

MILLCREEK, UTAH
ORDINANCE NO. 21-07

**AN ORDINANCE AMENDING TITLE 8, ENTITLED ANIMALS, OF THE
MILLCREEK CODE OF ORDINANCES TO ADOPT TITLE 8 OF THE SALT LAKE
COUNTY CODE AS IT EXISTED ON FEBRUARY 8, 2021 AS THE LOCAL LAW
WITHIN THE INCORPORATED BOUNDARIES OF THE CITY**

WHEREAS, on March 8, 2021, the Millcreek Council (the “*Council*”) of Millcreek (the “*City*”) met in regular session to consider, among other things, an ordinance amending Title 8, entitled Animals, of the Millcreek Code of Ordinances to adopt Title 8 of the Salt Lake County Code as it existed on February 8, 2021, as the local law within the incorporated boundaries of the City; and

WHEREAS, on or about December 16, 2016, the Council adopted a compilation of Ordinances that included adoption of Title 8, Animals, of the Salt Lake County Code as local law within the incorporated boundaries of the City, and all subsequent amendments to Title 8 of the Salt Lake County Code; and

WHEREAS, the Council was informed that Salt Lake County intends to adopt a comprehensive amendment to Title 8 that the Council does not want to adopt; and

WHEREAS, the Council desires to maintain the status quo of Title 8 and intends to adopt Title 8 of the Salt Lake County Code as it existed on February 8, 2021, as the local law within the incorporated boundaries of the City; and

WHEREAS, after careful consideration the Council has determined that it is in the best interest of the health, safety and welfare of the residents of the City to adopt Title 8 of the Salt Lake County Code as it existed on February 8, 2021, as the local law within the incorporated boundaries of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council that Title 8 of Millcreek Code be amended as follows (designated by interlineating the words to be deleted and underlining the words to be added):

8.01.001~~0~~. Adoption of Salt Lake County Code

Millcreek hereby adopts Title 8 of the Salt Lake County Code as it existed on February 8, 2021, and as attached hereto, as local law within the incorporated boundaries of the city; and ~~all subsequent amendments to Title 8 of the Salt Lake County Code~~ shall be enforceable within the city’s jurisdiction.

Chapter 15 LOCAL ADOPTION

8.~~1501~~.010~~20~~ Powers of Salt Lake County Animal Control Officers

Salt Lake County Director of Animal Services, or any person employed by the Salt Lake County Division of Animal Services shall be vested with the power and authority to enforce this Title in behalf of the city.

The Salt Lake County Director of Animal Control, his/her deputies, assistants, and animal control officers are hereby authorized and empowered in behalf of the city, to apprehend and take with them and impound any animal found in violation of this Title and including, but not limited to, licensable animals for which no license has been procured in accordance with this Title, or any licensed or unlicensed animals for any other violations.

In the enforcement of this Title, any peace officer or the Salt Lake County Director of Animal Control, or his/her assistants are authorized on behalf of the city to enter onto the open premises of any person to take possession of any animal in violation of this Title.

8. ~~1501.0230~~ Adoption of Animal Control Fee Schedule

The city hereby adopts the current fees, including but not limited to all fines, fees, and civil penalties, imposed by Salt Lake County for unincorporated areas for animal control services and the same is incorporated herein by this reference.

8. ~~1501.0340~~ Exceptions

The provisions of this Chapter shall supersede conflicting provisions of Title 8 of the Salt Lake County Code within the city's jurisdiction. All provisions of Title 8 of the Salt Lake County Code that do not directly conflict with this Chapter shall be enforceable within the city's jurisdiction.

PASSED AND APPROVED this 8th day of March 2021.

MILLCREEK COUNCIL

By: _____
Jeff Silvestrini, Mayor

ATTEST:

Elyse Sullivan, City Recorder

Roll Call Vote:		
Silvestrini	Yes	No
Marchant	Yes	No
Jackson	Yes	No
Catten	Yes	No
Uipi	Yes	No

CERTIFICATE OF POSTING

I, the duly appointed recorder for Millcreek, hereby certify that:

ORDINANCE 21-07: AN ORDINANCE AMENDING TITLE 8, ENTITLED ANIMALS, OF THE MILLCREEK CODE OF ORDINANCES TO ADOPT TITLE 8 OF THE SALT LAKE COUNTY CODE AS IT EXISTED ON FEBRUARY 8, 2021 AS THE LOCAL LAW WITHIN THE INCORPORATED BOUNDARIES OF THE CITY

was passed and adopted the 8th day of March 2021 and certifies that copies of the foregoing Ordinance 21-07 were posted in the following locations within the municipality this ____ day of _____, 2021.

1. Millcreek City Office, 3330 S. 1300 E., Millcreek, UT 84106
2. Millcreek Community Center, 2266 E. Evergreen Ave., Millcreek, UT 84109
3. Calvin S. Smith Library, 810 E. 3300 S., Millcreek, UT 84106

Elyse Sullivan, City Recorder

Title 8 - ANIMALS

Chapters:

Chapter 8.01 - DEFINITIONS

Sections:

8.01.010 - Definitions.

As used in Chapter 8 the following terms shall have the definitions provided herein.

"Abandonment" means placing an animal in an environment where the animal is separated from basic needs such as food, water, shelter or necessary medical attention, for a period longer than twenty-four hours. Abandonment includes failure to reclaim an animal seventy-two hours beyond the time agreed upon with a kennel, grooming service or similar facility. Abandonment includes failure to reclaim a pet from an animal shelter beyond seventy-two hours of notification or refusal to sign relinquishment authorization.

"Adequate space" means that when a dog is fixed to a tether, fastener, chain, tie, or other restraint, the dog is able to easily stand up, sit down, turn around, lay down, and make all normal bodily movements and interact safely with the environment and with other animals that may be in the immediate area.

"Allow," for the purposes of this Title 8, shall include human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.

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

"Animal at large."

- A. "Animal at large" means any animal, whether licensed or unlicensed, which is not under physical restraint imposed by the owner or handler (i.e., caged, enclosed or on a leash), or is not capable of being immediately controlled by the owner or handler when off the premises of the owner. Cats are excluded from this definition.
- B. An animal is considered an "animal at large," regardless of whether the animal is under physical restraint or capable of being immediately controlled, unless:
 1. The owner or handler has in his or her possession instruments necessary to clean up after the animal; and
 2. The owner or handler does remove the animal's feces to a proper trash receptacle.
- C. An animal is considered an "animal at large," regardless of whether the animal is under physical restraint or capable of being immediately controlled, if the animal is not vaccinated and licensed in accord with federal, state and local laws and is wearing or displaying all tags required by law to evidence such licensing and vaccination. The owner or handler must be in possession of instruments necessary to physically restrain the animal.
- D. A dog is not an "animal at large" in areas not specifically prohibited or restricted by Section 8.04.170 so long as the owner or handler is capable of being in immediate control and has the means to physically control the animal.

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

"Animal control officer" means any person designated by the state of Utah as a peace officer as defined in Section 53-13-101 et seq., Utah Code Annotated (1953), as amended; or otherwise designated by a municipal government or by Salt Lake County, through the division of animal services, as an officer who is authorized by law to perform the duties specified by this Title 8.

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

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

"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 8 or state law.

"Animal under physical restraint."

- A. "Animal under physical restraint" means any animal under the physical control of its owner or person over the age of twelve years having charge, care, custody or control of the animal, by the means of a leash, tether, or other physical control device or enclosure. A leash or tether shall not exceed eight feet in length when in close proximity to animals or people. Animals confined in or upon a motorized vehicle shall be considered physically restrained; provided, 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 the real property of their owner, or upon the property of another (with prior written permission of the property owner) and under direct adult supervision shall be considered under physical restraint.
- B. "An animal capable of being immediately controlled" shall mean an animal within the sight of the owner or handler and which responds to command of said owner or handler and that is subject to being immediately placed under physical restraint by said owner or handler. An animal is subject to being immediately placed under physical restraint only if the owner or handler is in possession of a leash and the animal is wearing a collar, harness or similar device to which said leash may be attached.

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

"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.

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

"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.

"Coop" means a free-standing building for the feeding, watering and sheltering of fowl.

"Dangerous animal" means any animal, including invertebrate species, that would be a hazard to public health and safety should the animal escape. "Dangerous animal" includes those animals meeting the definition of "vicious animal" as set forth in this title and constrictor snakes in excess of ten feet in length.

"Director" means the director of the Salt Lake County division of animal services.

"Division" means the Salt Lake County division of animal services.

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

"Dog breeder" means any person within unincorporated Salt Lake County who, having the care of or responsibility for one or more female dogs, permits the whelping of litter of dogs. A veterinarian providing services within a veterinarian-client-patient relationship, and has no ownership interest in the animals, is not included in this definition.

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

"Domestic fowl" means any of a variety of ducks or adult female domesticated chickens and baby ducks or chickens of either gender, not over 20 weeks in age, but not to include adult male chickens or other bird species, unless otherwise permitted by law.

"Enclosure."

- A. For fowl, "Enclosure" means a fenced or sturdy wire pen containing a coop that allows domestic fowl access to the coop while remaining in an enclosed pen.
- B. For all other animals, "Enclosure" means any structure of sufficient strength and height to prevent an animal from escaping its primary confines.

