

ORDINANCE NO. _____

AN ORDINANCE OF BOX ELDER COUNTY DEFINING UNLAWFUL DOG BEHAVIOR AND PROHIBITING AN OWNER OF POSSESSOR OF A DOG WITHIN BOX ELDER COUNTY TO ALLOW THE DOG TO ENGAGE IN UNLAWFUL DOG BEHAVIOR.

WHEREAS, a request has been made from residents of Box Elder County for Box Elder County to address and prohibit various problems and issues which can be created by dogs and the owners and possessors of dogs within Box Elder County; and

WHEREAS, Box Elder County currently regulates by ordinance dog kennels and vicious dogs, and the State of Utah currently regulates cruelty to animals, but Box Elder County does not currently have any ordinances addressing potential problems and issues relating to the keeping of dogs as pets; and

WHEREAS, after having considered the request and need for an ordinance in Box Elder County to address various potential problems and issues relating to the keeping of dogs as pets, the Box Elder County Commission finds that the ordinance set forth below does address the potential problems and issues which can be created by keeping dogs as pets within Box Elder County; and

WHEREAS, the Box Elder County Commission further finds that the ordinance set forth below would be in the best interests of and benefit the health, safety and welfare of the residents of Box Elder County;

NOW THEREFORE, the County Legislative body of Box Elder County, with _____ members present and _____ members voting in favor thereof, does hereby ordain as follows:

Section 1: Adoption of Unlawful Dog Behavior Ordinance. The following is hereby adopted and enacted as the Box Elder County Unlawful Dog Behavior Ordinance:

UNLAWFUL DOG BEHAVIOR ORDINANCE

- I. Unlawful Dog Behavior Defined. It shall be unlawful for the owner or possessor of a dog to allow the dog to:
 - A. Repeatedly cause any minor damage, or on a single occasion cause substantial damage, to the property of anyone other than its owner or possessor.
 - B. Have a communicable disease that could affect other dogs, animals or humans, without being properly quarantined.
 - C. Be in heat and not properly controlled.
 - D. Make disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other noise which causes unreasonable annoyance,

disturbance, or discomfort to neighbors or others, that occurs non-stop for ten (10) minutes or more between the hours of 10:00 p.m. and 7:00 a.m., or occurs non-stop for thirty (30) minutes or more, regardless of time of day.

- E. Repeatedly chase vehicles, people, other domesticated animals, or livestock.
 - F. Repeatedly molest or intimidates neighbors, pedestrians, or passersby by acting aggressively towards such person or persons, unless provoked by such person or persons.
 - G. Be ineffectively controlled while the dog is on public property or on private property without the permission of the owner of the private property.
- II. Exceptions. A dog shall not be engaged in unlawful dog behavior if at the time of the conduct giving rise to the unlawful dog behavior finding, the dog is being teased or provoked by a person or animal.
- III. Proof of Unlawful Dog Behavior. In the absence of credible audio recordings, video recordings, or circumstantial evidence, proof of the conduct giving rise to a finding of unlawful dog behavior must be established by three (3) or more witnesses who personally witnessed the conduct.
- IV. Enforcement.
- A. Any law enforcement officer shall have authority to issue a citation to the owner or possessor of a dog which has engaged in unlawful dog behavior. In the event the law enforcement officer did not witness the conduct giving rise to the unlawful dog behavior, a citation may be based upon a complaint signed under penalty of perjury by an individual who did witness the conduct. All such complaints must specifically identify the complainant by name, address and telephone number, and describe the conduct, the date, time, place and duration of the conduct, and if known, the name and address of the owner or possessor of the dog.
 - B. Upon receiving a complaint, the law enforcement officer shall make reasonable attempt to contact the owner or possessor of the dog and provide notice of the complaint and warn the owner or possessor that a citation may be issued. After such notice and warning, the owner or possessor of the dog shall be given ten (10) days to resolve the issue prior to the issuance of a citation. In the event the law enforcement officer is unable to locate or contact the owner or possessor of the dog, leaving a warning notice in a conspicuous place on the premises satisfies the "reasonable attempt" requirement.
- V. Violation. A violation of this ordinance shall be a Class C Misdemeanor, subject to all the penalties established by the State of Utah for class C misdemeanors.

Section 2: Effective Date. This ordinance shall become effective fifteen (15) days after its passage.

PASSED, ADOPTED AND A SYNOPSIS ORDERED PUBLISHED this ____ day of _____, 2025 by the Board of County Commissioners of Box Elder County, Utah.

Commissioner Bingham	Voting_____
Commissioner Perry	Voting_____
Commissioner Vincent	Voting_____

Boyd Bingham
Chair, Box Elder County Commission

Attest:

Marla Young
Box Elder County Clerk