

## **MIDVALE CITY**

### **ORDINANCE NO. 2012-12**

#### **AN ORDINANCE REPEALING AND RE-ENACTING TITLE 6 OF THE MIDVALE CITY CODE PERTAINING TO ANIMALS**

**WHEREAS**, Section 10-8-84 *et seq.*, Utah Code Annotated, 1953, as amended, grants the authority to municipalities to enact ordinances that are necessary and proper to provide for the safety and preserve the health, and promote the property, improve the morals, peace and good order comfort and convenience of the City and its inhabitants; and

**WHEREAS**, the regulation of animals, including, without limitation, dogs, cats and ferrets, is necessary to provide for the good order of the City; and

**WHEREAS**, since July, 2011, Salt Lake County Animal Services has provided animal control services to the citizens of the community; and

**WHEREAS**, such department has requested that current rules and regulations pertaining to animals be reviewed; and

**WHEREAS**, the municipality has completed such review; and

**WHEREAS**, Exhibit A, attached hereto, reflects such review.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Midvale City, Utah as follows:

**SECTION 1.** That Title 6 of the Midvale City Code be repealed in its entirety.

**SECTION 2.** That a new Title 6 pertaining to animals be adopted and enacted as set forth in Exhibit "A," attached hereto, and incorporated herein for all purposes.

**SECTION 3.** That the City adopts the fee schedule for animals as adopted by Salt Lake County.

**SECTION 4.** In the event that any provision of newly adopted Title 6 is declared unconstitutional, illegal or void, the remaining provisions shall be separate and remain in effect until similarly ruled as such.

**SECTION 5.** This ordinance shall become effective upon passage, signature and notice of passage published in a newspaper of general circulation.

**PASSED AND APPROVED** this 10<sup>th</sup> day of July, 2012.

By: JoAnn B. Seghini  
Mayor JoAnn B. Seghini

[SEAL]



**VOTING:**

Robert M. Hale	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Paul Glover	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Paul Hunt	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Wayne Sharp	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>
Colleen Costello	Yea <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>

**ATTEST:**

Rori L. Andreason  
Rori L. Andreason, MMC  
City Recorder

Published this 15th day of July 2012.

**[Attach Exhibit A]**

## **Title 6 - ANIMALS**

### **CHAPTER 6.04 - DEFINITIONS**

#### **6.04.010: ABANDONMENT:**

"Abandonment" means placing an animal in an environment where the animal is separated from basic needs such as food, water, shelter or necessary medical attention, for a period longer than twenty four (24) hours, or to intentionally deposit, leave or drop off any live animal.

"Abandonment" includes failure to reclaim an animal seventy two (72) hours beyond the time agreed upon with a kennel, grooming service, or similar facility. "Abandonment" includes failure to reclaim a pet from an animal shelter beyond seventy two (72) hours of notification or refusal to sign relinquishment authorization.

#### **6.04.020: ALLOW:**

"Allow", for the purposes of this title, shall include human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.

#### **6.04.030: ANIMAL:**

"Animal" means every nonhuman species, both domestic and wild.

#### **6.04.040: ANIMAL AT LARGE:**

"Animal at large" means any animal, whether licensed or unlicensed, which is not under physical restraint imposed by the owner or handler, ~~or is not capable of being immediately controlled by the owner or handler~~ when off the premises of the owner. Cats are excluded from this definition.

#### **6.04.050: ANIMAL BOARDING ESTABLISHMENT:**

"Animal boarding establishment" means any commercial establishment that takes in animals for the purpose of providing temporary shelter or care and charges a fee for such service.

#### **6.04.060: ANIMAL CONTROL OFFICER:**

"Animal control officer" means the city's animal control services contract provider, any person designated by the state of Utah as a "peace officer", as defined in Utah Code Annotated section 53-13-101 et seq., as amended, or any other person designated by the city as an officer who is authorized to perform the duties specified by this title.

**Comment [AAH1]:** Salt Lake County ordinance has some slight variations to this.

#### **6.04.070: ANIMAL EXHIBITION:**

"Animal exhibition" means any display of, event or contest involving animals.

#### **6.04.080: ANIMAL GROOMING PARLOR:**



"Animal grooming parlor" means any commercial establishment maintained for the purpose of offering cosmetological services for animals for a fee.

6.04.090: ANIMAL SHELTER:

"Animal shelter" means any facility owned, operated or maintained for the care and custody of seized, stray, homeless, quarantined, abandoned, unwanted animals or animals held for the purpose of protective custody under the authority of this title or state law.

6.04.100: ANIMAL UNDER PHYSICAL RESTRAINT:

"Animal under physical restraint" means any animal under the physical control of its owner or person over the age of twelve (12) years having charge, care, custody or control of the animal, by the means of a leash, tether, or other physical control device or enclosure. A leash or tether shall not exceed eight feet (8') in length when in close proximity to other animals or people. Animals confined in or upon a motorized vehicle shall be considered physically restrained; providing, that the animal's body parts cannot extend beyond two inches (2") from the vehicle, when the vehicle is not in motion and not more than the length of the distance from the animal's shoulders to the tip of its muzzle when the vehicle is in motion. Animals upon the real property of their owner, or upon the property of another (with prior written permission of the property owner) and under direct adult supervision shall be considered under physical restraint; provided, however, that an animal shall not be considered under physical restraint within the real property limits of the owner if an individual engaged in a normal and expected activity may come in conflict with such animal.

6.04.105: ATTACK:

"Attack" means any attempted action by an animal which places a person or another animal in danger of imminent bodily harm. Actual physical contact shall not be required to constitute an attack.

6.04.110: BITE:

"Bite" means an actual puncture, tear or abrasion of the skin, inflicted by the teeth of an animal.

6.04.120: CAT:

"Cat" means any feline of the domesticated types more than four (4) months of age. Any feline of the domesticated types less than four (4) months of age is a kitten.

6.04.130: CATTERY:

"Cattery" means an establishment where cats are boarded, bred, bought, sold, or groomed for a fee.

6.04.140: COMMERCIAL ANIMAL ESTABLISHMENT:

"Commercial animal establishment" means any pet shop, animal grooming parlor, guard dog location or exhibition, riding school or stable, zoological park, circus, rodeo, animal exhibition, cattery, kennel or animal breeding or housing facility.

6.04.145: COOP:

"Coop" means a freestanding building for the shelter of fowl.

6.04.150: CUSTODY:

"Custody" means ownership, possession of, harboring, or exercising control over any animal.

6.04.160: DANGEROUS ANIMAL:

"Dangerous Animal" means any animal, including invertebrate species, that would be a hazard to public health and safety should the animal escape. "Dangerous animal" includes those animals meeting the definition of "vicious animal" as set forth in this title and constrictor snakes in excess of ten feet (10') in length. (1999 Code) means any animal that is a hazard to the public safety by virtue of training, treatment, physical condition, or has a known propensity, tendency, or disposition to attack, or any animal which because of its size, predatory, or vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner. "Dangerous Animal" includes those animals meeting the definition of "Vicious Animal" as set forth in this Title. For the purpose of this Title, constrictor snakes over 10 feet in length will be considered a dangerous animal and any other constrictor snake to be found in violation of this Title.

6.04.170: DIRECTOR:

"Director" means the chief of police or his designee. The term "Director" means the director of the city's designated animal control services contract or any other person designated by the city as an officer who is authorized to perform duties of the director specified by this title.

6.04.180: DIVISION:

"Division" means the animal control division of the police department. The term "division" means the city's designated animal control services contract provider or any other person, agency or entity designated by the city to perform the duties of the division specified by this title.

6.04.180190: DOG:

"Dog" means any *Canis familiaris* more than four (4) months of age. Any *Canis familiaris* less than four (4) months of age is a puppy.

6.04.190200: DOMESTICATED ANIMALS:

"Domesticated animals" means animals accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, ferrets and livestock. "Domesticated animal", however, shall not include "exotic animals".

6.04.200210: ENCLOSURE:

"Enclosure" means any structure that prevents an animal from escaping its primary confines. For fowl, "enclosure" means a fenced or sturdy wire pen with a roof containing a coop for the purpose of allowing fowl access to the coop while remaining in an enclosed pen.

6.04.210220: EUTHANASIA:

"Euthanasia" means the humane destruction of an animal accomplished by a method approved by the most recent report of the American veterinary medical association panel on euthanasia that results in unconsciousness and immediate death, or by a method that causes painless loss of consciousness and death during such loss of consciousness.

6.04.220225: EXOTIC ANIMAL:

"Exotic animal" means any animal whose native habitat is not indigenous to the continental United States, excluding Alaska, except tropical fish, fur bearing animals commercially bred for the furrier trade, and birds. ~~Constrictor snakes in excess of ten feet (10') in length are defined as dangerous animals.~~

6.04.230: FERAL CAT:

"Feral Cat" means any free roaming, homeless, wild or untamed cat.

6.04.240230: FERRET:

"Ferret" means any domestic *Mustela putorius* (except the black footed ferret) more than three (3) months of age. Any *Mustela putorius* less than three (3) months of age is a kit.

6.04.235: FOWL:

"Fowl" means birds of the order Galliformes, including chickens, turkeys, pheasant, partridges and quail. "Fowl" also means waterfowl of the order Anseriformes such as ducks, geese and swans.

6.04.250240: GUARD DOG:



"Guard dog" means any dog that will detect and warn its handler that an intruder is present in or near an area that is being secured and will attack a human pursuant to training or its handler's command.

6.04.260~~250~~: HANDLER:

"Handler" is any person who has physical control, i.e., the charge, care, control, custody, or possession, or responsibility for the same, of an animal at any given time. An "owner" shall be presumed to have ultimate responsibility for the physical control of the animal and may divest him/herself of such responsibility only by the transferring of, or giving permission for, actual physical control of the animal to a legally responsible adult person of age eighteen (18) or more. Whenever such other person of the requisite age has responsibility for physical control of the animal, such person shall be the "handler". At all other times, the "owner" shall be presumed to be the "handler".

6.04.270: HARBOR:

"Harbor" means housing, feeding, or caring for someone else's pet within a person's house, yard, or premises for more than 24 hours without the permission of the owner.

6.04.280: HEALTH DEPARTMENT:

"Health Department" means the Salt Lake City-County health department

6.04.260~~290~~: HOLDING FACILITY:

"Holding facility" means any pet shop, kennel, cattery, animal grooming parlor, riding school, stable, animal shelter, veterinary hospital, or any other such facility used for holding animals.

6.04.300: HUMANE TREATMENT:

"Humane Treatment" means ensuring the provision of appropriate food, human interaction and care; and of protecting any animal from danger, mistreatment, neglect, or abuse.

6.04.310: HYBRID:

"Hybrid" means any animal, however tame or docile, that is the offspring of a breeding between a domestic animal and a wild animal, a domestic animal and a hybrid or two hybrids.

6.04.320: IDENTIFICATION:

"Identification" means a pet license or identification tag which is attached to the collar or harness of an animal; a microchip implanted as recommended by the manufacturer for the specific species; or a tattoo, or other livestock identification such as ear tags, brands, etc.

6.04.330: IMPOUND:

"Impound" means being taken into custody of an animal control officer, police agency, or an agent thereof.

6.04.~~340~~~~270~~: KENNEL:

"Kennel" means a commercial establishment having three (3) or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling said dogs.

6.04.~~350~~~~280~~: LEASH OR LEAD:

"Leash" or "lead" means any chain, rope, or device of sufficient strength used to restrain an animal.

6.04.~~360~~~~290~~: LIVESTOCK:

"Livestock" means animals kept for husbandry or for family food production, including the following:

A. "Large livestock" means horses, mules, burros, donkeys, cattle, sheep, goats, llamas, swine, Ratites and other similarly sized farm, hoofed domesticated animals, excluding dogs, cats and ferrets.

B. "Small livestock" means chickens, turkeys, ducks, geese, pigeons, pheasants, rabbits and other similarly sized fowl or animals, excluding dogs, cats and ferrets.

6.04.370: NUISANCE:

"Nuisance" means any animal or animals that unreasonable annoy humans, endanger the life or health of other animals or humans, or substantially interfere with humans', other than their owner's enjoyment of life or property, or as defined in chapter 6.06.

~~6.04.300: NUISANCE/PUBLIC NUISANCE ANIMAL:~~

Comment [AAH2]: Moving to 6.25.015

~~A. "Nuisance" means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or humans, or substantially interfere with humans', other than their owner's, enjoyment of life or property.~~

~~B. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:~~

~~1. Is repeatedly found at large;~~

~~2. Damages the property of anyone other than its owner;~~

~~3. Repeatedly molests or intimidates neighbors, pedestrians or passersby by lunging at fences, chasing, or acting aggressively towards such person, unless provoked by such person;~~



4. Chases vehicles;

5. Makes 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;

6. Causes fouling of the air by odors and thereby creates unreasonable annoyance or discomfort to neighbors or others;

7. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; (1999 Code)

8. Defecates on any public or private property without the consent of the owner of such property, unless the handler of such animal shall have in his or her possession the instruments to clean up after his or her animal and shall remove the animal's feces to a proper trash receptacle; (Ord. 06-11, 5-4-2006)

9. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals kept or harbored;

10. Attacks people or other animals, whether such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;

11. Has been found by a court or by any other commission or board lawfully established under Utah law, to be a public nuisance under any other provision of Utah law;

12. Cannot be restrained by normal restraints, such as standard leashes, standard chains, or muzzles; or

13. Cannot be effectively controlled by its owner or handler.

C. The fact, or evidence of the fact, that the factors alleged to have caused the animal to be a nuisance are inherent and/or natural behavior for such animal, or the action of the owner or animal are otherwise legal, shall not negate or excuse a charge of nuisance. (1999 Code)

#### 6.04.380: ON-SITE IMPOUNDMENT:

"On-Site Impoundment" means to place an animal under seizure by law enforcement personnel, animal services personnel or an agent thereof, on a property other than an animal services sheltering facility pending transportation or court seizure order.