"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.

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

"Extreme weather conditions" means weather conditions of extreme heat or cold that are likely to endanger an animal confined in such temperatures.

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

"Feral Cat Colony" means a group of free roaming, homeless, wild or untamed cats living together in an area.

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

"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.

"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/herself of such responsibility only by the transferring of, or giving permission for, actual physical control of the animal to a legally responsible adult person of age eighteen 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."

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

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

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

"Livestock" means animals kept for husbandry, including but not limited to fowl, ratites, horses, mules, burros, asses, cattle, sheep, goats, llamas, swine and other farm, hooped domesticated animals, excluding dogs, cats and ferrets.

"Nuisance."

- A. "Nuisance" means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or humans, or substantially interfere with humans', other than their owner's, enjoyment of life or property.
- B. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:
 - 1. Is repeatedly found at large;

2. Damages the property of anyone other than its owner;
 3. Repeatedly molests or intimidates neighbors, pedestrians or passersby by lunging at fences, chasing, or acting aggressively towards such person(s), unless provoked by such person(s);
 4. Chases vehicles;
 5. Makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other noise which causes unreasonable annoyance, disturbance or discomfort to neighbors or others;
 6. Causes fouling of the air by odors and thereby creates unreasonable annoyance or discomfort to neighbors or others;
 7. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
 8. 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 or her possession the instruments to clean up after his or her animal and shall remove the animal's feces to a proper trash receptacle;
 9. Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals kept or harbored;
 10. Attacks people or other animals, whether such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;
 11. Has been found by a court or by any other commission or board lawfully established under Utah law, to be a public nuisance under any other provision(s) of Utah law;
 12. Cannot be restrained by normal restraints, such as standard leashes, standard chains or muzzles; or
 13. Cannot be effectively controlled by its owner or handler.
- C. The fact, or evidence of the fact, that the factors alleged to have caused the animal to be a nuisance are inherent and/or natural behavior for such animal, or the action of the owner or animal are otherwise legal, shall not negate or excuse a charge of nuisance.

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

"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.

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

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

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

"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.

"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.

"Single-Family residential lot" means a single parcel in a primarily residential zone that is occupied by one single-family detached home. For the purposes of Chapter 8.12 of these ordinances single family residential lots shall also include single parcels in a primarily residential zone occupied by a lawful duplex.

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

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

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

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

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

"Vicious animal" means:

- A. Any animal which, in a threatening and terrorizing manner, approaches any person upon the streets, sidewalks or any public grounds or places in an apparent attitude of attack;
- B. Any animal with a known propensity, tendency or disposition to attack or to cause injury or otherwise endanger the safety of human beings or animals; or
- C. Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property.

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

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

- A. Alligators and crocodiles;
- B. Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;
- C. Cat Family (Felidae). All except the commonly accepted domesticated cats, including cheetah, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.;
- D. Dog Family (Canidae). All except domesticated dogs, including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;
- E. Porcupine (Erethizontidae);
- F. Primate (Hominidae). All nonhuman primates;
- G. Raccoon (Procyonidae). All raccoons, including eastern raccoon, desert raccoon, ring-tailed cat, etc.;
- H. Skunks;
- I. Venomous fish and piranha;
- J. Venomous snakes or lizards;
- K. Weasels (Mustelidae). All including martens, wolverines, black-footed ferrets, badgers, otters, ermine, mink, mongoose, etc.

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

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

Chapter 8.02 - ADMINISTRATION

Sections:

8.02.010 - Division of animal services created.

There is created a division of animal services as a division of the Salt Lake County department of public works.

8.02.020 - Director—Powers and duties.

The division shall be under the direction of a director, who shall:

- A. Enforce this chapter and perform other responsibilities inherent thereto;
- B. Supervise the municipal animal shelter(s) under his/her jurisdiction;
- C. Keep records of all animals impounded in such shelter(s);
- D. Keep accounts of all moneys collected and received and follow the Uniform Fiscal Procedures Act for Counties in accordance therewith in the administration of the division;
- E. Establish, in cooperation with the Salt Lake Valley health department and other interested governmental agencies, measures for the control of, and immunization of animals against, rabies;
- F. Negotiate interlocal cooperation agreements with other interested governmental agencies for the purpose of establishing animal control services throughout Salt Lake County;
- G. Establish rules and regulations for the training of all persons hired as animal control officers to assure professional conduct of said persons and compliance with the division's policies and with governing law;
- H. Pursuant to duly adopted policies and procedures, waive or reduce impound-related fees if warranted, or waive fees and penalties otherwise authorized in this title; and
- I. Pursuant to duly adopted policies and procedures, provide for deferred payments of impound-related fees if warranted.

8.02.030 - Director and officers—Enforcement authority.

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

8.02.040 - Animal control officers—Powers and duties.

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

8.02.050 - Right of entry for enforcement.

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

8.02.060 - Interfering with officers prohibited.

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

Chapter 8.03 - COMMERCIAL PERMITS AND FANCIER'S PERMITS

Sections:

8.03.010 - Commercial permit requirements.

It is unlawful for any person to operate or maintain a commercial holding facility or any similar establishment, except a licensed veterinary hospital or clinic, unless such person first obtains a regulatory permit from the division, in addition to all other required licenses. All applications for permits to operate such establishments shall be submitted, together with the required permit fee, on a printed form provided by the division. Before the permit is issued, approval must be granted by the Salt Lake Valley health department, appropriate zoning authority and the division.

8.03.020 - Regulatory authority of division.

The director shall have the authority to promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this Title 8 and other applicable laws. The director may amend such regulations 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 division beyond that reasonably necessary to carry out the requirements of this title. Regulations will not go into effect without the giving of prior notice to the public of the proposed rule or regulation and of a public hearing to be held thereon, through publication at least once in a newspaper with general circulation in Salt Lake County, and the holding of a public hearing no sooner than fifteen days after the publication of notice. The hearing officer shall be appointed by the director. Such officer may be an officer or employee of Salt Lake County, but not of the division. Regulations shall not become effective until approved and adopted by Salt Lake County.

8.03.030 - Procedures.

- A. All applications for permits to operate a commercial animal establishment or animal shelter shall be submitted to the division on a printed form provided by the division.
- B. Upon submission of an application, the division will verify with the Salt Lake Valley 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 established in Appendix A to this title, attached hereto and/or incorporated by reference. The appendix may be modified from time to time as deemed necessary by the director and upon approval of Salt Lake County. The current appendix shall be available from the division.
- D. Each permit issued under this section shall expire as outlined in Section 8.03.170.
- E. Permits issued pursuant to this section are nontransferable.
- F. A permit issued under this section 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 section shall be subject to the late fee set forth in Appendix A, attached to the ordinance codified in this Title 8 and adopted by reference.

8.03.035 - Sale of dogs, cats and rabbits at commercial animal establishments.

- A. It is unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any live dog, cat, or rabbit in any pet shop, retail business, or other commercial animal establishment located in the county, unless the dog, cat, or rabbit was obtained from an animal shelter. All pet shops, retail businesses, or other commercial animal establishments selling dogs, cats, or rabbits shall maintain a certificate of source for each of the animals and make it available upon request to animal control officers, law enforcement, code compliance officials or any other county or other employee charged with enforcing the provisions of this section.
- B. For purposes of this section, a certificate of source is defined as any document from the source animal shelter declaring the source of the dog, cat, or rabbit on the premises of the pet shop, retail business or other commercial animal establishment.
- C. This section shall not apply to the display, offer for sale, delivery, bartering, auction, giving away, transfer, or sale of dogs, cats or rabbits from the premises on which they were bred and reared.
- D. Nothing in this section shall prevent the owner, operator, or employees of a pet shop, retail business, or other commercial animal establishment located in the county from providing space and appropriate care for animals owned by an animal shelter and maintaining those animals at the pet shop, retail business, or other commercial animal establishment for the purpose of public adoption.

8.03.040 - Requirements for catteries and kennels.

In addition to obtaining the permit required by this section, all catteries and kennels within the jurisdiction of the division shall:

- A. Be operated in such a manner as not to constitute a nuisance;
- B. Provide an isolation area for boarded animals which are sick or diseased;
- C. Retain for a period of one year the name, address and telephone number of the owner and license number of each dog or cat boarded;
- D. Retain for a period of three 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 chapter 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 division 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 division.

8.03.050 - Requirements of pet shops.

In addition to obtaining the permit required by this section, all pet shops within the jurisdiction of the division shall:

- A. Be operated in such a manner as not to constitute a nuisance;
- B. Provide an isolation area for animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals;
- C. Keep all animals caged or under the control of the owner or operator of the pet store;
- D. With respect to all animals in the pet shop, comply with all provisions of this chapter providing for the general care of animals;
- E. Not sell animals which are unweaned or so young or weak that their sale poses a serious risk of death or inadequate development to them;
- F. Comply with all applicable federal, state and local laws and all regulations respecting pet shops that are adopted by the division and in effect from time to time;
- G. Supply any purchaser, residing within the jurisdiction of this code, of any dog, cat or ferret with an application for animal license, the form of which is prescribed by the division; and
- H. Provide the purchaser of an animal with written instructions as to the proper care and control of that species.

