



# COUNCIL STAFF MEMO

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**penalties**

**FROM:** Jan Aramaki  
Policy Analyst

**DATE:** December 4, 2014 at 4:20 PM

**RE:** Written Briefing regarding  
ordinance amendments to sections of  
*Salt Lake City Code*, Animal Control,  
that relate to infractions, citations, and

**PROJECT TIMELINE:**

Written Briefing: 12/09/14  
Set Date:  
Public Hearing:  
Potential Action:

Council Sponsor: **Council Member Stan Penfold**

[VIEW PREVIOUS STAFF REPORT AND PAPERWORK FROM MAY 20, 2014](#)

## ISSUE AT-A-GLANCE

Council Member Penfold had constituents bring to his attention their concerns regarding sections of *Salt Lake City Code*, Animal Control, that was previously adopted by the City Council on May 20, 2014. The ordinance amendments have caused Salt Lake County Animal Services enforcement to focus on misdemeanor citations rather than notices of violation. This has resulted in significant penalties that may be disproportionate to the violations. The City Attorney's office will be working on a proposed ordinance change that gives the Council options to reemphasize use of civil penalties over misdemeanor citations. The Administration indicates that this can be ready for a January Council discussion. The Council and Administration will continue discussions with the County during this transition period.





# COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

**TO:** City Council Members

**FROM:** Jan Aramaki  
Council staff, Policy Analyst

**DATE:** May 16, 2014 at 10:03 AM

**RE: REGULATION OF ANIMALS  
CLASSIFIED AS POTENTIALLY  
DANGEROUS, DANGEROUS, &  
VICIOUS AND REGULATIONS  
FOR TETHERING ANIMALS**

Council Sponsor: Council Member Kyle LaMalfa

## PROJECT TIMELINE:

Briefing: April 1, 2014  
Set Date: April 22, 2014  
Public Hearing: May 6, 2014  
Potential Action: May 20, 2014

## VIEW ADMINISTRATION'S PROPOSAL

### NEW INFORMATION

On May 6, 2014, the Council held a public hearing on this issue. Three community members addressed the Council with the following comments:

1. Change the proposed tethering limit to a shorter time frame.
2. Require access to shelter and water when an animal is tethered and restrict tethering under certain weather conditions.
3. Require the presence of a person when an animal is tethered or have a person check on the animal every fifteen minutes.
4. Define a "potentially dangerous animal."
5. Focus penalties on the guardian of an animal rather than on the animal.
6. Define a vicious dog based upon whether an animal has attacked or bitten twice within a twelve month period.
7. Require dog owners who have a dog that has bitten at least one time to receive education on proper training for their dogs.

As of May 14, 2014, eighteen comments were received through the City's on-line forum, Open City Hall.<sup>1</sup>

<sup>1</sup> Attachment IV: Open City Hall comments as of May 14, 2014.





***The following information was provided to the Council for the May 6, 2014 public hearing. It is provided again for reference.***

On April 1, 2014, the Council received a briefing and held a discussion regarding this proposal with Salt Lake County Animal Services and the Administration. Animal Services reported to the Council that the County plans to implement regulations similar to those being proposed by the Administration as part of County regulations sometime in the future. The Council scheduled a May 6, 2014 public hearing. This proposal was published on Open City Hall (City's on-line forum) for public input. Seventeen comments were received as of May 1, 2014.

At the end of this report under "Housekeeping Item," information was incorrectly provided to the Council. At the adoption of the horse-drawn carriage revisions, Chapter 8.16 was repealed. Under the "Housekeeping Item" concerns were raised that the proposed changes may conflict with changes adopted under the horse-drawn carriage revisions. However, a careful review of the proposal currently before the Council indicates that none of the proposed changes will be inconsistent with the recently-passed horse-drawn carriage revisions.

***The following information was provided to the Council for the April 1, 2014 briefing. It is provided again for reference.***

## **ISSUE AT-A-GLANCE**

The Council's discussion will center on proposed changes to *Salt Lake City Code* pertaining to the management of animals deemed menaces to the public's health and safety. Enforcement issues will also be discussed. Currently, *Salt Lake City Code* classifies animals that threaten the public's health and safety as either dangerous or vicious. The proposal presents three classifications for aggressive animals: potentially dangerous, dangerous, or vicious (least severe to more severe). Enforcement and regulations are different for each classification.

This proposal is a result of changes to state law and improvements in technology. Additionally, current *Salt Lake City Code* has presented challenges to Animal Services in regard to seizing and disposing of vicious animals. For example, Sections 8.04.280H and 8.05.050E of *Salt Lake City Code* are in contradiction with each other making it difficult for Animal Services to enforce.

Currently, *Salt Lake City Code* has no time restriction for tethering. The Administration proposes a maximum ten hour limit within a 24-hour period that a dog can be tethered, in addition to implementing tighter restrictions on how a dog is tethered to ensure a dog's movement is not hindered and to prevent any injury to a dog.

Council Member Kyle LaMalfa is the sponsor of this issue and has expressed interest to Council staff in prohibiting tethering, and modeling a new tethering policy after other cities. Under Council Member LaMalfa's proposal, tethering would only be permitted if an animal is attended by its owner or handler and under other limited circumstances.<sup>2</sup>

The Administration's February 2013 transmittal states proposed amendments will more closely align City ordinances with the County. However, it is Council staff's understanding the County has not yet made changes to their regulations.

This proposal is in line with the Council's Neighborhood of Quality of Life Vision statement . . . *The Quality of Life in neighborhoods is dependent on access to a wide variety of housing types for all income levels, and is enhanced by a balance and network of uses and services that includes opportunity for neighborly / social interaction; a safe environment to play and engage in the community . . .*

## **POLICY QUESTIONS**

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<sup>2</sup> Attachment I: Examples of other cities that prohibit tethering when an animal is outside unattended by an owner or responsible party, however, under limited circumstances, tethering is permitted.

1. Council Member LaMalfa expressed interest in having a conversation with his colleagues regarding his proposal to prohibit tethering of an animal. Council staff would appreciate receiving direction from the Council and a Council straw poll would be helpful.
2. Council Member LaMalfa also expressed interest to have language added to City code to allow Animal Services to enforce situations if a person taunts/provokes a dog such as through a fence. Salt Lake County's regulation includes 8.08.100, Mistreatment of Animals: *"It is unlawful for any person to provoke an animal, which is being kept, house or confined in a compliance with this code."* The Council may wish to consider implementing language to mirror County regulations.
3. The Council may wish to inquire with the Salt Lake County Animal Services if they still plan to consider implementing similar changes to County regulations mirrored after this proposal.
4. The Council may wish to ask the Administration of the anticipated budgetary impacts or efficiencies if Animal Services is given more discretion to issue verbal warnings in certain situations. Such discretion would be an effort to secure a just, speedy, and economical determination of issues rather than a penalty.
5. Does the Council have any concerns regarding Salt Lake County Animal Services being given the authority to write the standards for the three classifications of animals (potentially dangerous, dangerous, and vicious) while the City is currently processing a new RFP for animal services? The City's five year contract with Salt Lake County expires June 30, 2014.
6. Would the Council like to hold a public hearing on this issue?

## **ADDITIONAL & BACKGROUND INFORMATION**

### **KEY PROPOSED CHANGES:**

#### **Chapter 8.05, Regulation and Control of Vicious Animals, has been amended as Chapter 8.05, Dangerous or Vicious Animals**

The three classifications that would be considered for an animal after demonstrating aggressive behavior are potentially dangerous, dangerous, and vicious. As part of the proposed amendments to Chapter 8.05, dependent upon which classification Animal Services gives to an animal based upon the severity of a situation, different regulations will apply. There is an appeal process outlined for when an animal is either deemed vicious or dangerous.<sup>3</sup>

#### **Authority given to Animal Services to write standards used to determine if an animal is vicious, dangerous, or potentially dangerous**

Animal Services is given the authority to write standards that define and make a distinction amongst these three classifications (least severe to most severe): potentially dangerous, dangerous or vicious.<sup>4</sup>

#### **Proposed changes to Section 8.04.400, Tethering of Dogs – Restrictions**

The Administration's proposal provides additional restrictions that make it unlawful for an owner/handler to tether a dog in a manner that would cause injury or damage or restrict a dog's

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<sup>3</sup> Attachment II: Different enforcement steps and regulations would apply dependent upon which classification Animal Services deems an animal that demonstrates being a menace to the public health and safety (vicious, dangerous, potentially dangerous).

<sup>4</sup> Attachment III: Salt Lake County Animal Services uses these written standards when making the determination on whether an animal is deemed vicious, dangerous or potentially dangerous.

movement within the tethered area, and the tether must be of sufficient length to provide adequate space. Currently *Salt Lake City Code* has no time restriction to tethering. The Administration proposes a maximum ten hour limit within a 24 hour period limit for a dog to be tethered.

Situations identified in the proposal that would exempt tethering regulations of animals are:

- Animal Services has mandated to keep the animal properly restrained at all times by tethering or other means of containment.
- Animal is classified as dangerous
- Owner/handler has made application with Animal Services for an extension to the ten hour limit. Application must pass review and inspection and written notice must be received by the owner granting the extension.
- Animal is attached to a running line, pulley or trolley system – but animal cannot be tethered by means of a choke collar, choke chain or pinch collar.
- Animal has been tethered according to requirements of a park, camping or recreational area.
- Owner or handler has tethered the animal while actively engaged in the business of shepherding or herding cattle, sheep or other livestock or conduct directly related to the business of cultivating agriculture products if the restraint is reasonably necessary for the safety of the animal.
- Owner or handler is actively engaged in a lawful licensed hunting activity.

#### **Proposed changes that would align *Salt Lake City Code* with Utah State Code:**

- Change the minimum time an animal may be impounded before disposition from three business days to five business days.
- The time limit has been increased from three business days to five business days before animal services can notice of sale of estrays (any animal at large). (Section 8.12020, Notice of Estrays)

#### **Proposed changes to *Salt Lake City Code* to address conflicts that make it difficult for Animal Services to enforce:**

- Language has been included that gives Animal Services the authority to take into custody and impound an animal without filing a complaint or obtaining a prior order from a court.
- Sections 8.04.280H and 8.05.050E of current *Salt Lake City Code* are in contradiction. While 8.04.280H indicates Animal Services may seek a court order for the destruction of a vicious animal, Section 8.05.050E states that an animal shall be held pending the outcome of a hearing and court appeals processes that could potentially take many months. This contradiction has in some instances made it difficult for Animal Service to process an animal. According to the Administration's transmittal, there was an incident in which dog remained in the County's shelter for nearly six months, accruing approximately \$2,200 in shelter fees to be paid by the owner; however, the fees were absorbed by Animal Services. A situation of this nature causes undue burden for the County's shelter and staff and inhumane circumstances for the animal.

The Administration proposes to enact Chapter 8.15 (Enforcement, Hearing Process, Notice of Violations, and Penalties) to allow Animal Services to process an animal deemed vicious no sooner than thirty days after the owners have been notified of the animal's seizure. This enactment would allow Animal Services to destroy an animal or process an animal before an animal is kept for an unreasonable period of time and placed in an inhumane situation.

#### **Enactment of Chapter 8.15, enforcement, hearing process, notice of violations and penalties**

- Involves consolidating sections of code into one location for ease of the public finding information.