#### 6.04.390: ON-SITE REDEMPTION:

"On-Site Redemption" means to return an impounded animal to the owner or caretaker, prior to transportation to the sheltering facility upon collection of all applicable impound and/or license fees.

6.04.400: OVERWORK:

"Overwork" means to work or exercise any animal to a point of physical harm.

6.04.410~~310~~: OWNER:

"Owner" means any person, partnership, corporation, or any other type of entity or association having title to, or custody of, or keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed and sheltered for a period of twenty four (24) consecutive hours or more, or fed for a period of two (2) or more days.

6.04.420~~320~~: PERFORMING ANIMAL EXHIBITION:

"Performing animal exhibition" means any spectacle, display, act, or event in which animals are used to provide a performance whether a fee is charged or not.

6.04.410: PERSON:

"Person" means a natural person or any legal entity, including, but not limited to a corporation, limited liability corporation, firm, partnership, or trust.

6.04.420: PROTECTIVE CUSTODY:

"Protective Custody" means seizing or receiving an animal into the care of the division, the animal services or an authorized agent or representative thereof, in order to hold the animal as evidence of a violation of the law or to protect the animal(s) from further threat or danger.

6.04.430~~330~~ : PET OR COMPANION ANIMAL:

"Pet" or "companion animal" means any animal of a species that has been domesticated to live in or about the habitation of humans, is dependent on humans for food and shelter and is kept by its owner for pleasure rather than utility and/or commercial purposes.

6.04.440~~340~~ : PET SHOP:

"Pet shop" means any commercial establishment containing cages or exhibition pens wherein dogs, cats, birds or other pets, are kept, displayed and sold.

6.04.450~~350~~ : PROVOKED:

"Provoked" means any deliberate act by a person towards a dog or any other animal done with the intent to tease, torment, abuse, assault, or otherwise cause a reaction by the dog or other animal; provided, however, that any act by a person done with the intent to discourage or prevent a dog or other animal from attacking shall not be considered provocation.

6.04.460: PUBLIC PLACE:

"Public Place" means any location which is accessible to members of the general public, where members of the general public gather, engage in business, or have free access.

6.04.~~470360~~: QUARANTINE:

"Quarantine" means the isolation of an animal in an enclosure so that the animal cannot have physical contact with other animals or persons without recognized authority to be near or about the quarantined animal.

6.04.~~480370~~: RIDING SCHOOL OR STABLE:

"Riding school" or "stable" means an establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burro, or which offers the use of such animals for hire.

6.04.~~490380~~: SPECIES SUBJECT TO RABIES:

"Species subject to rabies" means any species that has been reported to the health department or the Center for Disease Control and prevention to have contracted the rabies virus and become a host for that virus.

6.04.500: SET:

"Set" means to cock, open or put a trap in such a condition that it would close when an object, animal or person touched a triggering device.

6.04.510: SHELTER:

"Shelter" means a structure which is substantial in construction and provides protection from moisture, wind and other factors of weather, and is of a size appropriate to the particular animal to ensure retention of body heat within the enclosure. Any shelter will be maintained to ensure a clean, dry, healthy environment for the animal being housed.

6.04.~~520390~~: STRAY:

"Stray" means any "animal at large", as defined in this chapter.

6.04.~~530394~~: TETHER:

"Tether" means any chain, rope, cable, or device attached to a fixed object and used for restraining a dog. The tether must be of sufficient strength to restrain the dog and be appropriate to the breed, age, size, and weight of the dog and be attached to the dog by a properly applied collar, halter or harness configured so as to protect the dog from injury or entanglement with objects or other animals.

6.04.540: TRAP:



"Trap" means an apparatus designed to come together with force so as to clamp or close upon an animal, person, or object when the spring or triggering device is activated.

6.04.~~550400~~: VETERINARIAN:

"Veterinarian" means any person properly licensed under the laws of the state of Utah to practice veterinary medicine.

6.04.~~560440~~: VETERINARY HOSPITAL:

"Veterinary hospital" means any establishment operated by a licensed veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

6.04.~~570420~~: VICIOUS ANIMAL:

"Vicious animal" means:

A. Any animal which, in a threatening and terrorizing manner, approaches any person upon the streets, sidewalks, or any public grounds or places in an apparent attitude of attack;

B. Any animal with a known propensity, tendency or disposition to attack unprovoked, or to cause injury or otherwise ~~endanger~~ threaten the safety of human beings or animals; or

C. Any animal, which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property.

Whether an animal has been properly licensed under the provisions of this title shall have no relevance to the determination of whether an animal is a "vicious animal", as defined ~~in this section~~ herein.

6.04.~~580430~~: WILD ANIMAL:

"Wild animal" means any animal of a species that in its natural life is usually untamed and undomesticated, including hybrids and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These animals, however domesticated or tamed, shall include, but are not limited to:

A. Alligators and crocodiles;

B. Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;

C. Cat family (Felidae). All except the commonly accepted domesticated cats, including cheetah, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.;

D. Dog Family (Canidae). All except domesticated dogs, including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;

E. Porcupine (Erethizontidae);

F. Primate (Hominidae). All nonhuman primates;

G. Raccoon (Procyonidae). All raccoons, including eastern raccoon, desert raccoon, ringtailed cat, etc.;

H. Skunks;

I. Venomous fish and piranha;

J. Venomous snakes or lizards;

K. Weasels (Mustelidae). All including martens, wolverines, black footed ferrets, badgers, otters, ermine, mink, mongoose, etc.

For the purpose of this section title, animals that are kept commercially or ranched shall not be wild animals.

6.04.590440: ZOOLOGICAL PARK:

"Zoological park" means any facility, properly and lawfully licensed by applicable federal, state, or local law, operated by a person, partnership, corporation, or government agency, other than a pet shop, kennel, or cattery, displaying or exhibiting one or more species of nondomesticated animals.

## **CHAPTER 6.08 – ADMINISTRATION**

~~6.08.010 DIVISION OF ANIMAL SERVICES CREATED:~~

~~There is created a division of animal services, as a division of the police department.~~

6.08.010020: DIVISION POWERS AND DUTIES:

~~The division shall be under the direction of the chief of police, who shall:~~

The division, or other agent designated by the city, or any law enforcement officer, shall:

A. Enforce this title and perform other responsibilities inherent thereto;

B. Supervise the ~~municipal~~ animal shelter(s) under his/her jurisdiction;

C. Keep records of all animals impounded in said shelter(s);

D. Keep accounts of all monies collected and received in accordance with governing law;



~~D.~~ E. Establish, in cooperation with the health department and other interested governmental agencies, measures for the control of and immunization of animals against rabies.

F. Negotiate interlocal cooperation agreements with other interested governmental agencies for the purpose of establishing animal control services throughout Salt Lake Valley.

~~E.~~ G. Establish rules and regulations for the training of all persons hired as animal control officers to assure professional conduct of said persons and compliance with division's policies and with governing law.

~~G.~~ H. Pursuant to duly adopted policies and procedures, waive or reduce impound-related fees if warranted, or waive fees and penalties otherwise authorized in this title; and

~~H.~~ I. Pursuant to duly adopted policies and procedures, provide for deferred payments of impound-related fees if warranted.

#### 6.08.030: DIRECTOR AND OFFICERS-- ENFORCEMENT AUTHORITY:

The director, his/her authorized deputies, assistants and animal control officers division, other agents designated by the city, or any law enforcement officer, are hereby authorized and empowered to enforce this title and to apprehend, to transport and impound any animal found in violation of this title, including licensable animals for which no license has been procured in accordance with this title, or any licensed or unlicensed animals for any other violation thereof and to issue criminal citations and/or notice of violation and stipulation for violations of this title.

#### 6.08.040: ANIMAL CONTROL OFFICERS POWERS AND DUTIES:

The director shall employ and designate those employees and volunteers of his or her division who shall perform the duties of animal control officer. Animal control officer shall be authorized to enforce this title in all respects pertaining to animal control within the city, including, but not limited to, the apprehension, transport and impoundment of animals found to warrant such action; and issue of criminal citations and/or notice of violation and stipulation for violations of this title. Animal control officers shall further carry out all lawful duties prescribed or delegated by the director. For the purpose of this section, "volunteer" shall be defined as persons working without compensation who have met the minimum training standards to perform the duties as set forth by the director.

#### 6.08.050: RIGHT OF ENTRY FOR ENFORCEMENT:

In the enforcement of this title, any peace officer, animal control officer, or the director or his/her assistants are authorized to enter into the open premises of any person to secure or take possession of any animal which is reasonably deemed by such said officer to then and there, in the presence of such officer or official, be in violation of this title and issue criminal citations and/or notice of violation and stipulations for violations of this title to the owner or handler of said animal.

6.08.060: INTERFERING WITH ANIMAL CONTROL OFFICERS PROHIBITED:

It is unlawful for any person to knowingly and intentionally interfere with the director or any animal control officer in the lawful discharge of his/her duties as prescribed in this title. For the purpose of this section, interfering with officers shall include, but not be limited to, failing to hand over to or release to an officer an identifiable animal which has been pursued but not captured by ~~such~~said officer, failing to make payment of agreed upon fees that have been deferred by the director, knowingly and intentionally failing to comply with an abatement order lawfully issued by the ~~director~~ city or the division or failing to meet the conditions imposed by a notice of violation and stipulation.

CHAPTER 6.12 COMMERCIAL PERMITS AND FANCIER'S PERMITS

SECTIONS:

- 6.12.010: Commercial Permit Requirements
- 6.12.020: Regulatory Authority of Division
- 6.12.030: Procedures
- 6.12.040: Requirements for Catteries and Kennels
- 6.12.050: Requirements for Pet Shops
- 6.12.060: Requirements for Animal Grooming Parlors
- ~~6.12.070~~60: Requirements for Stables
- ~~6.12.080~~70: Requirements for Animal Exhibitions
- ~~6.12.090~~80: Requirements for Guard Dogs
- ~~6.12.090: Fancier's Permit; Authorized When~~
- ~~6.12.100: Hobby Permit~~
- 6.12.100~~10~~: Permit for Foster Animals
- 6.12.110~~20~~: Exotic Animal Permit
- 6.12.120~~25~~: Fowl
- 6.12.130 Dangerous Animal Permit
- ~~6.12.140~~3: Exemptions
- 6.12.150~~40~~: Permits; Display Requirements
- 6.12.150~~50~~: Permit Fees; Expiration; Renewal
- 6.12.170~~60~~: Establishments; Rules and Regulations
- 6.12.180~~70~~: Establishments; Inspections and Reports
- ~~6.12.190~~80: Unlawful Activities; Notice Requirements
- 6.12.200~~190~~: Permits; Suspension or Revocation; Grounds
- 6.12.210~~200~~: Permits; Suspension or Revocation; Procedure
- 6.12.220~~210~~: Emergency Suspension of Permits
- 6.12.230~~220~~: Notice of Suspension of Permits; Service Procedures

6.12.010: COMMERCIAL PERMITS REQUIREMENTS:

It is unlawful for any person to operate or maintain a commercial holding facility or any similar establishment, except a licensed veterinary hospital or clinic, unless such person first obtains a regulatory permit from the division, in addition to all other required licenses. All applications for

permits to operate such establishments shall be submitted, together with the required permit fee, on a printed form provided by the division. Before the permit is issued, approval must be granted by the health department, the appropriate zoning authority, and the division.

#### 6.12.020: REGULATORY AUTHORITY OF DIVISION:

The director shall have the authority to promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this title and other applicable laws. Such regulations may be amended from time to time as deemed desirable for public health and welfare and for the protection of animals. Regulations promulgated under this delegation of authority shall not extend the power of the director or the division beyond that reasonably necessary to carry out the requirements of this title. Regulations shall not become effective until approved and adopted by the city council.

#### 6.12.030: PROCEDURES:

- A. Form: All applications for permits to operate a commercial animal establishment or animal shelter shall be submitted to the division on a printed form provided by the division.
- B. Verify Compliance: Upon submission of an application, the division will verify with the health department, appropriate zoning authority, and appropriate business licensing division that the applicant is in compliance with applicable rules, regulations, ordinances and laws.
- C. Fee Accompany Application: Applications must be accompanied by the fee established by resolution and adopted by the City Council. The fee schedule may be modified from time to time as deemed necessary by the division and upon approval of the City Council.
- D. Expiration of Permit: Each permit issued under this chapter shall expire as outlined in section 6.12.170 of this chapter.
- E. Nontransferable: Permits issued pursuant to this chapter are nontransferable.
- F. Display of Permit: A permit issued under this chapter shall be prominently displayed in the business office of the commercial animal establishment or animal shelter.
- G. Late Applications: Late applications for the permits required by this chapter shall be subject to the late fee set forth in the current fee schedule.