8.03.060 - Requirements for stables.

In addition to obtaining the permit required by this section, all stables within the jurisdiction of the division shall:

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

- B. Provide an isolation area for animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals;
- C. Keep all animals confined or under the control of the owner or operator of the stable;
- D. Care for all animals in the stable; shall comply with all the requirements of this chapter for the general care of animals; and
- E. Comply with all applicable federal, state and local laws, and all regulations respecting stables that are adopted by the division and in effect from time to time.

8.03.070 - Requirements for animal exhibitions.

- A. It is unlawful for any person to own, operate, sponsor or conduct an animal exhibition within the jurisdiction of the division unless an animal exhibition permit issued by the division, is first obtained therefor.
- B. No animal exhibition shall occur within the jurisdiction of the division 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 division are complied with by the operator of the exhibition.
- C. A person owning, operating or sponsoring an animal exhibition within the jurisdiction of the division without first obtaining the permit therefor required by this section shall be guilty of a Class B misdemeanor. Each day of violation of this section shall be a separate offense. The division may also seek to obtain an injunction against an animal exhibition through a court with jurisdiction over the matter.
- D. The application for an animal exhibition permit required by this subsection 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 subsection shall be issued until the applicant completes the application form, pays the applicable fees as set forth in the then-current Appendix A to this title, and receives the written approval of the division of the provisions made for the safety, well-being and comfort of the animals involved.
- F. Animal exhibition permits issued pursuant to this subsection shall be effective only for the period specified in the permit, not to exceed thirty days.
- G. A permit issued pursuant to this subsection shall not be transferable.
- H. A permit issued pursuant to this subsection shall be displayed prominently at the site of the animal exhibition.
- I. The director 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 county public purpose or a charitable purpose.

- J. Animal exhibitions permitted under this section shall provide immediate access to peace officers, animal control officers, and agents of the health department or Utah State officials for the purpose of compliance inspections.

8.03.080 - Requirements for guard dogs.

- A. It is unlawful for any person to own a guard dog without first obtaining a guard dog permit as provided hereafter. It is 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 such dog shall be used, the hours of use of such dog, and any other information the director deems appropriate.
- C. Permits are not transferable from one owner to another, nor 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 subsection must provide a twenty-four-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 microchipped and the microchip number shall be registered with the division. The license shall be attached to a one-inch wide red or orange collar with the word "Danger" written or embroidered in black lettering three-fourths 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.

8.03.090 - 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 two dogs or cats in a residential area; provided:
 - 1. Such pets are individually licensed;
 - 2. Such pets are registered with a national registry, such as, but not limited to the AKC, UKC or Field Dog;
 - 3. Approval is granted by the appropriate zoning authority, health department and division of animal services;
 - 4. Adequate confinement areas are provided;
 - 5. Other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance.
- B. The holder of a permit issued under this section may keep one litter intact until the animals reach six 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.

8.03.100 - Hobby permit.

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

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

8.03.110 - Permit for foster animals.

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

- A. Such pets are the property of a local city or county operated animal shelter or a Section 501 (c)(3), United States Internal Revenue Code, animal welfare organization;
- B. Such pets are awaiting adoption;
- C. Approval is granted by the appropriate zoning authority, health department and division of animal services;
- D. Adequate confinement areas are provided; and
- E. Other provisions of this title are complied with, and no pet or premises is deemed to be a nuisance.

8.03.120 - Exotic animal permit.

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

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

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

8.03.130 - Dangerous animal permit.

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

- A. Demonstrating sufficient knowledge of the species so as to be an expert in the care and control of the species;
- B. Presenting proof of adequate primary caging appropriate for the species and a sufficient secondary system of confinement so as to prevent unauthorized access to the animal and to prevent the animal's escape;
- C. Presenting proof that adequate measures have been taken to prevent the animal from becoming a threat to the health and safety of the community;
- D. Presenting a plan of action in the event of the animal's escape. The director may consult with a review board comprising federal, state and local public health authorities in considering a request for a dangerous animal permit;
- E. Presenting proof of required, if any, state or federal permits;
- F. Presenting proof of liability insurance in an amount of at least fifty thousand dollars.

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

8.03.140 - Feral cat colony permit.

It is unlawful for any person to maintain a feral cat colony without a permit. Unless prohibited by zoning or other ordinances or laws, any person over the age of eighteen years of age, may obtain a feral cat colony permit upon:

- A. Presenting proof that the cats in the maintained colony have been sterilized, given their initial vaccinations and ear-tipped or are being actively trapped so as to perform sterilization, vaccination and ear-tipping;
- B. Presenting a detailed description of each cat in the colony with vaccination history;
- C. Presenting proof of property owner and/or landlord permission at the site that the colony is being maintained; and
- D. Providing contact information, in the event that complaints are received by the division concerning management of the colony.

8.03.150 - Exemptions.

Research facilities where bona fide medical or related research is being conducted, 501(c)(3) animal welfare shelters, and other animal establishments operated by state or local government, or which are licensed by federal law, are excluded from the permit requirements of Sections 8.03.040 through 8.03.060 of this title.

8.03.160 - Permits—Display requirements.

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

8.03.170 - Permit fees—Expiration—Renewal.

- A. A permit issued pursuant to this chapter shall expire one year after it is issued by the division and shall be renewable upon acceptance by the division of a new application. Renewal applications shall not be available until thirty 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 fee schedule, Appendix A attached to the ordinance codified in this title and incorporated by reference into this chapter.
- B. The permit and fee schedule may be modified from time-to-time as deemed appropriate by the director and upon approval of Salt Lake County. The then current permit fee schedule shall apply to all permit applications. A copy of the then-current fee schedule shall be available at the division.
- C. Permits are not transferable from one owner to another, from one site to another or from one animal to another.

8.03.180 - Establishments—Rules and regulations.

- A. The director with approval of Salt Lake County may, from time to time, 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 of such animals, the control of odors, noise, and the protection of persons or property on adjacent premises; and
 - 4. Such other matters as Salt Lake County shall deem necessary.
- C. Such rules and regulations shall, upon publication and following adoption by Salt Lake County, have the effect of law, and violation of such rules and regulations shall be deemed a violation of this title, subject to the penalties provided for in Section 1.12.010, Salt Lake County Code of Ordinances, and grounds for revocation of a permit issued by the division. Copies of the rules and regulations, when adopted, shall be filed for public inspection in the office of the county clerk and the division.

8.03.190 - 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 at the administration section of the division.

8.03.200 - 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 by means of issuance of a citation as provided in Chapter 8.10 or issuance of a notice of violation and stipulation as provided in Chapter 8.11. If the notice of violation and stipulation is used, the notice shall:

- A. Set forth the specific violation(s) found;
- B. Establish a specific and reasonable period of time for correction of the violation(s) found;
- C. State that failure to comply in the specified period of time with any notice issued in accordance with the provisions of this section may result in immediate suspension of the permit and/or issuance of a citation; and
- D. State that an opportunity for a hearing upon any grievance the owner or operator may have concerning the inspection findings and corrections ordered by the animal control officer may be processed according to the provisions of Chapter 8.11 of this title.

8.03.210 - 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.

8.03.220 - 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/her permit may petition the director for review of such grievance. Upon consideration of such grievance and upon good cause showing, the director may, at his or her sole discretion, uphold or modify the suspension or revocation, or reinstate the permit.
- B. A new permit shall not be issued to any person whose prior permit was suspended or revoked by the division until the applicant has satisfied the director that he/she has the means and the will to comply with the requirements of this title in the future. An application for another permit must comply with the requirements for an application for an initial permit, including application fee.

8.03.230 - 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/her judgment constitute an immediate and substantial hazard to public health or the health and safety of any animal, he/she may order the immediate seizure of any animals whose health and safety are at risk and

order the owner or operator of the establishment to immediately cease operations. It is 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 of animal services deems necessary. Persons whose permit has been suspended by such action may petition the director for review of said suspension. Upon consideration of such petition and upon good cause showing, the director may, at his or her sole discretion, uphold or modify the emergency suspension or reinstate the permit.

8.03.240 - 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 records section of the division of animal services.

Chapter 8.04 - ANIMALS REQUIRING A LICENSE

Sections:

8.04.010 - License—Required—Age and residence requirements for license holder.

All cats, dogs and ferrets must be licensed each year, except as otherwise provided in this chapter, to a person of the age of eighteen years or older who has a residence, with street address, within the county.

8.04.020 - License—Required—Age of animals.

Any person owning, possessing or harboring any cat, dog or ferret within the county 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 cat, dog or ferret over four months of age, within thirty days of the acquisition of ownership or possession of the animal by such person.

8.04.030 - License—Application.

License applications must be submitted to the division, utilizing a standard form which requests name, address and telephone number of the applicant; breed, sex, color and age of the animal; previous license information, rabies and sterilization information, and the number, location or other identification applicable to a tattoo or implanted microchip of the animal. The application shall be accompanied by the prescribed license fee and by a rabies vaccination certificate current for a minimum of six months beyond the date of application. A license shall not be issued for a period that exceeds the expiration date of the rabies vaccination. A licensed veterinarian shall give rabies vaccinations with a vaccine approved by the current compendium of animal rabies control.

8.04.040 - Additional requirements for licensing of ferrets.