- Shifts the responsibility of hearing appeals from the Mayor or the Mayor's designee to the Office of Animal Services.
- Provides anyone who is issued a criminal citation to forgo the citation and enter into a contractual stipulation to resolve the issue. Discretionary authority is given to Animal Services to work out an equitable way for administering and resolving animal disputes with the Office of Animal Services. Animal Services is also given the authority to use discretion to issue a verbal warning to an offending party and forgo penalties. Upon reaching agreement, Animal Services shall prepare a settlement agreement to the parties for approvals and signature. After signing a settlement agreement, the parties waive all rights to further hearings or appeals unless the terms are not honored, in which case, a criminal citation may be issued or either party may seek enforcement in court. This contractual stipulation falls in line with Animal Services' philosophy communicated to the City Council in 2011 to create a friendlier image approach by changing the way Animal Services interacts with the community.
- Provides Animal Services the authority to petition the court for a "pick up order" for an animal when a person is in violation of this chapter.
- Provides Animal Services the authority to prohibit a person from receiving a license when found harboring a potentially dangerous, dangerous or vicious animal more than two times in a five year period.
- Provides Animal Services authority to prepare written criteria or standards to objectively evaluate the facts and circumstances surrounding a bite or other animal attack.
- Removes the penalties presently set forth in Section 8.04.521 (Appendix A) of the City Code and instead relies on an enforcement system involving (1) the issuance of criminal citations for violations, or (2) the issuance of a notice of violation together with a voluntarily contractual stipulation accepting certain penalties and conditions in order as a means of resolving the violation. The penalties imposed under the notice of violation and contractual stipulation approach shall be set forth in a written policy prepared by animal services and available to the public.

**Housekeeping Item:** The proposed ordinance presently includes a Chapter 8.16 that contains provisions pertaining to the regulation of carriages. Those provisions have since been superseded by the recent carriage amendment and should probably be removed from the present ordinance.

#### **ATTACHMENTS:**

- **Attachment I** – Information on other cities that prohibit tethering of an animal.
- **Attachment II** - Different enforcement steps and regulations would apply dependent upon which classification Animal Services deems an animal that demonstrates being a menace to the public health and safety (potentially dangerous, dangerous, or vicious).
- **Attachment III:** Salt Lake County Animal Services uses these written standards when making the determination on whether an animal is deemed vicious, dangerous or potentially dangerous.
- **Attachment IV:** Open City Hall comments received as of May 14, 2014.





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RALPH BECKER  
MAYOR

## SALT LAKE CITY CORPORATION

OFFICE OF THE MAYOR

### CITY COUNCIL TRANSMITTAL

SCANNED TO: *mayor*  
SCANNED BY: *Kaya*  
DATE: *12/20/2012*



*[Signature]*  
David Everitt, Chief of Staff

Date Received: *12/20/2012*  
Date sent to Council: *12/27/2012*

**TO:** Salt Lake City Council  
Søren Simonsen, Chair

**DATE:** December 20, 2012

**FROM:** David Everitt, Chief of Staff  
Office of the Mayor

**SUBJECT:** Changes to Salt Lake City Animal Services Ordinance to Reflect Salt Lake County Animal Services Change in Vicious Animal Management, Enforcement of Ordinances and Animal Tethering

**STAFF CONTACT:** Randy Hillier  
Policy and Budget Analyst  
535-6606

Ann Ober  
Public Services, Administrative Services Division Director  
535-7753

**DOCUMENT TYPE:** AN ORDINANCE AMENDING SECTIONS 8.04.010, 8.04.020, 8.04.070, 8.04.100, 8.04.280, 8.04.320, 8.04.340, 8.04.370, 8.04.390, 8.04.400, 8.04.420, 8.08.050, AND 8.12.020 OF THE SALT LAKE CITY CODE, ENACTING CHAPTER 8.15 AND SECTIONS 8.04.125 AND 8.04.4.05 OF THE SALT LAKE CITY CODE, AND REPEALING SECTIONS 8.04.180, 8.04.220, 8.04.500, 8.04.510, 8.04.520, 8.04.521, AND 8.10.100 OF THE SALT LAKE CITY CODE IN ORDER TO MODIFY AND UPDATE CITY REGULATIONS REGARDING ANIMAL CONTROL CLASSIFICATIONS AND ENFORCEMENT PROCESSES.

**RECOMMENDATION:** The Administration recommends that the Council approve the attached changes to the Animal Control ordinances. The proposed changes will address several issues that are in need of update due changes to state law, improvements in technology, or difficulties Animal Services has had with enforcing ordinances. The majority of the changes are related to how the ordinance addresses vicious and dangerous animals in

the City. These updates will more closely align the City's Animal Control ordinances with the County's.

**BUDGET IMPACT:** The changes being proposed will not have an impact on the budget.

**BACKGROUND/DISCUSSION:** Since 1991, Salt Lake City has contracted with Salt Lake County to provide animal services and enforce Salt Lake City's Animal Control ordinances. In June of 2004, Salt Lake City and Salt Lake County signed the most recent five-year contract. Following 2009, Salt Lake City has had the option of extending the contract for five additional one-year periods. The City has currently extended the contract four times and will begin the RFP process following the next contract extension.

The changes currently being proposed to Salt Lake City's animal services ordinance will address several issues that are in need of update due to changes in state law, improvements in technology, or difficulties enforcing sections of the existing ordinance. The primary focus of the changes is on the seizure and disposition of vicious animals.

### **Definitions**

The definitions of Dangerous and Vicious animals, and Director and Designee have been changed. Changes to the dangerous and vicious animals' definitions relate to the County's proposed use of written standards or criteria that would be used to classify animals as dangerous or vicious. Within the new dangerous and vicious animals' definitions it indicates that the classification of dangerous or vicious animals will be determined by the written standards developed by the office of animal services.

The definitions for director and designee are not currently included. These definitions would be added since the ordinance includes references to director of animal service and/or the designee. The references to director or the designee would be more widely used than the mayor or mayor's designee, which is more widely used in the existing ordinance.

### **Keeping of Vicious and Dangerous Animals**

A significant change relates to the keeping of vicious animals. Vicious animals, as designated by Animal Services, would no longer be allowed to be kept by owners. Dangerous animals, rather than vicious animals, would now be required to have a permit and a containment agreement. The treatment of vicious animals would be changed because we are now envisioning vicious animals to be more dangerous than dangerous animals, and it was determined that a clarification was needed. It has also been determined that dangerous or vicious animals should be more distinctly identified by the aforementioned criteria developed by the office of animal services.

In the updated version of Chapter 8.05, potentially dangerous animals and dangerous animals would be addressed using concepts of containment and control similar to the concepts that are currently applied to vicious animals in the existing ordinance. The owners of animals classified as potentially dangerous or dangerous would be required to enter into a containment agreement with the office of animal services in addition to obtaining a dangerous animal permit.

Animals classified as vicious would be required to be impounded in rabies quarantine and the owners would be notified of the classification of the animal. The animal would be held for ten

days following the owner's receipt of notification, and euthanized, or otherwise processed by animal services following that ten day period unless the owner initiates an appeal to change the vicious dog classification.

### **Impounding and Disposition of Animals**

A change being proposed for Chapter 8.04.320, clarifies that Animal Services may seize animals that are out of compliance with Animal Control ordinances without a search warrant and without a court order.

Also, in the existing ordinance, a contradiction currently exists between sections 8.04 and 8.05 regarding the euthanizing of vicious animals by Animal Services. 8.04.280H currently indicates the Office of Animal Services may seek a court order for the destruction of a vicious animal. However, in 8.05.050E, it currently indicates that the animal shall be held pending the outcome of a hearing and a court appeals processes that could potentially take many months. This contradiction has periodically made it difficult for animal services to further process an animal that they cannot release to the owner. Animals are sometimes kept penned up for several months. Within the past two years, there have been at least two examples when vicious dogs have been kept at the shelter for several months awaiting the appeals process to be completed before they can be processed. In the most recent instance, the dog has remained in the shelter for almost six months, with nearly \$2,200 in shelter fees being owed by the owner. Keeping an animal in a pen for such an extended period is inhumane and costly, but Animal Services currently has no choice.

An updated approach to the hearing and appeals process included in the newly created Chapter 8.15 will address this discrepancy, allowing Animal Services to process the vicious animal no sooner than thirty days following the owners notification of the animal's seizure. The animal may be destroyed or otherwise processed, including, but not limited to, the sale or other placement of the animal.

### **Enactment of Chapter 8.15: ENFORCEMENT, HEARING PROCESS, NOTICE OF VIOLATIONS AND PENALTIES**

The proposed enactment of Chapter 8.15 of the Salt Lake City Code serves a variety of purposes. For example, the enactment of Chapter 8.15 would consolidate the vast majority of the ordinances governing the enforcement and adjudication of animal-related violations into a specific Chapter. This new approach generally makes it easier for the public to locate the pertinent ordinances that set forth the administrative procedures pertaining to animal-related offenses.

Chapter 8.15, as it is presented here, also represents a significant shift in the structure presently used for the enforcement and adjudication of animal-related ordinance violations by imposing additional responsibilities for animal-related enforcement on the office of animal services. Currently, the City relies on the office of animal services to enforce the City's animal control ordinances. However, the existing City code generally provides that appeals regarding the enforcement of certain animal-related ordinance violations (for example, the impoundment and destruction of a vicious dog) shall ultimately be heard by the Mayor or the Mayor's designee. Chapter 8.15 would shift the responsibility from hearing such appeals from the City to the office of animal services. Under Chapter 8.15 the office of animal services would also have the ability to establish criteria regarding the classification of potentially dangerous or dangerous animals and, where appropriate, to enter into



containment agreements with the owners of such animals. Finally, Chapter 8.15 moves away from the rigid civil penalty structure found in the current version of Chapter 8.04 and instead adopts a revised enforcement system. The revised system offers cited individuals an opportunity to enter into a stipulated settlement agreement with animal services as an alternative to receiving a criminal citation.

### **Tethering**

A change is being proposed in Chapter 8.04.400 that adds restrictions to tethering of dogs in such a way that may injure or restrict movement of the dog. It is also being proposed that a dog cannot be tethered for more than ten hours in a twenty-four hour period. These changes are modeled after existing County ordinance. In the past several months alone, the office of animal services has experienced several cases involving the improper tethering of dogs. Two of these cases resulted in the death of the animals. This change will help the office of animal service to address this problem.

### **Aligning Animal Control Ordinance with Utah State Code**

There are several areas within 8.04 where changes are being proposed that will bring Salt Lake City's animal control ordinance in line with Utah state code. These changes primarily relate to minimum amount of time during which an animal may be impounded before further disposition. The existing minimum requirement is three calendar days. The update will increase that amount to five business days.

### **City Provision of Animal Services**

A change being proposed for 8.04.020, clarifies the fact that Salt Lake City has the option of providing its own animal services if it so desires.

**PUBLIC PROCESS:** We have not engaged in a public process at this time.

SALT LAKE CITY ORDINANCE

No. \_\_\_\_ of 2013

(Amending, enacting and repealing certain ordinances governing animal control classifications and enforcement processes.)