#### 6.12.040: REQUIREMENTS FOR CATTERIES AND KENNELS:

In addition to obtaining the permit required by this ~~section~~chapter, all catteries and kennels within the ~~jurisdiction of the division~~ city shall comply with all zoning requirements and shall:

- A. Be operated in such a manner as not to constitute a nuisance;
- B. Provide an isolation area for boarded animals which are sick or diseased;



C. Retain for a period of one year the name, address and telephone number of the owner and license number of each dog or cat boarded;

D. Retain for a period of three (3) years the name and address of each person selling, trading or giving any animal to the kennel or cattery;

E. Keep all boarded animals caged or under control of the owner or operator of the kennel or cattery;

F. Care for all animals in the kennel or cattery, whether or not owned by the kennel or cattery, shall comply with all the requirements of this title for the general care of animals;

G. Comply with all applicable federal, state and local laws and all regulations respecting kennels and catteries which are adopted by the city and in effect from time to time; and

H. Supply the purchaser, residing in the licensing authority of this title, of any dog, cat or ferret with an application for animal license, the form of which is prescribed by the city.

#### 6.12.050: REQUIREMENTS FOR PET SHOPS:

In addition to obtaining the permit required by this chapter, all pet shops within the jurisdiction of the division city shall comply with all zoning requirements and shall:

A. Be operated in such a manner as not to constitute a nuisance;

B. Provide an isolation area for animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals;

C. Keep all animals caged or under the control of the owner or operator of the pet store;

D. With respect to all animals in the pet shop, comply with all provisions of this ~~chapter~~ title providing for the general care of animals;

E. Not sell animals which are unweaned or so young or weak that their sale poses a serious risk of death or inadequate development to them;

F. Comply with all applicable federal, state and local laws and all regulations respecting pet shops that are adopted by the city and in effect from time to time;

G. Supply any purchaser, residing within the ~~jurisdiction of this code~~ city, of any dog, cat or ferret with an application for animal license, the form of which is prescribed by the division; and

H. Provide the purchaser of an animal with written instructions as to the proper care and control of that species.

#### 6.12.060: REQUIREMENTS FOR ANIMAL GROOMING PARLOR.

In addition to obtaining the permit required by this chapter, all grooming parlors within the city shall comply with all zoning requirements and shall:

A. Be operated in such a manner as not to constitute a nuisance;

B. Provide an isolation area for animals, which are sick or diseased, sufficiently removed so as not to endanger the health of other animals;

C. Keep all animals caged or under the control of the owner or operator of the grooming parlor;

D. With respect to all animals in the grooming parlor, complies with all provisions of this title providing for the general care of animals;

E. Comply with all applicable federal, state and local laws and all regulations respecting grooming parlors that are adopted by the city and in effect from time to time; and

F. Supply applications for animal licenses, in the form of which is prescribed by the division.

#### 6.12.07060: REQUIREMENTS FOR STABLES:

In addition to obtaining the permit required by this chapter, all stables within the jurisdiction of the division city shall comply with all zoning requirements and shall:

A. Be operated in such a manner as not to constitute a nuisance;

B. Provide an isolation area for animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals;

C. Keep all animals confined or under the control of the owner or operator of the stable;

D. Care for all animals in the stable, shall comply with all the requirements of this chapter title for the general care of animals; and

E. Comply with all applicable federal, state and local laws, and all regulations respecting stables that are adopted by the division city and in effect from time to time.

#### 6.12.08070: REQUIREMENTS FOR ANIMAL EXHIBITIONS:

A. Permit Required: It shall be unlawful for any person to own, operate, sponsor or conduct an animal exhibition within the jurisdiction of the division city, without first obtaining an animal exhibition permit issued by city and/or division, unless an animal exhibition permit issued by the division, is first obtained thereof.

B. Prohibited Contests: No animal exhibition shall occur within the jurisdiction of the division city in which any animal is exhibited, paraded or allowed to participate in a contest:

1. Under conditions which cause physical injury to such animal;



2. Under conditions that place spectators at risk of being harmed; or

3. Unless all applicable federal, state and local laws and regulations, and standards adopted by reputable, nationally recognized associations organized for the operation of such exhibitions and acceptable to the city and/or division are complied with by the operator of the exhibition.

C. Penalty: A person owning, operating or sponsoring an animal exhibition within the jurisdiction of the division city without first obtaining the permit therefore required by this section chapter shall be guilty of a class B misdemeanor. Each day of violation of this section shall be a separate offense. The division may also seek to obtain an injunction against an animal exhibition through a court with jurisdiction over the matter.

D. Information Required: The application for an animal exhibition permit required by this section shall:

1. Describe the type of exhibition or contest and the kind and number of animals to be on exhibition or involved in the contest and list the sites and dates of the event; and

2. Contain such other information as may be required under regulations established by the director; and include a sworn statement by the applicant that the provisions of this title pertaining to animal exhibitions will be complied with at all times.

E. Issuance Conditions: No permit required by this section shall be issued until the applicant completes the application form, pays the applicable fees as set forth in the current fee schedule, and receives the written approval of the division of the provisions made for the safety, well being and comfort of the animals involved.

F. Term of Permit: Animal exhibition permits issued pursuant to this subsection shall be effective only for the period specified in the permit, not to exceed thirty (30) days.

G. Nontransferable: A permit issued pursuant to this subsection shall not be transferable.

H. Display of Permit: A permit issued pursuant to this subsection shall be displayed prominently at the site of the animal exhibition.

I. Waiver of Fee: The director may waive the permit fee for an animal exhibition that is sponsored by a bona fide nonprofit organization, a governmental entity or a school if the purpose is a county or city public purpose or a charitable purpose.

J. Access Permitted: Animal exhibitions permitted under this section shall provide immediate access to peace officers, animal control officers, health department agents, and/or state officials, for the purpose of compliance inspections.

6.12.09080: REQUIREMENTS FOR GUARD DOGS:

A. Permit Required: It shall be unlawful for any person to own a guard dog without first obtaining a guard dog permit as provided hereafter. It shall be unlawful for any person to hire the use of a guard dog that has not been issued a guard dog permit.

B. Application: A permit required by this section shall be obtained from the division. The application shall set forth the type of dog, the site(s) where such dog shall be used, the hours of use of such dog, and any other information the director deems appropriate.

C. Nontransferable: Permits are not transferable from one owner to another, nor from one site to another.

D. Warning Signs: On the premises where a guard dog is used, conspicuous warning signs shall be posted at each door or gate that give access to the guard dog, and shall contain the following wording: "Warning: A Guard Dog Is Guarding This Property. Entry Herein May Cause Said Dog To Attack Your Person And Cause Significant Injury, Even Death. To Reach The Handler For Said Dog, Call (enter telephone number)". The telephone number contained in the warning required by this subsection must provide a twenty four (24) hour per day access to the guard dog's owner or handler.

E. Nuisance: A guard dog shall not be allowed to become a nuisance.

F. Microchip. Collar Required: A guard dog shall, in addition to licensing, be microchipped and the microchip number shall be registered with the division. The license shall be attached to a one inch (1") wide red or orange collar with the word "danger" written or embroidered in black lettering three-fourths inch ( $\frac{3}{4}$ ") in height. The collar must be on the dog at all times.

G. Penalty: Any person violating any provision of this section shall be guilty of a class B misdemeanor. Each day a guard dog is deployed for use by any person for the detection of intruders and/or protection of premises, in violation of any provision of this section, shall be deemed a separate offense.

~~6.12.090: FANCIER'S PERMIT; AUTHORIZED WHEN:~~

~~Where permitted by Title 17 of this code, owners of purebred dogs and cats may obtain a permit to keep more than two (2) dogs or cats in a residential area, provided:~~

~~1. Such pets are individually licensed;~~

~~2. Such pets are registered with a national registry, such as, but not limited to the AKC, UKC or field dog, and Cat Fanciers Association;~~

~~3. Approval is granted by the appropriate zoning authority, the health department and the division of animal services;~~

~~4. Adequate confinement areas are provided; and~~

~~5. other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance.~~

~~B. The holder of a permit issued under this section may keep one litter intact until the animals reach six (6) months of age; one animal from the litter may be retained until it reaches twelve (12) months of age. At no time may the holder of a permit retain more animals than is indicated on the permit.~~

~~6.12.100: HOBBY PERMIT:~~

~~Where permitted by the zoning ordinances, owners of dogs, cats and ferrets may obtain a permit to keep more than two (2) dogs, cats or ferrets in a residential area, provided:~~

~~A. Such pets are individually licensed;~~

~~B. Such pets are rendered sterile;~~

~~C. Approval is granted by the appropriate zoning authority, the health department and the division of animal services;~~

~~D. Adequate areas for confinement areas and shelter are provided; and~~

~~E. Other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance.~~

~~6.12.100+0: PERMIT FOR FOSTER ANIMALS:~~

~~Where permitted by the zoning ordinances, owners of dogs and cats may obtain a permit to keep more than two (2) dogs or cats in a residential area, provided:~~

~~A. Such pets are the property of a local public city or county animal shelter or a section 501(c)(3), United States Internal Revenue Code, animal welfare organization;~~

~~B. Such pets are awaiting adoption;~~

~~C. Approval is granted by the appropriate zoning authority, the health department and the division of animal services;~~

~~D. Adequate areas for confinement areas and shelter are provided; and~~

~~E. Other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance.~~

~~6.12.120: EXOTIC ANIMAL PERMIT:~~



It is unlawful for any person to own or keep an exotic animal without a permit. Unless prohibited by zoning or other ordinances or laws, any person, over the age of eighteen (18) years of age, may obtain an exotic animal permit upon:

- A. Demonstrating sufficient knowledge of the species to provide adequate care;
- B. Presenting proof of adequate caging appropriate for the species;
- C. Presenting proof that the animal poses no threat to the health and safety of the community in the event that the animal should escape. The director may consult with a review board comprising federal, state and local public health authorities in considering a request for an exotic animal permit; and
- D. Presenting proof of required, if any, state or federal permits.

For the purpose of this section, to demonstrate "sufficient knowledge" of a species, a person must show that he/she has adequate knowledge of a species to provide for its basic needs to maintain the animal's health and welfare. The director may consider the person's experience, education, apprenticeship or by examination administered by the director when determining that a person has sufficient knowledge of a species.

#### 6.12.125: DOMESTIC FOWL PERMIT:

It is unlawful for any person to own or keep fowl without a permit. Unless a type of fowl is specifically permitted by the applicable zoning ordinances and this section, it is prohibited.

A. Where permitted by the zoning ordinance, hen chickens may be kept for domestic egg production or as pets.

1. Chickens shall not be kept on a residential lot or parcel unless the person keeping chickens first obtains a permit ~~with~~ from the city division.

a. The applicant shall acknowledge the rules set forth in this section and shall, as a condition of obtaining a permit, agree to comply with such rules.

b. It shall be unlawful for any person to keep any chicken in a manner contrary to the provisions of this section. Any such violation shall be a class C misdemeanor.

#### 6.12.130: DANGEROUS ANIMAL PERMIT:

It is unlawful for any person to own or keep a dangerous animal without a permit. Unless prohibited by zoning or other ordinances or laws, any person, over the age of eighteen (18) years of age, may obtain a dangerous animal permit upon complying with applicable zoning requirements and:

A. Demonstrating sufficient knowledge of the species so as to be an expert in the care and control of the species;

B. Presenting proof of adequate primary caging appropriate for the species and a sufficient secondary system of confinement so as to prevent unauthorized access to the animal and to prevent the animal's escape;

C. Presenting proof that adequate measures have been taken to prevent the animal from becoming a threat to the health and safety of the community;

D. Presenting a plan of action in the event of the animal's escape. The director may consult with a review board comprising federal, state and local public health authorities in considering a request for a dangerous animal permit;

E. Presenting proof of required, if any, state or federal permits; and

F. Presenting proof of liability insurance in an amount of at least one hundred thousand dollars (\$100,000.00), which policy shall name the city as an additional insured and shall not be subject to cancellation or other material modifications without at least thirty (30) days' prior written notice to the city.

For the purpose of this section, to demonstrate "sufficient knowledge" of a species, a person must show that he/she has specialized knowledge of a species to provide for its basic needs to maintain the animal's health, welfare and confinement. The director may consider the person's experience, education, apprenticeship or by examination administered by the director when determining that a person has sufficient knowledge of a species.

#### 6.12.140+30: EXEMPTIONS:

Research facilities where bona fide medical or related research is being conducted, 501(c)(3) animal welfare shelters, and other animal establishments operated by state or local government, or which are licensed by federal law, are excluded from the permit requirements of sections 6.12.040 through 6.12.060 of this chapter.

#### 6.12.150+40: PERMITS; DISPLAY REQUIREMENTS:

A valid permit shall be posted in a conspicuous place in any establishment for which such permit is required, and such permit shall be considered as appurtenant to the premises and not transferable to another location. The permittee shall notify the division within thirty (30) days of any change in his/her establishment or operation, which may affect the status of his/her permit. In the event of a change in ownership of the establishment, the permittee shall notify the division immediately. Permits shall not be transferable from one owner to another.

#### 6.12.160+50: PERMIT FEES; EXPIRATION; RENEWAL:



A permit issued pursuant to this chapter shall expire one year after it is issued by the division and shall be renewable upon acceptance by the division of a new application. Renewal applications shall not be available until thirty (30) days prior to the expiration date of the current permit. A permit may only be issued after the appropriate fee has been paid. Application must be accompanied by the fee established in the permit and current fee schedule.

