

CITY OF HERRIMAN

COPY

[Signature]
Mayor
Dated: _____

Attest:

Kristi Peterson, CMC
City Recorder

Approved as to form and legality:

[Signature]
City Attorney
Dated: 12/7/06



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Chapter 8.04

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8.04.05 Abandonment

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

Abandonment includes the failure to reclaim an animal 72 hours beyond the time agreed upon with a kennel, grooming service, veterinary hospital, or animal shelter.

Abandonment includes the failure or refusal to either reclaim a pet from an animal shelter or to sign relinquishment authorization.

8.04.006 Allow

“Allow”, for the purpose of this ordinance, shall include human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.

8.04.010 Animal.

“Animal” means any and all types of non-human creatures, both domestic and wild, male and female, singular and plural.

8.04.020 Animal at large.

“Animal at large” means any animal, whether licensed or unlicensed, which is not under restraint imposed by the owner or handler.

8.04.025 Animal boarding establishment.

“Animal boarding establishment” means any establishment that takes in animals for boarding for profit.

8.04.026 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 or any other person designated by the city as an officer who is authorized to perform the duties specified by this title.

8.04.027 Animal exhibition

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

8.04.030 Animal grooming parlor.

“Animal grooming parlor” means any commercial establishment maintained for the purpose of offering cosmetic services for animals for a fee.

8.04.035 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.

8.04.045 Attack.

“Attack” means any bite, attempted bite, or similar fierce behavior by an animal which places a person or another animal in danger of immediate physical harm. Actual physical contact is not required to constitute an attack.

8.04.050 Bite.

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

8.04.055 Breeder

“Breeder” is anyone who causes or allows the breeding of any pet identified within this title or makes that pet available to be bred.

8.04.060 Cat.

“Cat” means any feline of the domesticated types more than four months of age. Any feline of the domesticated types less than four months of age is a kitten.

8.04.065 Cattery.

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

8.04.070 City.

“City” means the city of Herriman, Salt Lake County, state of Utah and all the territory within its future municipal boundaries and shall include any additions thereto by annexation or other legal means or any name change thereto.

8.04.075 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.

8.04.080 Custody.

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

8.04.085 Dangerous animal.

“Dangerous animal” means any animal that is a hazard to the public health and 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 confine in a safe and secure manner. “Dangerous Animals” 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 (ten) feet in length will be considered a dangerous animal, and any other constrictor snake found to be in violation of this Title.

8.04.086 Director.

“Director” means the director of the city’s designated animal control services contract provider or any other person designated by the city as an officer who is authorized to perform the duties of the Director specified by this title.

8.04.87 Division.

“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.

8.04.090 Dog.

“Dog” means any *canis familiaris* more than four months of age. Any *canis familiaris* less than four months of age is a puppy.

8.04.095 Domestic animals.

“Domestic animal” means animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, ferrets, and livestock. “Domestic animal,” however, shall not include “Exotic animals.”

8.04.100 Enclosure.

“Enclosure means any structure that prevents an animal from escaping its primary confines.

8.04.105 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.

8.04.110 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, birds, and dangerous animals.

8.04.111 Ferret.

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

8.04.115 Fierce.

“Fierce” means violent, hostile or aggressive temperament.

8.04.116 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.

8.04.124 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 himself 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 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.”

8.04.125 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.

8.04.126 Health department.

“Health department” means the Salt Lake Valley Health Department.

8.04.130 Holding facility.

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

8.04.140 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.

8.04.145 Hybrid.

“Hybrid” means any animal, however tame or docile, that is the offspring or a breeding between a domestic animal and a wild animal, a domestic animal and a hybrid, or two hybrid animals.

8.04.150 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 on the animal’s right ear or on its inside right thigh or groin, or other livestock identification such as ear tags, brands, etc.

8.04.155 Impoundment.

“Impoundment” means being taken into the custody of an animal control agency, police agency or an agent thereof.

8.04.160 Kennel.

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

8.04.170 Leash or lead.

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

8.04.175 Livestock.

“Livestock” means animals kept for husbandry, including but not limited to fowl, rabbits, horses, mules, burros, asses, cattle, sheep, goats, llama, swine, and other farm, hoofed domesticated animals, excluding dogs, cats, and ferrets.

8.04.184 Nuisance.

“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, or as defined in chapter 8.24.

8.04.185 On-site impound.

"On-site impound" 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.

8.04.190 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.

8.04.195 Overwork.

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

8.04.200 Owner (custodian/caretaker).

"Owner" means any person, partnership, or corporation keeping, possessing, maintaining, having an ownership interest in, or having control or custody of an animal.

8.04.204 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.

8.04.205 Person.

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

8.04.210 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 dependant on humans for food and shelter and is kept by its owner for pleasure rather than utility and/or commercial purposes.

8.04.215 Pet shop.

"Pet shop" means any commercial establishment properly licensed to maintain, keep or display dogs, cats, birds, or other household pets for sale. Pet shop does not include government animal shelters, humane shelters as defined by statute or veterinary clinics whose major business is veterinary medicine.

8.04.220 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.

8.04.225 Provoke.

“Provoke” means any deliberate act by a person toward 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 or molesting shall not be considered provocation.

8.04.230 Public place.

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

8.04.240 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.

8.04.245 Restraint.

“Restraint” means any animal under the physical control of its owner or person over the age of 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 lease or tether shall not exceed eight feet in length when in close proximity to other animals or people. Animals confined in or upon a motorized vehicle shall be considered restrained, providing that the animal’s body parts cannot extend beyond two inches 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 real property of their owner, or upon the real property of another (with prior permission of the property owner) and under direct adult supervision shall be considered under restraint, provided, however, that an animal shall not be considered under restraint within the real property limits of the owner or upon the real property of another (with prior permission of the property owner) if an individual engaged in a normal and expected activity may come in conflict with sick animal.