First time applicants for ferret licenses must present, in addition to the requirements of Section 8.04.030, 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:

- A. Explanation of the dangers ferrets present to people and other animals; and
- B. Explanation of the dangers of owning a ferret in a household with infants and small children.

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

8.04.050 - Veterinary verification.

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

8.04.060 - 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 Appendix A to the ordinance codified in this title. 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 Appendix A to the ordinance codified in this title, 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.

8.04.070 - License—Term and renewal.

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

8.04.080 - 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 of animal services may seek a court order pursuant to Chapter 8.10, revoking for a period of one year any and all license(s) such person may possess, and providing for the animal services division to pick up and impound any animal kept by the person under such order. Any animal impounded pursuant to such an order shall be dealt with in accordance with the provisions of this title for impounded animals, except that the person under the order of revocation shall not be allowed to redeem their pet, unless successfully making reapplication of the license with the director. Persons seeking reapplication of such animals 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.

8.04.090 - License—Tag requirements.

- A. Upon payment of the license fee, the division shall issue to the owner a receipt and a tag for each pet licensed. The tag shall have stamped thereon the license number, corresponding with the tag number on the receipt. The owner shall attach the tag to the collar or harness of the animal and see that the animal constantly wears the collar and tag. Failure to attach the tag as provided shall be a violation of this title, except that dogs or cats which are kept for show purpose are exempt from wearing the collar and tag while participating in an animal exhibition.
- B. Tags are not transferable from one animal to another unless authorized by the director. No refunds shall be made on any dog, cat or ferret license fee for any reason whatsoever. Replacement for lost or destroyed tags shall be allowed upon payment to the division of the replacement tag fee set forth in Appendix A to the ordinance codified in this title.
- 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 shall be exempt from the requirement that such animals wear identifying tags at all times while off the 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 therefor 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 microchipped by such vendor.

8.04.100 - License—Exemptions.

- A. The provisions of Sections 8.04.010 through 8.04.090 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 county temporarily, for a period not to exceed thirty consecutive days. If the owner shall be within the county temporarily, but for a period longer than thirty consecutive days, he/she may transfer the dog, cat or ferret to the local license required by this chapter by payment of the fee set forth in Appendix A to the ordinance codified in this title, and upon presentment of proof of a current rabies vaccination for the animal;
 - 2. Individual dogs or ferrets housed within a properly permitted facility or other such establishment when such animals are held for resale.
- B. The fee provisions of Sections 8.04.010 through 8.04.080 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 county from having a current rabies vaccination.

8.04.110 - License vendors.

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

8.04.120 - Harboring stray animals, unlawful confinement or concealment of animals.

- A. It is unlawful for any person, except an animal welfare society incorporated, or otherwise qualified to do business within the state of Utah and licensed under this title, to harbor or keep any lost or stray pet, unless otherwise allowed by the laws of the state of Utah. A person who assumes and maintains control of a lost or strayed pet longer than twenty-four hours, without notifying the division of the presence and location of such animal, shall be presumed to have violated this section.
- B. It is unlawful for any person to take an animal, without the permission of the owner or handler thereof, and/or to confine an animal in a place unknown to the owner or handler; or to conceal an animal's whereabouts from the owner or handler thereof. The offense described herein is committed irrespective of the period of time of such unlawful confinement or concealment. This section shall not apply to animal control officers legally taking an animal in an emergency or under protection from its owner or handler.

8.04.130 - Dogs or ferrets running at large—Owner liability.

- A. It is unlawful for the owner or handler of any dog or ferret to allow such dog or ferret at any time to run at large. The owner or handler of a dog or ferret shall be liable in damages for injury committed by such dog or ferret and it shall not be necessary in any action brought therefore to allege or prove that such dog or ferret was of a vicious or mischievous disposition or that the owner or keeper thereof knew that it was vicious or mischievous.
- B. The owner or handler of any dog or ferret shall be strictly liable for all damages and/or injury committed by said dog or ferret and shall indemnify and hold the county harmless from said damage or injury. In order to establish that an owner or handler is liable for and/or bound to indemnify the county from damage or injury done by said dog or ferret, it shall not be necessary to allege or prove that such dog or ferret was of a vicious or mischievous disposition or that the owner or handler thereof knew that it was vicious or mischievous.

8.04.140 - Animal trespass.

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

8.04.150 - Staking dogs improperly.

- A. It is unlawful for any person to chain, stake out or tether any dog on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property.
- B. It is unlawful for any person to chain, stake out or tether any dog on any premises in a manner that prevents the dog from having access to food, water or shelter.

8.04.160 - Female dogs in heat.

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

8.04.170 - Animals prohibited or restricted 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 dog to allow such dog to be within protected watershed areas as designated by either the Salt Lake Valley health department or any public water district.
- C. In accord with Section 8.06.040, dogs that qualify as vicious or dangerous animals, shall not be permitted off the premises of the owner or handler unless such animal is under physical restraint and muzzled or confined so as to prevent it from injuring any person, animal or property.
- D. In accord with Title 13, Parks and Recreation, Section 13.04.100C, unless otherwise established pursuant to subsection G below, all dogs in county parks, as defined under 13.04.020, shall be under physical restraint.
- E. Unless otherwise established dogs shall be under physical restraint in all developed areas of the county, which include but are not limited to: residential neighborhoods; streets; sidewalks; areas that result in concentrated use, including campgrounds, picnic areas, playgrounds, parking lots and ski resorts; county parks unless otherwise designated and the Jordan River Parkway.
- F. It is unlawful to possess an unleashed dog on even-numbered days in Millcreek Canyon.
- G. This section shall not apply to dogs provided for in subsection B of Section 8.04.100, or when the Salt Lake Valley board of health adopts rules and regulations which set forth the times and places where dogs may be allowed, with or without physical restraint, without compromising the health and safety of humans, causing a nuisance or damaging property.
- H. It is unlawful for any person to take any dog into or permit any dog to be at large in Parley's Historic Nature Park in any way contrary to any rules or regulations adopted by Salt Lake City setting out designated areas and trails where dogs may be either on-leash or off-leash.

8.04.180 - Attacks by animals—Owner liability—When destruction shall be authorized.

- 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. "Worry," as used in this section,

means to harass or intimidate by barking or baring of teeth, growling, biting, shaking or tearing with the teeth; or approaching any person in an apparent attitude of attack or any aggressive behavior which would cause a reasonable person to feel they were in danger of immediate physical attack.

- B. Any penalty imposed as a result of prosecution of a person under subsection A of this section shall be in addition to any penalties or liabilities imposed upon such person by any other law or ordinance.
- C. Defenses. The following shall be considered in mitigating the penalties or damages, or in dismissing a charge brought under subsection A of this section:
 - 1. That the animal was properly confined on the premises; or
 - 2. That the animal was deliberately or maliciously provoked.
- D. Animals May Be Killed. Any person may kill (or take other protective action) an animal while it is committing any of the acts specified in subsection A of this section or while such animal is being pursued thereafter or to protect him/herself, or members of the public from any threat of death or personal injury then being posed by the animal.

8.04.190 - Dog and cat limits.

There is no limitation on the numbers of dogs and cats that can be owned by a resident, provided that all dogs and cats are properly licensed and cared for. Dog and cat owners must abide by all applicable sections of Title 8 of these ordinances including, but not limited to, ordinances regarding proper care and maintenance, medical attention, and animal cruelty. Owners are required to prevent their animals from causing, and shall abate, any nuisances caused by animals including, but not limited to, noise and odor.

Chapter 8.05 - RABIES CONTROL

Sections:

8.05.010 - 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 such animal is revaccinated as often as is required to maintain the animal in a current rabies vaccination status. Any person permitting any animal to habitually be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for the vaccinations of the animal. Unvaccinated 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.

8.05.020 - Rabies vaccination—When valid.

- A. Animals that have had a valid vaccination for rabies will not be considered to have a current vaccine until thirty 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 in 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 ten days of, any revaccination.

8.05.030 - 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. Rabies vaccination tag number;
 - 5. Type of rabies vaccine administered; and
 - 6. 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.

8.05.040 - Impoundment of animals without valid vaccination tags.

- A. Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed by its owner upon the owner furnishing proof of rabies vaccination and payment of all fees attributable to said animal's apprehension and impoundment accrued up to the date of release.
- B. Any unvaccinated animal may be reclaimed by its owner prior to disposal of such animal under the procedures set forth hereafter in Section 8.07.040 of this title by payment of all fees attributable to said animal's apprehension and impoundment and by the owner posting a rabies deposit as found in Appendix A to the ordinance codified in this title. Such 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 8.07.050 of this title shall be disposed of pursuant to that section.

8.05.050 - 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 carnivorous mammal or bat shall report such knowledge and all

pertinent information available to the division and/or Salt Lake Valley health department. Any person having custody of such animal shall confine the animal pending direction from the division or health department.