A. Modification: The permit and fee schedule may be modified from time to time as deemed appropriate by the director and upon resolution by the city council. The then current permit fee schedule shall apply to all permit applications. A copy of the then current fee schedule shall be available at the division.

B. Nontransferable: Permits are not transferable from one owner to another, from one site to another or from one animal to another.

#### 6.12.170160: ESTABLISHMENTS; RULES AND REGULATIONS:

A. Authority: ~~the director with approval of the mayor may, f~~From time to time, the director may, upon resolution by the city council, adopt rules and regulations governing the operation of kennels, catteries, animal grooming parlors, pet shops, riding stables or other animal related establishments.

B. Provisions: Such rules and regulations may provide for:

1. The type of structures, buildings, pens, cages, runways or yards required for the animals sought to be kept, harbored or confined on such premises;
2. The manner in which food, water, and sanitation facilities will be provided to such animals;
3. Measures relating to the health of such animals, the control of odors, noise, and the protection of persons or property on adjacent premises; and
4. Such other matters as the city shall deem necessary.

C. Effect: Such rules and regulations shall, upon publication and following adoption by the city council, have the effect of law, and violation of such rules and regulations shall be deemed a violation of this title, subject to the penalties provided for in chapter 1.20 this code, and grounds for revocation of a permit issued by the division. Copies of the rules and regulations, when adopted, shall be filed for public inspection in the office of the city recorder and of the division.

#### 6.12.180170: ESTABLISHMENTS; INSPECTIONS AND REPORTS:

All establishments required to have permits under this title shall be subject to periodic inspections, and the inspector shall make a report of such inspection, which shall be given to the establishment and will be filed at the administration section of the division.

#### 6.12.190180: UNLAWFUL ACTIVITIES; NOTICE REQUIREMENTS:

If an inspection of kennels, catteries, animal grooming parlors, pet shops, riding stables, similar establishments, or the premises of the holder of a permit reveals a violation of this title, the inspector shall notify the permit holder or operator of such violation by means of issuance of a citation as provided in chapter 6.04 of this title or issuance of a notice of violation and stipulation as provided in chapter 6.44 of this title. If the notice of violation and stipulation is used, the notice shall:

- A. Set forth the specific violation(s) found;
- B. Establish a specific and reasonable period of time for correction of the violation(s) found;
- C. State that failure to comply in the specified period of time with any notice issued in accordance with the provisions of this section may result in immediate suspension of the permit and/or issuance of a citation; and
- D. State that an opportunity for a hearing upon any grievance the owner or operator may have concerning the inspection findings and corrections ordered by the animal control officer may be processed according to the provisions of chapter 6.44 of this title.

6.12.~~200490~~: PERMITS; SUSPENSION OR REVOCATION; GROUNDS:

A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

- A. Falsification of facts in a permit application;
- B. Material change in the conditions upon which the permit was granted;
- C. Violation of any provisions of this title or any other law or regulation governing the permittee's establishment, including, but not limited to, noise and/or building and zoning ordinances; or
- D. Conviction on a charge of cruelty to animals.

6.12.~~210200~~: PERMITS; SUSPENSION OR REVOCATION; PROCEDURE:

A. Authority; Request for Review: Any permit granted under this title may be suspended or revoked by the division for violations of any of the requirements of this title. A permittee aggrieved by the suspension or revocation of his/her permit may petition the director for review of ~~sueh~~ said grievance. Upon consideration of said grievance and upon good cause showing, the director may, at his or her sole discretion, uphold or modify the suspension or revocation, or reinstate the permit.

B. New Permits: A new permit shall not be issued to any person whose prior permit was suspended or revoked by the division until the applicant has satisfied the director that he/she has the means and the will to comply with the requirements of this title in the future. An application

for another permit must comply with the requirements for an application for an initial permit, including application fee.

6.12.220240: EMERGENCY SUSPENSION OF PERMITS:

Notwithstanding any other provisions of this title, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, catteries, animal grooming parlors, riding stables, pet shops, or any similar establishments, or premises of the holder of a permit obtained under this title, which in his/her judgment constitute an immediate and substantial hazard to public health or the health and safety of any animal, he/she may order the immediate seizure of any animals whose health and safety are at risk and order the owner or operator of the establishment to immediately cease operations. It ~~is~~ shall be unlawful for any person to whom such an order is given to fail to obey the same. Any animals seized under this section shall be impounded or otherwise cared for as ~~animal control~~ the division deems necessary. Persons whose permit has been suspended by such action may petition the director for review of said suspension. Upon consideration of said petition and upon good cause showing, the director may, at his or her sole discretion, uphold or modify the emergency suspension or reinstate the permit.

6.12.230220: NOTICE OF SUSPENSION OF PERMITS; SERVICE PROCEDURES:

Notice shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the records section of the division of animal services.

**CHAPTER 6.16 - ANIMALS REQUIRING A LICENSE**

6.16.010: LICENSE REQUIRED; AGE AND RESIDENCE REQUIREMENTS FOR LICENSE HOLDER:

All ~~cats, dogs, and ferrets~~ must be licensed each year, except as otherwise provided in this chapter, to a person of the age of eighteen (18) years or older who has a residence, with street address, within the city. ~~A cat which is allowed to run at large assumes the risk of loss or destruction by the city without notification.~~

6.16.020: LICENSE REQUIRED; AGE OF ANIMALS:

Any person owning, possessing or harboring any cat, dog, or ferret within the city shall obtain a license for such animal within thirty (30) days after the animal reaches the age of four (4) months, or, in the case of a cat, dog, or ferret over four (4) months of age, within thirty (30) days of the acquisition of ownership or possession of the animal by ~~such~~ said person.

6.16.030: LICENSE APPLICATION:

License applications must be submitted to the division, utilizing a standard form which requests name, address and telephone number of the applicant; breed, sex, color and age of the animal;



previous license information, rabies and sterilization information, and the number, location or other identification applicable to a tattoo or implanted microchip of the animal. The application shall be accompanied by the prescribed license fee and by a rabies vaccination certificate current for a minimum of six (6) months beyond the date of application. A license shall not be issued for a period that exceeds the expiration date of the rabies vaccination. A licensed veterinarian shall give rabies vaccinations with a vaccine approved by the current compendium of animal rabies control.

6.16.040: ADDITIONAL REQUIREMENTS FOR LICENSING AND KEEPING FERRETS:

Without limiting any other requirements of this title, those wishing to keep ferrets must adhere to the following requirements:

A. Number Permitted: No more than two (2) adult ferrets may be kept in a household at any time, and no more than two (2) litters of kits may be kept in a household at any time.

B. Housing: Confinement: Ferrets shall be kept primarily as indoor pets, and shall be housed in a cage or kennel of sufficient size and construction to allow proper space and safekeeping of the ferret. When a ferret is outside, it shall be kept on a harness with a leash not over six feet (6') in length specifically designed for ferrets.

C. Prohibited Persons: A ferret license shall not be granted to any person with an animal control violation within the three (3) years preceding the license application.

D. Sterilization: De-scenting: The city division encourages owners to sterilize and descent their ferrets. (1999 Code)

6.16.050: VETERINARY VERIFICATION:

No dog, cat or ferret will be licensed as spayed or neutered without veterinary verification that such surgery has been performed.

6.16.060: LICENSE FEES: SENIOR CITIZENS:

~~A person sixty (60) years of age or older on the date of license application may, upon proof of that person's age, obtain a senior citizen dog, cat or ferret license for an unsterilized animal for an annual fee as adopted in the fee schedule. A person sixty (60) years of age or older may obtain a senior citizen dog, cat or ferret license for the life of a spayed or neutered animal for a one-time fee as adopted, but such person shall nevertheless obtain a license tag, as needed, without fee thereafter. This section shall not be construed to relieve any person from meeting all licensing requirements not specifically exempted, including late fees and required vaccinations, nor is any license issued hereunder transferable to any other animal or owner other than that for which the license was issued.~~

**Comment [AAH3]:** Senior licensing is addressed through the fee schedule and does not need to be referenced in the ordinance.

6.16.06070: LICENSE TERM AND RENEWAL:



The license shall be issued for one year, and be effective from the date of purchase, through the end of the same month of the expiration year as the month in which the license is purchased, or at the end of the rabies vaccination period current for the animal at the time the license is obtained, whichever date occurs first. Renewals must be obtained prior to the expiration of the immediately preceding license. Applications for renewals made after the expiration of the immediately preceding license must be accompanied by a late fee as set forth in the fee schedule.

6.16.07080: LICENSE REVOCATION:

If the owner of any dog(s), cat(s) or ferret(s) is found to be in violation of this title on three (3) or more different occasions, within a twelve (12) month period, the director of animal services may seek a court order pursuant to chapter 6.40.030 of this title, revoking for a period of one year any and all licenses such person may possess, and providing for the division to pick up and impound any animal kept by the person under such order. Any animal impounded pursuant to such an order shall be dealt with in accordance with the provisions of this title for impounded animals, except that the person under the order of revocation shall not be allowed to redeem ~~their pet~~ such animal, unless successfully making reapplication of the license with the ~~director~~ division. Persons seeking reapplication of ~~such~~ said animals must comply with conditions as set forth by the director that may include, but not limited to, sterilization of the animals, enclosure requirements and confinement conditions.

6.16.08090: LICENSE TAG REQUIREMENTS:

A. Tag Required: Upon payment of the license fee, the director shall issue to the owner a receipt and a tag for each pet licensed. The tag shall have stamped thereon the license number, corresponding with the tag number on the receipt. The owner shall attach the tag to the collar or harness of the animal and see that the animal constantly wears the collar and tag. Failure to attach the tag as provided shall be a violation of this title, except that dogs or cats which are kept for show purpose are exempt from wearing the collar and tag while participating in an animal exhibition.

B. Nontransferable; Refunds; Replacement: Tags are not transferable from one animal to another unless authorized by the director. No refunds shall be made on any dog, cat or ferret license fee for any reason whatsoever. Replacement for lost or destroyed tags shall be allowed upon payment to the division of the replacement tag fee set forth in the fee schedule.

C. Removal Violation: Any person who removes, or causes the removal, of the collar, harness or tag from any licensed dog, cat or ferret without the consent of the owner or keeper thereof, except a licensed veterinarian or animal control officer who removes such for medical or other reasons, shall violate this title.

D. Microchip: Owners may have an identifying microchip implanted in their animals. If owners take such action, they shall be exempt from the requirement that such animals wear identifying tags at all times while ~~off on~~ on the owners premises; provided, that the microchip information has been registered with the director. Owners shall assume the risk of the loss or destruction of an

unrestrained animal whose microchip either cannot be located after a reasonable search thereof  
for or owner information cannot be found after a reasonable records search.

E. Responsibility of Microchip Vendor: It is the responsibility of any vendor of microchips to provide information to the division as to the identification of the owner of an animal that has been microchipped by said vendor.

6.16.090+00: LICENSE EXEMPTION:

A. Conditions: The provisions of sections 6.16.020 through 6.16.090 of this chapter shall not apply in the following circumstances:

1. The dog, cat or ferret is properly licensed in another jurisdiction and the owner thereof is within the city temporarily, for a period not to exceed thirty (30) consecutive days. If the owner shall be within the city temporarily, but for a period longer than thirty (30) consecutive days, he/she may transfer the dog, cat or ferret to the local license required by this chapter by payment of the fee set forth in fee schedule, and upon presentment of proof of a current rabies vaccination for the animal.

2. Individual dogs or ferrets housed within a properly permitted facility or other such establishment when such animals are held for resale.

B. Fee Exemption: The fee provisions of sections 6.16.020 through 6.16.080 of this chapter shall not apply to:

1. Seeing eye dogs trained and certified to assist blind persons, if such dogs are actually used by blind persons to assist them in moving from place to place;

2. Hearing dogs trained and certified to assist deaf persons to aid them in responding to sounds and in use for that purpose;

3. Assistance dogs trained and certified to assist persons with a physical disability and in use for that purpose; or

4. Dogs trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

C. Vaccinations Not Exempted: Nothing in this section shall be construed so as to exempt any dog, cat or ferret located within the city from having a current rabies vaccination.

6.16.100+0: LICENSE VENDOR:

The city division may contract with veterinary hospitals, veterinarians, pet shops, animal grooming parlors, and similar institutions or individuals for the issuance of license application forms.