8.04.250 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.

8.04.255 Set.

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

8.04.260 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.

8.04.265 and 1.01.1 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

8.04.280 Stray.

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

8.04.285 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.

8.04.290 Veterinarian.

“Veterinarian” means any person properly licensed under the laws of the State of Utah to practice veterinary medicine.

8.04.291 Veterinary hospital.

“Veterinary hospital” means any establishment operated by a licensed veterinarian for surgery, diagnosis, and treatment of disease and injuries to animals.

8.04.295 Vicious animal.

“Vicious animal” means:

A. Any animal which, in an aggressive, terrorizing, or threatening manner, approaches any person in apparent attitude of attack;

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

C. Any animal, which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property, except in the case of an injured animal or an animal, which is deliberately provoked.

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 herein.

8.04.300 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 for rabies. These animals 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. Constrictor snakes;~~

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

~~F. Lizards~~

~~G.~~ E. Porcupine (Erethizontidae);

~~H.~~ F. Primate (Hominidae). All nonhuman primates.

~~I.~~ G. Raccoon (Procyonidae). All raccoons, including eastern raccoon, desert raccoon,

ring-tailed cat, etc;

JH. Skunks;

KI. Venomous fish and piranha;

LJ. Venomous snakes or lizards;

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

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

8.04.305 Working day.

“Working day” means any day the Salt Lake County animal services sheltering facility is open to the general public.

8.04.310 Worry.

“Worry” 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.

8.04.315 or 1.01.2 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 non-domesticated animals.

Chapter 8.08

ADMINISTRATION

Sections:

8.08.010 Enforcement authority.

8.08.020 Provider—Powers and duties.

8.08.030 Animal Control Officers—Powers and duties.

8.08.040 Right of entry for enforcement.

8.08.050 Interfering with officers prohibited.

8.08.010 Enforcement authority.

The Division, other agent designated by the city, or any law enforcement officers, are hereby authorized and empowered to enforce this title and to apprehend, to transport, and impound any animal found in violation of this title, or any licensed or unlicensed animals for any other violation of thereof and to issue criminal citations.

8.08.020 Provider—Powers and duties.

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 animal shelter(s) under his jurisdiction;

- C. Keep records of all animals impounded in said shelter(s);
- D. Keep accounts of all moneys collected and received in accordance with governing law;
- E. 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 governing law.

8.08.030 Animal Control Officers—Powers and duties.

Each 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; the care of animals; the prevention of cruelty to animals; and the issuance of criminal citations. Animal Control Officers shall further carry out all lawful duties prescribed or delegated by the city by contract or otherwise.

8.08.040 Right of entry for enforcement.

In the enforcement of this title, each Animal Control Officer is authorized to enter into the open premises of any person to secure or take possession of any animal which is reasonably deemed by said officer to then and there, in the presence of said officer or official, be in violation of this title and issue criminal citations for violations of this title to the owner or handler of said animal.

8.08.050 Interfering with officers prohibited

It is unlawful for any person to knowingly and intentionally interfere with any Animal Control Officer in the lawful discharge of his duties as prescribed in this title. For the purpose of this section, interfering with Animal Control 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 by not captured by said officer, failing to make payment of agreed upon fees, knowingly and intentionally failing to comply with an abatement order lawfully issued by the city or the Division.

**Chapter 8.12
Permits**

Sections:

- 8.12.010 Commercial permit requirements.**
- 8.12.020 Regulatory authority.**
- 8.12.030 Procedures.**
- 8.12.040 Requirements for catteries and kennels.**
- 8.12.050 Requirements for pet shops.**
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- 8.12.100 Hobby permit.**
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- 8.12.200 Unlawful activities-Notice requirements.**
- 8.12.210 Permits-Suspension or revocation –Grounds.**
- 8.12.220 Permits-Suspension or revocation –Procedure.**
- 8.12.230 Emergency suspension of permits.**
- 8.12.240 Notice of suspension of permits- Service procedures.**

8.12.010 Commercial permit—requirement

It is unlawful for any person to operate or maintain a commercial holding facility or any similar establishment, except a license 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 Director.

8.12.020 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 ordinance 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.

8.12.030 Procedures.

A. All applications for permits to operate a commercial animal establishment or animal shelter shall be submitted to the Director on a form provided by the Director.

B. Upon submission of an application, the Director 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. Applications must be accompanied by the fee in accordance with the attached fee schedule. The attached fee schedule may be modified from time to time as deemed necessary by the Director and upon approval of the city council by resolution. The current fee schedule as set forth in the attached fee schedule shall be available from the Director.

D. Each permit issued under this chapter shall expire as outlined in section 8.12.170.

E. Permits issued pursuant to this chapter are nontransferable.

F. 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 for the permits required by this chapter shall be subject to the late fee set forth in the attached fee schedule.

8.12.040 or 1.1.01 Requirements for catteries and kennels.

In addition to obtaining the permit required by this chapter, all catteries and kennels 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 boarded animals, which are sick or diseased, sufficiently removed so as not to endanger the health of other animals;
- C. Retain for a period of 1 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 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.

8.12.050 Requirements for pet shops.

In addition to obtaining the permit required by this chapter, all pet shops 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 pet store;
- D. With respect to all animals in the pet shop, complies with all provisions of this title providing for the general care of animals;
- E. Not sell animals, which are un-weaned 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 city, of any dog, cat or ferret with an application for animal license, the form of which is prescribed by the city; and
- H. Provide the purchaser of an animal with written instructions as to the proper care and control of that species.