AN ORDINANCE AMENDING SECTIONS 8.04.010, 8.04.020, 8.04.070, 8.04.100, 8.04.280, 8.04.320, 8.04.340, 8.04.370, 8.04.390, 8.04.400, 8.04.420, 8.08.050, AND 8.12.020 OF THE SALT LAKE CITY CODE, ENACTING CHAPTER 8.15 AND SECTIONS 8.04.125 AND 8.04.405 OF THE SALT LAKE CITY CODE, AND REPEALING SECTIONS 8.04.180, 8.04.220, 8.04.500, 8.04.510, 8.04.520, 8.04.521, AND 8.10.100 OF THE SALT LAKE CITY CODE IN ORDER TO MODIFY AND UPDATE CITY REGULATIONS REGARDING ANIMAL CONTROL CLASSIFICATIONS AND ENFORCEMENT PROCESSES.

WHEREAS, it is proposed that Chapter 8.05 of the Salt Lake City Code be amended in its entirety and that Sections 8.04.010, 8.04.020, 8.04.070, 8.04.100, 8.04.280, 8.04.320, 8.04.340, 8.04.370, 8.04.390, 8.04.400, 8.04.420, 8.08.050, and 8.12.020 of the Salt Lake City Code, be amended; that Chapter 8.15 and Sections 8.04.125 and 8.04.405 of the Salt Lake City Code, be enacted; and that Sections 8.04.180, 8.04.220, 8.04.500, 8.04.510, 8.04.520, 8.04.521, and 8.10.100 of the Salt Lake City Code be repealed in order to modify and update City regulations regarding animal control classifications and enforcement processes; and

WHEREAS, the intent of the ordinance is to substantially mirror similar regulations adopted by Salt Lake County; and

WHEREAS, the City Council finds adoption of this ordinance reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Sections 8.04.010, 8.04.020, 8.04.070, 8.04.100, 8.04.280, 8.04.320,

8.04.340, 8.04.370, 8.04.390, 8.04.400, and 8.04.420 of the Salt Lake City Code shall be, and hereby are, amended to read as follows:

**8.04.010: DEFINITIONS:**

As used in this title:

**ABANDONMENT:**

A. Placing an animal in an unsafe or dangerous environment where the animal is separated from basic needs such as food, water, shelter or necessary medical attention, for a period of longer than twenty four (24) hours; or

B. Failure to reclaim an animal seventy two (72) hours beyond the time agreed upon with a kennel, grooming service, veterinary hospital, or animal shelter.

**ALLOW:** For the purposes of this title, shall include human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.

**ANIMAL AT LARGE:** Any domesticated animal, whether or not licensed, not under restraint as defined herein.

**ANIMAL BOARDING ESTABLISHMENT:** Any establishment that takes in animals for board for profit.

**ANIMAL GROOMER:** Any establishment maintained for the purpose of offering cosmetological services for animals for profit.

**ANIMAL SERVICES:** The office referred to in section 8.04.020 of this chapter, or its successor section.

**ANIMAL SHELTER:** A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the state, used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats, or other small domestic animals; or for the purpose of protective custody under the authority of this title or state law.

**ANIMAL UNDER RESTRAINT:** Any animal under the control of its owner or person over the age of twelve (12) years having charge, care, custody or control of the animal, by means of: a) a leash or lead not to exceed six feet (6') in length, b) other physical enclosure, or c) within the real property limits of the owner.

**ANIMALS:** Any and all types of livestock, dogs and other nonhuman creatures, both domestic and wild, male and female, singular and plural.

**APIARY:** Any place where one or more colonies of bees are located.

**BEEKEEPER:** A person who owns or has charge of one or more colonies of bees.

**BEEKEEPING EQUIPMENT:** Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

**BITE:** An actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

**CARRIAGE BUSINESS:** Any person offering to transport another person for any valuable consideration and by means of a horsedrawn carriage.

**CARRIAGE OR HORSEDRAWN CARRIAGE:** Any device in, upon, or by which any person is or may be transported or drawn upon a public way and which is designed to be drawn by horses.

**CAT:** Any feline of the domesticated types four (4) months of age or older.

**CATTERY:** An establishment for boarding, breeding, buying, grooming or selling cats for profit.

**COLONY:** Bees in any hive including queens, workers, or drones.

**COMMERCIAL ANIMAL ESTABLISHMENT:** Any pet shop, grooming shop, animal training establishment, guard dog auction or exhibition, riding school or stable, zoological park, circus, rodeo, animal exhibition, or boarding or breeding kennel.

**CONFINEMENT:** That the animal is kept in an escape proof enclosure or walked on a leash of not more than six feet (6') in length by a person eighteen (18) years of age or older. Confinement does not restrict contact with other animals or humans.

**CUSTODIAN:** A person having custody.

**CUSTODY:** Ownership, possession of, harboring, or exercising control over any animal.

**DANGEROUS ANIMAL:** Any animal which is properly classified as dangerous in accordance with the pertinent written standards developed by the office of animal services. The term "Dangerous Animal" shall include constrictor snakes in excess of ten (10) feet in length.

**DESIGNEE:** An individual designated by the director of the office of animal services to perform the duties of the director's "designee" as such duties are set forth in this title.

**DIRECTOR:** The director of the office of animal services.

**DOG:** Any *Canis familiaris* four (4) months of age or older.

**DOMESTICATED ANIMALS:** Animals accustomed to live in or about the habitation of people, including, but not limited to, cats, dogs, fowl, horses, swine and goats.



**DRIVER:** Any person operating or in actual physical control of a horsedrawn carriage, or any person sitting in the driver's seat of such carriage with the intention of causing it to be moved by a horse.

**ENCLOSURE:** Any structure that prevents an animal from escaping its confines.

**ESTRAY OR STRAY:** Any "animal at large", as defined herein.

**EUTHANASIA:** The humane destruction of an animal accomplished by a method approved by the most recent report of the American Veterinary Medication Association panel on euthanasia.

**FERAL CAT:** Any free roaming, homeless, wild or untamed cat.

**FERAL CAT COLONY:** A group of free roaming, homeless, wild or untamed cats living together in an area.

**GUARD DOG:** A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public.

**HIVE:** A frame hive, box hive, box, barrel, log, gum, skep, or other artificial or natural receptacle which may be used to house bees.

**HOLDING FACILITY:** Any pet shop, kennel, cattery, grooming, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facility used for holding animals.

**HONEYBEE:** The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

**IMPOUNDMENT:** Taken into the custody of an animal services agency, police department, or an agent thereof.

**KENNEL:** An establishment having dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.

**LEASH OR LEAD:** Any chain, rope or device used to restrain an animal, being no longer than six feet (6') in length.

**LITTER:** The offspring at one birth from the same mother and under the minimum age to obtain a rabies vaccination.

**OWNER:** Any person having title to, or an ownership interest in, or custody of, or keeping, maintaining or possessing one or more animals. "Owner" does not include a feral cat custodian participating in a trap, spay/neuter, return or release program.

**PERSON:** A natural person or any legal entity, including, but not limited to, a corporation, firm, partnership or trust.

**PET OR COMPANION ANIMAL:** Any animal of a species that has been developed to live in or about the habitation of humans, is dependent on humans for food and shelter, and is kept for pleasure rather than utility or commercial purposes.

**PET SHOP:** Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds or other pets are kept, displayed or sold.

**PROVOKED:** 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 to be a provocation.

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

**RIDING SCHOOL OR STABLE:** An establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burro, or which offers such animals for hire.

**SERVICE ANIMAL:** Any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

**SET:**

A. To cock, open or put a trap in such a condition that it would clamp closed when an object or person touches a triggering device; and/or

B. To place a spring loaded trap which has been opened or fixed so that it would close upon the triggering device being touched upon the ground, or in a position where a person or animal could become caught therein.

**SPECIALIZED EQUIPMENT:** That equipment, other than the usual patrol vehicles of animal services, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers.

**SPECIES SUBJECT TO RABIES:** Any species that has been reported to the centers for disease control to have contracted the rabies virus and become a host for that virus.

**SPRING LOADED TRAP:** Any clamplike apparatus which is utilized to catch animals, objects or persons when, after being set and the triggering device being activated, clamplike jaws are designed to come together with force so as to clamp or close upon an animal, person or object activating the spring or triggering device.

**STABLE:** Any place or facility where one or more horses, ponies, donkeys, mules or burros are

housed or maintained, and are offered for hire.

VETERINARIAN: Any person legally licensed to practice veterinary medicine under the laws of the state of Utah.

VICIOUS ANIMAL: Any animal which is properly classified as vicious in accordance with the pertinent written standards developed by the office of animal services.

WILD OR EXOTIC ANIMAL: 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: Alligators and crocodiles;
- B. Bears (Ursidae): All bears, including grizzly bears, brown bears, and black bears;
- C. Cat Family (Felidae): All except the commonly accepted domesticated cats, and including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;
- D. Dog Family (Canidae): All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, dingo and part dingo;
- E. Porcupines (Erethizontidae): Porcupines;
- F. Primate (Hominidae): All subhuman primates;
- G. Raccoon (Prosynnidae): All raccoons, including eastern raccoons, desert raccoons and ring tailed cats;
- H. Skunks: Skunks;
- I. Fish: Venomous fish and piranha;
- J. Snakes or Lizards: Venomous snakes or lizards;
- K. Weasels (Mustelidae): All, including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink and mongoose, except that the possession of such animals shall not be prohibited when raised commercially for their pelts;

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

WORK: With reference to a horse, means that the horse is out of the stable and presented as being available for pulling carriages; in harness; or pulling a carriage.

#### **8.04.020: ANIMAL SERVICES:**

Animal services may be provided through a legally executed agreement, which includes the authority and power to enforce this title. Alternatively, the City may elect to provide its own animal services without entering into a contract with an outside provider.

#### **8.04.070: DOG AND CAT LICENSE; REQUIRED WHEN; APPLICATION AND FEES:**

A. Required: All dogs and cats shall be licensed each year, except as otherwise provided herein, to a person of the age of eighteen (18) years or older. However, no license shall be required for cats maintained within a feral cat colony.

B. Deadline: Any person owning, possessing or harboring any dog or cat shall obtain a license for such animal within thirty (30) days after the animal reaches the age of four (4) months, or, in the case of a dog or cat over four (4) months of age, or in the case of a new city resident, within thirty (30) days of the acquisition of the animal or the commencement of residency. However, if an animal is fostered pursuant to a pet rescue permit and is held pending adoption, then the time period in which the pet rescue permit holder must obtain a license for such animal will be expanded from thirty (30) days to ninety (90) days. The animal services director may waive late fees or extend licensing deadlines in individual cases, as appropriate.

C. Application: License applications shall be submitted to the office of animal services, by utilizing a standard form which requests name, address and telephone number of the applicant; breed, sex, color and age of the animal; previous license information; rabies and sterilization information; and the number, location or other identification applicable to a tattoo or implanted microchip of the animal. The application shall be accompanied by the prescribed license fee and by a rabies vaccination certificate current for a minimum of six (6) months beyond the date of application. A license shall not be issued for a period that exceeds the expiration date of the rabies vaccination. Rabies vaccinations shall be given by a licensed veterinarian with a vaccine approved by the current compendium of animal rabies control.

#### **D. License Fees:**

1. License fees shall be as set forth in the Salt Lake City Consolidated Fee Schedule.
2. No dog or cat shall be licensed as spayed or neutered without veterinary verification that such surgery was performed.

E. License Vendors: The animal services director may contract with veterinary hospitals, veterinarians, pet shops, animal grooming parlors, and similar institutions or individuals for the issuance of license application forms. License fees and requirements for licensure with such vendors shall be the same as if the application was issued directly by the office of animal services.



