENT. Anyone, other than a licensed veterinary clinic, owning, keeping, harboring, or maintaining three (3) or more dogs over the age of four (4) months at any given address shall be considered to be operating a dog kennel. Individuals, families, multiple occupants of a single dwelling, companies, corporations, or other combinations considering the establishment of a kennel must adhere to the provisions listed below.

A. Obtain a conditional use permit. In considering each application for a conditional use permit relating to a dog kennel, the planning commission shall consider, among other things, the zone in which the conditional use is proposed, the size of the lot involved (refer to 13-261.B below), the proximity of the proposed kennel to neighbors, the proposed size of the kennel, its placement on the property, and the proposed number of dogs, whether less than four (4) months old or four months (4) and older. Each permit shall clearly state the maximum number of dogs to be allowed, regardless of age. An agreement signed by all neighbors (immediately adjacent and directly across from the proposed kennel) must be submitted to the planning commission with each application.

B. Within the corporate limits of Richmond City, a minimum of twenty thousand (20,000) square feet of ground, including buildings, shall be required for the establishment of a kennel.

C. Each conditional use permit shall be granted for a maximum of three (3) calendar years and shall expire on December 31st of the third (3rd) year regardless of the month in which it is granted. Renewals must be applied for and granted prior to the expiration date.

13-262. FEES.

A. Upon successful attainment of a conditional use permit, pay an annual kennel license fee of fifty dollars (\$50) per year. Said fee is due by the last day of February of each year. Effective March 1st, the fee will increase to one hundred dollars (\$100) plus any other bails or penalties which may be assessed.

1. The sole exception to this schedule is should the conditional use permit be granted on or after March 1st. In such an instance the annual fee will be fifty dollars (\$50) for

the balance of the first year with the provisions of 13-262.A being in effect thereafter.

2. All kennel license fees expire on December 31st of each year irregardless of the calendar date issued.

13-263. TEMPORARY RESIDENCE. The provisions of 13-243.B apply in the case of three (3) or more dogs being held temporarily, but the thirty (30) day time limit will be strictly enforced. Should the temporary presence of such dogs be necessary, the boarder/owner is strongly encouraged to consult with neighbors prior to the introduction of said animals.

13-264. CARE AND OPERATION REQUIREMENTS. Kennel owners are required to maintain their animals in a healthy condition. Negligence of animals in a kennel situation will be considered grounds to revoke the conditional use permit.

A. Kennel owners must establish the physical environment in such a manner that the kennel area may be readily and frequently cleaned.

B. Fecal material must be disposed of in a sanitary manner. Feces and urine must be cleaned from the kennel area often enough to prevent odors that might be offensive to neighbors from developing. Likewise the owner must take every reasonable precaution to prevent conditions that would encourage a prevalence of flies or other insects/rodents from infesting the area.

C. Adequate shelter for normal, year-around weather conditions shall be provided.

D. Adequate food and water shall be provided to ensure the maintenance of each animal's health.

E. Adequate space must be provided for each canine.

13-265. PRE-EXISTING KENNELS. Existing *de facto* kennels at the time of the passage of this ordinance are protected from the 20,000 square feet of land requirement and need to obtain a conditional use permit but are subject to the license fee payment. *De facto* kennels must adhere to the provisions of 13-264 or their status will be immediately revoked. Should the *de facto* kennel cease to function for one (1) calendar year, or should ownership of the property change without immediate assumption of identical kennel use, said protection is lost.

1. For the purposes of this chapter, a *de facto* kennel shall be defined as any individual/family who has three or more dogs legally licensed at his/her/their residence as of January 31, 2003.

13-266. LICENSING OF KENNEL ANIMALS. Dogs held within kennels are subject to the requirement for individual licensing.

PART 13-270. WILD, FIERCE, DANGEROUS, OR VICIOUS ANIMALS.