**6.16.110: HARBORING STRAY ANIMALS; UNLAWFUL CONFINEMENT OR CONCEALMENT OF ANIMALS:**

Comment [AAH4]: Moving to section 6.24

~~A. Harboring Prohibited: It shall be unlawful for any person, except an animal welfare society incorporated or otherwise qualified to do business within Utah and licensed under this title, to harbor or keep any lost or stray pet, unless otherwise allowed by Utah law. A person who assumes and maintains control of a lost or strayed pet longer than twenty-four (24) hours, without notifying the director of the presence and location of said animal, shall be presumed to have violated this section.~~

~~B. Unlawful Confinement: It shall be unlawful for any person to take an animal, without the permission of the owner or handler thereof, and/or to confine an animal in a place unknown to the owner or handler; or to conceal an animal's whereabouts from the owner or handler thereof. The offense described herein is committed irrespective of the period of time of such unlawful confinement or concealment. This section shall not apply to animal control officers legally taking an animal in an emergency or under protection from its owner or handler. (1999 Code)~~

**8.04.130: DOGS OR FERRETS RUNNING AT LARGE; OWNER LIABILITY:**

~~It is unlawful for the owner or handler of any dog or ferret to allow such dog or ferret at any time to run at large. The owner or handler of a dog or ferret shall be liable in damages for injury committed by such dog or ferret and it shall not be necessary in any action brought therefor to allege or prove that such dog or ferret was of a vicious or mischievous disposition or that the owner or keeper thereof knew that it was vicious or mischievous. (1999 Code)~~

**8.04.140: ANIMAL TRESPASS:**

~~It is unlawful for the owner or handler of an animal to allow such animal to trespass on the property of another. (1999 Code)~~

**8.04.150: STAKING DOGS IMPROPERLY:**

~~A. Unlawful: It is unlawful for any person to chain, stake out or tether any dog 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.~~

~~B. Access To Necessities Required: It is unlawful for any person to chain, stake out or tether any dog on any premises in a manner that prevents the dog from having access to food, water or shelter. (1999 Code)~~

**8.04.160: FEMALE DOGS IN HEAT:**

~~Any owner or person having charge, care, custody or control of any female dog in heat shall, in addition to restraining such dog from running at large, cause such dog to be~~



constantly confined in a building or other structure so as to prevent it from attracting by scent or coming into contact with other dogs and creating a nuisance. (1999 Code)

#### **8.04.170: DOGS PROHIBITED IN DESIGNATED AREAS:**

**A. Restaurants And Similar Places:** It is unlawful for any person to take or permit any animal, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, or served, including, but not limited to, restaurants, grocery stores, meat markets and fruit or vegetable stores.

**B. Watershed Areas:** It is unlawful for any person keeping, harboring or having charge or control of any dog to allow such dog to be within protected watershed areas as designated by either the health department or any public water district.

**C. Staking In Public Place:** It is unlawful for any person to chain, stake out or tether any animal in a public place unless the owner or handler of the animal is continually present and the animal is properly restrained so that the animal poses no threat of contact with a person engaged in a normal and expected activity.

**D. Public Parks:** It is unlawful for any person to take or permit any unrestrained animal in any public park located within the city. Any animal in a public park must be continually kept on a leash, not over eight feet (8') in length, which is of sufficient strength to ensure that the animal's owner or handler shall at all times have absolute control over the animal. The director may grant exceptions to this subsection for a licensed animal exhibition.

**E. Exceptions:** This section shall not apply to dogs provided for in subsection 8.04.100B of this chapter, or when the director of the health department adopts rules and regulations, which are subsequently ratified by the city council, which set forth the times and places where the dog or dogs may be allowed without compromising the health and safety of humans, causing a nuisance, or damaging property. (1999 Code)

#### **8.04.180: ATTACKS BY ANIMALS; OWNER LIABILITY; DESTRUCTION AUTHORIZED WHEN:**

**A. Attacking, Chasing Or Worriying:** It is unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal to attack, chase or worry any human, domesticated animal, any species of hoofed wildlife protected by any law or ordinance, or any pet or companion animal. "Worry", as used in this section, means to harass or intimidate by barking or baring of teeth, growling, biting, shaking or tearing with the teeth; or approaching any person in an apparent attitude of attack or any aggressive behavior which would cause a reasonable person to feel they were in danger of immediate physical attack.

**B. Penalty Additional:** Any penalty imposed as a result of prosecution of a person under subsection A of this section shall be in addition to any penalties or liabilities imposed upon such person by any other law or ordinance.

~~C. Mitigating Circumstances: The following shall be considered in mitigating the penalties or damages, or in dismissing a charge brought under subsection A of this section:~~

~~1. That the animal was properly confined on the premises; or~~

~~2. That the animal was deliberately or maliciously provoked.~~

~~D. Authorized Action For Protection: Any person may kill (or take other protective action against) an animal while it is committing any of the acts specified in subsection A of this section, while such animal is being pursued after committing any of such acts, or to protect him/herself, or members of the public, from any threat of death or personal injury then being posed by the animal. (1999 Code)~~

## CHAPTER 6.20 RABIES CONTROL

### 6.20.010: DOG, CAT AND FERRET RABIES VACCINATION REQUIREMENTS:

A. Vaccination Required: The owner or person having charge, care, custody, and control of a cat, ~~or dog, or ferret~~ four (4) months of age or older shall have such animal vaccinated against rabies and shall thereafter ensure that ~~such~~ said animal is revaccinated as often as is required to maintain the animal in a current rabies vaccination status. Any person permitting any animal to habitually be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for the vaccinations of the animal. Unvaccinated cats, dogs or ferrets ~~eats~~ over four (4) months of age acquired by the owner or moved into the jurisdiction must be vaccinated within thirty (30) days of acquisition or arrival. Every dog, cat and ferret shall have a current rabies vaccination with a rabies vaccine approved by the current compendium of animal rabies control.

B. Operators Responsibility: Veterinarians, cattery and kennel operators shall be responsible for determining that dogs, cats and ferrets are currently vaccinated for rabies prior to accepting the animal from their owners or caretakers for temporary housing on their premises.

C. Exception: The provisions of this section shall not apply to a veterinarian providing emergency medical care to a sick or injured animal.

### 6.20.020: RABIES VACCINATION; WHEN VALID:

A. Specified: Animals that have had a valid vaccination for rabies will not be considered to have a current vaccine until thirty (30) days following the first vaccination and will be considered unvaccinated the day following the expiration of the last documented valid vaccination.

B. Bite Cases: For the purpose of management of bite cases, an owner may, within the six (6) months of expiration of the last vaccine, submit proof of protection against rabies. Such proof shall be in the form of a written statement from a veterinarian based upon a blood ~~test~~ titer paid for by the owner, drawn after the bite and prior to, or within ten (10) days of, any revaccination. (



6.20.030: RABIES VACCINATION; VETERINARIAN DUTIES; CERTIFICATION AND TAGS:

A. Certification Information: It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination, in duplicate, which includes the following information:

1. Owner's name and address;
2. Description of the animal (breed, sex, markings, age, name);
3. Date of vaccination;
4. Rabies vaccination tag number;
5. Type of rabies vaccine administered; and
6. Manufacturer's serial number of vaccine.

B. Distribution of Copies: A copy of the certificate shall be distributed to the owner and the original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this chapter.

C. Tag: Additionally, a metal or durable plastic rabies vaccination tag, serially numbered, may be securely attached to the collar or harness of the animal. An animal discovered in public view and not wearing a rabies tag, or current license tag, shall be deemed to be unvaccinated and may be impounded or seized in accordance with law and dealt with pursuant to this title.

6.20.040: IMPOUNDMENT OF ANIMALS WITHOUT VALID VACCINATION TAGS:

A. Reclaim By Owner: Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed by its owner upon the owner furnishing proof of rabies vaccination and payment of all fees attributable to said animal's apprehension and impoundment accrued up to the date of release.

B. Rabies Deposit: Any unvaccinated animal may be reclaimed by its owner prior to disposal of ~~such~~ said animal under the procedures set forth in section 6.28.040 of this title by payment of all fees attributable to said animal's apprehension and impoundment and by the owner posting a rabies deposit as found in the current fee schedule. ~~Such~~ Said deposit may be recovered by owner upon showing proof of rabies vaccination within seventy two (72) hours of release.

C. Disposal of Unclaimed Animals: Any animal not reclaimed prior to the period specified in section 6.28.050 of this title shall be disposed of pursuant to that section.

6.20.050: RABID ANIMAL REPORTS:

A. Reporting Required: Any person having knowledge of the presence or whereabouts of an animal known to have been exposed to or reasonably suspected of having rabies and any person having knowledge of an animal or person bitten by a wild or domestic carnivorous mammal or bat shall report such knowledge and all pertinent information available to the division and/or the health department, ~~for direction from the division or health department.~~ Any person having



custody of such animal shall confine the animal pending direction from the division or health department.

B. Interference Prohibited: It is unlawful under this title for any person having knowledge of the presence or whereabouts of an animal known to have been exposed to, or reasonably suspected of having, rabies; or of an animal or person bitten by such an animal; to harbor, protect, or otherwise interfere with the apprehension or identification of ~~such~~ said animal or persons by wilfully withholding such knowledge from an animal control officer, peace officer, or any other officer of the health department or the Utah state department of health.

C. Failure To Surrender: It is a violation of this title for an owner, or other person having the care, custody and control of an animal known, suspected, or deemed to have been exposed to rabies as set forth above in this section to fail to surrender ~~such~~ said animal immediately upon demand by any peace officer, animal control officer or officer of the city, the division, the health department or the Utah state department of health.

#### 6.20.060: ANIMALS EXPOSED TO RABIES:

Any animal potentially exposed to rabies virus by a wild or domestic carnivorous mammal or a bat that is not available for testing shall be regarded as having been exposed to rabies.

A. Unvaccinated: Unvaccinated dogs, cats, and ferrets exposed to a rabid animal shall be euthanized immediately. If the owner is unwilling to have this done, the animal shall be placed in strict isolation for six (6) months under a veterinarian's supervision, at the owner's expense, and vaccinated one month before being released.

B. Vaccinated: Dogs, cats, and ferrets that are currently vaccinated shall be revaccinated immediately, kept under the owner's control and observed for forty five (45) days.

C. Livestock: Livestock shall be handled as per the current compendium of animal rabies control.

#### 6.20.070: MANAGEMENT OF ANIMALS THAT BITE HUMANS:

A. Quarantine: An apparently healthy dog, cat, or ferret that bites a person or another animal shall be quarantined and the following provisions shall apply:

1. The animal shall be observed for a period of not less than ten (10) days by the division and/or the health department, and the owner of the animal shall be responsible for the cost of such quarantine.

2. The normal place for such quarantine shall be the division's animal shelter; however, other arrangements suitable to the division's director may be made for the period of observation specified herein upon the condition that the biting animal had a current rabies vaccination at the time the bite is inflicted.

3. A person having custody of an animal under quarantine at a place other than the division's animal shelter shall immediately notify the division if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes from quarantine.

4. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow an officer of the division, the health department or a veterinarian designated by them, to make an inspection or examination of the animal during, and/or at the end of the period of quarantine.

5. If the quarantined animal dies within ten (10) days from the date of the bite for which the animal was quarantined, the person having custody of said animal shall immediately notify the division of such fact and immediately deliver the animal to that person's veterinarian or the division for the removal and delivery of the head of ~~such~~ said animal to a laboratory specified by the state department of health for examination for rabies.

6. At the end of the quarantine period, the director or designee shall examine the quarantined animal and if no sign of rabies is present in the animal, the animal may be released to its owner. Stray animals shall be disposed of as provided in section 6.28.050 of this title.

7. If, during the quarantine, the animal exhibits symptoms of rabies, it shall be immediately destroyed and tested.

8. Any stray or unwanted dog, cat or ferret that bites a person may be euthanized immediately and submitted for rabies examination, if an immediate examination is determined necessary by the director or the health department.

B. Other Animals: Animals other than dogs, cats, or ferrets that might have exposed a person to rabies shall be reported immediately to the division and the health department. Case management will be a collaborative effort between the health department and the division.

## **CHAPTER 6.24 - ANIMAL BITES AND NUISANCES**

### **6.24.010: NUISANCE; PENALTIES FOR ALLOWING:**

An owner or person having charge, care, custody or control of an animal or animals creating a "nuisance", as defined in this title, shall be guilty of allowing a nuisance in violation of this title and subject to the penalties provided herein.

### **6.24.015 PUBLIC NUISANCE ANIMAL:**

"Nuisance" means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or humans, or substantially interfere with humans', other than their owner's, enjoyment of life or property.

The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

A. Is repeatedly found at large;

B. Damages the property of anyone other than its owner;

C. Repeatedly molests or intimidates neighbors, pedestrians or passersby by lunging at fences, chasing, or acting aggressively towards such person, unless provoked by such person;

D. Chases vehicles;

E. Makes 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;

F. Causes fouling of the air by odors and thereby creates unreasonable annoyance or discomfort to neighbors or others;

G. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

H. Defecates on any public or private property without the consent of the owner of such property, unless the handler of such animal shall have in his or her possession the instruments to clean up after his or her animal and shall remove the animal's feces to a proper trash receptacle;

I. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals kept or harbored;

J. Attacks people or other animals, whether such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;

K. Has been found by a court or by any other commission or board lawfully established under Utah law, to be a public nuisance under any other provision of Utah law;

L. Cannot be restrained by normal restraints, such as standard leashes, standard chains, or muzzles; or

M. Cannot be effectively controlled by its owner or handler.

The fact, or evidence of the fact, that the factors alleged to have caused the animal to be a nuisance are inherent and/or natural behavior for such animal, or the action of the owner or animal are otherwise legal, shall not negate or excuse a charge of nuisance.

#### 6.24.020: ANIMAL NUISANCE ABATEMENT:

A. Authority: If the director has reasonable grounds to believe that an animal constitutes a "public nuisance animal", as defined herein, and that such nuisance necessitates immediate abatement, he/she may issue an abatement order, by mail or posting, giving the animal owner or keeper seven (7) days to abate the animal nuisance. If the animal nuisance is not abated within seven (7) days after delivery of the abatement notice, an animal control officer may seize the



animal pending delivery of an order concerning the disposition of the animal by a court of competent jurisdiction. Each day that an owner or keeper allows an animal nuisance to persist beyond seven (7) days following delivery of an abatement notice will constitute a separate violation of this title.