F. 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 this title including, but not limited to, licensing, 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.

G. Senior Citizen Provisions: In lieu of the annual license fees provided above, a person sixty (60) years of age or older on the date of license application may, upon proof of age, obtain a dog or cat license for an unsterilized dog or cat for a reduced fee as specified in the City's consolidated fee schedule. A person sixty (60) years of age or older may obtain a license for the life of a spayed or neutered dog or cat for a onetime nontransferable fee as specified in the Salt Lake City Consolidated Fee Schedule, but such person shall nevertheless obtain a license without fee thereafter for verification of rabies vaccination. This subsection 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.

#### **8.04.100: DOG OR CAT LICENSE; REVOCATION PROCEDURES:**

If the owner of any dog or cat is found to be in violation of this title on three (3) or more different occasions during any twelve (12) month period, the director of animal services may seek a court order, pursuant to Chapter 8.15, or its successor, revoking for a period of one year any license(s) such person may possess and providing for the office of animal services to pick up and impound any animal(s) 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 the animal under any circumstances.

#### **8.04.280: BITING OR POTENTIALLY RABID ANIMALS; QUARANTINE/CONFINEMENT OR OTHER DISPOSITION:**

A. Report Requirements: An animal that has rabies or is suspected of having rabies, or any animal bitten by another animal infected with rabies or by an animal suspected of having rabies, shall be reported by the owner or person having information as set forth in section 8.04.270 of this chapter, or its successor, and shall immediately be confined in a secure place by the owner. The owner shall turn over the animal to the office of animal services upon demand.

B. Surrender Of Animal: The owner of any animal of a species subject to rabies which has bitten shall surrender the animal to any authorized official upon demand. Any person authorized to enforce this title may enter upon private property to seize the animal; if the owner refuses to surrender the animal, the person authorized to enforce this title shall obtain any authorization necessary, if any such authorization is required, prior to proceeding with the seizure and impoundment of the animal.

### C. Seizure, Confinement Or Quarantine:

1. Any animal of a species subject to rabies that bites a person or animal, or is suspected of having rabies, may be seized and quarantined for observation as determined by the animal services director or designee. In consultation with a veterinarian when deemed necessary by the director or designee, the potentially rabid animal shall be quarantined or confined for observation in accordance with the current compendium of animal rabies control, as amended, and with office policy and procedure. The owner of the animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the director of animal services and/or the director of the health department if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception.
2. A person who has custody of an animal under quarantine shall immediately notify the office of animal services if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a Valley health department or animal services officer to make an inspection or examination during the period of quarantine. If the animal dies within ten (10) days from the date of bite, the person having custody shall immediately notify the office of animal services or immediately remove and deliver the head to the state health laboratory to be examined for rabies. If, at the end of the quarantine period, the director of animal services, or his/her designee, examines the animal and finds no sign of rabies, the animal may be released to the owner or, in the case of a stray, it shall be disposed of as provided in section 8.04.340 of this chapter, or its successor.

### D. Unvaccinated Bitten Animals:

1. In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by, or otherwise exposed to a known rabid animal, such bitten or exposed animal should be immediately euthanized. Animals with expired rabies vaccinations of six (6) months or more shall be considered unvaccinated for the purpose of this section.
2. If the owner is unwilling to euthanize the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be vaccinated one month before being released. The animal shall be euthanized if the owner does not comply herewith.

### E. Vaccinated Bitten Animals:

1. If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within twenty four (24) hours, kept under home confinement, and observed for forty five (45) days; or

2. If the animal is not revaccinated within twenty four (24) hours, the animal shall be isolated and monitored according to the current compendium of animal rabies control, as amended.

3. The animal shall be euthanized if the owner does not comply with subsections E1 and E2 of this section.

F. Bitten Animals With Expired Vaccinations: Animals with expired rabies vaccinations of six (6) months or less shall be evaluated on a case by case basis.

G. Removal Of Quarantined Animals: It is unlawful for any person to remove any such animal from the place of quarantine without written permission of the office of animal services.

#### **8.04.320: IMPOUNDMENT; AUTHORIZED WHEN:**

The animal services director shall place all animals taken into custody in a designated animal impound facility. The following animals may be taken into custody by animal services and impounded without filing a complaint or obtaining a prior order from a court of competent jurisdiction:

A. Any animal being kept or maintained contrary to the provisions of this title;

B. Any animal running at large contrary to the provisions of this title;

C. Any animal which is by this title required to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this section;

D. Sick or injured animals whose owner cannot be located, or whose owner requests impoundment and agrees to pay a reasonable fee for the services rendered;

E. Any abandoned animal;

F. Animals which are not vaccinated for rabies in accordance with the requirements of this title;

G. Any animal to be held for quarantine;

H. Any vicious animal;

I. Any potentially dangerous, or dangerous animal not properly confined as required by sections 8.04.420, 8.05.010, 8.05.020, or 8.05.040 as amended.

#### **8.04.340: IMPOUNDMENT; HOLDING PERIOD; NOTICE TO OWNER; DISPOSITION OF ANIMALS:**

A. Animals shall be impounded for a minimum of five (5) business days before further disposition, except as otherwise provided herein. Reasonable effort 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 as herein provided.

- B.
1. All dogs and cats, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs and cats voluntarily relinquished to the impound facility, may be euthanized or sold, as the animal services director shall direct. Any healthy dog or cat may be sold to any person or to any institution engaged in scientific research and desiring to purchase such animal for a price to be determined by the director, but not to exceed thirty dollars (\$30.00) per animal, plus license and any rabies vaccination that is required.
  2. All persons purchasing any dog or cat from the impound facility shall, at the time of purchase, execute an agreement on forms provided by the impound facility. Such agreement shall include payment of a sterilization deposit of not less than twenty-five dollars (\$25.00) as set forth in the Salt Lake City Consolidated Fee Schedule and shall provide that the purchaser will have the dog or cat so purchased spayed or neutered within thirty (30) days of the date of purchase of such dog or cat (or for a young animal within thirty (30) days after the animal achieves six months in age), and that the purchaser will file with the animal services director written verification from a licensed veterinarian that such dog or cat has been spayed or neutered prior to the date of written verification. The agreement shall also provide that sale or transfer of the purchased dog or cat by the purchaser shall not release the purchaser from the obligation to have the animal spayed or neutered, nor from the obligation to file the written verification, as provided hereinabove. In lieu of the aforementioned written verification from a licensed veterinarian, the purchaser may file a truthful affidavit with the animal services director prior to the required date of written verification certifying that the dog or cat so purchased from the impound facility has died prior to the required deadline, and prior to being spayed or neutered.
  3. Failure of the purchaser of a dog or cat from the impound facility to file the written verification from a licensed veterinarian prior to the required deadline, or in the alternative, failure of the purchaser to file a truthful affidavit prior to the required deadline shall constitute a violation of this title.

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 animal services director or designee, be released to the care of a veterinarian with the consent of the owner.

D. When, in the judgment of the animal services director, it is determined that an animal should be euthanized for humane reasons or to protect the public from imminent danger to persons or property, such animal may be euthanized without regard to any time limitations otherwise established herein and without court order.

E. The director of animal services may euthanize an animal upon the request of an owner without transporting the animal to animal services facilities. An appropriate fee shall be charged the owner for the euthanasia and any subsequent disposal of the carcass done by the office of animal services.

#### **8.04.370: ANIMAL NUISANCES DESIGNATED:**

A. Any owner or person having charge, care, custody or control of an animal or animals causing a nuisance as defined below shall be in violation of this title and subject to the penalties provided herein.

B. The following shall be deemed a nuisance: Any animal which:

1. Causes damages to the property of anyone other than its owner;
2. Is a "dangerous animal", as defined in this chapter, and is kept contrary to sections 8.04.420, 8.05.010, 8.05.020, or 8.05.040 as amended.
3. Causes unreasonable fouling of the air by odors;
4. Causes unsanitary conditions in enclosures or surroundings;
5. 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 person owning, having a proprietary interest in, harboring or having care, charge, control, custody or possession of such animal shall remove any such defecation to a proper trash receptacle, and shall carry the appropriate instrument(s) for the removal and disposal of such waste;
6. Barks, whines or howls, or makes other disturbing noises in an excessive, continuous or untimely fashion;
7. Molests passersby or chases passing vehicles;
8. Attacks people or other domestic animals whether or not such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;
9. Is found at large three (3) or more times within any twelve (12) month period;
10. Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or type of animal kept or harbored; or

11. Otherwise acts so as to constitute a nuisance or public nuisance under the provisions of title 76, chapter 10, Utah Code Annotated, 1953, or its successor.

#### **8.04.390: ANIMALS RUNNING AT LARGE:**

A. With the exception set forth in subsection B of this section, it is unlawful for the owner or person having charge, care, custody, or control of any animal to allow such animal at any time to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this section, regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not such owner or person knows that the animal is running at large. Any person violating any provision of this section shall be deemed guilty of a class B misdemeanor.

- B.
1. Dogs shall be permitted to run off leash only in areas of parks and public spaces specifically authorized by city ordinance, specifically designated by the director of public services as "off leash areas", and clearly identified by signage as such. Said areas shall be as follows:
    - a. Designated areas of Memory Grove Park known as the Freedom Trail section;
    - b. The municipal ballpark, also known as Herman Franks Park, except for the fenced youth baseball diamonds and playground area;
    - c. Designated areas of Jordan Park,
    - d. Designated areas of Lindsey Gardens, and
    - e. Designated areas of Parley's Historic Nature Park, as set forth in title 15, chapter 15.10 of this code, or its successor.
  2. While in such areas dogs shall at all times remain under control of the dog's owner or custodian. "Under control" means that a dog will respond on command to its owner or custodian.

C. The foregoing notwithstanding, the public services department may conduct additional experiments in other areas of the city for possible future legislative enactment establishing such areas as "off leash areas", provided such experiments are conducted in accordance with the guidelines approved by the city council in its resolution 52 of 2004.

#### **8.04.400: TETHERING OF DOGS – RESTRICTIONS:**

- 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 or lessee of the affected property. Each dog tethered in violation of this section shall constitute a separate offense.

B. It is unlawful for an owner or handler 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.

C. 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.

#### **8.04.420: POTENTIALLY DANGEROUS OR DANGEROUS ANIMALS:**

It is unlawful for the owner of any potentially dangerous or dangerous animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal deemed so dangerous that it cannot be controlled by reasonable restraints, and every potentially dangerous or dangerous 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 of animal services shall take any necessary enforcement actions authorized in this title to ensure the safety of the public.

SECTION 2. Chapter 8.05 of the Salt Lake City Code shall be, and hereby is, amended to read in its entirety as follows:

### **CHAPTER 8.05**

#### **DANGEROUS OR VICIOUS ANIMALS**

- 8.05.010 POTENTIALLY DANGEROUS ANIMALS.**
- 8.05.020 DANGEROUS ANIMALS.**
- 8.05.030 VICIOUS ANIMALS.**
- 8.05.040 APPEAL PROCESS FOR CHANGE OF CLASSIFICATION.**

#### **8.05.010 POTENTIALLY DANGEROUS ANIMALS:**

A. The office of animal services investigates reported incidents involving animals which may be potentially dangerous. Upon such investigation and utilizing the office of animal services' written standards, if the office of animal services finds the animal to constitute a sufficient menace to the public's health and safety, such animal shall then be classified as potentially dangerous. The owner shall receive written notification of the office of animal services' classification of the animal.