- B. It is unlawful under this title for any person having knowledge of the presence or whereabouts of an animal known to have been exposed to, or reasonably suspected of having, rabies; or of an animal or person bitten by such an animal; to harbor, protect or otherwise interfere with the apprehension or identification of such animal or persons by wilfully withholding such knowledge from an animal control officer, peace officer, or any officer of the Salt Lake Valley health department or the Utah State Department of Health.
- C. It is a violation of this title for an owner, or other person having the care, custody and control of an animal known, suspected or deemed to have been exposed to rabies as set forth in this section to fail to surrender such animal immediately upon demand by any peace officer, animal control officer, or officer of the Salt Lake Valley health department or Utah State Department of Health.

8.05.060 - Animals exposed to rabies.

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

- A. Unvaccinated dogs, cats and ferrets exposed to a rabid animal shall be euthanized immediately. If the owner is unwilling to have this done, the animal shall be placed in strict isolation for six months under a veterinarian's supervision, at the owner's expense, and vaccinated one 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 forty-five days.
- C. Livestock shall be handled as per the current compendium of animal rabies control.

8.05.070 - Management of animals that bite humans.

- A. An apparently healthy dog, cat or ferret that bites a person or another animal shall be quarantined and the following provisions shall apply:
 - 1. The animal shall be observed for a period of not less than ten days by the division and/or the Salt Lake Valley health department, and the owner of the animal shall be responsible for the cost of such quarantine.
 - 2. The normal place for such quarantine shall be the division's animal shelter; however, other arrangements suitable to the division's director may be made for the period of observation specified herein upon the condition that the biting animal had a current rabies vaccination at the time the bite was inflicted.
 - 3. A person having custody of an animal under quarantine at a place other than the division's animal shelter shall immediately notify the division if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes from quarantine.
 - 4. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow an officer of the division, the Salt Lake Valley 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 such animal shall immediately notify the division of such fact and immediately deliver the animal to their veterinarian or the division for the removal

and delivery of the head of such 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 in Section 8.07.050.
 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 Salt Lake Valley health department.
- B. Animals other than dogs, cats or ferrets that might have exposed a person to rabies shall be reported immediately to the Salt Lake Valley health department. Case management will be a collaborative effort between the health department and the division.

Chapter 8.06 - ANIMAL BITES AND NUISANCES

Sections:

8.06.010 - Nuisance—Penalties for allowing.

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

8.06.020 - Animal nuisance abatement.

- A. If the director has reasonable grounds to believe that an animal constitutes a "public nuisance animal," as defined in this title, and that such nuisance necessitates immediate abatement, he/she may issue an abatement order, by mail or posting, giving the animal owner or keeper seven days to abate the animal nuisance. If the animal nuisance is not abated within seven days after delivery of the abatement notice, the division may seize the animal(s) pending delivery of an order concerning the disposition of the animal(s) by a court of competent jurisdiction. Each day that an owner or keeper allows an animal nuisance to persist beyond seven days following delivery of an abatement notice will constitute a separate violation of this title.
- B. If the court determines that the animal in question is not a nuisance and/or need not be abated for the public health and safety, the division shall return the animal to the owner or handler forthwith, and shall assume the responsibility for the costs incurred while the animal is under the care and keeping of the division. If the court determines that the animal in question constitutes a public nuisance, the owner or handler shall be liable to the division for the cost incurred by the division for the animal's care and keeping while the matter is before the courts, and for the cost of destroying the animal.

8.06.030 - 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 division 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 division or the Salt Lake Valley health department within twenty-four hours of his/her first professional attendance. Such report shall include the name, sex and address of the person bitten as well as the type and location of the bite. If known, the person making the report shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the division of animal control 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 division. The report shall contain the name and address of the owner of the injured animal, the name and address of the owner, if known, of the animal which caused the injury, and a description of the animal, if known, which caused the injury, and the location of the incident.
- D. Any person not conforming with the requirements of this section shall be in violation of this title.

8.06.040 - Dangerous or vicious animals.

It is a violation of this title for an owner or handler of a dangerous or vicious animal to allow or permit such animal to go or be off his/her premises unless such animal is under secure restraint and muzzled and/or confined so as to prevent it from injuring any person, property or other animal. The owner of any dangerous or vicious animal shall microchip the animal and register the microchip number with the division. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal, so that it shall not injure any person or property, is a hazard to public safety, and the director may take the same action in regards to such animal as is permitted in Section 8.06.020, or may seek a court order for destruction of or muzzling of the animal.

8.06.050 - Control and fencing of livestock.

- A. It is unlawful for an owner or handler of livestock to allow, either negligently or wilfully, the same to run at large in an area where such is not permitted by any law or regulation.
- B. It is unlawful for an owner or handler of livestock to allow, either negligently or wilfully the same to be herded, pastured or to otherwise enter upon the land of another person without the consent of that person.
- C. In areas where livestock are not permitted to run at large, the owner or handler of livestock shall construct adequate fencing and shall maintain such fencing to prevent livestock animals' escape from the owner's or handler's premises.
- D. For the purposes of this section, "adequate fencing" means, at a minimum, mesh, barbed wire, chain link, rail or post fencing, or metal fence panels.
- E. Because of the unusual hazards presented by stallions, such animals shall be confined in a fenced enclosure with a minimum fence height of eight feet.
- F. Failure by an owner or handler to erect and maintain the fencing required by this section, thus permitting the escape of, or injury to persons, property or other domesticated animals, shall be a violation of this title.

Chapter 8.07 - IMPOUNDMENT

Sections:

8.07.010 - Animal shelter and facilities.

- A. Salt Lake County shall be responsible, within its legislative discretion, to provide suitable premises and facilities to be used as an animal shelter where impounded animals can be kept. The county, through the division, shall purchase and supply food and provide care for impounded animals.
- B. The division shall provide for the destruction of dogs, cats, ferrets and other animals for which destruction is authorized by this title or by the laws of the state of Utah. Destruction shall be accomplished in accordance with standards established by the American Veterinary Medical Association, or in accordance with any other nationally recognized standards established for the proper destruction of animals; or by any method which, in the discretion of the director, is proper under the circumstances existing in the county.
- C. The division may furnish, at the discretion of division personnel, when necessary, 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 division shall be entitled to recover from the owner of any affected animal the cost of the care and keeping, medical treatment, and euthanasia provided or performed under the authority of this title.

8.07.020 - Impoundment authorized—When.

- A. An animal control officer may impound or leave an animal in the custody of its owner or handler, according to such officer's discretion, whenever such animal is found to be in circumstances which violate the requirements of this title. If left in the custody of the owner or handler, such owner or handler shall nevertheless be required to respond to a notice of violation 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. The animal is outside its owner's or handler's premises and is not licensed as required by this title. An animal not wearing a license tag shall be presumed to be unlicensed for the purpose of this subsection;
 - 3. The animal is sick or injured and its owner cannot be immediately located;
 - 4. The animal's owner or handler requests the division to impound the animal and pays, in advance, a fee reasonably calculated to pay for the cost the division will reasonably incur during impoundment and possible destruction of the animal;
 - 5. The animal is abandoned;
 - 6. The animal is outside its owner's or handler's premises and is known by the animal control officer to be without the rabies vaccination(s) required by this title. An animal not wearing a rabies tag shall be presumed to be unvaccinated, for the purpose of this subsection;
 - 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 8.06.040 of this title; or
 - 10. The animal is not being kept or maintained as required by any other provision of this title, and as a result thereof, the animal poses an imminent threat to the health and safety of persons, other animals or itself.

- C. The circumstances set forth in this section are not intended to be a complete list of those in which the division, and its animal control officers, may impound an animal without a prior order from a court of competent jurisdiction; and such officers are authorized to act as necessary to maintain the peace and safety of Salt Lake County under the requirements of this title and under the requirements of law.

8.07.030 - Impoundment—Recordkeeping requirements.

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

- A. Complete description of the animal, including tag numbers;
- B. The manner and date of impound;
- C. The location of the 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 accrue during its impoundment.

8.07.040 - Redemption of animals—Restrictions.

- A. The owner of any impounded animal or his/her authorized representative (a legally responsible adult of age eighteen or more) may redeem such animal before disposition, provided he/she pays:
 - 1. The impound fee;
 - 2. The daily board charge;
 - 3. Veterinary costs incurred during the impound period, including rabies vaccination or rabies vaccination deposit;
 - 4. License fee, if required;
 - 5. A transportation fee if transportation of an impounded animal by specialized equipment is required. "Specialized equipment" is that equipment, other than the usual patrol and operation vehicles of animal control, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers. The director of animal services shall determine this fee at a level that approximates the cost of utilizing the specialized equipment in the particular situation;
 - 6. Any other expenses incurred to impound an animal in accordance with state or local laws;
 - 7. Any unpaid (past due) fees and fines incurred by the owner; and
 - 8. If any dog or cat is fertile, the owner shall also pay a sterilization deposit and comply with other requirements established by Title 17, Chapter 42, Utah Code Annotated (1953) as amended, and implemented by the division. For the purposes of this subsection, the term "recipient" contained in the referenced Utah statute shall include an owner or his/her authorized representative who is redeeming his/her animal after impound.
 - 9. If an animal is impounded on two or more occasions without wearing identification or license tags, the owner may be required to purchase microchip identification in addition to impound fees.
- B. The director, subject to the approval of Salt Lake County, shall set, and periodically revise when necessary, maximum impound fees and daily board charges for the impounding of animals. Such fees

shall be published in Appendix A to the ordinance codified in this title. Such fees may take into account the type of animal impounded, the owner's compliance with animal licensure requirements, the number of confinements in the preceding year, and the duration of the confinement. No impound fees will be charged the reporting owners of suspected rabid animals if they comply with Chapter 8.05 of this title.

