

**Procedure for
Responding to Animal Control, Nuisance Animals Complaints.**

In order to assist River Heights City residents in resolving the problem of Nuisance Animals, a detailed explanation of the process and procedures is offered by River Heights City, Utah.

Summary

All complaints regarding Nuisance Animals should be directed to the Cache County Sheriff's Office, Animal Control. (435 755-1000)

During all responses to complaints; Animal Control will verify compliance with Licensing and Vaccination Ordinance(s) and issue the appropriate citation(s) for violations. Any animals required by ordinance, vaccination for rabies; and found without current rabies vaccination documentation or tag will be impounded to protect public safety. The animal may be redeemed from impound by providing written proof of rabies vaccination; or by paying the impound fees and obtaining a rabies vaccination within (72) hours of release.

1. FIRST offense within a 12 month period:

- a. Complainant will be advised to maintain a voluntary log of future disturbances. (*Logs are available at the City offices and website (www.riverheights.org) and may be used as evidence during legal hearings.*)
- b. Animal Control may issue a "Courtesy" warning and require that the owner of the animal comply immediately with the Animal Control and Noise as Nuisance Ordinances. (A citation may be issued for egregious violations at the discretion of the responding officer.)

2. SECOND offense within a 12 month period:

- a. The responding officer will attempt to witness the violation. If the officer fails to witness the violation, the complainant will be asked to sign a complaint/affidavit and be advised to maintain a voluntary log of future disturbances. (*Logs are available at the City offices and website (www.riverheights.org) and may be used as evidence during legal hearings.*)
- b. Animal Control will issue a citation for any additional violations and require that the owner of the animal comply immediately with the Animal Control and Noise as a Nuisance Ordinances.

3. THIRD offense within a 12 month period:

- a. The responding officer will attempt to witness the violation. If the officer fails to witness the violation, the complainant will be asked to sign a complaint/affidavit and provide any Logs kept by the complainant with the last 12 months.
- b. Animal Control will issue a citation for any additional violations, require that the owner of the animal comply immediately with the Animal Control and Noise as a Nuisance Ordinances and a request will be made to the city attorney for a license revocation hearing to be set. All parties related to the case may be subpoenaed to court to testify.

Detailed Procedures for Cache County Sheriff's Animal Control, in enforcement of River Heights City's Animal Control/Noise as a Nuisance Ordinance(s)(5-2)(3-4-5).

Animal Control will log the complaint and notify the responding officer of the number of complaints regarding the particular animal within a prior twelve (12) Month period. For the purposes of these procedures: an "offense" is defined as any single "visit/response" by a responding officer in responding to a complaint or scheduled follow-up compliance visit; wherein any "Courtesy" warnings or citations are issued; regardless of the number of citations issued during any single visit/response. More than one visit/response may be made by Animal Control with a (24) hour period.

- During all responses to complaints; Animal Control will verify compliance with Licensing and Vaccination Ordinance(s) and issue the appropriate citation(s) for violations (5-2-3). Any animals required to be vaccinated for rabies (5-2-6) and found without a current rabies vaccination documentation or tag will be impounded to protect public safety (5-2-6, B).
 - The animal may be redeemed from impound by providing written proof of rabies vaccination (5-2-6. B1) or;
 - by paying impound fees and obtaining rabies vaccination for the animal within (72) hours of release (5-2-6 B2); and
 - All Penalties: Class C Misdemeanor(s) (5-2-12).
- **FIRST offense within a 12 month period:** The responding officer will advise the complainant to maintain a voluntary log of future disturbances. (*Logs are available at the City offices and website (www.riverheights.org) and may be used as evidence during legal hearings.*); and make his/her best attempt to contact the owner of the offending animal.
 - If the owner of the animal cannot be located; the responding officer will place a "COURTESY" warning in a highly visible location near or on the entrance of the residence (A citation may be issued for egregious violations at the discretion of the responding officer); and
 - If contact is made with the owner of the animal;
 - The officer will issue a "COURTESY" warning to the owner with regard to the barking or other disruptive noise(s) being cause by the animal as well as other violations that might exist. The owner;
 1. will be asked to immediately comply with the Noise as Nuisance Ordinance (3-4-5, A1); and
 2. will be advised that they (72) hours to remedy all additional violations; and
 3. will be advise that the third offense within a (12) month period may result in an additional citation and possible revocation of license to keep an animal within city limits.
- **SECOND offense within a 12 month period:** The responding officer will advise the complainant to maintain a voluntary log of future disturbances. (*Logs are available at the City offices and website (www.riverheights.org) and may be used as evidence during legal hearings.*); and attempt to personally witness violation;

- it is sufficient upon the responding officer witnessing a violation to issue citation. (If so; no signed complaint/affidavit is necessary from the complainant.)
- If the responding officer does not witness a violation; the complainant will be asked to give a written statement and sign a complaint/affidavit.
- The responding officer will then make his/her best attempt to contact the owner of the offending animal;
 - If the owner of the animal cannot be located, the officer will issue a citation to the owner of the property for failure to comply with the Animal Control, Nuisance Animals (5-2-5, G) and Noise as a Nuisance (5-3-5, A1) Ordinances (a Class C Misdemeanor); and issue citations for any known additional violations; and place citation(s) in a highly visible area on or near the main entrance to the dwelling.
 - If contact is made; the officer will issue a citation for failure to comply with the Animal Control, Nuisance Animals (5-2-5, G) and Noise as a Nuisance (5-3-5, A1) Ordinances (a Class C Misdemeanor). The owner;
 1. will be asked to immediately comply with the Noise as Nuisance Ordinance (3-4-5, A1); and
 2. will be advised that they have (72) hours to remedy all additional violations (the officer will schedule a follow-up visit after (72) hours to ensure compliance and issue addition citation(s) for further non-compliance); and
 3. will be advise that the third offense within a (12) month period may result in an additional citation and possible revocation of license to keep an animal within city limits.
- **THIRD offense within a 12 month period:** The responding officer will first attempt to personally witness violation;
 - it is sufficient upon the responding officer witnessing a violation to issue citation. (If so; no signed complaint/affidavit is necessary from the complainant.)
 - If the responding officer does not witness a violation; the complainant will be asked to give a written statement and sign a complaint/affidavit.
 - The responding officer will then make his/her best attempt to contact the owner of the offending animal.
 - If the owner of the animal cannot be located, the officer will issue a citation to the owner of the property for failure to comply with the Animal Control, Nuisance Animals (5-2-5, G) and Noise as Nuisance (3-4-5, A1) Ordinances (a Class C Misdemeanor); and issue citations for any known additional violations; and place citation(s) in a highly visible area on or near the main entrance to the dwelling.
 - If contact is made; the officer will issue a citation for failure to comply with the Animal Control, Nuisance Animals (5-2-5, G) and Noise as a Nuisance (5-3-5, A1) Ordinances (a Class C

Misdemeanor). The owner will be asked to immediately remedy the situation with the disruptive animal.

- Upon the issuance of a Second Citation for a Third Offense within a (12) month period, Animal Control will issue a request to the city attorney for a license revocation hearing to be set. All parties related to the case may be subpoenaed to court to testify.

***Nothing in this policy will be construed as superseding prosecutorial discretion to review and render independent decisions concerning violations of the law.**