B. The owner of an animal that has been classified as potentially dangerous shall enter into a containment agreement with the office of animal services and shall also take whatever other measures are necessary to confine or restrain such animal to prevent any future incidents from occurring that constitute a menace to the public health and safety.

C. The office of animal services is responsible for investigating alleged violations of subsection B of this section after an animal has been classified as potentially dangerous. A citation may be issued to the owner of any potentially dangerous animal in violation of subsection B of this section.

#### **8.05.020 DANGEROUS ANIMALS:**

A. The office of animal services investigates reported incidents involving animals that may be dangerous. Upon such investigation and utilizing the office of animal services' written standards, if the office of animal services finds the animal's behavior to constitute a dangerous animal, such animal shall be so classified. The owner shall receive written notification of the office of animal services' classification of the animal.

B. Within 30 days of notification of the animal's classification as a dangerous animal, the owner will be required to purchase a dangerous animal permit to be renewed annually.

C. A dangerous animal must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the animal from coming onto contact with a human being other than the owner, or any other animal, and designed to prevent the animal from escaping. Such pen shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure. The enclosure shall provide a humane existence for the animal and protection from the elements. The area where the animal is held must have a sufficient secondary system of confinement so as to prevent unauthorized access to the animal and to prevent the animal's escape. The animal shall be fitted with an identification microchip.

1. The owner of a dangerous animal shall immediately notify the office of animal services when a dangerous animal:
  - i. is loose or unconfined;
  - ii. has bitten a human being or attacked another animal;
  - iii. was sold, given away, or died; or
  - iv. has been moved to another address.
2. Prior to a dangerous animal being sold or given away, the owner shall provide the name, address, and phone number of the new owner to the office of animal services. Each new owner is to be given notice of the animal's classification as

dangerous and, if the new owner resides within the City, shall be required to comply with the provisions of this chapter.

D. The owner shall prominently display a sign on his/her property at all entry points warning that there is a dangerous animal on the property;

E. A dangerous animal may be off the owner's property or out of its enclosure if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a competent adult over the age of eighteen (18) years. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but must prevent it from biting any person or animal.

F. An owner will be required to provide proof of liability insurance with a minimum coverage of three hundred thousand dollars (\$300,000.00). Such insurance coverage must be maintained and proof provided to the City upon request.

G. The office of animal services shall have the authority to make whatever inspections are deemed necessary to ensure compliance with the provisions recited herein.

H. An owner of a dangerous animal shall have the option to have the animal humanely euthanized at his/her sole expense if the owner is unable to comply with the requirements of this section.

I. The office of animal services is responsible for investigating violations of this section after a animal is classified as dangerous. A citation may be issued to the owner of any dangerous animal found in violation of this section.

#### **8.05.030 VICIOUS ANIMALS:**

A. The office of animal services investigates reported incidents involving animals that may be vicious. Upon such investigation and utilizing the office of animal services' written standards, if the office of animal services finds the animal to constitute a vicious animal, such animal shall be so classified. The owner shall receive written notification of the classification of the animal.

B. Any animal that has been classified as vicious shall be impounded by animal services. The animal shall be kept at the animal shelter and placed in rabies quarantine if necessary for the proper length of time, or held for ten (10) days after the owner's receipt of notification, and the animal shall be euthanized or otherwise appropriately processed by animal services unless the owner initiates an appeal procedure within that ten (10) day period.

#### **8.05.040 APPEAL PROCESS FOR CHANGE OF CLASSIFICATION:**

A. The owner of a animal that has been classified as dangerous or vicious may appeal this classification under Section 8.15.060 by written notification to the office of animal services within ten (10) days after receiving written notification from the owner.

B. For a dangerous animal classification, the owner shall take whatever measures are necessary to prevent any future incidents from occurring until final disposition of the appeal.

C. The classification of dangerous or vicious animal shall be upheld or revoked by a written decision within five (5) days, excluding legal holidays and weekends, after the appeal hearing.

D. The owner will be responsible for payment of all the office of animal services' boarding costs and other fees required to humanely and safely keep the animal at the animal shelter through the administrative appeals process and any disposition of the animal at issue.

SECTION 3. Section 8.08.050 of the Salt Lake City Code shall be, and hereby is, amended to read as follows:

**8.08.050: PERMIT; REVOCATION CONDITIONS; APPEALS:**

The above mentioned permits are subject to revocation at any time by the office of animal services or the sanitary division of the Valley health department. Any permittee may, within five (5) business days from date of revocation of this permit, appeal to the director of animal services, who may, after a hearing, confirm such revocation or reinstate the permit

SECTION 4. Section 8.12.020 of the Salt Lake City Code shall be, and hereby is, amended to read as follows:

**8.12.020: NOTICE OF SALE OF ESTRAYS:**

Within five (5) business days after an estray shall come into the possession of the director of animal services, the director may advertise the same in a newspaper published in the county, having general circulation in the county, by publishing a notice in at least one issue of said paper, at least five (5) days before the sale, and by posting notices for a period of ten (10) days in three (3) public places in the city, one of which places shall be at or near the post office. The director shall immediately deliver a copy of such notice to the county clerk, or mail the same to him/her by registered letter. The notice so filed with the clerk shall be available during reasonable hours for inspection by the public free of charge. The notice herein provided for shall contain a description of the animals, including all makes and brands, when taken, the day, hour, and place of sale, and may be substantially in the following form:

*NOTICE*

*State of Utah, County of Salt Lake,  
In Salt Lake City,*

*I have in my possession the following described estray animals, which, if not claimed and*

*taken away, will be sold at public auction to the highest cash bidder at the Animal Shelter in Salt Lake City on \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_.*

*(description of animals)*

*Said estrays were taken up by me in said city on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.*

*Director, Animal Services*

SECTION 5. Section 8.04.125 shall be, and hereby is, enacted to read as follows:

**8.04.125: 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 the 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 three hundred thousand dollars (\$300,000.00).

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 office of animal services when determining that a person has sufficient knowledge of a species.

SECTION 6. Section 8.04.405 shall be, and hereby is, enacted as follows:

**8.04.405: TETHERING OF ANIMALS – EXEMPTIONS:**

The provisions of Section 8.04.400(C). will not apply in the following circumstances:

- A. The owner or handler has been mandated by animal services to keep the animal properly restrained at all times by the use of a tether or other means of containment.
- B. The owner or handler has a animal that is registered as a dangerous animal under Section 8.04.125 of these ordinances.
- C. The owner or handler of a animal has made application with animal services for an extension to the maximum tethered hours in Section 8.04.400(C). 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 animal to a running line, pulley or trolley system. The animal 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 animal pursuant to the requirements of a park, camping or recreational area.
- F. The owner or handler has tethered the animal 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 animal.
- G. The owner or handler is actively engaged in a lawful licensed hunting activity.

SECTION 7. Chapter 8.15 shall be, and hereby is, enacted as follows:

#### **CHAPTER 8.15**

#### **ENFORCEMENT, HEARING PROCESS, NOTICE OF VIOLATIONS AND PENALTIES**

<b>8.15.010</b>	<b>VIOLATION OF TITLE – PENALTIES</b>
<b>8.15.020</b>	<b>ISSUANCE OF CRIMINAL CITATION – NOTICE OF VIOLATIONS AND STIPULATION</b>
<b>8.15.030</b>	<b>VIOLATION – PROCEDURE FOR COURT ORDERS</b>
<b>8.15.040</b>	<b>PICK UP ORDERS</b>
<b>8.15.050</b>	<b>REPEATED VICIOUS ANIMAL VIOLATIONS - OWNER DEBARMENT</b>



- 8.15.060 SEIZURE AND DISPOSITION – VICIOUS ANIMALS
- 8.15.070 ADMINISTRATIVE HEARING PROCESS - ANIMAL DISPOSITION OR DESTRUCTION
- 8.15.080 CITY ENFORCEMENT OF ORDINANCE VIOLATIONS

**8.15.010 VIOLATION OF TITLE – PENALTIES:**

A. Any person who violates any mandate or prohibition contained in this title shall be penalized according to the provisions of this title or the provisions of § 1.12.050 of the Salt Lake City Code.

B. Any notice of violation issued pursuant to this title shall subject the person to a processing fee established in accordance with § 3.20.010 of the Salt Lake City Code and as set forth in the Salt Lake City Consolidated Fee Schedule.

**8.15.020 ISSUANCE OF CRIMINAL CITATIONS – NOTICE OF VIOLATIONS AND STIPULATION:**

A. A peace officer or animal control officer is authorized to issue a criminal citation to any person upon a charge of violation any provisions of this title. The form of the citation, and proceedings to be handled upon the basis of the citation, shall conform to the provisions of the Utah Code of Criminal Procedure, including, but not necessarily limited to Section 77-7-18 through 77-7-22, Utah Code Ann. (1953) as amended.

- B.
1. Where violations of any applicable sections of this title are observed, an animal control officer may, in lieu of issuance of the criminal citation and, with consent of the person charged with a violation, issue a notice of violation to any person so charged.
  2. A notice of violation and stipulation is an office of animal services determination, with the consent of the person charged, to forgo the criminal citation and enter into a contractual stipulation to resolve the issue.
  3. The use by the office of animal services of a notice of violation and stipulation, in lieu of issuing a criminal citation, is intended to provide an equitable and uniform method for administering and resolving disputes between the office of animal services and parties alleged to have violated this title.
  4. In the interest of promoting uniformity in administering and resolving animal services related disputes, any penalties agreed upon in connection with notices of violation and stipulations under this section shall generally conform to the penalty ranges set forth in a written policy prepared by animal services and available to the public. However, in rare instances and for demonstrable good cause the animal services officer may permit a deviation from these penalty ranges if he or she finds compliance to be impractical or unnecessary or that such deviation

furthering justice or the purposes of the office of animal services. In appropriate circumstances, such deviation may include merely issuing a verbal warning to the offending party and foregoing the imposition of any penalties. The procedures set forth herein will be liberally construed to secure a just, speedy, and economical determination of all issues presented to the office of animal services.

5. 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 any remedial requirements in the notice. The notice of violation shall also include the amount of an administrative processing fee to be paid to the office of animal services by the person charged in the notice of violation.

6. Refusal to execute the waivers defined herein, refusal or nonpayment of the administrative processing fee, or failure to comply with the notice of violation and stipulation by the deadline set as the compliance date may result in the issuance of a criminal citation to the person charged.

7. Upon reaching an agreement as to the issues, requirements and penalties (if any), the office of animal services designee shall prepare a settlement agreement and shall submit the agreement to the parties for approvals and signature. The director or designee may sign for the office of animal services. After signing a settlement agreement, the parties waive all rights to further hearings or appeals unless the terms are not honored, in which case the director or designee may issue a criminal citation or either party may seek enforcement in court.

#### **8.15.030 VIOLATION – PROCEDURE FOR COURT ORDERS:**

Pursuant to state laws and rules of procedure, court orders pursuant to this title shall be obtained upon the director or designee petitioning the court for the desired action and providing notice, together with supporting affidavits to be served on the party against whom the action is taken in accordance with state laws and rules of procedure.

