

BOULDER TOWN ORDINANCE NO. 60

AN ORDINANCE REGULATING THE ACTIONS OR OMISSIONS
OF OWNERS OR OTHERS HAVING CONTROL OF DOGS IN BOULDER TOWN

WHEREAS the Boulder Town Council believes it is in the best interest of the citizens of Boulder Town to regulate the actions or omissions of owners or others having control of dogs;

THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

1. No person or entity within the boundaries of Boulder Town, State of Utah, that owns or has control over a dog or dogs shall allow the dog(s) to disturb the peace and quiet enjoyment of another person; or to disturb or endanger the health or welfare of another person or neighborhood. Any of the following acts or omissions constitutes a nuisance *per se* and constitutes a violation of this Ordinance:

a) Allowing a dog or dogs to bark, howl, growl, yelp or make other noises for a continuous period of thirty (30) minutes, or intermittently in excess of sixty (60) minutes, at a volume that such noise is heard by persons located off the property where the dog(s) are kept.

b) Allowing a dog or dogs to emit noxious or offensive odors that are smelled by persons located of the property where the dog(s) are kept for a continuous period of thirty (30) minutes, or intermittently in excess of sixty (60) minutes.

c) Allowing a dog or dogs that are known to have previously bitten or attacked another human being without provocation to bite or attack another human being without provocation.

Violators of this Ordinance are entitled to receive a verbal or written warning for the first offense under this Ordinance. Law enforcement officers or other persons authorized by Boulder Town to enforce this Ordinance shall keep a written record of the date, time and location of the warning given. Citations will only be issued for violations occurring following issuance of a warning. If no citation is issued within thirty (30) days following issuance of a warning, violators are entitled to receive another warning prior to issuance of a citation for violations occurring following the prior warning.

2. A violation of this Ordinance shall constitute a Class C Misdemeanor and, upon conviction, the violator may be punished in accordance with the jail sentence and fines provided under Utah State law for Class C Misdemeanors. Violations of this Ordinance may also be abated through civil actions in court brought by the State of Utah, Garfield County, Boulder Town, or any private individual who is a victim of a violation of this Ordinance.

3. Any victim or any other person reasonably acting to protect a victim or a victim's property who is being bitten or attacked by a dog may destroy the dog if reasonably necessary to do so to protect the person or property.

4. It is the opinion of the Town Board of Boulder Town that it is necessary to the preservation of health, safety and welfare of the residents of Boulder Town, State of Utah, that this Ordinance take effect immediately. Therefore, this Ordinance shall take effect immediately upon passage and posting.

DATED this 18th day of September, 2008.

BOULDER TOWN:

Mayor

Attest:

Town Clerk