8.12.055 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 city.

8.12.060 Requirements for stables.

In addition to obtaining the permit required by this chapter, all stables 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 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 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 city and in effect from time to time.

8.12.070 Requirements for animal exhibitions.

A. It shall be unlawful for any person to own, operate, sponsor or conduct an animal exhibition within the city without first obtaining a mass gathering and, if required, a temporary business license permit issued by city.

B. No animal exhibition shall occur within the 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 are complied with by the operator of the exhibition.

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

D. 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(s); 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. 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 attached fee schedule to this title, and receives the written approval of the Director of the provisions made for the safety, well-being, and comfort of the animals involved.

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

G. A permit issued pursuant to this section shall not be transferable.

H. A permit issued pursuant to this section shall be displayed prominently at the site of the animal exhibition.

I. The city may waive the permit fee for an animal exhibition that is sponsored by a bonafide nonprofit organization, a governmental entity, or a school if the purpose is a city public purpose or a charitable purpose.

J. Animal exhibitions permitted under this section shall provide immediate access to Animal Control Officers, health department agents, and/or Utah State officials, for the purpose of compliance inspections.

8.12.080 Requirements for guard dogs.

A. 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. 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 said dog shall be used, the hours of use of said dog, and any other information the Director deems appropriate.

C. Permits are not transferable from one owner to another or from one site to another.

D. 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 section must provide a 24-hour per day access to the guard dog's owner or handler.

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

F. A guard dog shall, in addition to licensing, be micro-chipped and the microchip number shall be registered with the division. The license shall be attached to a 1-inch wide red or orange collar with the word "Danger" written or embroidered in black lettering ¾ inch in height. The collar must be on the dog at all times.

G. 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.

8.12.090 Fancier's permit—Authorized when.

A. Where permitted by the zoning ordinances, owners of purebred dogs and cats may obtain a permit to keep more than three dogs or cats in a residential area, provided:

1. Such pets are individually licensed;

2. Such pets are registered with a nation registry, such as, but not limited to

- the AKC, UKC or Field Dog;
- 3. Complies with zoning requirements, the health department and the Director;
- 4. Appeal is granted by the health department and the Director;
- 5. Adequate areas for shelter and confinement are provided; and
- 6. All 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 five months of age; one animal from the litter may be retained until it reaches twelve months of age. At no time may the holder of a permit retain more animals than is indicated on the permit.

8.12.100 Hobby permit.

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

- A. Such pets are individually licensed;
- B. Such pets are rendered sterile;
- C. Complies with zoning requirements;
- D. Approval is granted by the health department and the Director;
- E. Adequate areas for confinement and shelter are provided; and
- F. Other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance.

8.12.110 Permit for foster animals.

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

- A. Such pets are the property of a local public animal shelter or a Section 501(c)(3), Internal Revenue Code, animal welfare organization;
- B. Such pets are awaiting adoption;
- C. Comply with zoning requirements;
- D. Approval is granted by the health department and the Director;
- E. Adequate areas for confinement and shelter are provided; and
- F. Other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance.

8.12.120 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 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 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.

8.12.130 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 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; and
- E. Presenting proof of required, if any, State or Federal permits.
- 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 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 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.

8.12.150 Exemptions.

Research facilities where bona fide medical or related research is being conducted, or other animal establishments operated by state or local government, or which are licensed by federal law, are excluded from the permit requirements of sections 8.12.040 through 8.12.060 of this title.

8.12.160 Permits–Display requirements.

A valid permit shall be posted in a conspicuous place in any establishment for which said 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 Director within thirty days of any change in his establishment or operation, which may affect the status of his permit. In the event of a change in ownership of the establishment, the permittee shall notify the Director immediately. Permits shall not be transferable from one owner to another.

8.12.170 Permit fees—Expiration—Renewal.

A permit issued pursuant to this chapter shall expire one year after it is issued by the Director and shall be renewable upon acceptance by the Director of a new application. Renewal applications shall not be available until thirty 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 in accordance with the attached fee schedule.

A. 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 from the Director.

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

8.12.180 Establishments-Rules and regulations.

A. 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. 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 and care 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. Such rules and regulations shall, upon publication and following adoption by the city, 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 herein, and grounds for revocation of a permit issued by the city. Copies of the rules and regulations, when adopted, shall be filed for public inspection in the office of the city recorder and of the Director.

8.12.190 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 with the Director. When the inspector finds a violation, the inspection form 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 director conference upon any grievance the owner or operator may have concerning the inspection findings and corrections ordered by the Animal

Control Officer may be held according to the provisions of section 8.40.050 of this title.

8.12.200 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 as provided in section 8.12.210 and/or issue a citation.

8.12.210 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.

8.12.220 Permits-Suspension or revocation-Procedure.

A. 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 permit may file a written petition with the Director within 20 days of the Director's decision for review of said grievance. Upon consideration of said grievance and upon good cause showing, the Director may, at his sole discretion, uphold or modify the suspension or revocation, or reinstate the permit. A permittee aggrieved by a decision of the Director may file a written petition with the mayor or designee approved by the City Council ("*designee*") within 20 days of the Director's decision for review of said grievance. Upon consideration of said petition and upon good cause shown, the mayor or designee uphold or modify the suspension or revocation or reinstate the permit.

B. 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 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.

8.12.230. 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 judgment constitute an immediate and substantial hazard to public health or the health and safety of any animal, he 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 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 the Director deems necessary. Persons whose permit has been suspended by such action may file a written petition with the Director within 20 days of said decision for

review of said suspension. Upon consideration of said petition and upon good cause showing, the Director may, at his sole discretion, uphold or modify the emergency suspension or reinstate the permit. Persons who are aggrieved by a decision of the Director regarding such permit may file a written petition with the mayor or designee within 20 days of the Director's decision for review of said grievance. Upon consideration of said petition and upon good cause shown, the mayor or designee as provided herein may uphold or modify the suspension or revocation, or reinstate the permit.