#### **8.15.040 PICK UP ORDERS:**

The director or designee may petition the court for a “pick up order” for an animal within the premises of and under the control of a person who is in violation of this title. This process may be used for, but is not limited to, picking up animals pursued but not captured by an animal control officer, nuisance animals or for any other violation of these ordinances.

#### **8.15.050 REPEATED VICIOUS ANIMAL VIOLATIONS - OWNER DEBARMENT:**

When any person who owns or has custody of animals is found to have violated any law or ordinance regarding harboring a potentially dangerous, dangerous, or vicious animal or regarding animal neglect or cruelty more than two times in a five year period, that person may be debarred from receiving a license under Chapter 8.04 of these ordinances. Notice of debarment

shall be served on the person in a written order issued by the director. Debarment may be for a period of up to five years. Appeal of a debarment order shall be made using the same two-part procedural process outlined in Section 8.15.070 of these ordinances. Any person who has been debarred and who subsequently owns or has custody of an animal requiring licensure under Chapter 8.04 in violation of a debarment order is guilty of a class B misdemeanor.

#### **8.15.060 SEIZURE AND DISPOSITION – VICIOUS ANIMALS:**

A. Upon the occurrence of circumstances resulting in the seizure of an animal by animal services, the procedures governing the potential classification and disposition of the animal shall be conducted as set forth in this section.

B. The office of animal services shall prepare written criteria or standards to objectively evaluate the facts and circumstances surrounding a bite or other animal attack. The evaluation criteria shall include bite or attack severity, observed animal behavior, animal history, animal owner's background or history, and such other circumstances as may be appropriate, based on current professional standards. Aggravating and mitigation circumstances for each evaluation criteria shall be rated on a numerical scale in such a way that all circumstances and facts may be objectively calculated in determining the severity of the animal attack, the nature of the animal's behavior, and the appropriate response by animal services.

C. When an animal has been seized by the office of animal services, such office shall serve written notice to the owner that a meeting with the director or designee shall be conducted on a date no sooner than five business days, at a date, time and place designated in the notice. The purpose of the meeting shall be to discuss the facts and circumstances of the matter and to give an opportunity to both the owner and the animal services representative to present those facts. Any complaints or other reports may be reviewed and discussed and the animal attack evaluation form, where applicable, shall be explained to the owner. This meeting is not considered a formal administrative hearing and shall be conducted accordingly. Following the meeting, the director or designee shall issue written findings regarding the meeting, including a decision regarding the disposition of the animal, to be issued within two business days following the meeting.

D. The animal owner may appeal the written findings required in 8.15.060(c) by filing a written request with animal services within five business days after such findings are issued. If such an appeal is made, animal services shall conduct a formal administrative hearing as set forth herein. The hearing will be conducted by a person trained or experienced in law, mediation or arbitration, or animal services. Witnesses may be called and documents and other evidence presented for admission. The Utah Rules of Civil Procedure and Evidence shall be used as guidelines for the conduct of this hearing, but shall not be binding. A record of the hearing shall be maintained. The hearing officer shall prepare written findings and a decision within five business days of the hearing. No sooner than ten business days following the issuance of the hearing officer's decision, the animal may be destroyed or

otherwise processed by animal services, including, but not limited to, the sale or other placement of animals in circumstances of cruelty or neglect.

#### **8.15.070: PERMIT; SUSPENSION OR REVOCATION:**

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

1. Falsification of facts in a permit application;
2. Violation of any of the provisions of this title, or any other law or regulation governing the establishment including health, noise, building and zoning ordinances;
3. Conviction on a charge of cruelty to animals.

B. Procedure: If an inspection of any establishment required to be permitted under this title, reveals a violation of this title, the inspector shall notify the permit holder or operator of such violation by means of an inspection report accompanied by either a citation or a notice of violation and stipulation. The inspection report shall:

1. Set forth the specific violation(s) found;
2. Establish a specific and reasonable period of time for the correction of the violation(s) found;
3. State that failure to comply with any notice issued in accordance with the provisions of this title may result in immediate suspension of the permit;
4. State that an opportunity for a hearing upon any grievance the permittee or operator may have concerning the inspection findings and corrections ordered by the animal control officer will be provided if such permittee or operator files a written request for a hearing with the office of animal services within five (5) business days of the date of the inspection report. Compliance with the notice will be stayed until the animal services director or designee has rendered a decision on the matter.

C. Revocation or Suspension: Any permit granted under this title may be suspended or revoked by the office of animal services for violations of any requirements of this title. A minimum of five (5) business days' notice shall be given to the permittee, advising him or her of the date and time for such hearing, and listing the cause or causes for such suspension or revocation. 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, or the director's designee, may, at his or her sole discretion, uphold the suspension or revocation or reinstate the permit.

No new permit shall be issued to any person whose permit has been previously revoked except upon application for a new permit, accompanied by the required application fee, and unless and until all requirements of this title have been met.

D. A new permit shall not be issued to any person whose prior permit was suspended or revoked by the office of animal services 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.

E. Notice Procedure: Notice provided for under this section 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 of the office of animal services.

#### **8.15.080: CITY ENFORCEMENT OF ORDINANCE VIOLATIONS:**

The office of animal services has primary responsibility for enforcing the provisions of this title. However, the City likewise has authority to enforce the provisions of this title, and nothing set forth herein shall prevent the City from enforcing such ordinances if the office of animal services is unwilling or unable to do so.

SECTION 8. Sections 8.04.180, 8.04.220, 8.04.500, 8.04.510, 8.04.520, 8.04.521, and 8.10.100 of the Salt Lake City Code shall be, and hereby are, repealed in their entirety.

SECTION 9. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2013.

Published: \_\_\_\_\_

APPROVED AS TO FORM	
Date:	<u>12/20/12</u>
By:	<u>Jayen Alden</u>

HB\_ATTYY-#25488-v6-Vicious\_Dog\_Ordinance.DOC



SALT LAKE CITY ORDINANCE

No. \_\_\_\_ of 2013

(Amending, enacting and repealing certain ordinances governing animal control classifications and enforcement processes.)

AN ORDINANCE AMENDING SECTIONS 8.04.010, 8.04.020, 8.04.070, 8.04.100, 8.04.280, 8.04.320, 8.04.340, 8.04.370, 8.04.390, 8.04.400, 8.04.420, 8.08.050, AND 8.12.020 OF THE SALT LAKE CITY CODE, ENACTING CHAPTER 8.15 AND SECTIONS 8.04.125 AND 8.04.405 OF THE SALT LAKE CITY CODE, AND REPEALING SECTIONS 8.04.180, 8.04.220, 8.04.500, 8.04.510, 8.04.520, 8.04.521, AND 8.10.100 OF THE SALT LAKE CITY CODE IN ORDER TO MODIFY AND UPDATE CITY REGULATIONS REGARDING ANIMAL CONTROL CLASSIFICATIONS AND ENFORCEMENT PROCESSES.

WHEREAS, it is proposed that Chapter 8.05 of the Salt Lake City Code be amended in its entirety and that Sections 8.04.010, 8.04.020, 8.04.070, 8.04.100, 8.04.280, 8.04.320, 8.04.340, 8.04.370, 8.04.390, 8.04.400, 8.04.420, 8.08.050, and 8.12.020 of the Salt Lake City Code, be amended; that Chapter 8.15 and Sections 8.04.125 and 8.04.405 of the Salt Lake City Code, be enacted; and that Sections 8.04.180, 8.04.220, 8.04.500, 8.04.510, 8.04.520, 8.04.521, and 8.10.100 of the Salt Lake City Code be repealed in order to modify and update City regulations regarding animal control classifications and enforcement processes; and

WHEREAS, the intent of the ordinance is to substantially mirror similar regulations adopted by Salt Lake County; and

WHEREAS, the City Council finds adoption of this ordinance reasonably furthers the health, safety, and general welfare of the citizens of Salt Lake City.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Sections 8.04.010, 8.04.020, 8.04.070, 8.04.100, 8.04.280, 8.04.320,

8.04.340, 8.04.370, 8.04.390, 8.04.400, and 8.04.420 of the Salt Lake City Code shall be, and hereby are, amended to read as follows:

**8.04.010: DEFINITIONS:**

As used in this title:

**ABANDONMENT:**

A. Placing an animal in an unsafe or dangerous environment where the animal is separated from basic needs such as food, water, shelter or necessary medical attention, for a period of longer than twenty four (24) hours; or

B. Failure to reclaim an animal seventy two (72) hours beyond the time agreed upon with a kennel, grooming service, veterinary hospital, or animal shelter.

**ALLOW:** For the purposes of this title, shall include human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.

**ANIMAL AT LARGE:** Any domesticated animal, whether or not licensed, not under restraint as defined herein.

**ANIMAL BOARDING ESTABLISHMENT:** Any establishment that takes in animals for board for profit.

**ANIMAL GROOMER:** Any establishment maintained for the purpose of offering cosmetological services for animals for profit.

**ANIMAL SERVICES:** The office referred to in section 8.04.020 of this chapter, or its successor section.

**ANIMAL SHELTER:** A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the state, used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats, or other small domestic animals; or for the purpose of protective custody under the authority of this title or state law.

**ANIMAL UNDER RESTRAINT:** Any animal under the control of its owner or person over the age of twelve (12) years having charge, care, custody or control of the animal, by means of: a) a leash or lead not to exceed six feet (6') in length, b) other physical enclosure, or c) within the real property limits of the owner.

**ANIMALS:** Any and all types of livestock, dogs and other nonhuman creatures, both domestic and wild, male and female, singular and plural.

**APIARY:** Any place where one or more colonies of bees are located.

BEEKEEPER: A person who owns or has charge of one or more colonies of bees.

BEEKEEPING EQUIPMENT: Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

BITE: An actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

CARRIAGE BUSINESS: Any person offering to transport another person for any valuable consideration and by means of a horsedrawn carriage.

CARRIAGE OR HORSEDRAWN CARRIAGE: Any device in, upon, or by which any person is or may be transported or drawn upon a public way and which is designed to be drawn by horses.

CAT: Any feline of the domesticated types four (4) months of age or older.

CATTERY: An establishment for boarding, breeding, buying, grooming or selling cats for profit.

COLONY: Bees in any hive including queens, workers, or drones.

COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, grooming shop, animal training establishment, guard dog auction or exhibition, riding school or stable, zoological park, circus, rodeo, animal exhibition, or boarding or breeding kennel.

CONFINEMENT: That the animal is kept in an escape proof enclosure or walked on a leash of not more than six feet (6') in length by a person eighteen (18) years of age or older. Confinement does not restrict contact with other animals or humans.

CUSTODIAN: A person having custody.

CUSTODY: Ownership, possession of, harboring, or exercising control over any animal.

DANGEROUS ANIMAL: Any animal which is properly classified as dangerous in accordance with the pertinent written standards developed by the office of animal services. Any animal that is a hazard to the public health and safety. The term "Dangerous Animal" shall include constrictor snakes in excess of ten (10) feet in length.

DESIGNEE: An individual designated by the director of the office of animal services to perform the duties of the director's "designee" as such duties are set forth in this title.

DIRECTOR: The director of the office of animal services.

DOG: Any Canis familiaris four (4) months of age or older.

**DOMESTICATED ANIMALS:** Animals accustomed to live in or about the habitation of people, including, but not limited to, cats, dogs, fowl, horses, swine and goats.