B. Costs: If the court determines that the animal in question is not a nuisance and/or need not be abated for the public health and safety, the division shall cause the animal to be returned to the owner or handler forthwith, and shall assume the responsibility for the costs incurred while the animal is under the care and keeping of the division. If the court determines that the animal in question constitutes a public nuisance, the owner or handler shall be liable to the division for the cost incurred by the division for the animal's care and keeping while the matter is before the courts, and for the cost of destroying the animal.

#### 6.24.030: ANIMAL BITES; REPORTING REQUIREMENTS:

A. Time Limit for Reporting: Persons who obtain knowledge that an animal has bitten another animal or a human shall report the facts to the division within twenty four (24) hours of the bite, regardless of whether the biting animal is of a species subject to rabies.

B. Medical Personnel: A physician, or other medical personnel, who renders professional treatment to a person bitten by an animal shall report that fact to the division and the health department within twenty four (24) hours of his/her first professional attendance. Such report shall include the name, sex and address of the person bitten as well as the type and location of the bite. If known, the person making the report shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the division in ascertaining the immunization status of the animal.

C. Veterinarians: A veterinarian or other person who treats an animal bitten, injured or mauled by another animal shall report that fact to the division. The report shall contain the name and address of the owner of the injured animal, the name and address of the owner, if known, of the animal which caused the injury, and a description of the animal, if known, which caused the injury, and the location of the incident.

D. Violation: Any person not conforming with the requirements of this section shall be in violation of this title.

#### 6.24.040: FIERCE, DANGEROUS OR VICIOUS ANIMALS:

It is a violation of this title for an owner or handler of a dangerous or vicious animal to allow or permit ~~such~~ said animal to go or be off his/her premises unless such animal is under secure restraint and muzzled and/or confined so as to prevent it from injuring any person, property, or other animal. The owner of any dangerous or vicious animal shall microchip the animal and register the microchip number with the division. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal, so that it shall not injure any person or property, is a hazard to public safety, and the director may

take the same action in regards to such animal as is permitted in section 6.24.020 of this chapter, or may seek a court order for destruction of or muzzling of the animal.

**6.24.050: CONTROL AND FENCING OF LIVESTOCK:**

A. At Large: It is unlawful for an owner or handler of livestock to allow, either negligently or wilfully, the same to run at large in an area where such is not permitted by any law or regulation.

B. Trespassing: It is unlawful for an owner or handler of livestock to allow, either negligently or wilfully the same to be herded, pastured, or to otherwise enter upon the land of another person without the consent of that person.

C. Fencing: In areas where livestock are not permitted to run at large, the owner or handler of livestock shall construct adequate fencing and shall maintain said fencing to prevent livestock animals' escape from the owner's or handler's premises.

D. Adequate Fencing Defined: For the purposes of this section, "adequate fencing" means, at a minimum, mesh, barbed wire, chainlink, rail, or post fencing; or metal fence panels.

E. Stallions: Because of the unusual hazards presented by stallions, such animals shall be confined in a fenced enclosure with a minimum fence height of eight feet (8').

F. Failure To Comply: Failure by an owner or handler to erect and maintain the fencing required by this section, thus permitting the escape of, or injury to persons, property or other domesticated animals, shall be a violation of this title.

**6.24.060: HARBORING STRAY ANIMALS; UNLAWFUL CONFINEMENT OR CONCEALMENT OF ANIMALS:**

A. Harboring Prohibited: It shall be unlawful for any person, except an animal welfare society incorporated or otherwise qualified to do business within Utah and licensed under this title, to harbor or keep any lost or stray pet, unless otherwise allowed by Utah law. A person who assumes and maintains control of a lost or strayed pet longer than twenty four (24) hours, without notifying the division of the presence and location of said animal, shall be presumed to have violated this section.

B. Unlawful Confinement: It shall be unlawful for any person to take an animal, without the permission of the owner or handler thereof, and/or to confine an animal in a place unknown to the owner or handler; or to conceal an animal's whereabouts from the owner or handler thereof. The offense described herein is committed irrespective of the period of time of such unlawful confinement or concealment. This section shall not apply to animal control officers legally taking an animal in an emergency or under protection from its owner or handler.

**6.24.070: DOGS OR FERRETS RUNNING AT LARGE; OWNER LIABILITY:**



It is unlawful for the owner or handler of any dog or ferret to allow such dog or ferret at any time to run at large. The owner or handler of a dog or ferret shall be liable in damages for injury committed by such dog or ferret and it shall not be necessary in any action brought thereof to allege or prove that such dog or ferret was of a vicious or mischievous disposition or that the owner or keeper thereof knew that it was vicious or mischievous.

6.24.080: ANIMAL TRESPASS:

It is unlawful for the owner or handler of an animal to allow such animal to trespass on the property of another.

6.24.090: STAKING DOGS IMPROPERLY:

A. Unlawful: It is unlawful for any person to chain, stake out or tether any dog 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.

B. Access To Necessities Required: It is unlawful for any person to chain, stake out or tether any dog on any premises in a manner that prevents the dog from having access to food, water or shelter.

6.24.100: FEMALE DOGS IN HEAT:

Any owner or person having charge, care, custody or control of any female dog in heat shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or other structure so as to prevent it from attracting by scent or coming into contact with other dogs and creating a nuisance.

6.24.110: DOGS PROHIBITED IN DESIGNATED AREAS:

A. Restaurants And Similar Places: It is unlawful for any person to take or permit any animal, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, or served, including, but not limited to, restaurants, grocery stores, meat markets and fruit or vegetable stores.

B. Watershed Areas: It is unlawful for any person keeping, harboring or having charge or control of any dog to allow such dog to be within protected watershed areas as designated by either the health department or any public water district.

C. Staking In Public Place: It is unlawful for any person to chain, stake out or tether any animal in a public place unless the owner or handler of the animal is continually present and the animal is properly restrained so that the animal poses no threat of contact with a person engaged in a normal and expected activity.

D. Public Parks: It is unlawful for any person to take or permit any unrestrained animal in any public park located within the city. Any animal in a public park must be continually kept on a



leash, not over eight feet (8') in length, which is of sufficient strength to ensure that the animal's owner or handler shall at all times have absolute control over the animal. The director may grant exceptions to this subsection for a licensed animal exhibition.

E. Exceptions: This section shall not apply to dogs provided for in subsection 6.16.100B of this chapter, or when the director of the health department adopts rules and regulations, which are subsequently ratified by the city council, which set forth the times and places where the dog or dogs may be allowed without compromising the health and safety of humans, causing a nuisance, or damaging property.

#### 6.24.120: ATTACKS BY ANIMALS; OWNER LIABILITY; DESTRUCTION AUTHORIZED WHEN:

A. Attacking, Chasing Or Worring: It is unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal to attack, chase or worry any human, domesticated animal, any species of hoofed wildlife protected by any law or ordinance, or any pet or companion animal. "Worry", as used in this section, means to harass or intimidate by barking or baring of teeth, growling, biting, shaking or tearing with the teeth; or approaching any person in an apparent attitude of attack or any aggressive behavior which would cause a reasonable person to feel they were in danger of immediate physical attack.

B. Penalty Additional: Any penalty imposed as a result of prosecution of a person under subsection A of this section shall be in addition to any penalties or liabilities imposed upon such person by any other law or ordinance.

C. Owner Liability: 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.

D. Mitigating Circumstances: The following shall be considered in mitigating the penalties or damages, or in dismissing a charge brought under subsection A of this section:

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

E. Authorized Action For Protection: Any person may kill (or take other protective action against) an animal while it is committing any of the acts specified in subsection A of this section, or while such animal is being pursued after committing any of such acts, or to protect him/herself, or members of the public, from any threat of death or personal injury then being posed by the animal.

#### **CHAPTER 6.28 - IMPOUNDMENT**

##### **6.28.010: ANIMAL SHELTER AND FACILITIES:**

A. Shelter: The city shall be responsible, within its legislative discretion, to provide (by contract with the division or otherwise) suitable premises and facilities to be used as an animal shelter where impounded animals can be kept. ~~The city, through the division, shall purchase and supply food and provide care for impounded animals.~~

B. Destruction: The division shall provide for the destruction of dogs, ~~and cats, ferrets~~ and other animals for which destruction is authorized by this title or by the laws of the state of Utah Utah Law. Destruction shall be accomplished in accordance with standards established by the American veterinary medical association, or in accordance with any other nationally recognized standards established for the proper destruction of animals; or by any method which, in the discretion of the director ~~or the division~~, is proper under the then existing circumstances.

C. Medical Treatment: The division may furnish, when deemed necessary at the discretion of the director or division personnel, medical treatment to animals impounded pursuant to this title. Prior consent for such treatment from the owners of such animals shall not be required.

D. Cost Recovery: The division shall be entitled to recover from the owner of any affected animal the cost of the care and keeping, medical treatment, and euthanasia provided or performed under the authority of this title. (1999 Code)

#### 6.28.020: IMPOUNDMENT AUTHORIZED; WHEN:

A. Impoundment: An animal control officer may impound, or leave an animal in the custody of its owner or handler, according to such officer's discretion, whenever such animal is found to be in circumstances which violate the requirements of this title. If left in the custody of the owner or handler, said owner or handler shall nevertheless be required to respond to a notice of violation issued by the animal control officer.

B. Impounding without Criminal Complaint: An animal found in the following circumstances may be impounded by an animal control officer without the filing of a criminal complaint or obtaining a prior order from a court of competent jurisdiction:

1. The animal is running at large outside its owner's or handler's premises;
2. The animal is outside its owner's or handler's premises and is not licensed as required by this title. An animal not wearing a license tag shall be presumed to be unlicensed for the purpose of this subsection;
3. The animal is sick or injured and its owner cannot be immediately located;
4. The animal's owner or handler requests the division to impound the animal and pays, in advance, a fee reasonably calculated to pay for the cost the division will reasonably incur during impoundment and possible destruction of the animal;
5. The animal is abandoned;

6. The animal is outside its owner's or handler's premises and is known by the animal control officer to be without the rabies vaccination required by this title. For the purpose of this subsection, an animal not wearing a rabies tag shall be presumed to be unvaccinated;

7. The animal is known by the animal control officer to have been exposed to rabies or bitten by a rabid animal;

8. The animal is to be otherwise held for quarantine;

9. The animal is a vicious animal and not properly confined or restrained as required by section 6.24.040 of this title; or

10. The animal is not being kept or maintained as required by any other provision of this title, and as a result thereof, the animal poses an imminent threat to the health and safety of persons, other animals, or itself.

C. List Not Exhaustive: The circumstances set forth above in this section are not intended to be a complete list of those in which the city, the division, and/or an animal control officer may impound an animal without a prior order from a court of competent jurisdiction; and ~~such~~ said officers are authorized to act as necessary to maintain the peace and safety of the city under the requirements of this title and all other applicable law.

#### 6.28.030: IMPOUNDMENT; RECORDKEEPING REQUIREMENTS:

The impounding facility shall keep record of each animal impounded, which shall include the following information:

A. Complete description of the animal, including tag numbers;

B. The manner and date of impound;

C. The location of the pick up and name of the officer picking up the animal;

D. The manner and date of disposal;

E. The name and address of the person who redeems, purchases or adopts the animal;

F. The name and address of any person relinquishing an animal to the impound facility;

G. All fees received on behalf of the animal; and

H. All costs of impoundment allocable to the animal which accrues during its impoundment.

#### 6.28.040: REDEMPTION OF ANIMALS; RESTRICTIONS:



| A. Payment of Fees: The owner of any impounded animal or his/her authorized representative (a legally responsible adult of age 18 or more) may redeem such animal before disposition, provided he/she pays:

1. The impound fee;
2. The daily board charge;
3. Veterinary costs incurred during the impound period, including rabies vaccination or rabies vaccination deposit;
4. License fee, if required;
5. A transportation fee if transportation of an impounded animal by specialized equipment is required. "Specialized equipment" is that equipment, other than the usual patrol and operation vehicles of animal control, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers. The director of animal services shall determine this fee at a level that approximates the cost of utilizing the specialized equipment in the particular situation;
6. Any other expenses incurred to impound an animal in accordance with state or local laws;
7. Any unpaid (past due) fees and fines incurred by the owner; and
8. If any dog or cat is fertile, the owner shall also pay a sterilization deposit and comply with any other requirements established by Utah Code Annotated section 17-42-101 et seq., as amended, or other applicable state law and implemented by the division. For the purposes of this subsection, the term "recipient" contained in the referenced state statute shall include an owner or his/her authorized representative who is redeeming his/her animal after impound.
9. If an animal is impounded on two (2) or more occasions without wearing identification or license tags, the owner may be required to purchase microchip identification in addition to impound fees.

| B. Establishment of Fees: The director, with the city council's approval by resolution, shall set, and periodically revise when necessary, maximum impound fees and daily board charges for the impounding of animals. Such fees shall be published in the fee schedule. Such fees may take into account the type of animal impounded, the owner's compliance with animal licensure requirements, the number of confinements in the preceding year, and the duration of the confinement. No impound fees will be charged the reporting owners of suspected rabid animals if they comply with chapter 6.20 of this title.