8.12.240 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 Director.

Chapter 8.16
PET LICENSING

Sections:

- 8.16.010 License-Required-Age and residence requirements for license holder.**
- 8.16.020 License-Required-Age of animals.**
- 8.16.030 License-Application.**
- 8.16.040 Additional requirements for licensing and keeping ferrets.**
- 8.16.050 Veterinary verification.**
- 8.16.060 License-Fees-Senior citizens.**
- 8.16.070 License-Term and renewal.**
- 8.16.080 License-Revocation.**
- 8.16.090 License-Tag requirements.**
- 8.16.100 License-Exemptions.**
- 8.16.110 License Vendors**
- 8.16.120 Number of dogs, cats, and ferrets per residence or property.**

8.16.010 License-Required-Age and residence requirements for license holder.

All dogs, cats (beginning July 1, 2004, with respect to cats) and ferrets must be licensed each year, except as otherwise provided in this chapter, to a person eighteen years old or older who has a residence or property within the city.

8.16.020 License-Required-Age of animals.

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

8.16.030 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 information 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 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 license veterinarian shall give rabies vaccinations with a vaccine approved by the current Compendium of Animal Rabies Control.

8.16.040 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. First time applicants for ferret licenses must present, in addition to the requirements of section 8.16.030, proof of applicant's satisfactory completion of a ferret ownership class. The class must have the approval/certification of the Director and must, at a minimum, include the following:

1. Explanation of the dangers ferrets present to people and other animals; and

2. Explanation of the dangers of owning a ferret in a household with infants and small children.

B. All ferrets must be vaccinated against rabies at least annually.

C. An identifying microchip must be implanted in each ferret, and the microchip number must be included with each license application.

D. No more than two adult ferrets may be kept in a household at any time, and no more than two litters of kits under the age of five months may be kept in a household at any time.

E. All owners shall make their ferret housing facilities and the health of their ferrets open to inspection by the division once each year, including an initial inspection upon application for a ferret license.

F. 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 (6) feet in length specifically designed for ferrets.

G. The city encourages owners to sterilize and de-scent their ferrets.

8.16.050 Veterinary certificate.

No dog, cat or ferret will be license as spayed or neutered without veterinary certificate that such surgery has been performed. If a veterinarian opinions in writing that a dog, cat or ferret has been spayed or neutered, such written opinion may constitute a veterinary certificate.

8.16.060 License-Fees-Senior citizens.

A person sixty 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 set forth in the attached fee schedule. A person sixty 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 set forth in the attached fee schedule, 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.

8.16.070 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 in accordance with the attached fee schedule.

8.16.080 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 or more different occasions, within a twelve month period, the Director may seek a court order pursuant to chapter 8.40, revoking for a period of one year any and all license(s) 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 such animal, unless successfully making reapplication of the license with the Director. Persons seeking reapplication of said license must comply with conditions as set forth by the Director that may include, but not limited to, sterilization of the animal(s), enclosure requirements, and confinement conditions.

8.16.090 License-Tag requirements.

A. 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 purposes, are exempt from wearing the collar and tag while participating in an animal exhibition.

B. Tags are not transferable from one animal to another or from one owner to another. 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 attached fee schedule.

C. 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. Owners may have an identifying microchip implanted in their animals. If owners take such action, they may be exempt from the requirement that such animals wear identifying tags at all times while on the owner's premises, provided that the microchip information has been registered with the division. Owners shall assume the risk of the loss or destruction of an unrestrained animal whose microchip either cannot be located after a reasonable search therefore or owner information cannot be found after a reasonable records search.

E. 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 micro chipped by said vendor.

8.16.100 License-Exemptions

A. The provisions of section 8.16.010 through 8.16.090 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 30 consecutive days. If the owner shall be within the city temporarily, but for a period longer than 30 consecutive days, he may transfer the dog, cat or ferret to the local license required by this chapter by payment of the fee set forth in the attached fee schedule, and upon presentment of proof of a current rabies vaccination for the animal.

2. Individual dogs, cats, or ferrets housed within a properly permitted facility or other such establishment when such animals are held for resale for a period not to exceed 12 months.

- B. The fee provisions of sections 8.16.010 through 8.16.080 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. 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.

8.16.110 License vendors

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

8.16.120 Number of dogs, cats, and ferrets per residence or property.

No person or persons at any one residence or property within the city shall at any one time own, harbor, or license more than three adult dogs, three cats, or two ferrets, and no more than four total dogs, cats or ferrets in any combination, except as otherwise provided in this section and in chapter 8.12.

Chapter 8.20

RABIES CONTROL

Sections:

- 8.20.010 Dog, cat and ferret rabies vaccination requirements.**
- 8.20.020 Rabies vaccination-When valid.**
- 8.20.030 Rabies vaccination-Veterinarian duties-Certification and tags.**
- 8.20.040 Impoundment of animals without valid vaccination tags.**
- 8.20.050 Rabid animal reports.**
- 8.20.060 Animals exposed to rabies.**
- 8.20.070 Management of animals that bite humans.**
- 8.20.080 Management of animals that bit other animals.**

8.20.010 Dog, cat and ferret rabies vaccination requirements.

A. The owner or person having charge, care, custody, and control of a ferret, cat or dog four months of age or older shall have such animal vaccinated against rabies and shall thereafter ensure that said animal is re-vaccinated 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, year or premises shall be responsible for the vaccinations of the animal. Unvaccinated ferrets, dogs, or cats over four months of age acquired by the owner or moved into the jurisdiction must be vaccinated within thirty 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. 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. The provisions of this section shall not apply to a veterinarian providing emergency medical care to a sick or injured animal.