**DRIVER:** Any person operating or in actual physical control of a horsedrawn carriage, or any person sitting in the driver's seat of such carriage with the intention of causing it to be moved by a horse.

**ENCLOSURE:** Any structure that prevents an animal from escaping its confines.

**ESTRAY OR STRAY:** Any "animal at large", as defined herein.

**EUTHANASIA:** The humane destruction of an animal accomplished by a method approved by the most recent report of the American Veterinary Medication Association panel on euthanasia.

**FERAL CAT:** Any free roaming, homeless, wild or untamed cat.

**FERAL CAT COLONY:** A group of free roaming, homeless, wild or untamed cats living together in an area.

**GUARD DOG:** A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public.

**HIVE:** A frame hive, box hive, box, barrel, log, gum, skep, or other artificial or natural receptacle which may be used to house bees.

**HOLDING FACILITY:** Any pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facility used for holding animals.

**HONEYBEE:** The common honeybee, *Apis mellifera* species, at any stage of development, but not including the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

**IMPOUNDMENT:** Taken into the custody of an animal services agency, police department, or an agent thereof.

**KENNEL:** An establishment having dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.

**LEASH OR LEAD:** Any chain, rope or device used to restrain an animal, being no longer than six feet (6') in length.

**LITTER:** The offspring at one birth from the same mother and under the minimum age to obtain a rabies vaccination.

**OWNER:** Any person having title to, or an ownership interest in, or custody of, or keeping,

maintaining or possessing one or more animals. "Owner" does not include a feral cat custodian participating in a trap, spay/neuter, return or release program.

PERSON: A natural person or any legal entity, including, but not limited to, a corporation, firm, partnership or trust.

PET OR COMPANION ANIMAL: Any animal of a species that has been developed to live in or about the habitation of humans, is dependent on humans for food and shelter, and is kept for pleasure rather than utility or commercial purposes.

PET SHOP: Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds or other pets are kept, displayed or sold.

PROVOKED: 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 to be a provocation.

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

RIDING SCHOOL OR STABLE: An establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burro, or which offers such animals for hire.

SERVICE ANIMAL: Any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

SET:

A. To cock, open or put a trap in such a condition that it would clamp closed when an object or person touches a triggering device; and/or

B. To place a spring loaded trap which has been opened or fixed so that it would close upon the triggering device being touched upon the ground, or in a position where a person or animal could become caught therein.

SPECIALIZED EQUIPMENT: That equipment, other than the usual patrol vehicles of animal services, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers.

SPECIES SUBJECT TO RABIES: Any species that has been reported to the centers for disease control to have contracted the rabies virus and become a host for that virus.

SPRING LOADED TRAP: Any clamplike apparatus which is utilized to catch animals, objects or persons when, after being set and the triggering device being activated, clamplike jaws are designed to come together with force so as to clamp or close upon an animal, person or object



activating the spring or triggering device.

STABLE: Any place or facility where one or more horses, ponies, donkeys, mules or burros are housed or maintained, and are offered for hire.

VETERINARIAN: Any person legally licensed to practice veterinary medicine under the laws of the state of Utah.

#### VICIOUS ANIMAL:

~~A. Any animal which is properly classified as vicious in accordance with the pertinent written standards developed by the office of animal services. , in a threatening or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;~~

~~B. Any animal with a known propensity, tendency or disposition to attack, to cause injury or to 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.~~

#### WILD OR EXOTIC ANIMAL:

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: Alligators and crocodiles;

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

C. Cat Family (Felidae): All except the commonly accepted domesticated cats, and including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;

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

E. Porcupines (Erethizontidae): Porcupines;

F. Primate (Hominidae): All subhuman primates;

G. Raccoon (Prosynnidae): All raccoons, including eastern raccoons, desert raccoons and ring tailed cats;



H. Skunks: Skunks;

I. Fish: Venomous fish and piranha;

J. Snakes or Lizards: Venomous snakes or lizards;

K. Weasels (Mustelidae): All, including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink and mongoose, except that the possession of such animals shall not be prohibited when raised commercially for their pelts;

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

WILD, EXOTIC OR DANGEROUS ANIMAL: Any animal which is not commonly domesticated, or which is not native to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any other animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner, including hybrids, and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. Those animals, however domesticated, shall include, but are not limited to:

A. Alligators And Crocodiles: Alligators and crocodiles;

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

C. Cat Family (Felidae): All except the commonly accepted domesticated cats, and including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;

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

E. Porcupines (Erethizontidae): Porcupine;

F. Primate (Hominidae): All subhuman primates;

G. Raccoon (Procyonidae): All raccoons, including eastern raccoons, desert raccoons and ring tailed cats;

H. Skunks: Skunks;

I. Fish: Venomous fish and piranha;

J. Snakes Or Lizards: Venomous snakes or lizards;

~~K. Weasels (Mustelidae): All, including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink and mongoose, except that the possession of such animals shall not be prohibited when raised commercially for their pelts.~~

WORK: With reference to a horse, means that the horse is out of the stable and presented as being available for pulling carriages; in harness; or pulling a carriage.

#### **8.04.020: ANIMAL SERVICES:**

Animal services may be provided through a legally executed agreement, which includes the authority and power to enforce this title. Alternatively, the City may elect to provide its own animal services without entering into a contract with an outside provider.

#### **8.04.070: DOG AND CAT LICENSE; REQUIRED WHEN; APPLICATION AND FEES:**

A. Required: All dogs and cats shall be licensed each year, except as otherwise provided herein, to a person of the age of eighteen (18) years or older. However, no license shall be required for cats maintained within a feral cat colony.

B. Deadline: Any person owning, possessing or harboring any dog or cat shall obtain a license for such animal within thirty (30) days after the animal reaches the age of four (4) months, or, in the case of a dog or cat over four (4) months of age, or in the case of a new city resident, within thirty (30) days of the acquisition of the animal or the commencement of residency. However, if an animal is fostered pursuant to a pet rescue permit and is held pending adoption, then the time period in which the pet rescue permit holder must obtain a license for such animal will be expanded from thirty (30) days to ninety (90) days. The animal services director may waive late fees or extend licensing deadlines in individual cases, as appropriate.

C. Application: License applications shall be submitted to the office of animal services, by utilizing a standard form which requests name, address and telephone number of the applicant; breed, sex, color and age of the animal; previous license information; rabies and sterilization information; and the number, location or other identification applicable to a tattoo or implanted microchip of the animal. The application shall be accompanied by the prescribed license fee and by a rabies vaccination certificate current for a minimum of six (6) months beyond the date of application. A license shall not be issued for a period that exceeds the expiration date of the rabies vaccination. Rabies vaccinations shall be given by a licensed veterinarian with a vaccine approved by the current compendium of animal rabies control.

D. License Fees:

1. License fees shall be as set forth in the Salt Lake City city's eConsolidated fFee sSchedule. Penalties for failing to properly license dogs and cats shall be as set forth in the penalty schedule in section 8.04.521, "Appendix A", of this chapter.

2. No dog or cat shall be licensed as spayed or neutered without veterinary verification that such surgery was performed.

E. License Vendors: The animal services director may contract with veterinary hospitals, veterinarians, pet shops, animal grooming parlors, and similar institutions or individuals for the issuance of license application forms. License fees and requirements for licensure with such vendors shall be the same as if the application was issued directly by the office of animal services.

F. 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 this title including, but not limited to, licensing, 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.

G. Senior Citizen Provisions: In lieu of the annual license fees provided above, a person sixty (60) years of age or older on the date of license application may, upon proof of age, obtain a dog or cat license for an unsterilized dog or cat for a reduced fee as specified in the City's consolidated fee schedule. A person sixty (60) years of age or older may obtain a license for the life of a spayed or neutered dog or cat for a onetime nontransferable fee as specified in the Salt Lake City Consolidated Fee Schedule, but such person shall nevertheless obtain a license without fee thereafter for verification of rabies vaccination. This subsection 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.

#### **8.04.100: DOG OR CAT LICENSE; REVOCATION PROCEDURES:**

\_\_\_\_\_ If the owner of any dog or cat is found to be in violation of this title on three (3) or more different occasions during any twelve (12) month period, the director of animal services may seek a court order, pursuant to Chapter 8.15 ~~section 8.04.220 of this chapter~~, or its successor section, revoking for a period of one year any license(s) such person may possess and providing for the office of animal services ~~office~~ to pick up and impound any animal(s) 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 the animal under any circumstances.

#### **8.04.280: BITING OR POTENTIALLY RABID ANIMALS; QUARANTINE/CONFINEMENT OR OTHER DISPOSITION:**

A. Report Requirements: An animal that has rabies or is suspected of having rabies, or any animal bitten by another animal infected with rabies or by an animal suspected of having rabies, shall be reported by the owner or person having information as set forth in section 8.04.270 of this chapter, or its successor, and shall immediately be confined in a secure place



by the owner. The owner shall turn over the animal to the office of animal services upon demand.

B. Surrender Of Animal: The owner of any animal of a species subject to rabies which has bitten shall surrender the animal to any authorized official upon demand. Any person authorized to enforce this title may enter upon private property to seize the animal; if the owner refuses to surrender the animal, the ~~person authorized to enforce this title~~ officer shall immediately obtain any authorization necessary, if any such authorization is required, prior to proceeding with the search warrant authorizing seizure and impoundment of the animal.

C. Seizure, Confinement Or Quarantine:

1. Any animal of a species subject to rabies that bites a person or animal, or is suspected of having rabies, may be seized and quarantined for observation as determined by the animal services director or designee. In consultation with a veterinarian when deemed necessary by the director or designee, the potentially rabid animal shall be quarantined or confined for observation in accordance with the current compendium of animal rabies control, as amended, and with office policy and procedure. The owner of the animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the director of animal services and/or the director of the health department if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception.
2. A person who has custody of an animal under quarantine shall immediately notify the office of animal services if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a Valley health department or animal services officer to make an inspection or examination during the period of quarantine. If the animal dies within ten (10) days from the date of bite, the person having custody shall immediately notify the office of animal services or immediately remove and deliver the head to the state health laboratory to be examined for rabies. If, at the end of the quarantine period, the director of animal services, or his/her designee, examines the animal and finds no sign of rabies, the animal may be released to the owner or, in the case of a stray, it shall be disposed of as provided in section 8.04.340 of this chapter, or its successor.

D. Unvaccinated Bitten Animals:

1. In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by, or otherwise exposed to a known rabid animal, such bitten or exposed animal should be immediately euthanized. Animals with expired rabies vaccinations of six (6) months or more shall be considered unvaccinated for the purpose of this section.

2. If the owner is unwilling to euthanize the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be vaccinated one month before being released. The animal shall be euthanized if the owner does not comply herewith.

E. Vaccinated Bitten Animals:

1. If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within twenty four (24) hours, kept under home confinement, and observed for forty five (45) days; or
2. If the animal is not revaccinated within twenty four (24) hours, the animal shall be isolated and monitored according to the current compendium of animal rabies control, as amended.
3. The animal shall be euthanized if the owner does not comply with subsections E1 and E2 of this section.

F. Bitten Animals With Expired Vaccinations: Animals with expired rabies vaccinations of six (6) months or less shall be evaluated on a case by case basis.

G. Removal Of Quarantined Animals: It is unlawful for any person to remove any such animal from the place of quarantine without written permission of the office of animal services.