13-271. PROHIBITIONS. It shall be unlawful for any person to sell, possess, offer for sale, barter, give away, keep, or purchase any wild or vicious animal as defined in 13-272 below, which is fierce, dangerous, noxious, or naturally inclined to do harm, except the animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, itinerant circus/sideshow/amusement show, or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

13-272. APPLICABLE DEFINITIONS RELATIVE TO SPECIFIC WILD, FIERCE, DANGEROUS, OR VICIOUS ANIMALS.

A. Wild animal: Any animal of a species that in their natural life are wild. Those animals, however domesticated, shall include, but are not limited to:

1. Alligators and crocodiles.
2. Bears (ursidae). All bears including grizzly bears, brown bears, black bears, etc.
3. Cat family (felidae). All except the commonly accepted domesticated cats, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.
4. Dog family (canidae). All except domesticated dogs, and including wolf, fox, coyote, dingo, etc.
5. Porcupine (erehizontidae).
6. Primate (hominidae). All sub-human primates.
7. Raccoon (prosynnidae). All raccoons including eastern raccoon, desert raccoon, ring-tailed cat, etc.
8. Skunks.
9. Venomous fish and piranha.
10. Venomous snakes and/or lizards.
11. Weasels (muselidae). All including weasels, martens, wolverines, badgers, otters, ermine, mink, mongoose, etc., except that persons raising members of this family as a business for their pelts shall not be prohibited by this ordinance providing that the owner has and maintains a valid business license issued by Richmond City.

B. Vicious animal: Any animal which is dangerously aggressive, including but not limited to any animal which has bitten or in any other manner attacked any person or animal.

Refer also to 13-241.I and 13-250 of this chapter.

13-273. VIOLATORS. Any person found in violation of Section 13-271 will be subject to the legal and lawful penalties of a Class B misdemeanor under current provisions of Utah law.

PART 13-280. ESTRAYS.

13-281. DEFINITION. This term applies to any stray or unclaimed domestic animal, and when used in this ordinance is further defined as to mean any valuable animal, except dogs and cats, not wild, found wandering from its owner.

13-282. IMPOUNDING AND DISPOSAL OF ESTRAYS, GENERALLY. It is hereby made the duty of the poundmaster to take into his/her possession and impound at a duly designated location all estrays running at large, and to dispose of the same as hereinafter provided.

13-283. NOTICE OF SALE OF ESTRAYS.

A. Within three (3) days after an estray shall come into the possession of the poundmaster, and remain in the classification of estray, the poundmaster shall advertise the fact in a newspaper published in and having general circulation in Cache County through publishing at least one (1) notice in said paper. The poundmaster will also cause to be posted a general notice of facts in at least three (3) locations within the limits of Richmond City, at least one (1) location shall be in or near the post office. Further, the poundmaster will deliver or mail by registered letter one (1) copy of said notice to the Cache County Clerk with the copy of said notice being so filed with the clerk as to be available during reasonable hours for inspection by the public free of charge. The notice so provided for shall contain a description of the animal(s), including all marks and brands, when taken, and the day, hour, and place of sale, and may be substantially in the following form:

“NOTICE

State of Utah, County of Cache,
In the City of Richmond,

I have in my possession the following described estray animal(s), which, if not claimed and taken away, will be sold at public auction to the highest cash bidder at the [location of municipal pound or designated point of detention] in the City of Richmond on the [date] of [month], [year], at the hour of [hour of sale];

[Description of animal(s)]

The estrays were taken up by me within the corporate limits of Richmond City on the [date] day of [month], [year].

[signature]

Poundmaster of Richmond”

B. In the case of domestic animals subject to branding, the Poundmaster shall, within forty-eight (48) hours after apprehension of said animal(s), notify the local Brand Inspector and local law enforcement representatives.