8.20.020 Rabies vaccination-When valid.

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

B. For the purpose of management of bite cases, an owner may, within the six months of expiration of the last vaccine, submit proof of protection against rabies. Such proof shall be the form of a written statement from a veterinarian based upon a blood titer paid for by the owner, drawn after the bite and prior to, or within 10 days of, any re-vaccination.

8.20.030 Rabies vaccination—Veterinarian duties—Certification and tags.

A. 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. Vaccination expiration date;
5. Rabies vaccination tag number;
6. Type of rabies vaccine administered; and
7. Manufacturer's serial number of vaccine.

B. 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. 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.

8.20.040 Impoundment of animals without valid vaccination tags.

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

B. Any unvaccinated animal may be reclaimed by its owner prior to disposal of said animal under the procedures set forth hereafter in section 8.28.040 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 specified in the attached fee schedule. Said deposit may be recovered by owner upon showing proof of rabies vaccination within seventy-two hours of release.

C. Any animal not reclaimed prior to the period specified in section 8.28.050 of this title shall be disposed of pursuant to that section.

8.20.050 Rabid animal reports.

A. 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 mammal or bat shall report such knowledge and all pertinent information available to the Director and the health department. Any person having custody of such animal shall confine the animal pending direction for the Director or the health department.

B. It shall be unlawful 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 said animal or persons by willfully withholding such knowledge from an Animal Control Officer or any other officer of the city, the Division, the health department or the Utah State Department of Health.

C. It shall be 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 said animal immediately upon demand by any Animal Control Officer or officer of the city, the Division, the health department or the Utah State Department of Health.

8.20.060 Animals Exposed to Rabies.

Any animal potentially exposed to rabies virus by a wild or domestic mammal or a bat shall be regarded as having been exposed to rabies pending successful completion of testing and/or quarantine of the biting animal.

A. 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 quarantine for up to 6 months in a location agreeable to the Director and monitored by a veterinarian, at the owner's expense, and vaccinated 1 month before being released.

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

C. Livestock shall be handled as per the current Compendium of Animal Rabies Control.

8.20.070 Management of Animals that Bite Humans.

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

1. The animal shall be observed for a period of not less than ten 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 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 Director and the Division if the

animal shows any signs of sickness or abnormal behavior, or if the animal escapes from quarantine.

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

5. If the quarantine animal dies within ten days from the date of the bite for which the animal was quarantined, the person having custody of said animal shall immediately notify the Director and 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 said animal to a laboratory specified by the Utah 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 below in section 8.38.050.

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

C. If any animal bites or attacks a person or another animal two or more times in a 12 month period, or if the Director deems the bite or attack to be vicious by virtue of the severity of the bite, such animal may be immediately impounded, pending legal action, at the scene by the division without court order and held at the owner's expense.

D. The Director may seek a court order as provided in section 8.40.010 for the destruction of an animal, as he deems necessary.

8.20.080 Management of animals that bite other animals.

A. An apparently healthy dog, cat, or ferret that bites 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 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 divisions animal shelter; however, other arrangements suitable to the 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 Director and the division if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes from quarantine.

4. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow an officer of the city, 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 days from the date of the bite for which the animal was quarantined, the person having custody of said animal shall immediately notify the Director and 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 said animal to a laboratory specified by the Utah 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 below in section 8.28.050.

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 another animal may be euthanized immediately and submitted for rabies examination, if an immediate examination is determined necessary by the Director or the health department.

Chapter 8.24

PROBLEMS AND NUISANCES

Sections:

- 8.24.010 Nuisance—Penalties for allowing**
- 8.24.015 Animal causing a nuisance.**
- 8.24.020 Fierce, dangerous or vicious animals.**
- 8.24.025 Animal bites—Reporting requirements.**
- 8.24.030 Attacks by animals—Owner liability—Authorizing destruction.**
- 8.24.040 Control and fencing of livestock.**
- 8.24.050 Harboring stray animals—Unlawful confinement or concealment of animals.**
- 8.24.060 Animals running at large.**
- 8.24.070 Staking pets improperly.**
- 8.24.080 Female pets in heat.**
- 8.24.090 Animals prohibited in designated areas.**
- 8.24.100 Animal Trespass**

8.24.010 Nuisance acts designated—Penalties.

Any owner or person having charge, care, custody or control of an animal or animals causing 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.

8.24.015 Animals causing a nuisance.

An animal causing a nuisance includes, 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, cyclists, or passersby by lunging at fences, chasing, or acting aggressively towards such person(s), unless provoked by such person(s) or acts in such a way to cause unreasonable annoyance, disturbance or discomfort;

- 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. Except for the legitimate pursuit of agriculture, 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 sidewalk, park, or building, or on any private property without the consent of the owner of such private property, unless the handler of such animal shall have in his possession the instruments to clean up after his 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 or not.
- 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(s) 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.

8.24.020 Fierce, dangerous or vicious Animals.

It is unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it is not or cannot be effectively controlled by its owner or person having charge, care, custody or control of such animal through the use of reasonable restraints, is a hazard to public safety, and the Director may seek a court order for destruction, muzzling, or appropriate housing and confinement of the animal.

8.24.025 Animal bites—reporting requirements.

A. Persons who obtain knowledge that an animal has bitten another animal or a human shall report the fact(s) to the Director within twenty-four hours of the bite, regardless of whether the biting animal is of a species subject to rabies.