#### 6.28.050: TERM OF IMPOUNDMENT; DESTRUCTION OR OTHER DISPOSITION OF ANIMALS:

| A. Term: Animals shall be impounded for a minimum of three (3) business days before further disposition unless the animal is wearing a license tag or other identification, in which case it

shall be held a minimum of five (5) calendar days. Reasonable efforts shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility by the owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition.

B. Destruction, Disposal, or Adoption: All animals, except those quarantined or confined by court order, or those subject to Utah Code Annotated section 4-25-4, as amended, which are held longer than the minimum impound period, and all animals voluntarily relinquished to the division's animal facility, may be destroyed or disposed of as the director or the division shall direct. Any healthy pet may be adopted to any qualifying person desiring to adopt such animal, for a price as published in the current fee schedule. The director~~division~~ shall require the sterilization of any healthy dog, cat, ferret or rabbit sold or released under this chapter and shall also comply with ~~the~~ any applicable requirements established by Utah Code Annotated section 17-42-101 et seq., as amended, or other applicable state law.

C. Injured Animal Released to Veterinarian: Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention may, in the division's discretion, be released to the care of a veterinarian with the consent of the owner.

D. Destruction Without Time Limitations: When, in the division's judgment, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established in this title, and without court order.

E. Destruction upon Request of Owner: The ~~director~~ division may destroy an animal upon the request of an owner without transporting the animal to the ~~city~~ division's animal facility. An appropriate fee shall be charged the owner for the destruction and any subsequent disposal of the carcass performed by the division.

#### 6.28.060: STERILIZATION OF ADOPTED AND IMPOUNDED ANIMALS:

A. Sterilization Required: A dog, cat, ferret or rabbit adopted from the division's animal ~~shelter~~ facility shall be sterilized.

B. Conditional Adoption: The division may allow the conditional adoption of an unsterilized dog, cat, ferret or rabbit, because of the age of the animal or as otherwise deemed necessary by the division. Such conditional adoption shall become final upon proof to the division that the animal has been sterilized. Failure to sterilize results in forfeiture of the animal to the division.

C. Owner Reclaiming: A dog or cat owner reclaiming an impounded pet shall comply with any applicable requirements established by Utah Code Annotated section 17-42-101 et seq., as amended, or other applicable state law and implemented by the division to conform with said law.

## CHAPTER 6.32 - CRUELTY TO ANIMALS

### 6.32.010: CARE AND MAINTENANCE RESPONSIBILITY:

It is shall be unlawful for an owner or handler of an animal to withhold food, drink, care, adequate space and shelter from such animal, which is reasonably necessary to maintain such animal in good health, comfort and safe from potential hazards. To ensure the availability of adequate space for large animals, notwithstanding anything in this code to the contrary, it shall be unlawful to keep any horse, mule burro, ass or cattle on a lot or other parcel of ground that is not over one-half ½ acre in size.

### 6.32.020: KEEPING OF DISEASED OR PAINFULLY CRIPPLED ANIMALS:

A. Abandonment: It is unlawful for any person to abandon or turn out at large any sick, diseased or disabled animal.

B. Disease or Disability: It is unlawful for the owner or handler of an animal rendered worthless to ~~such~~said owner or handler by reason of disease or disability, to allow such animal to continue to live in a diseased or disabled state. ~~Such~~Said owner or handler shall dispose of such animal by killing the same in a humane manner, or by contacting the director or the division. Upon such contact, the division shall assume responsibility for disposition of the animal provided that the owner or handler shall pay a fee, in advance, to the division to pay for division's cost in disposing of the animal. If the owner or handler fails to pay such fee, and fails to dispose of the diseased or disabled animal as required above, such person shall be in violation of this title.

C. Veterinary Care or Disposal Required: It is unlawful for an owner or handler of an animal which is infected with a disease, or is in a painfully crippled condition, to have, keep or harbor such animal without placing the animal under veterinary care and/or to dispose of such animal as required in subsection B of this section.

### 6.32.030: ABANDONMENT OF ANIMALS:

It is unlawful for any person to abandon any animal within the geographical boundaries of the city.

### 6.32.040: HOBBLING ANIMALS:

It is unlawful for any person to hobble livestock or other animals by any means that may cause injury or damage to any animal.

### 6.32.050: ANIMALS IN VEHICLES:

It is unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such animal without adequate ventilation or for an unusual length of time. Persons transporting an animal in the open



bed of a vehicle must physically restrain the animal in such a manner as to prevent the animal from jumping or falling out of the vehicle.

#### 6.32.060: PHYSICAL ABUSE OF ANIMALS:

It is unlawful for any person to kill without legal justification, maim, disfigure, torture, beat, whip, mutilate, burn or scald, over drive or in any manner treat any animal in a cruel or malicious manner. Each instance of such treatment shall constitute a separate offense.

#### 6.32.070: INJURY TO ANIMALS BY MOTORISTS; DUTY TO STOP AND ASSIST:

A. Required: The operator of a motor vehicle or other self propelled vehicle being operated upon the streets of the city (within the area of authority of this title) shall, in the event such vehicle should strike and injure or kill any domesticated animal, give reasonable aid and assistance and/or protection to such animal, without placing him or herself at unreasonable risk, and in the absence of the owner call and report the facts pertaining to the incident to either of the following authorities:

1. The Salt Lake County sheriff or other police agency having jurisdiction in the city;

2. The director; or

3. The division.

B. Compliance with Instructions Given: After making the report required above, the operator shall comply with the instructions given by the agency contacted and shall, if instructed, remain at the scene until appropriate police or animal control authority arrives. After arrival of appropriate authority, the operator shall cooperate with said authority in the investigation and reporting of the incident.

C. Transportations Alternative: As an alternative to complying with the requirements set forth above, and in the absence of the owner the motor vehicle operator may transport the animal which has been struck to the division's animal facility, or, in the case of an animal which is injured and not dead, to a veterinarian for treatment of the animal's injuries. If the operator chooses the latter course of action, he/she shall be responsible for the cost of treatment if required by the veterinarian. The division shall not be responsible for the cost of treatment unless it has accepted responsibility after the operator's compliance with any of the requirements of this section.

D. Exception for Emergency Vehicles: This section shall not apply to operators of emergency vehicles if such vehicles are being operated in response to a bona fide emergency situation at the time the animal is struck. Emergency vehicle operators who strike an animal during a response to a bona fide emergency situation shall notify the director of the division of the incident as soon as is practicable thereafter.

#### 6.32.080: POISONING ANIMALS:

Except as provided in this section, it is unlawful for any person by any means to knowingly and recklessly make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health, when applied in such a manner as to reasonably prohibit access to other animals.

6.32.090: STEEL JAW TRAPS:

It is unlawful for any person to use steel jaw traps to trap animals, unless authorized by the director.

6.32.100: MISTREATMENT OF ANIMALS:

It is unlawful for any person to provoke any animal, which is being kept, housed or confined in compliance with this title.

6.32.110: BABY RABBITS AND FOWL; RESTRICTIONS:

A. Age Restrictions: It is unlawful for any person to sell, to offer for sale, offer to give as a prize, premium or advertising device, or display in any store, shop, carnival or other public place, any baby rabbits or fowl under eight (8) weeks of age in any quantity less than six (6).

B. Dates Prohibited: It is unlawful for any person to sell, offer for sale, barter or give away any baby rabbits or fowl under eight (8) weeks of age during the two (2) week period preceding Easter in any quantity less than twenty five.

C. Dye or Color: It is unlawful to artificially dye or color any animal under six (6) months of age.

D. Personal Use and Consumption: Nothing in this section shall be construed to prohibit the purchase and raising of such rabbits and fowl by a private individual for his/her personal use and consumption; provided, that he/she shall maintain proper brooders and other facilities for the care and containment of such animals while they are in his/her possession.

E. Adequate Care: It is unlawful to offer as an advertising device, or to display, any animal without, at all times keeping adequate food and water available for ~~them at all times~~ the animal's use.

F. Offering Live Animal Prohibited: It is unlawful for any person to offer as a premium, prize, award, novelty or incentive to purchase merchandise, any live animal. Nothing herein shall be construed to prohibit the offering or sale of animals in conjunction with the sale of food or equipment designed for the care or keeping of such animals.

G. Separate Offense: Each day an offense of this section occurs or continues shall be a separate offense.

6.32.120: SELLING CERTAIN TURTLES PROHIBITED:

It is unlawful to own or sell, barter or trade any *Chrysemys scripta-elegans*, Red-Eared Sliders, that are four inches (4") in length or smaller, or *P. troostii*, family Testudinidae, "pet turtles".

6.32.130: KILLING BIRDS:

It is unlawful to kill any bird, or to rob or destroy any nest, egg or young of any bird, in violation of state law.

6.32.140~~130~~: TETHERING OF DOGS – RESTRICTED.

A. It is unlawful for an owner or handler of a dog to tether a dog in any manner that would cause injury or damage to the dog, or when freedom of movement would endanger a dog. A tether must be of sufficient length to provide the dog with adequate space. Each dog tethered in violation of this section shall constitute a separate offense.

B. It is unlawful for an owner or handler of a dog to tether a dog for longer than ten hours within a twenty-four hour period. Each dog tethered in violation of this section shall constitute a separate offense.

6.32.150~~140~~: TETHERING OF DOGS- EXEMPTIONS.

The provisions of Section 6.32.140~~130~~ will not apply in the following circumstances:

- A. The owner or handler has been mandated by animal services to keep the dog properly restrained at all times by the use of a tether or other means of containment.
- B. The owner or handler has a dog that is registered as a dangerous animal under Section 6.12.130 of this title.

**CHAPTER 6.36 - WILD, DANGEROUS AND EXOTIC ANIMALS**

6.36.010: PROHIBITIONS RELATING TO WILD, DANGEROUS AND EXOTIC ANIMALS; EXCEPTIONS:

A. Specified: It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor or purchase any wild, dangerous or exotic animal (as defined in title 50 of the Code of Federal Regulations, in state law or regulation, or in sections 6.04.160, 6.04.225 and 6.04.580 of this title), or which is otherwise a "vicious animal" or a "nuisance", as defined in this title.

B. Exceptions: The prohibitions of subsection A of this section shall not apply to a person, animal shelter, zoological park, veterinary hospital, Internal Revenue Code section 501(C)(3)



animal welfare shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific research if such organizations are otherwise licensed or permitted as provided in this title; provided, that said animals are restrained or confined in such a manner as to prevent their escape and/or injury to the public.

#### **CHAPTER 6.38- DOG BREEDERS**

##### **6.38.010 License.**

A. Dog breeders shall obtain a license issued by the division, in addition to any current general kennel or fancier's permit required by ordinances.

B. An applicant for a license shall submit an application on a form prescribed by the division, together with an annual, nonrefundable license fee in an amount determined by the council.

C. The division, through its inspector, may conduct an inspection for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section. The division shall issue the license upon receipt of the application and annual license fee and upon satisfactory completion of any required or qualifying inspection and compliance with all requirements of these ordinances.

D. A license will not be issued to an applicant who has pled no contest or has been found to have violated any federal, state or local laws or regulations pertaining to any animal laws within five years of the date of application.

E. An applicant who does not receive a license shall be afforded the opportunity for a hearing before a hearing officer of the division to present evidence that the applicant is qualified to hold a license.

F. This section shall not apply to:

1. Any person licensed or subject to inspection by the United States Department of Agriculture pursuant to the federal Animal Welfare Act (7 U.S.C. 2131 et seq.) and its regulations (Title 9 C.F.R.).

2. Any evacuation or management activity associated with any emergency or disaster declared by local, state or federal government.

G. A license to operate as a dog breeder shall be renewed by filing with the division annually a renewal application and license fee.

H. License registration should be made prior to any litter being delivered. Failure to timely register under this ordinance may result in additional penalties, including a late fee as established by the council.

I. A license is not transferable to another person or location.

J. A licensee may be put on probation requiring him or her to comply with the conditions set out in an order of probation issued by the division, may be ordered to pay a civil penalty or may have his or her license suspended after:

1. The division determines the licensee has not complied with the provisions of this section or with division regulations;

2. The licensee is given written notice to comply and written notice of the right to a hearing to show cause why the license should not be revoked; and

3. The division finds that issuing an order revoking the license is appropriate based on the hearing record or on available information if the hearing is waived in writing by the licensee or the licensee does not appear at a scheduled hearing after the licensee has received notice of the hearing.

K. The facility or operation of any licensee whose license has been suspended shall close and remain closed and all operations cease until the license has been reinstated and a new license is issued. Any facility or operation for which the license is revoked shall not be eligible to apply for a new license until one year after the date of the order revoking the license or, if the revocation is appealed, one year from the date of the order sustaining the revocation.

L. The division may terminate proceedings undertaken pursuant to this section at any time if the reasons for instituting the proceedings no longer exist. A license which has been suspended may be reinstated, a person with a revoked license may be issued a new license, or a licensee may no longer be subject to an order of probation if the division determines the conditions which prompted the suspension, revocation, or probation have been remedied or no longer exist.

M. A licensee shall have the right to appeal adverse decisions to the division director or designee.

#### **6.038.020 - License—Responsible Breeder—Five-Year License.**

Licensees belonging to recognized organizations which require and enforce adherence to a code of ethics and standards specific to their breed may obtain a five-year license, at no charge.

