



**Toquerville City  
Ordinance 2020.12  
CARE AND KEEPING OF ANIMALS AND LIVESTOCK**

AN ORDINANCE TO AMEND TITLE 5-PUBLIC SAFETY, CHAPTER 1-ANIMAL CONTROL TO IMPLEMENT A POINT SYSTEM FOR THE KEEPING OF ANIMALS ON PROPERTY, TO ADD BEE AND EXOTIC PET KEEPING ALLOWANCES, AND TO REMOVE THE OPPORTUNITY TO HOUSE SWINE IN CONJUNCTION WITH A CONDITIONAL USE PERMIT.

RECITALS

WHEREAS, Toquerville desires to preserve the small-town character and rural atmosphere; and

WHEREAS, the City wants to create clarification of livestock allowances on properties within Toquerville; and

WHEREAS, Toquerville City, a municipal corporation and political subdivision of the State of Utah (“City”) has authority pursuant to its constitutionally granted police powers, to protect the health, safety, and general welfare of the residents of the City.

ORDINANCE

NOW THEREFORE, BE IT HEREBY ORDAINED by the City Council of Toquerville City, State of Utah, as follows:

**5-1-3: DEFINITIONS:**

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

**ABANDONED:** An animal whose owner cannot be immediately identified through reasonable diligence.

**ANIMAL CONTROL OFFICER:** The animal control officer or agents of the City retained by hire or contract.

**ANIMAL SHELTER:** A facility owned and/or operated by a governmental entity or any society incorporated in the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other small domestic animals.

**AT LARGE:** Any animal off the premises of the owner or custodian of the animal, and not under immediate control of the owner or custodian.

**EXOTIC ANIMALS:** Any animal whose native habitat is not indigenous to the continental United States, excluding Alaska, except tropical fish, fur-bearing animals commercially



the furrier trade, and birds. Constrictor snakes in excess of ten feet in length are defined as dangerous animals.

**IMPOUNDED:** Having been received into the custody of an animal control officer for confinement in an animal shelter or into the custody of any authorized agent or representative of the City.

**QUARANTINE:** The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

**WILD ANIMAL:** Any animal of a species that in its natural habitat is wild. (Ord. 2015.04, 6-11-2015)

#### 5-1-4: CARE AND KEEPING OF ANIMALS AND LIVESTOCK:

A. The keeping of livestock shall be a permitted use in the Agricultural District or Zone. The keeping of livestock shall be a conditional use in the Single-Family Residential Districts as specified in section [10-10A-3](#) of this Code.

B. For the keeping of livestock in the Single-Family Residential Districts, a conditional use permit, with payment of required fees, must be reviewed and approved by the city staff. A conditional use applicant dissatisfied with the determination or interpretation by the city staff may appeal that determination and/or interpretation of this Code to the Planning Commission. Permits may be reviewed annually for Code compliance.

C. Number:

1. The number of domesticated animals which may be maintained on the property shall be determined on the basis of point. No parcel of property shall exceed one hundred (100) points per acre (or a fractional share thereof) based on the following or a proportionate combination thereof, considering the size of the parcel or set of parcels concerned (e.g., 0.25 acre x 100 = 25 animal points). 1 Acre = 43,560 square feet. .5 acre = 21,780 square feet.

2. Type of animal or fowl/number of points per animal:

- a. Cow (bovine), horse (equine), donkey, mule, or similar large animal (25 points).
- b. Miniature horses, ponies, goats, llamas, alpacas, and/or similar medium size animals (12 points).
- c. Ostriches or other similar large fowl (12 points).
- d. Turkeys, geese, pheasants, and similar medium size fowl (4 points).
- e. Chickens, ducks, pigeons, doves, or similar small fowl (3 points).
- f. Rabbits or similar small domesticated or farm animals (3 points).



g. For animals not specified above, the Planning Commission shall determine the type and number of points per animal. A property owner dissatisfied with the determination or interpretation of the Planning Commission may appeal that determination and/or interpretation of this Code to the Appeal Authority in accordance with the procedures and provisions of [chapter 4](#) of this title.

3. The unweaned offspring of a residing animal or fowl, under six (6) months of age, shall be excluded from consideration for the purpose of determining compliance with this section.

4. Residential Beekeeping shall be limited to not more than three (3) hives and in accordance with the Utah Bee Inspection Act set forth in Title 4, Chapter 11 of the Utah Code, as amended. Beehives are to be kept in side or rear yard and at least ten (10) feet away from any adjoining property line.

5. For residentially zoned properties (1 or more adjacent lots under the same ownership or tenancy and referring to usable acreage vs. deeded acreage):

a. That are less than one-half ( $1/2$ ) acre in size, no large or medium size animals or large or medium sized fowl shall be allowed.

b. That are ten thousand (10,000) square feet in size, or smaller, a maximum number of animals and/or fowl equivalent to a total of twelve (12) points under the terms of this section are allowed, subject to the following:

(1) No medium size animals or medium sized fowl shall be allowed on the property; and

(2) No animals other than household pets shall be allowed on properties that are six thousand (6,000) square feet or smaller in size.