13-284. RETURN TO OWNER ON PAYMENT OF COSTS - SALE. If at any time before the sale of any estrays, such animal(s) shall be claimed and proved to be the property of any person, the poundmaster shall deliver it/them to the owner upon receiving from him the cost of impounding, keeping and advertising the same. If the animal(s) are not so claimed and taken away, he/she shall, at the time and place mentioned in the notice per 13-283, proceed to sell the same, one at a time, to the highest cash bidder, and shall execute and deliver a bill of sale transferring said animal(s) to the purchaser(s) thereof, which bill of sale shall be substantially in the following form:

“I hereby certify that in pursuance of the law regulating the disposal of estrays and trespassing animals, I have this day sold to [name(s) of purchaser(s)] for the sum of \$[amount of sale], he/she/they being the highest bidder, [quantity number] head of [type of animal] branded with the Richmond City stray brand and otherwise described as follows, to wit:

[Description of animal(s)]

Witness my hand this [date] day of [month], [year].

[signature]

Poundmaster

City of Richmond

State of Utah”

The poundmaster shall immediately file a copy of such bill of sale with the Cache County Clerk or forward the same to him/her by registered mail. Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus sold.

13-285. RECORD OF ESTRAYS. The poundmaster shall keep an accurate record of all estrays received by him/her, their age, color, sex, marks and brands (if present), the time and place of taking and the expense of keeping and selling the same, all animals claimed and taken away, all animals sold and to whom sold and the amount paid, all moneys paid to owners after sale, all moneys paid into the Richmond City treasury, and all other matters necessary to a compliance with the provision of this part. The Richmond City Council shall provide the poundmaster with suitable books or devices in which shall be entered the records required by law to be kept by the poundmaster. Such records shall be open to the inspection of the public in keeping with the Government Records Management Act at all reasonable hours, and shall be deposited by the poundmaster with his/her successor in office.

13-286. TRESPASSING ANIMALS - DAMAGING - IMPOUNDING. If any cattle, horses, asses, mules, sheep, goats or other domesticated animal (save dogs and cats) shall trespass or do damage upon the premises of any person, the party aggrieved, whether he/she be the owner or the occupant of such premises, may recover damages by an action at law against the owner of the trespassing animals or by distraining and impounding the animals in the manner provided.

13-287. APPRAISEMENT OF DAMAGES. The owner or occupant of any property may detain any or all of said animal(s) trespassing or doing damage thereon. He/she shall, within

twenty-four (24) hours thereafter, deliver said animal(s) to the poundmaster together with a certificate of the appraisalment of the damage done by such animal(s). Such appraisalment must be made by some disinterested person. It must state the amount of the damage, the time when committed, the name of the person whose property or person upon which the damage was inflicted, the name of the owner of the animal(s), if known, and if not known, it must state that fact together with a description of the animal(s), including all visible marks and brands. If the animal(s) appear to be owned by different parties, a separate appraisalment and a separate certificate thereof shall be made of the damage done by the lot or group of animals which appear to belong to each of the different owners. In such cases, the owners shall be notified separately, and each lot or group of animals shall be advertised and sold separately in the same manner as though the damage had been done by different animals and different times.

13-288. OWNER TO BE NOTIFIED. The person distraining the animal(s) must, if the owner of the same be known to him/her and if he/she resides within ten miles of the place of the trespass, immediately deliver to such owner, or leave at his/her place of residence if he/she cannot be found, a copy of such certificate of appraisalment; but if the owner does not live within ten miles of the place of trespass, the party distraining the animals may at his/her option deliver a copy of such certificate to the owner in person, or deposit the same in the nearest post office in a registered letter addressed to said owner. He/she shall be entitled to charge the amount currently allowed by the Internal Revenue Service for travel reimbursement by personal vehicle against the owner of the animal(s) for the one-way distance by shortest route between the person distraining the animal(s) and the residence of the owner of said animal(s), said charges to be taxed as costs against the animal(s).