B. A physician, or other medical personnel, who renders professional treatment to a person bitten by an animal shall report that fact to the Director and the health department within twenty-four hours of his first professional attendance. Said 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 Director in ascertaining the immunization status of the animal.

C. A veterinarian, or other person who treats an animal bitten, injured, or mauled by another animal shall report that fact to the Director. 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. Any person not conforming with the requirements of this section shall be in violation of this title.

8.24.030 Attacks by animals—Owner liability—Authorizing destruction.

A. 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.

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

C. 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 confine on the premises;
2. That the animal was deliberately or maliciously provoked; or
3. That the animal was already injured and was defending itself.

D. 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 themselves, or members of the public, from any threat of death or personal injury then being posed by the animal.

E. Any person owning or keeping an animal in violation of subsection A shall be liable in damages for injuries committed by such animal, and it shall not be necessary in any action brought therefore to allege or prove that such animal was of a vicious or mischievous disposition or that the owner or keeper thereof knew that it was vicious or mischievous.

8.24.040 Control and fencing of livestock.

A. It is unlawful for any person owning or harboring an animal of a class of livestock to allow, either negligently or with specific intent, the livestock to run at large in an area where such is not permitted by law or to otherwise permit the livestock to be herded, pastured or to go upon the land of another.

B. Adequate fencing shall be erected and maintained to prevent the livestock's escape, as specified in subsection C of this section.

C. All fending of property where a class of livestock is kept shall be of sufficient construction to prevent the escape of or injury to the livestock being confined within the fencing. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstances, may be broken, damaged or in any way create the possibility of injury to the confined livestock or to allow the escape thereof.

D. Construction, maintenance and repair of fencing shall be the responsibility of the property owner and will be constructed in a manner which is appropriate to the containment of all types of livestock confined therein.

8.24.050 Harboring stray animals—Unlawful confinement or concealment of animals.

A. It shall be unlawful for any person, except animal establishments operated by state or local governments, to harbor or keep any lost or stray animal. Whenever a lost or stray animal is retained or harbored by an animal welfare society, it shall be the duty of such animal welfare society to notify the division within 24 hours and the division shall impound the animal as provided herein.

B. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the division within 24 hours, and the division shall impound the animal as provided herein.

8.24.060 Animals running at large.

It shall be unlawful for any owner, handler, or any person harboring any animal to allow such animal at any time to run at large. The owner, handler, or person harboring an animal found running at large shall be strictly liable for violations of this section regardless of precautions taken to prevent the escape of the animal irregardless of whether or not he knows the animal is running at large. The owner, handler, or person harboring any animal shall be liable in damages for injuries committed by such animal.

8.24.070 Staking animals improperly.

A. It is unlawful for any person to chain, stake out, or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.

B. It is unlawful for any person to chain, stake out ~~or~~ and tether any animal on any premises in a manner that prevents the animal from having access to food, water, or shelter.

8.24.080 Female pets in heat.

Any owner or person having charge, care, custody or control of any female pet in heat shall, in addition to restraining such a pet from running at large, cause such pet 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 animals and creating a nuisance.

8.24.090 Animals prohibited in designated areas.

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

C. It is unlawful for any person to chain, or stake out 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, except for speed events such as rodeo.

D. It is unlawful for any person to take or permit any unrestrained dog in any public park located within the city. Any dog in a public park must be continually kept on a leash, not over eight feet in length, which is of sufficient strength to insure that the dog's owner or

handler shall at all times have absolute control over the dog except for designated off-leash areas. The Director may grant exceptions to this subsection D for a licensed animal exhibition.

E. This section shall not apply to dogs provided for in subsection B of Section 8.16.100, 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.

8.24.100 Animal Trespass

It is unlawful for the owner or handler of an animal to allow such animal to trespass on the property of another. Any trespassing animal may be confined provided the person confining the animal notifies the division within 24 hours of such confinement.

Chapter 8.28

IMPOUNDMENT

Sections:

- 8.28.010 Animal shelter and facilities.**
- 8.28.020 Impoundment authorized—When.**
- 8.28.030 Impoundment—Record keeping requirements.**
- 8.28.040 Redemption of animals—Restrictions.**
- 8.28.050 Term of impoundment—Destruction or other disposal of animals.**
- 8.28.060 Sterilization of adopted animals.**

8.28.010 Animal shelter and facilities.

A. 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. The city, through the Division, shall provide for the destruction of dogs, cats, ferrets, and other animals for which destruction is authorized by this title or by 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 from 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. The city or 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. The owner of any affected animals shall be required to pay the cost of the impound and any care and keeping, medical treatment, euthanasia, and disposal provided or performed under the authority of this title with respect to such animal.

8.28.020 Impoundment authorized-When.

A. An Animal Control Officer may impound, or leave an animal in the custody of its owner or handler, according to said 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 citation if issued by the Animal Control Officer.

B. 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. Any animal which is required by this title to be licensed and is not licensed. 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. Animals which are not vaccinated for rabies in accordance with 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 8.24.020 of this title;
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;
11. Any animal in physical distress; or
12. Any animal considered a nuisance or a public nuisance animal.

C. 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 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.

8.28.030 Impoundment-Record keeping 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 pickup 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.

8.28.040 Redemption of animals-Restrictions.

A. The owner of any impounded animal or his authorized representative (a legally responsible adult of age 18 or more) may redeem such animal before disposition, provided he 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 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 of Utah law including *Utah Code Ann. §§17-42-101 et seq.* For the purposes of this subsection, the term "recipient" contained in the referenced Utah statute shall include an owner or his authorized representative who is redeeming his animal after impound.
9. If an animal is impounded, the owner shall be required to purchase microchip identification.