##### B. Recognized organizations:

1. Local, regional or national dog club or organization recognized by the American Kennel Club which have a written code of ethics that members are held accountable to in order to remain member in good status standing, or

2. If the breed is not recognized by the American Kennel Club then a local, regional or national dog club or an organization recognized by the United Kennel Club which has a written code of



ethics that members are held accountable to in order to remain member in good status standing, or,

3. If the breed is not recognized by the American Kennel Club or the United Kennel Club the organization may be recognized by providing the following information to the Division:

- a. Articles of organization and bylaws (or equivalent);
- b. Copy of the organization's code of ethics; and
- c. Statement regarding member's requirement to abide by code of ethics to maintain membership.

C. Application for five year license must include the following:

- 1. Proof that the applicant is a member in good standing with a recognized organization, and
- 2. A copy of the recognized organization's code of ethics (or equivalent) that members are held accountable to in order to maintain member-in-good-standing status. The code of ethics must include at a minimum:
  - a. Expectations for following guidelines and recommendations for breed specific health and medical testing;
  - b. Prohibits selling, trading or bartering of a puppy/adult that is sick, or ship or deliver to the buyer a puppy less than eight weeks of age; and
  - c. Requirements to take back or make rescue or placement arrangements for any dog produced that has been displaced or abandoned at any time during its life.

D. A five year license may be revoked if the licensee is found to have lost member-in-good-standing status or if the licensee is found to be in violation of any section of this chapter.

E. Organizations found to not be enforcing their member's adherence to the organization's standards and code of ethics may be suspended from participating in the five-year license program for two years. During the two-year period of the organization's suspension, no five-year licenses will be issued or renewed to members of the suspended organization.

*(Ord. No. 1696, § IV, 3-29-2011)*

#### **6.38.030 Inspections.**

A. The division may inspect any dog breeders licensed under this chapter to determine compliance. The division may conduct additional inspections upon receipt of a complaint or on its own motion to ensure compliance with these ordinances. When an inspection produces evidence of a violation of these ordinances, a copy of an inspector's written report of the inspection, including alleged violations, shall be provided to the applicant or licensee, together with written notice to comply within the time limit established by the division.

B. The inspector, for purposes of inspection, may with an appointment enter the premises of any applicant or licensee during normal business hours and in a reasonable manner, including all



premises in or upon which dogs are housed, sold, exchanged, or leased or are reasonably suspected of being housed, sold, exchanged or leased. An applicant or licensee shall, upon request of the inspector, provide assistance in making any inspection authorized under this section and its regulations.

C. The private residence of any applicant or licensee shall be available for purposes of inspection only if dogs are housed within the residence, including a room in such residence, and only the portion of the residence used as an enclosure shall be open to an inspection pursuant to this section.

D. The division shall have authority to investigate reported violations of these ordinances and city division regulations, including failure to obtain a license as a dog breeder, as required under this chapter. (Ord. 2011-08 (Exh. A) (part))

#### **6.38.040 Standards.**

A. Licensees shall ensure that appropriate preventative and therapeutic veterinary care is provided. A dog shall not be bred if a veterinarian determines the dog is unfit for breeding purposes.

B. Each licensee must have a plan for disaster response and recovery, including but not limited to structural damage, electrical outages and other critical system failures.

C. All dogs over four months old must be properly licensed.

D. All dogs must be provided necessary and appropriate veterinary care, including, at a minimum, an examination at least annually by a licensed veterinarian, prompt treatment of any illness or injury by a licensed veterinarian, and, where justified, humane euthanasia by an appropriate agency using lawful techniques determined acceptable by the division.

E. All dogs shall be provided sufficient housing, including protection from the elements, constant and unfettered access to an indoor enclosure that has a solid floor (a wire-mesh or similar floor is not permitted), no stacking of one animal's enclosure above or below another animal's enclosure, and waste removal at least once a day while the dog is outside the enclosure.

F. To prevent an extremely large number of dogs on a property, licensees can have multiple bitches, but are only allowed one litter, from one bitch, at a time. (Ord. 2011-08 (Exh. A) (part))

#### **6.38.050 Records.**

A. A licensee shall maintain accurate records for each dog within the licensee's care for at least five years including:

1. The date the dog enters the kennel facility;

2. The person from whom each dog was purchased or obtained, including the name, address and phone number of the person, and license or registration number if applicable;

3. A description of each dog, including the color, breed, sex, date of birth (if not known, the approximate age) and weight;

4. A description of any tattoo, microchip, or other identification number carried by or appearing on the dog;

5. For breeding females:

a. Breeding dates;

b. Whelping dates;

c. Number of puppies per litter; and

d. Sire for each litter;

6. All preventative and therapeutic veterinary care provided for each dog; and

7. The disposition of each dog and the date.

B. A copy of the dog's record, as required by this section, shall be provided at the time of transfer of ownership. Registration of any tattoo, microchip, or other identification number shall also be transferred.

C. Licensees shall provide copies of records listed in this section to the inspector, as requested, to enforce the provisions of this section or its regulations. (Ord. 2011-08 (Exh. A) (part))

**6.38.060 Enforcement and penalties.**

A. In enforcing this section, the division may:

1. Issue an order of probation;

2. Issue a cease and desist order;

3. Suspend or revoke a license; or

4. Seek other injunctive relief as may be necessary to enforce this section and its regulations, including impounding and seizing dogs where the division determines there is significant threat to the health or safety of the dogs harbored or owned by the licensee. Costs incurred for the care of animals impounded or seized under this section shall be

recoverable from the owner of the animal who is found to have violated provisions of this section.

B. Each act committed against an individual animal in violation of these ordinances or division regulations, and each day during which a violation continues, shall constitute a separate offense for purposes of this section.

C. A failure to comply with these ordinances shall constitute a Class B misdemeanor. The attorney's office may bring an action to collect unpaid license fees and/or unpaid civil penalties.

D. It shall be a violation of this section for any person to:

1. Deny access to any inspector or offer any resistance to, thwart, or hinder an inspector by misrepresentation or concealment;
2. Interfere with, threaten, verbally or physically abuse, or harass any inspector in the course of carrying out inspection duties;
3. Fail to disclose all dog housing locations owned or controlled by a licensee; or
4. Violate an injunction order or order of compliance issued pursuant to this section. (Ord. 2011-08 (Exh. A) (part))

E. Proceedings undertaken under this section shall not preclude the division from seeking other civil or criminal actions. This section does not prohibit the division from assisting a law enforcement agency in a criminal investigation. Nothing in this Section shall be construed to prohibit prosecution under state statute or county ordinance. (Ord. No. 1693, § II, 12-28-2010)

## **CHAPTER 6.40 - ENFORCEMENT AND PENALTIES**

### **6.40.010: VIOLATION OF TITLE; PENALTIES:**

A. Penalty: Any person who violates any mandate or prohibition contained in this title shall be penalized according to the provisions of this title or the provisions of section 1.20 of this code.

B. Notice of Violation Processing Fee: Any notice of violation issued pursuant to this title shall subject the person to a processing fee as set forth in the current fee schedule.

### **6.40.020: ISSUANCE OF CITATIONS; NOTICE OF VIOLATION AND STIPULATION:**

A. Criminal Citation: A peace officer and/or animal control officer is authorized to issue a criminal citation to any person upon a charge of violating any provisions of this title. The form of the citation, and proceedings to be handled upon the basis of the citation, shall conform to the provisions of the Utah code of criminal procedure, including, without limitation, Utah Code Annotated sections 77-7-16 through 77-7-22, as amended.



B. Notice of Violation in Lieu of Criminal Citation: Where violations of sections ~~8.03.170, 8.04.010, 8.04.120 through 8.04.160, 8.05.010, 8.08.010, 8.08.050 and 8.08.110 through 8.08.120~~ of this title Where violations of Title 6 of this code of ordinances are observed, an animal control officer may, in lieu of issuance of the criminal citation and, with the consent of the person charged with a violation, issue a notice of violation to any person. The notice of violation shall state, with reference to the pertinent sections of this title, the violation which must be remedied by the person charged and shall set forth a compliance date by which the violator must comply with the remedial requirements. It shall also set forth a waiver provision providing that the person to whom the notice of violation is issued waives all rights to contest the charge made against him/her in the notice of violation and further waives the rights to a trial or hearing upon the charges. The notice of violation shall also include the amount of an administrative and processing fee to be paid to the city division by the person charged in the notice of violation. Refusal to execute the waivers defined herein, refusal and/or nonpayment of the administrative and processing fee, or failure to comply with the notice of violation and stipulation by the deadline set as the compliance date may result in the issuance of a criminal citation to the person charged.

#### 6.40.030: VIOLATION; PROCEDURE FOR COURT ORDERS:

Unless modified by the court, court orders pursuant to this title shall be obtained according to the following minimum notice and procedure:

A. Petition for Action: The director or his/her authorized representative shall petition the court for the desired action;

B. Service Prior to Hearing: The petition for the action, together with supporting affidavits, shall be served on the party against whom the action is taken at least five (5) days prior to the hearing.

#### 6.40.040: PICK UP ORDERS:

The director or his authorized representative may petition the court for a "pick up order" for an animal within the premises of and/or under the control of a person who is in violation of this title. This section may be used for, but is not limited to, picking up of animals pursued but not captured by an animal control officer, nuisance animals or for any other violation of this title.

### CHAPTER 6.44 - NOTICE OF VIOLATION AND STIPULATION PROCEDURES

#### 6.44.010: PURPOSE AND AUTHORITY:

The use by the city division of a notice of violation and stipulation in lieu of issuance of a criminal citation is intended to provide an equitable and uniform method for administering and resolving disputes between the city division of animal services and parties alleged to have violated one or more of the sections of Title 6. following sections of this title: 6.12.170, 6.16.010, 6.16.120 through 6.16.160, 6.20.010, 6.32.010, 6.32.050 and 6.32.110 through 6.32.120.

#### 6.44.020: DEFINITION:

"Notice of violation and stipulation" means a division determination ~~by the city~~, with the consent of the person charged, to forego the criminal citation and enter into a contractual stipulation to resolve the issue.

6.44.030: ADMINISTRATIVE PROCEDURE:

A. Conference: In lieu of issuing a criminal citation, and in an attempt to resolve disputes at the lowest level, the ~~director~~-division may convene a conference with the person charged and attempt to enter into a contractual settlement to resolve the issue.

B. Deviation From Procedures: When good cause appears, the ~~director~~ division may permit a deviation from these procedures if it finds compliance to be impractical or unnecessary or that such deviation furthers justice or purpose of the ~~this title~~ division.

C. Construction of Procedures: These procedures will be liberally construed to secure a just, speedy, and economical determination of all issues presented to the division, as applicable.

D. No Review: Actions commenced in court, whether criminal or civil, are not subject to review under these procedures.

E. Appeal Not Authorized: There is no appeal from the notice of violation and stipulation procedure. Failure by the person charged to comply with the provisions of the notice of violation and stipulation settlement agreement will result in negation of the stipulation and issuance of the criminal citation, or, at the ~~option of the director of the division~~ director's option, the settlement agreement may be enforced in court as provided in section 6.40.030 of this title.

6.44.040: DIVISION CONFERENCE:

A. Proceeding: In a director conference, the party shall be permitted to testify and present evidence, and comment on the issues. Discovery shall be limited. Intervention by a third party is prohibited. No recording will be made of the conference. The conference will be private and not open to the public.

B. Settlement Agreement: Upon reaching agreement as to the issues, requirements and penalties (if any), the division representative prepare a binding settlement agreement and shall submit the agreement to the parties for approvals and signature. The director or his or her designee may sign for the city. After signing a settlement agreement, the parties waive all rights to further hearings or appeals unless the terms are not honored, in which case the director or designee may issue a criminal citation, or seek enforcement in court as provided in section 6.40.030 of this title.



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ACCOUNT NAME			
MIDVALE CITY,			
TELEPHONE		ADORDER# / INVOICE NUMBER	
8015677207		0000807784 /	
SCHEDULE			
Start 07/15/2012		End 07/15/2012	
CUST. REF. NO.			
Legal notice			
CAPTION			
MIDVALE CITY PUBLIC NOTICE Notice is hereby given that during a City Council meeting on			
SIZE			
17 Lines		1.00 COLUMN	
TIMES		RATE	
4			
MISC. CHARGES		AD CHARGES	
		TOTAL COST	
		33.56	

MIDVALE CITY  
PUBLIC NOTICE  
Notice is hereby given that during a City Council meeting on July 10, 2012, the Midvale City Council adopted Ordinance No. 2012-12 An Ordinance repealing and re-enacting Title 6 of the Midvale City Code pertaining to Animals.  
Published: July 15, 2012  
Rori L. Anderson, MMC  
City Recorder  
807784 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **MIDVALE CITY PUBLIC NOTICE** Notice is hereby given that during a City Council meeting on July 10, 2012, the Midvale City Council adopted Ordinance No. 2012-12 A FOR **MIDVALE CITY**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba MEDIAONE OF UTAH, AGENT FOR THE SALT LAKE TRIBUNE AND DESERET NEWS, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY.

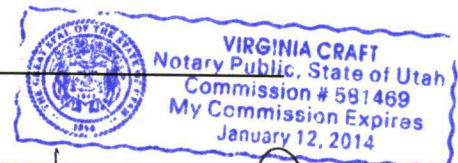
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*Virginia Craft*

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7/16/2012



*Virginia Craft*

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