13-289. FAILURE TO NOTIFY WAIVES DAMAGES. If the party distraining any animal(s) shall fail to deliver them or the certificate of appraisalment to the poundmaster within forty-eight (48) hours, or shall fail to deliver to the owner(s) of the animal(s), if known, a copy of the certificate of appraisalment with twenty-four (24) hours after he/she receives the same or to deposit the same in a post office as herein provided, he/she shall not be entitled to recover damages under the provisions of this part.

13-290. WHERE OWNER UNKNOWN - DUTY OF POUNDMASTER. Whenever any animal(s) is/are delivered to the poundmaster and the certificate of appraisalment is filed with him/her as herein provided and such certificate states that the owner is unknown, the poundmaster shall immediately examine all brand or brand sheets in his/her possession or readily attainable from a valid source of such records. If the owner(s) be ascertained thereby or if the owner(s) be already known to the poundmaster, he/she shall, if the owner(s) lives within ten miles, immediately deliver a copy of such certificate of appraisalment to such owner(s), or leave the same at his/her residence if he/she cannot be found. If the owner(s) lives more than ten miles away, the poundmaster may, at his/her option, deliver such copy personally to the owner(s), or deposit the same in the nearest post office in a registered letter addressed to such owner(s). He/she shall, however, serve a copy in one of the ways provided within this chapter; provided that whenever personal service of a copy of any paper is required by this chapter, service by agent shall be deemed sufficient.

13-291. NOTICE OF SALE OF DISTRAINED ANIMALS. As soon as any such animal(s)

is/are delivered to the poundmaster, he/she shall immediately proceed to advertise the same as provided below except when the owner is known and has been notified, in which case he/she shall hold said animal(s) forty-eight (48) hours before advertising the same. He/she shall advertise the fact in a newspaper published in and having general circulation in Cache County through publishing at least one (1) notice in said paper. The poundmaster will also cause to be posted a general notice of facts in at least three (3) locations within the limits of Richmond City, at least one (1) location shall be in or near the post office. Further, the poundmaster will deliver or mail by registered letter one (1) copy of said notice to the Cache County Clerk with the copy of said notice being preserved and posted by said Cache County Clerk. The notice herein provided for shall state the time when the damage was done and the amount thereof, the name of the party damaged, a description of the animal(s), including all visible marks and brands, and the day, hour, and place at which such animal(s) will be sold, which shall not be less than ten (10) or more than twenty (20) days from the time of posting such notice. The notices shall be substantially in the following form:

“SALE OF ANIMALS FOR DAMAGE

State of Utah, County of Cache,

In the City of Richmond,

I have in my possession the following described animal(s), which, if not claimed and taken away, will be sold at public auction to the highest cash bidder at the [location of municipal pound or designated point of detention] in the City of Richmond on the [date] of [month], [year], at the hour of [hour of sale];

[Description of animal(s)]

The above described animals are held by me to secure the payment of \$ [amount of damages plus any associated fees] for damages done by those by those animals on the premises of [location and property owner suffering damages] on the [date] day of [month], [year].

[signature]

Poundmaster of Richmond”

13-292. OWNER MAY PAY AND TAKE ANIMALS - DISPUTED APPRAISAL. The owner(s) of any trespassing animal(s) taken up under the provisions of this part may at any time before the sale thereof claim and take such animal(s) away upon paying the amount of damages set forth in the certificate of appraisal and the accrued costs, and if such animal(s) is/are included in a lot or group of animals belonging to other parties against which the damages and costs are assessed as a whole, he/she shall pay his/her proportion of the total amount of damages and costs assessed against such animals, according to the number of animals he/she owns when compared with the number of the entire lot or group. If he/she deems the appraisal too high, he/she may choose another appraiser having the qualifications herein provided who with the first appraiser shall make a new appraisal, and if they cannot agree, they shall choose a third appraiser, and the three shall proceed to make another appraisal, and the decision of the majority shall be final.