B. Upon the third impoundment and prior to the release of said animal, said animal shall be sterilized. Payment of all fees shall be required and sterilization completed prior to release.

C. The city council shall set, and periodically revise when necessary, impound fees and daily board charges for the impounding of animals. Such fees shall be as stated on the attached 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 24 months, and the duration of the confinement. No impound fees will be charged the reporting owners of suspected rabid animals if they comply with chapter 8.20 of this title.

8.28.050 Term of impoundment-Destruction or other disposition of animals.

A. If an animal is not wearing a license tag or other identification, the animal shall be impounded for a minimum of three working days before further disposition. If an animal is wearing a license tag or other identification it shall be held a minimum of five working days.

B. During the impound period, reasonable efforts shall be made to notify the owner of any animal wearing a license or other identification.

1. Notice shall be deemed given when sent to the last known address of the listed owner.
2. In the event an owner is notified of the impoundment of his animal, and fails to either redeem or formally release said animal to the agency, the owner shall be responsible for payment of all impoundment fees and/or charges.

C. Any animal voluntarily relinquished to the division by the owner thereof for destruction or other disposition need not be kept for the minimum holding period.

D. All animals, except those quarantined or confined by a court order, or stray livestock or farm animals subject to state law requirements, which are held longer than the minimum impound period, and all animals voluntarily relinquished to the impound facility, may be destroyed or disposed of as the director shall direct. The fee for animals other than pets (i.e., livestock, birds, snakes, etc.) shall be the market value of the animal.

E. Any healthy domestic animal excluding livestock may be sold or adopted by anyone meeting the requirements of the division for a price to be determined by the director, to include appropriate registration, rabies vaccination, microchip, and sterilization fees.

F. Any healthy animal, which is placed into a new home under this chapter, shall be sterilized.

1. In the event the animal is not sterilized prior to going into the new home, the adopter is required to insure that the surgery is completed within an agreed upon period of time.

2. If the adopter fails to complete the sterilization of the animal within the approved time period or fails to comply with any part of any agreement made within the adoption process, the adopter forfeits all rights to the animal and the division may reclaim said animal.

G. The director may recover all costs incurred by the division in the impoundment and care of any animal sold to a certified research institution pursuant to the laws of the state of Utah.

H. Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, as determined by the director, may be released to the care of a veterinarian.

I. When, in the judgment of the director, 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.

J. The director may destroy an animal upon the request of an owner without transporting the animal to an animal shelter. An appropriate fee shall be charged the owner for the destruction and any subsequent disposal of the carcass destroyed by the division.

8.28.060 Sterilization of adopted and impounded animals.

A. A dog, cat, ferret, or rabbit adopted from the Division's animal facility shall be sterilized.

B. The Division may allow the conditional adoption of an un-sterilized dog, cat, ferret or rabbit, because of the age of the animal, or as otherwise deemed necessary by the Division. Said 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. A dog or cat owner reclaiming an impounded pet shall comply with an applicable requirements established by *Utah Code Ann.* §§17-42-101 *et seq.* or other applicable Utah law and implemented by the Division to conform with said law.

**Chapter 8.32
CRUELTY TO ANIMAL**

Sections:

8.32.010 Care and maintenance responsibility.

8.32.020 Keeping of diseased or painfully crippled animals.

- 8.32.030 Abandonment of animals**
- 8.32.040 Hobbling animals.**
- 8.32.050 Animals in vehicles.**
- 8.32.060 Physical abuse of animals.**
- 8.32.070 Injury to animals by motorists-Duty to stop and assist.**
- 8.32.080 Poisoning animals.**
- 8.32.090 Steel-jaw traps.**
- 8.32.100 Mistreatment of animals.**
- 8.32.110 Baby rabbits and fowl-Restrictions.**
- 8.32.120 Selling certain turtles prohibited.**
- 8.32.130 Killing birds**
- 8.32.140 Giving animals as sales premiums.**
- 8.32.150 Prohibit display of animals for sale or gift.**
- 8.32.160 Dead animals.**

8.32.010 Care and maintenance responsibility.

It shall be unlawful for an owner or handler of an animal to withhold adequate food, drink, care, veterinary care, grooming, adequate space, and shelter from said animal, which is reasonably necessary to maintain said animal in good health, comfort, and safe from potential hazards. To insure 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 acre in size.

8.32.020 Keeping of diseased or painfully crippled animals.

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

B. It is unlawful for the owner or handler of an animal rendered worthless to said owner or handler by reason of disease or disability, to allow said animal to continue to live in a diseased or disabled state. Said owner or handler shall dispose of such animal by killing the same in a humane manner, or by contacting the division. Upon such contact, the Division may assume responsibility for disposition of the animal, not including livestock, 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. 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 above in subsection B.

8.32.030 Abandonment of animals.

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

8.32.040 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.

8.32.050 Animals in vehicles.

A. 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.

B. It is unlawful for any person to allow a vehicle to be used as a shelter or housing for pets.

8.32.060 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-work, cause to fight, or in any manner treat any animal in a cruel or malicious manner. Each instance of such treatment shall constitute a separate offense.

8.32.070 Injury to animals by motorists-Duty to stop and assist.

A. The operator of a motor vehicle or other self-propelled vehicle being operated upon the streets of the city shall, in the event said vehicle should strike and injure or kill any domesticated animal, give reasonable aid and assistance and/or protection to said animal, without placing himself at unreasonable risk, and call and report the facts pertaining to the incident to either of the following authorities:

1. The Salt Lake County Sherriff or other police agency having jurisdiction in the city,
2. The Director; or
3. The Division.

B. 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. As an alternative to complying with the requirements set forth above, 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 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. 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 or the Division of the incident as soon as is practicable thereafter.