8.07.050 - Term of impoundment—Destruction or other disposition of animals.

- A. Animals shall be impounded for a minimum of three business days before further disposition unless the animal is wearing a license tag or other identification, in which case it shall be held a minimum of five calendar days. Reasonable efforts shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility by the owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition.
- B. All animals, except those quarantined or confined by court order, or those subject to Section 4-25-4, Utah Code Annotated (1953) as amended, 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. Any healthy pet may be adopted to any qualifying person desiring to adopt such animal, for a price as published in Appendix A to the ordinance codified in this title. The director shall require the sterilization of any healthy dog, cat, ferret or rabbit sold or released under this chapter and shall also comply with the requirements of Title 17, Chapter 42, Utah Code Annotated (1953) as amended.
- C. Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention may, in the discretion of the director, be released to the care of a veterinarian with the consent of the owner.
- D. 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.
- E. The director may destroy an animal upon the request of an owner without transporting the animal to county facilities. An appropriate fee shall be charged the owner for the destruction and any subsequent disposal of the carcass performed by the division.

8.07.055 - Impounded animals—Not released for research or medical testing.

Pursuant to the provisions of Utah Code Annotated § 26-26-3(1), the county council hereby directs that no animal may be released from impoundment or the facility for research or medical testing purposes. The director (or designee) may deny an adoption or rescue request if the director (or designee) reasonably believes that the animals may be used for research or medical testing purposes.

8.07.060 - Sterilization of adopted and impounded animals.

- A. A dog, cat, ferret or rabbit adopted from the division's animal shelter shall be sterilized.
- B. The division may allow the conditional adoption of an unsterilized dog, cat, ferret or rabbit, because of the age of the animal, or as otherwise deemed necessary by the division. Such conditional adoption shall become final upon proof to the division that the animal has been sterilized. Failure to sterilize results in forfeiture of the animal to the division.

- C. A dog or cat owner reclaiming an impounded pet shall comply with the "County Animal Shelter Pet Sterilization Act," Title 17, Chapter 42, Utah Code Annotated (1953) as amended; and comply with the procedures adopted by the division to conform with such law.

Chapter 8.08 - CRUELTY TO ANIMALS

Sections:

8.08.010 - Care and maintenance responsibility.

It is unlawful for an owner or handler of an animal to withhold food, drink, care, adequate space and shelter from such animal, which is reasonably necessary to maintain such animal in good health, comfort and safe from potential hazards.

8.08.020 - 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 such owner or handler by reason of disease or disability, to allow such animal to continue to live in a diseased or disabled state. Such 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 shall assume responsibility for disposition of the animal provided that the owner or handler shall pay a fee, in advance, to the division to pay for the 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 in subsection B of this section.

8.08.030 - Abandonment of animals.

It is unlawful for any person to abandon any animal within the geographical boundaries of Salt Lake County.

8.08.040 - 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.

8.08.050 - Animals in vehicles.

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

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

8.08.060 - Physical abuse of animals.

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

8.08.070 - 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 Salt Lake County (within the area of authority of this title) shall, in the event such vehicle should strike and injure or kill any domesticated animal, give reasonable aid and assistance and/or protection to such animal, without placing himself or herself at unreasonable risk, and call and report the facts pertaining to the incident to either of the following authorities:
 - 1. The county sheriff;
 - 2. Other police agency having jurisdiction in the area where the animal is struck; 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 such 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/she shall be responsible for the cost of treatment if required by the veterinarian. The division shall not be responsible for the cost of treatment unless it has accepted responsibility after the operator's compliance with any of the requirements of this section.
- D. 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 division of the incident as soon as is practicable thereafter.

8.08.080 - Poisoning animals.

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

8.08.090 - Steel-jaw traps.

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

8.08.100 - Mistreatment of animals.

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

8.08.110 - 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 for 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 under six months of age.
- D. Nothing in this provision shall be construed to prohibit the purchase and raising of such rabbits and fowl by a private individual for his/her personal use and consumption; provided, that he/she shall maintain proper brooders and other facilities for the care and containment of such animals while they are in his/her possession.
- E. It is unlawful to offer as an advertising device or to display any animal without keeping adequate food and water available for them at all times.
- F. Each day an offense occurs or continues shall be a separate offense.
- G. 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.

8.08.120 - 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 *P. troostii*, family Testudinidae, "pet turtles."

8.08.130 - Tethering of dogs—Restrictions.

- A. It is unlawful for an owner or handler of a dog to tether a dog in any manner that would cause injury or damage to the dog, or when restriction of freedom of movement would endanger a dog. A tether must be of sufficient length to provide the dog with adequate space. Each dog tethered in violation of this section shall constitute a separate offense.
- B. It is unlawful for an owner or handler of a dog to tether a dog for longer than ten hours within a twenty-four-hour period. Each dog tethered in violation of this section shall constitute a separate offense.

8.08.140 - Tethering of dogs—Exemptions.

The provisions of Section 8.08.130.B. will not apply in the following circumstances:

- A. The owner or handler has been mandated by animal services to keep the dog properly restrained at all times by the use of a tether or other means of containment.
- B. The owner or handler has a dog that is registered as a dangerous animal under Section 8.03.130 of these ordinances.
- C. The owner or handler of a dog has made application with animal services for an extension to the maximum tethered hours in 8.08.130.B. The application has passed review and inspection. Written notice has been given to the owner or handler of the approved extension.
- D. The owner or handler has attached the dog to a running line, pulley or trolley system. The dog shall not be tethered to the running line, pulley or trolley system by means of a choke collar, choke chain or pinch collar.
- E. The owner or handler has tethered the dog pursuant to the requirements of a park, camping or recreational area.
- F. The owner or handler has tethered the dog while actively engaged in the business of shepherding or herding cattle, sheep or other livestock or conduct that is directly related to the business of cultivating agriculture products if the restraint is reasonably necessary for the safety of the dog.
- G. The owner or handler is actively engaged in a lawful licensed hunting activity.

Chapter 8.09 - WILD, DANGEROUS AND EXOTIC ANIMALS

Sections:

8.09.010 - 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, Utah law or regulation, or Sections 8.01.150, 8.01.220 and 8.01.430 of this title; or which is otherwise a vicious animal or a nuisance as defined in this title.
- B. The prohibitions of subsection A of this section shall not apply to a person, animal shelter, zoological park, veterinary hospital, 501(c)(3) animal welfare shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific research if such organizations are otherwise licensed or permitted as provided in this title, and such animals are restrained or confined in such a manner as to prevent their escape and/or injury to the public.

Chapter 8.10 - ENFORCEMENT AND PENALTIES

Sections:

8.10.010 - Violation of title—Penalties.

- A. Any person who violates any mandate or prohibition contained in this title or Section 19.04.305 of the Salt Lake County Code of Ordinances shall be penalized according to the provisions of this title or the provisions of Section 1.12.010 of the Salt Lake County Code of Ordinances.
- B. Any notice of violation issued pursuant to this title shall subject the person to a processing fee as set forth in Appendix A to the ordinance codified in this title.

8.10.020 - Issuance of criminal citations—Notice of violations and stipulation.

- A. A peace officer and/or animal control officer is authorized to issue a criminal citation to any person upon a charge of violating any provisions of this title and to any person upon a charge of violating Section 19.04.305 of the Salt Lake County Code of Ordinances. The form of the citation, and proceedings to be handled upon the basis of the citation, shall conform to the provisions of the Utah Code of Criminal Procedure, including, but not necessarily limited to, Sections 77-7-18 through 77-7-22, Utah Code Annotated (1953) as amended.
- B. Where violations of Title 8 of this Code of Ordinances or of zoning ordinance Section 19.04.305 are observed, an animal control officer may, in lieu of issuance of the criminal citation and, with the consent of the person charged with a violation, issue a notice of violation to any person. The notice of violation shall state, with reference to the pertinent sections of this title, the violation which must be remedied by the person charged and shall set forth a compliance date by which the violator must comply with the remedial requirements. It shall also set forth a waiver provision; providing that the person to whom the notice of violation is issued waives all rights to contest the charge made against him/her in the notice of violation and further waives the rights to a trial or hearing upon the charges. The notice of violation shall also include the amount of any escalating violation fees and a processing fee to be paid to the division by the person charged in the notice of violation if stipulations are not met or violation fees are not paid. Refusal to execute the waivers defined herein, refusal and/or nonpayment of the violation fees and processing fee, or failure to comply with the notice of violation and stipulation by the deadline set as the compliance date may result in the issuance of a criminal citation to or filing criminal charges against the person charged.

8.10.030 - 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 or his/her authorized representative 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.

8.10.040 - Pick up orders.

The director or his authorized representative may petition the court for a "pick up order" for an animal within the premises of and/or under the control of a person who is in violation of this title or in violation of Section 19.04.305 of the Salt Lake County Code of Ordinances. This section may be used for, but is not limited to, picking up of animals pursued but not captured by an animal control officer, nuisance animals or for any other violation of this title.