6. The following animals may not be maintained on the property: exotic animals, wild animals, dangerous animals, pigs (porcine), mink, and peacocks.

7. Adequate containment of the animal(s) shall be provided by the applicant.

8. Manure shall be cleaned at least weekly and odors shall be controlled.

9. Chickens must not be in the front yard; No rooster or peafowl in all residential zones; in Agricultural Zones roosters and peafowl are allowed. (Ord. 2017.11, 9-7-2017)

#### 5-1-5: UNLAWFUL ACTS:

It shall be unlawful:

A. Interference with Officer: For any person, after verbal warning, to intentionally interfere with, molest, hinder or obstruct any peace officer or any animal control officer in the lawful discharge of their duties as herein prescribed.

B. Animals At Large:



1. For the owner or custodian of any animal, other than domestic cats, to allow such animals at any time to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this subsection, regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not they know that the animal is running at large.

2. For cattle, horses, mules, sheep, goats or swine to be allowed to run at large, or to be picketed or staked out upon any street, sidewalk or other public place within the limits of this City, and all such animals so found may be impounded.

C. Animals On Unenclosed Premises: For any person to chain, stake out or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.

D. Retaking Animal: For anyone to take any animal out of the possession of anyone lawfully holding the same under the provisions of this chapter, either by stealth, force, fraud or to intercept or hinder any person lawfully taking up or attempting to take up such animals.

E. Disposal Of Waste: For the owner or custodian of an animal to permit the animal to defecate upon a public street, sidewalk, park or other area, or upon the property of another unless the owner or custodian promptly removes and properly disposes of all animal waste that results.

F. Abandonment: 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.

G. Trespassing Animals And Fowl: 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.

H. Killing Or Poisoning: For any person willfully to kill any domestic animal not belonging to them, 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.

I. Dead Animals; Disposal: For the owner of any animal or fowl that has died or been killed to fail to remove or bury the carcass of such animal within ten (10) hours after its death. No horse, cow, ox or other animal shall be buried within the closely inhabited portions of this city. A violation of this subsection is an infraction.

J. Diseased Animals:

1. For any person to bring into the city for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.



2. For any person to bring into the city for sale or to sell, or offer for 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 food.

K. Mistreating: For any person to 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 or inhuman manner, any animal or cause any of these acts to be done. Any person who does so, directly or indirectly, shall be guilty of a class B misdemeanor.

L. Fail To Provide Sustenance And Protection: For any person to fail to provide any animal in his charge or custody with necessary sustenance, drink and protection from the elements, or cause any of these acts to be done. Any person who does so, directly or indirectly, shall be guilty of a class B misdemeanor.

M. Cruelty: For any person to engage or take part in any act or behavior considered cruelty to animals, or to cause any such act or behavior to be done. Cruelty to animals shall consist of those acts designated in Utah Code Annotated section 76-9-301, together with injurious hobbling and malicious impounding. Any person who does so, directly or indirectly, shall be guilty of a crime as classified in Utah Code Annotated section 76-9-301.

N. Intentional Exhibition: For any person to 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.

O. Wild Animals: For any person to sell, offer for sale, barter, give away, keep or purchase any wild animal which is not domesticated, or an animal belonging to an endangered species, except for the animal shelter, a zoological park, veterinary hospital, circus, sideshow, amusement show or facility for education or scientific purposes if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

P. Vicious Animals: For any person to own and possess a vicious animal, as defined in section [5-1-8](#) of this chapter.

Q. Exhibition Fighting:

1. For any person to maintain any place where fowl or any animals are suffered to fight upon exhibition or for sport upon any wager. Any person who does so, directly or indirectly, shall be guilty of a class B misdemeanor.

2. For any person to raise, keep or use any animal, fowl or bird for the purpose of fighting or baiting; and for any person to be a party to or to be present as a spectator at any such fighting or baiting of any animal or fowl. Any person who does so, directly or indirectly, shall be guilty of a class B misdemeanor.

3. Law enforcement officers or animal control officials may enter any building or place where there is an exhibition of the fighting or baiting of live animals, or where preparations are being made for such an exhibition. The law enforcement officers may arrest persons there present and



take possession of all animals engaged in fighting, along with all implements or applications used in such an exhibition. This provision shall not be interpreted to authorize search or arrest without a warrant when such is required by law. (Ord. 2015.04, 6-11-2015)

ADOPTED by the City Council of Toquerville City, Utah this 11th day of June 2020 ON THE FOLLOWING VOTE:

Councilperson:

Justin Sip	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>
Keen Ellsworth	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>
Ty Bringhurst	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>
Gary Chaves	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>
John "Chuck" Williams	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Abstain/Absent <input type="checkbox"/>

By:   
Lynn Chamberlain, Mayor

Date: 6/11/2020, 2020

Attest:   
Ruth Evans, City Recorder