13-293. SALE - BILL OF SALE. If such animals are not claimed and taken away by the

owner, the poundmaster shall, at the time and place set forth in the notice of sale, proceed to sell such animals, one (1) at a time, to the highest cash bidder. If the owner of any lot of animals to be sold is known, the poundmaster shall sell only enough of said animals to pay the damages and costs, the remainder may be turned over to the owner at any time thereafter; but if the owner be unknown, the poundmaster shall proceed to sell all of said animals so advertised for sale. He/she shall execute and deliver a bill of sale therefor, and file a copy with the Cache County Clerk as previously described with this chapter.

13-294. REDEMPTION WITHIN NINETY DAYS. The owner of any trespassing animal(s) sold under the provisions of this part may, at any time within ninety (90) days of the date of such sale, redeem such animal(s) from the purchaser or assignee having the same in his/her possession, upon paying to such purchaser or assignee the sum for which such animal(s) were originally sold, together with an additional ten (10) percent and reasonable compensation for the care and keeping of the same. If such purchaser or assignee refuses to give up such animal(s) on the owner proving his/her title to the same and on his/her tendering the amount due as herein provided, such owner may maintain an action at law to recover the same, provided that the purchaser or any assignee who has disposed of such animal(s) shall not be liable to such owner in any amount. If redemption of such animals is not made within ninety (90) days after the date of such sale, such sale shall be absolute and shall vest the title to such animal(s) in the purchaser or assignee. Any person selling or disposing of any such animal(s) within ninety (90) days of its sale under the provision of this part shall notify the purchaser of the same of the date of the original sale and the amount paid for such animal(s) at that time, and if he/she fails to do so, he/she shall be liable for any loss that may accrue to such purchaser by reason of such animal(s) being redeemed for an amount less than he/she paid therefor.

13-295. OWNER ENTITLED TO RESIDUE OF PROCEEDS. If any estrays or trespassing animals sold under the provisions of this part shall, within a period of six (6) months following the date of sale, be claimed and proved to be the property of any person, it shall be the duty of the treasurer at the expiration of such time to pay the money received for such animal(s) to the owner thereof, less the amount of damages and the expense of taking, keeping, and selling the same. In the event such animal(s) are not claimed as aforesaid, such money shall become the property of Richmond City, provided that in case there is a contest between two (2) or more persons claiming to be the owners of any such animal(s), the treasurer shall pay the residue to the party who shall establish by action his/her right to the same.

13-296. RECORD OF TRESPASSING ANIMALS. The poundmaster shall keep an accurate record of all trespassing animals received by him/her, which record shall contain all the items required by this part together with the names of the injured party and the owner of the animals, the amount of the damages claimed, and all other matters necessary to a complete account of the transaction. Such record shall be open for inspection in keeping with the Government Records Management Act at all reasonable hours without charge, and shall be deposited by the poundmaster with his/her successor in office.

13-297. RETAKING ANIMALS UNLAWFULLY. It shall be unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same under the provisions of this part, either by stealth, force, fraud, or to intercept or hinder any person

lawfully taking up or attempting to take up such animals.

ADOPTED AND PASSED by the Richmond City Council this 14th day of January, 2003.

Kip E. Panter
Mayor

ATTEST:

Boyd A. Lewis
Recorder

- - - - -

Posting Date: January 15, 2003

CERTIFICATE OF DUE POSTING

I, BOYD A. LEWIS, City Recorder of Richmond, Cache County, Utah, do hereby certify that on the 15th day of January, 2003, in the City of Richmond, County of Cache, State of Utah, was posted the foregoing Ordinance 2003-2 in a likely manner, a copy of which is hereunto attached, in each of the three most public places in the said City of Richmond, to wit:

- 1. Richmond City Office.
- 2. Richmond Public Library.
- 3. Richmond City Post Office.

WITNESS my hand this 15th day of January, 2003.

Boyd A. Lewis
Richmond City Recorder