Chapter 8.11 - NOTICE OF VIOLATION AND STIPULATION PROCEDURES

Sections:

8.11.010 - Purpose and authority.

The use by Salt Lake County division of animal services of a notice of violation and stipulation in lieu of issuance of a criminal citation is intended to provide an equitable and uniform method for administering and resolving disputes between Salt Lake County division of animal services and parties alleged to have violated one or more of the sections of Title 8 or of Section 19.04.305 of the zoning code.

8.11.020 - Definition.

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

8.11.030 - Administrative procedure.

- A. In lieu of issuing a criminal citation, and in an attempt to resolve disputes at the lowest level, the division may convene a conference with the person charged and attempt to enter into a contractual settlement to resolve the issue.
- B. When good cause appears, the division may permit a deviation from these procedures if it finds compliance to be impractical or unnecessary or that such deviation furthers justice or purpose of the division.
- C. These procedures will be liberally construed to secure a just, speedy and economical determination of all issues presented to the division.
- D. Actions commenced in court, whether criminal or civil, are not subject to review under these procedures.
- E. There is no appeal from the notice of violation and stipulation procedure. Failure by the person charged to comply with the provisions of the notice of violation and stipulation settlement agreement will result in the issuance of a criminal citation or charges or at the option of the director of the division, or the director's desingee, the settlement agreement may be enforced in court as provided in Section 8.10.030.

8.11.040 - Reserved.

Chapter 8.12 - DOMESTIC FOWL

Sections:

8.12.010 - Purpose.

This Chapter provides standards for keeping domestic fowl in residential neighborhoods on single-family residential lots and duplexes. It allows residents to keep a limited number of domestic fowl for non-commercial purposes, while establishing standards to limit adverse impacts on neighboring properties and ensure the health of persons and domestic fowl and the sanitation of domestic fowl-related structures.

8.12.020 - General conditions, restrictions and limitations.

- A. Persons may keep domestic fowl on single-family residential or duplex lots in accordance with the terms and provisions of this ordinance. Persons in rental properties may keep domestic fowl only with the written permission of the property owner.
- B. Existing Salt Lake County planning and zoning regulations and ordinances that prohibit the keeping of fowl on residential property shall be superseded by any specific contradictory provisions of this ordinance.

- C. It is unlawful for any person who is the owner, keeper or temporary custodian of any domestic fowl to allow the fowl to be at large, off the premises or outside the enclosure owned by the owner, keeper or temporary custodian; provided, however, fowl may be permitted outside the enclosure in a fenced yard during daylight hours.
- D It is unlawful for any person to keep or maintain in an unclean or unsanitary state or condition any coop, enclosure or other structure or area in which any domestic fowl is kept.
- E. It is unlawful for the owner, keeper or custodian of any domestic fowl to allow the animal(s) to be a nuisance to any neighbor(s), including but not limited to creating noxious odors from the animals, their waste, coop, or related structure or generating noise of a loud and persistent nature. An officer of Animal Services or the Salt Lake Valley Health Department will determine whether a nuisance exists on a case-by-case basis.
- F. All places where any domestic fowl is kept shall at reasonable times and upon reasonable notice be subject to inspection for cleanliness, health and sanitation purposes by an Animal Services officer or representative of the Salt Lake Valley Health Department.
- G.
 - 1. For the purposes of this chapter, only ducks, adult female chickens and baby chicks of either gender are considered "domestic fowl" and may be kept under this chapter. No geese, turkeys, peafowl, or crowing hens or adult male chickens may be kept. Except as set out in Subsection 2, below, no other bird species shall be kept.
 - 2. The keeping of pigeons, birds normally and generally considered household or indoor pets, birds of prey, or exotic or unusual bird species are not addressed by this chapter and are regulated by other separate federal, state or county laws, ordinances, or regulations.
- H. The total area of all accessory buildings on a lot, including coops, may not exceed twenty-five percent of the rear yard's area.

8.12.030 - Non-commercial use only—Slaughtering.

- A. Domestic fowl shall be kept for personal use only. The selling of eggs or fertilizer or the breeding of domestic fowl for commercial purposes is prohibited.
- B. The slaughtering of domestic fowl on the premises is allowed in areas not visible to the public and must be accomplished in a humane and sanitary fashion. All entrails and by-products of the slaughtering process shall be discarded in accordance with Health Department regulations.

8.12.040 - Permit required.

- A. A permit issued by animal services is required before a person may keep domestic fowl. An annual domestic fowl permit fee shall be established in accordance with Section 3.42.040 of these ordinances.
- B. Prior to issuance of any domestic fowl permit, applicants shall submit a completed written application which complies with the requirements of this chapter and is signed and certified as true and accurate by the applicant. All requirements, attachments and fees set forth on the application shall be satisfied and submitted to Animal Services, before the application shall be deemed completed. The following information shall be provided:
 - 1. A completed and signed application.
 - 2. The appropriate fee shall be paid.
 - 3. As part of the initial application process, the applicant shall consent in writing to an on-site inspection of coop, enclosure and surroundings, by county representatives. Any on-site inspection shall be conducted at reasonable hours and with reasonable notice.

4. Permits must be renewed and the fee paid annually.

8.12.050 - Number and location of domestic fowl and related structures.

- A. Except in areas in which the keeping of animals and fowl for family food production is allowed under Title 19 of this Code, a person shall have no more domestic fowl than the following:
 1. Three adult fowl and three baby chicks in R-1-4 or R-1-6 or in any duplex.
 2. Five adult fowl and five baby chicks in R-1-7 or R-1-8.
 3. Eight adult fowl and eight baby chicks in R-1-10 or R-1-15.
- B. Any domestic fowl, enclosure or coop shall be located only in a side or rear yard. No coop, enclosure or domestic fowl shall be allowed in any front yard.
- C. No domestic fowl structure shall be located within twenty-five feet of the nearest entrance to the dwelling, measured from the edge of the coop to the nearest edge of the dwelling entrance. The coop must be at least forty feet from any human dwelling, school or church located on an abutting property not owned by the keeper of the fowl, measured from the edge of the coop to the nearest edge of any human dwelling, school or church unless the written consent for a shorter distance is obtained from the abutting property owner.

8.12.060 - Enclosures and coops.

- A. Feeding and watering of domestic fowl shall take place only in a predator proof, bird proof area within the coop. The area must be completely enclosed with roof and doors; it shall be free from cracks and holes; it shall be kept in good repair at all times; it should be well-ventilated; windows or ventilation holes shall be covered with one-half-inch hardware cloth; and access doors for persons or fowl shall close tightly and be closed during nighttime hours. All stored feed must be kept in a rodent- and predator-proof container.
- B. The coop shall provide a minimum of two square feet per fowl and be of sufficient size to permit free movement of domestic fowl. No coop shall be taller than eight feet. The coop shall be easily accessible for cleaning and maintenance.
- C. Domestic fowl and related structures and areas must be maintained in a manner that will not disturb the use and enjoyment of neighboring lots due to noise, odor or other adverse impact.

8.12.070 - Health and sanitation.

Any domestic fowl enclosure, coop and surroundings shall be kept and maintained in a clean and sanitary condition. All droppings within the coop and the enclosure shall be cleaned out at least once every two weeks. Coops must be thoroughly cleaned with a standard disinfectant at least once per calendar quarter.

8.12.080 - Enforcement.

- A. Animal Services may conduct an onsite inspection, at reasonable times and upon reasonable notice, to determine if violations exist, and leave written notice to take corrective action with the owner, keeper or custodian of any domestic fowl or related structures. The owner, keeper or custodian shall take

corrective action and comply with the notice within ten days. If the violations are not corrected in the allotted time, Animal Services may issue a citation. Written notice may be issued to any domestic fowl owner, keeper or custodian either personally or by mail, if a violation of the code has occurred.

- B. In health emergencies declared by the director of the Health Department, including but not limited to an outbreak of Avian Flu, West Nile virus and the like, immediate corrective action may be required, in accordance with applicable Health Department regulations and procedures.

8.12.090 - Nuisance and trespass.

It is unlawful for the owner, keeper or custodian of any domestic fowl to permit the animal(s) to trespass on the premises of another or to permit or maintain a nuisance consisting of noise, odor, or other condition, in violation of this ordinance.

8.12.100 - Penalties.

If violations of this ordinance exist or corrective action has not been taken in a timely manner following notice, a citation may be issued by Animal Services or by the sheriff. No person convicted of three or more violation citations in a twelve-month period may keep domestic fowl.

8.12.110 - Compliance—Pre-existing structures.

Any person maintaining a pre-existing domestic fowl coop, enclosure, or other structure or facility shall come into compliance with the provisions of this ordinance within ninety days of the effective date of this ordinance and must be in compliance with the restrictions, construction requirements, minimum distance requirements, and all other provisions of this chapter.

Chapter 8.13 - FERAL CATS

Sections:

8.13.010 - Feral cats—Impoundment and disposition.

- A. Impounded cats identified as feral pursuant to this code of ordinances shall be held by Animal Services for the mandatory period set out in Section 8.07.050.A.
- B. At the end of the mandatory holding period, the feral cat shall be released within a reasonable proximity to where it was trapped or picked up.
 - 1. Each cat shall be sterilized, identified by "ear- tipping" and vaccinated (including rabies vaccination) prior to release.
 - 2. The release of a feral cat under the provisions of this section shall not be considered "abandonment" under the provisions of section 8.01.010.
- C. The director (or designee) has discretion to refuse release of a feral cat.