8.32.080 Poisoning animals.

Except as provided in this section, it is unlawful for any person by any means to knowingly or recklessly make accessible to any animal, 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.

8.32.090 Steel-jaw traps.

It shall be unlawful for any person to use steel-jaw traps to trap animals, unless authorized by the Director.

8.32.100 Mistreatment of animals.

It shall be unlawful for any person to provoke any animal.

8.32.110 Baby rabbits and fowl—Restrictions.

A. 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 weeks of age in any quantity less than six.

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

C. It is unlawful to artificially dye or color any animal less than six months of age.

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

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

F. 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. Each day an offense of this section occurs or continues shall be a separate offense.

8.32.120 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 in length or smaller, or *psendemys troostii*, family Testudinidae, "pet turtles."

8.32.130 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 Utah law.

8.32.140 Giving animals as sales premiums.

It is unlawful for any person or business to offer any live animal, fowl, bird, reptile, or fish as a premium, prize, award, novelty, or incentive to purchase merchandise.

A1 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 in compliance with all necessary permits.

B. This section does not apply to groups whose purpose is to enhance a particular species and/or educate its members on the proper care and handling of a particular species, and which may offer as a prize animals of the type specific to the groups purpose, only to members of the group.

8.32.150. Prohibit display of animals for sale or gift.

It is unlawful for anyone except licensed businesses, humane societies recognized by the state of Utah, and government animal shelters, to offer or display any pet for sale or gift in any public place or facility frequented by the public.

8.32.160 Dead animals.

It shall be unlawful for any person knowingly to permit any dead animal to remain upon the premises of such person, or for the owner of the dead animal knowingly to permit the same to remain upon any public property or upon any premises within the city. If the owner of such dead animal does not remove the dead animal himself or cause the dead animal to be properly disposed of within a reasonable time, the city may cause it to be removed and thereupon assess the actual costs of such removal and disposal against the owner, and may avail itself of all remedies in law and equity to enforce such removal and recover the costs thereof.

Chapter 8.36
WILD, DANGEROUS, AND EXOTIC ANIMALS

Sections:

8.36.010 Prohibitions relating to wild, dangerous and exotic animals – Exceptions.

8.36.010 Prohibitions relating to wild, dangerous and exotic animals – Exceptions.

A. 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 Utah law or regulation, or by this title) or which is otherwise a vicious animal or a nuisance as defined in this title.

B. The prohibitions of subsection A., above, shall not apply to a person, animal shelter, zoological park, veterinary hospital, section 501(c)(3) of the Internal Revenue Code animal welfare shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific research if such organizations or individuals are otherwise licensed or permitted pursuant to a permit 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 8.40
ENFORCEMENT AND PENALTIES

Sections:

8.40.010 Violation of title – Penalties.

8.40.020 Issuance of citations.

8.40.030 Violation—Procedure for court orders.

8.40.040 Pick up orders.

8.40.050 Director Conference.

8.40.010 Violation of title—Penalties.

Any person who violates any mandate or prohibition contained in this title shall be guilty of a misdemeanor and punishable by imprisonment in the county jail not exceeding six (6) months or by a fine in any sum less than \$1,000 or both, except that in the case where corporations are convicted of an offense for the commission of which a natural person would be punished as a misdemeanor and there is no other punishment prescribed herein, such corporation is punishable by a fine not to exceed \$5,000.

8.40.020 Issuance of citations.

An 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 applicable law.

8.40.030 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. The Director shall petition the court for the desired action;

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

8.40.040 Pick up orders.

The Director 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 no 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.

8.40.050 Director Conference.

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. The Director may vacate, modify or affirm the findings and correction ordered by the animal control officer in accordance with state statute or this title.

**Chart 8.16.040
FEES**

PERMIT FEES	
Commercial operations up to 30 animals	\$75.00
Commercial operations over 30 animals	150.00
Cattery or Kennel permit (in addition, all pets must be individually licensed as provided below)	25.00
Pet Shops selling only tropical or freshwater fish	50.00
Stables	40.00
Animal Exhibitions for single event	25.00
Animal Exhibitions for multiple events	250.00
Guard Dog permit (per site)	25.00
Fancier's permit	25.00
Pet Foster permit	0.00
Exotic Animal permit	5.00
Dangerous Animal permit	25.00
Late fee (in addition to regular fee)	25.00

PET LICENSE FEES	
Sterilized	\$5.00
Unsterilized	25.00
Senior citizen (age 60 and older) (un-sterilized pet)	\$15.00
Senior citizen (age 60 and older) (sterilized pet, one-time fee)	15.00
Transfer fee	3.00
Replacement tag	3.00
Late fee (in addition to regular fee)	25.00
SERVICE FEES FOR PETS	
Impound fees:	
First impound	\$25.00
Second impound within 24 month period	50.00
Third impound within 24 month period	100.00
Subsequent impound after third impound (within 24 month period)	200.00
Board fee per day per pet	8.00
Adoption fee (includes microchip and adoption packet)	25.00

Sterilization deposit:	
Dog impoundment	50.00
Cat impoundment	25.00
Rabies deposit	25.00
Turn-over:	
Turnover or disposal fee	25.00
Transportation fee	25.00
Stray animal from another jurisdiction	10.00
SERVICE FEES FOR LIVESTOCK	
Impound fees:	
Large livestock	\$60.00
Small livestock	30.00
Board fees per day:	
Large livestock	10.00
Small livestock	8.00
Transportation fees	20.00

This ordinance, assigned no. 06-55, shall take effect as soon as it shall be published or posted as required by law, deposited and recorded in the office of the Recorder, and accepted as required herein.

PASSED AND APPROVED this 16 day of November 2004.