Chapter 8.14 - DOG BREEDERS

Sections:

8.14.010 - License.

- A. Dog breeders shall obtain a license issued by the division, in addition to any current general kennel or fancier's permit required by ordinances.
- B. An applicant for a license shall submit an application on a form prescribed by the division, together with an annual, non-refundable license fee in an amount determined by the council.
 - 1. A dog breeder may apply for a refund of the breeder license fee upon showing that the female dog was sterilized within 60 days after the litter was born.
- C. The division, through its inspector, may conduct an inspection for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section. The division shall issue the license upon receipt of the application and annual license fee and upon satisfactory completion of any required or qualifying inspection and compliance with all requirements of these ordinances.
- D. A license will not be issued to an applicant who has pled no contest or has been found to have violated any federal, state or local laws or regulations pertaining to animal cruelty within five years of the date of application.
- E. An applicant who does not receive a license shall be afforded the opportunity for a hearing before a hearing officer of the division to present evidence that the applicant is qualified to hold a license.
- F. This section shall not apply to:
 - 1. Any person licensed or subject to inspection by the United States Department of Agriculture pursuant to the deferral Animal Welfare Act (Title 7 U.S.C. Sec. 2131 et seq.) and its regulations (Title 9, C.F.R.).
 - 2. Any evacuation or management activity associated with any emergency or disaster declared by local, state or federal government.
- G. A license to operate as a dog breeder shall be renewed by filing with the division annually a renewal application and license fee.
- H. License registration should be made prior to any litter being delivered. Failure to timely register under this ordinance may result in additional penalties, including a late fee as established by the council.
- I. A license is not transferable to another person or location.
- J. A licensee may be put on probation requiring him or her to comply with the conditions set out in an order of probation issued by the division, may be ordered to pay a civil penalty or may have his or her license suspended after:
 - 1. The division determines the licensee has not complied with the provisions of this section or with division regulations;
 - 2. The licensee is given written notice to comply and written notice of the right to a hearing to show cause why the license should not be revoked; and
 - 3. The division finds that issuing an order revoking the license is appropriate based on the hearing record or on available information if the hearing is waived in writing by the licensee or the licensee does not appear at a scheduled hearing after the licensee has received notice of the hearing.
- K. The facility or operation of any licensee whose license has been suspended shall close and remain closed and all operations cease until the license has been reinstated and a new license is issued. Any facility or operation for which the license is revoked shall not be eligible to apply for a new license until one year after the date of the order revoking the license or, if the revocation is appealed, one year from the date of the order sustaining the revocation.

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

8.14.015 - License—Responsible Breeder—Five-Year License.

- A. Licensees belonging to recognized organizations which require and enforce adherence to a code of ethics and standards specific to their breed may obtain a five-year license, at no charge.
- B. Recognized organizations:
 - 1. Local, regional or national dog club or organization recognized by the American Kennel Club which have a written code of ethics that members are held accountable to in order to remain member in good status standing, or
 - 2. If the breed is not recognized by the American Kennel Club then a local, regional or national dog club or an organization recognized by the United Kennel Club which has a written code of ethics that members are held accountable to in order to remain member in good status standing, or,
 - 3. If the breed is not recognized by the American Kennel Club or the United Kennel Club the organization may be recognized by providing the following information to the Division:
 - a. Articles of organization and bylaws (or equivalent);
 - b. Copy of the organization's code of ethics; and
 - c. Statement regarding member's requirement to abide by code of ethics to maintain membership.
- C. Application for five year license must include the following:
 - 1. Proof that the applicant is a member in good standing with a recognized organization, and
 - 2. A copy of the recognized organization's code of ethics (or equivalent) that members are held accountable to in order to maintain member-in-good-standing status. The code of ethics must include at a minimum:
 - a. Expectations for following guidelines and recommendations for breed specific health and medical testing;
 - b. Prohibits selling, trading or bartering of a puppy/adult that is sick, or ship or deliver to the buyer a puppy less than eight weeks of age; and
 - c. Requirements to take back or make rescue or placement arrangements for any dog produced that has been displaced or abandoned at any time during its life.
- D. A five year license may be revoked if the licensee is found to have lost member-in-good-standing status or if the licensee is found to be in violation of any section of this chapter.
- E. Organizations found to not be enforcing their member's adherence to the organization's standards and code of ethics may be suspended from participating in the five-year license program for two years. During the two-year period of the organization's suspension, no five-year licenses will be issued or renewed to members of the suspended organization.

8.14.020 - Inspections.

- A. The division may inspect any dog breeders licensed under these ordinances to determine compliance. The division may conduct additional inspections upon receipt of a complaint or on its own motion to insure compliance with these ordinances. When an inspection produces evidence of a violation of these ordinances or division regulations, a copy of an inspector's written report of the inspection, including alleged violations, shall be provided to the applicant or licensee, together with written notice to comply within the time limit established by the division.
- B. The inspector, for purposes of inspection, may with an appointment enter the premises of any applicant or licensee during normal business hours and in a reasonable manner, including all premises in or upon which dogs are housed, sold, exchanged, or leased or are reasonably suspected of being housed, sold, exchanged or leased. An applicant or licensee shall, upon request of the inspector, provide assistance in making any inspection authorized under this section and its regulations.
- C. The private residence of any applicant or licensee shall be available for purposes of inspection only if dogs are housed within the residence, including a room in such residence, and only the portion of the residence used as an enclosure shall be open to an inspection pursuant to this section.
- D. The division shall have authority to investigate reported violations of these ordinances and division regulations, including failure to obtain a license as a dog breeder, as required under this chapter.

8.14.030 - Standards.

- A. Licensees shall ensure that appropriate preventative and therapeutic veterinary care is provided.
- B. Each licensee must have a plan for disaster response and recovery, including but not limited to, structural damage, electrical outages and other critical system failures.
- C. All dogs over four months old must be properly licensed.
- D. All dogs must be provided necessary and appropriate veterinary care, including, at a minimum, an examination at least annually by a licensed veterinarian, prompt treatment of any illness or injury by a licensed veterinarian, and, where justified, humane euthanasia by an appropriate agency using lawful techniques determined acceptable by the division.
- E. All dogs shall be provided sufficient housing, including protection from the elements, constant and unfettered access to an indoor enclosure that has a solid floor (a wire-mesh or similar floor is not permitted), no stacking of one animal's enclosure above or below another animal's enclosure, and waste removal at least once a day while the dog is outside the enclosure.

8.14.040 - Records.

- A. A licensee shall maintain accurate records for each dog within the licensee's care for at least five years including:
 - (i) The date the dog enters the kennel facility;
 - (ii) The person from whom each dog was purchased or obtained, including the name, address and phone number of the person, and license or registration number if applicable;
 - (iii) A description of each dog, including the color, breed, sex, date of birth (if not known, the approximate age) and weight;
 - (iv) A description of any tattoo, microchip, or other identification number carried by or appearing on the dog;
 - (v) For breeding females:
 - a. Breeding dates;

- b. Whelping dates;
 - c. Number of puppies per litter; and
 - d. Sire for each litter.
- (vi) All preventative and therapeutic veterinary care provided for each dog; and
- (vii) The disposition of each dog and the date.
- B. A copy of the dog's record, as required by this section, shall be provided at the time of transfer of ownership. Registration of any tattoo, microchip, or other identification number shall also be transferred.
- C. Licensees shall provide copies of records listed in this section to the inspector, as requested, to enforce the provisions of this section or its regulations.

8.14.050 - Enforcement and penalties.

- A. In enforcing this section, the division may:
- (i) Issue an order or probation;
 - (ii) Issue a cease and desist order;
 - (iii) Suspend or revoke a license; or
 - (iv) Seek other injunctive relief as may be necessary to enforce this section and its regulations, including impounding and seizing dogs where the division determines there is significant threat to the health or safety of the dogs harbored or owned by the licensee. Costs incurred for the care of animals impounded or seized under this section shall be recoverable from the owner of the animal who is found to have violated provisions of the section.
- B. Each act committed against an individual animal in violation of these ordinances or division regulations, and each day during which a violation continues, shall constitute a separate offense for purposes of this section.
- C. A failure to comply with these ordinances shall constitute a class B misdemeanor. The attorney's office may bring an action to collect unpaid license fees and/or unpaid civil penalties.
- D. It shall be a violation of this section for any person to:
- (i) Deny access to any inspector or offer any resistance to, thwart, or hinder an inspector by misrepresentation or concealment;
 - (ii) Interfere with, threaten, verbally or physically abuse, or harass any inspector in the course of carrying out inspection duties;
 - (iii) Fail to disclose all dog housing locations owned or controlled by a licensee; or
 - (iv) Violate an injunction order or order of compliance issued pursuant to this section.
- E. Proceedings undertaken under this section shall not preclude the division from seeking other civil or criminal actions. This section does not prohibit the division from assisting a law enforcement agency in a criminal investigation. Nothing in this Section shall be construed to prohibit prosecution under state statute or county ordinance.