~~H. Vicious Animals: If any animal bites or attacks a person or animal two (2) times or more in a twelve (12) month period, such animal may be immediately impounded by the office of animal services without court order and held at owner expense pending court action. Any such animal shall be deemed a vicious animal, and the director of animal services may seek a court order, as provided in section 8.04.220 of this chapter, or its successor, for destruction of the animal. Parties owning such animals shall, if possible, be notified immediately of the animal's location by the animal services office~~

**8.04.320: IMPOUNDMENT; AUTHORIZED WHEN:**

The animal services director shall place all animals ~~which he or she takes~~ into custody in a designated animal impound facility. The following animals may be taken into custody by ~~the animal services director or designee~~ and impounded without ~~the filing of a complaint or obtaining a prior order from a court of competent jurisdiction~~:

- A. Any animal being kept or maintained contrary to the provisions of this title;
- B. Any animal running at large contrary to the provisions of this title;
- C. Any animal which is by this title required to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this section;

D. Sick or injured animals whose owner cannot be located, or whose owner requests impoundment and agrees to pay a reasonable fee for the services rendered;

E. Any abandoned animal;

F. Animals which are not vaccinated for rabies in accordance with the requirements of this title;

G. Any animal to be held for quarantine;

H. Any vicious animal;

I. Any potentially dangerous, or dangerous~~vicious animal~~ animal not properly confined as required by sections 8.04.420, 8.05.010, 8.05.020, or 8.05.040 ~~8.04.420 of this chapter, or as amended its successor.~~

#### **8.04.340: IMPOUNDMENT; HOLDING PERIOD; NOTICE TO OWNER; DISPOSITION OF ANIMALS:**

A. Animals shall be impounded for a minimum of five three (53) business~~calendar~~ days before further disposition, except as otherwise provided herein. ~~Any animal which is impounded and is wearing a current license, rabies tag or other identification designating the owner of the animal and where such owner may be contacted, shall be impounded for a minimum of five (5) calendar days before further disposition.~~ Reasonable effort 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 as herein provided.

- B.
1. All dogs and cats, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs and cats voluntarily relinquished to the impound facility, may be euthanized or sold, as the animal services director shall direct. Any healthy dog or cat may be sold to any person or to any institution engaged in scientific research and desiring to purchase such animal for a price to be determined by the director, but not to exceed thirty dollars (\$30.00) per animal, plus license and any rabies vaccination that is required. ~~is required.~~
  2. All persons purchasing any dog or cat from the impound facility shall, at the time of purchase, execute an agreement on forms provided by the impound facility. Such agreement shall include payment of a sterilization deposit of not less than twenty-five dollars (\$25.00) as set forth in the Salt Lake City Consolidated Fee Schedule and shall provide that the purchaser will have the dog or cat so purchased spayed or neutered within thirty (30) days of the one hundred eighty (180) days of the date of purchase of such dog or cat (or for a young animal within thirty (30) days after the animal achieves six months in



age), and that the purchaser will file with the animal services director written verification from a licensed veterinarian that such dog or cat has been spayed or neutered prior to the date of written verification. The agreement shall also provide that sale or transfer of the purchased dog or cat by the purchaser shall not release the purchaser from the obligation to have the animal spayed or neutered, nor from the obligation to file the written verification, as provided hereinabove. In lieu of the aforementioned written verification from a licensed veterinarian, the purchaser may file a truthful affidavit with the animal services director prior to the required date of written verification within one hundred eighty (180) days of the date of purchase certifying that the dog or cat so purchased from the impound facility has died prior to the one hundred eighty (180) day required deadline, and prior to being spayed or neutered.

3. Failure of the purchaser of a dog or cat from the impound facility to file the written verification from a licensed veterinarian prior to the required deadline, as provided hereinabove, within one hundred eighty (180) days of the date of purchase of such dog or cat, or, in or the alternative, failure of the purchaser to file a truthful affidavit prior to the required deadline within one hundred eighty (180) days from the date of the purchase certifying that the dog or cat so purchased has died within the one hundred eighty (180) day period and prior to being spayed or neutered, shall constitute a violation of this title. misdemeanor.

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 animal services director or designee, be released to the care of a veterinarian with the consent of the owner.

D. When, in the judgment of the animal services director, it is determined that an animal should be euthanized for humane reasons or to protect the public from imminent danger to persons or property, such animal may be euthanized without regard to any time limitations otherwise established herein, and without court order.

E. The director of animal services may euthanize an animal upon the request of an owner without transporting the animal to animal services facilities. An appropriate fee shall be charged the owner for the euthanasia and any subsequent disposal of the carcass done by the office of animal services.

#### **8.04.370: ANIMAL NUISANCES DESIGNATED; ~~PENALTY:~~**

A. Any owner or person having charge, care, custody or control of an animal or animals causing a nuisance as defined below shall be in violation of this title and subject to the penalties provided herein.

B. The following shall be deemed a nuisance: Any animal which:

1. Causes damages to the property of anyone other than its owner;

2. Is a "~~vicious-dangerous~~ animal", as defined in this chapter, and is kept contrary to sections 8.04.420, 8.05.010, 8.05.020, or 8.05.040 ~~8.04.420 of this chapter, or as amended.~~
3. Causes unreasonable fouling of the air by odors;
4. Causes unsanitary conditions in enclosures or surroundings;
5. 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 person owning, having a proprietary interest in, harboring or having care, charge, control, custody or possession of such animal shall remove any such defecation to a proper trash receptacle, and shall carry the appropriate instrument(s) for the removal and disposal of such waste;
6. Barks, whines or howls, or makes other disturbing noises in an excessive, continuous or untimely fashion;
7. Molests passersby or chases passing vehicles;
8. Attacks people or other domestic animals whether or not such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;
9. Is found at large three (3) or more times within any twelve (12) month period;
10. Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or type of animal kept or harbored; or
11. Otherwise acts so as to constitute a nuisance or public nuisance under the provisions of title 76, chapter 10, Utah Code Annotated, 1953, or its successor.

#### **8.04.390: ANIMALS RUNNING AT LARGE:**

A. With the exception set forth in subsection B of this section, it is unlawful for the owner or person having charge, care, custody, or control of any animal to allow such animal at any time to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this section, regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not such owner or person knows that the animal is running at large. Any person violating any provision of this section shall be deemed guilty of a civil violation class B misdemeanor, ~~and shall be penalized as provided in section 8.04.521, "Appendix A", of this chapter.~~

- B.
1. Dogs shall be permitted to run off leash only in areas of parks and public spaces specifically authorized by city ordinance, specifically designated by the director of public services as "off leash areas", and clearly identified by signage as such. Said areas shall be as follows:



- a. Designated areas of Memory Grove Park known as the Freedom Trail section;
- b. The municipal ballpark, also known as Herman Franks Park, except for the fenced youth baseball diamonds and playground area;
- c. Designated areas of Jordan Park,
- d. Designated areas of Lindsey Gardens, and
- e. Designated areas of Parley's Historic Nature Park, as set forth in title 15, chapter 15.10 of this code, or its successor.

2. While in such areas dogs shall at all times remain under control of the dog's owner or custodian. "Under control" means that a dog will respond on command to its owner or custodian.

C. The foregoing notwithstanding, the public services department may conduct additional experiments in other areas of the city for possible future legislative enactment establishing such areas as "off leash areas", provided such experiments are conducted in accordance with the guidelines approved by the city council in its resolution 52 of 2004.

#### **8.04.400: TETHERING OF DOGS – RESTRICTIONS:**

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 or lessee of the affected property. Each dog tethered in violation of this section shall constitute a separate offense.

B. It is unlawful for an owner or handler 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.

C. 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.

#### **8.04.420: ~~FIERCE, POTENTIALLY DANGEROUS OR DANGEROUS OR VICIOUS~~ ANIMALS:**

It is unlawful for the owner of any ~~potentially dangerous~~~~fierce, or~~ dangerous ~~or vicious~~ animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal ~~deemed so vicious and~~ dangerous that it cannot be controlled by reasonable restraints, and every ~~potentially dangerous or~~ 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 of animal services shall ~~seek a court order pursuant to section~~ take any necessary enforcement actions authorized in this title to ensure the safety of the public. ~~8.04.220 of this chapter, or its successor section, for destruction of or muzzling of the animal.~~

SECTION 2. Chapter 8.05 of the Salt Lake City Code shall be, and hereby is, amended to read in its entirety as follows:

**Chapter 8.05**  
**REGULATION AND CONTROL OF VICIOUS DOGS**

**8.05.010: REGULATION OF VICIOUS DOGS:**

**8.05.020: CONTROL OF VICIOUS DOGS:**

**8.05.030: OFFENDING VICIOUS DOGS:**

**8.05.040: PENALTIES FOR VIOLATION:**

**8.05.050: DETERMINATION, SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS DOGS:**

**8.05.010: REGULATION OF VICIOUS DOGS:**

A vicious dog shall not be licensed in Salt Lake City unless the owner or keeper of such vicious dog shall meet the following requirements:

- A. The owner or keeper shall present to the office of animal services proof that the owner or keeper has procured liability insurance in the amount of at least twenty five thousand dollars (\$25,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision guaranteeing Salt Lake City Corporation to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy. Such proof of insurance shall be in such form as approved by the office of the Salt Lake City attorney.
- B. The animal services director may issue regulations requiring the owner or keeper, at his or her own expense, to have the licensing number assigned to such vicious dog, or such other identification number as Salt Lake City shall determine, tattooed upon such vicious dog by a licensed veterinarian or person trained as a tattooist and authorized as such by statute. The tattoo shall be placed either on the upper inner lip or upper left rear thigh of the vicious dog. The office of animal services may designate the particular location of the tattoo. The number shall be noted on the city licensing files for such vicious dog, if it is different from the dog's license number. For the purposes of this section, "tattoo" shall be defined as any permanent numbering of a vicious dog by means of indelible or permanent ink with the number designated by the licensing authority, or any other permanent, acceptable method of tattooing.

C. The owner or keeper shall display a sign on his or her premises warning that there is a vicious dog on the premises. Such sign shall be visible and capable of being read from all public entrance points to the area in which the dog is enclosed.

D. The owner or keeper shall sign a statement attesting that:

1. The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the vicious dog prior to expiration of such license;
2. The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious dog on the property where the vicious dog will be kept or maintained. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure;
3. The owner or keeper shall notify the office of animal services immediately if a vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being. If the vicious dog has died, been sold, or been given away, the owner or keeper shall notify the office of animal services by the end of the next business day and shall also provide the office of animal services with the name, address and telephone number of the new owner of the vicious dog.

E. The owner or keeper shall at all times cause the vicious dog to wear a collar of a color and type provided by the office of animal services so that the dog is readily identifiable as a vicious dog.

F. The owner or keeper of a vicious dog shall be issued a permanent license number when the vicious dog is licensed. Said license must be renewed each year. The animal license fee shown on the Salt Lake City consolidated fee schedule for a vicious dog shall be in addition to other license fees. (Ord. 24-11, 2011)

#### **8.05.020: CONTROL OF VICIOUS DOGS:**

A. All vicious dogs shall be confined in a locked enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have a locked enclosure.

B. It shall be unlawful for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or keeper or outside of the enclosure, unless the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length, and shall be under the direct control of a person capable of completely restraining the dog and under the direct supervision of the owner or keeper of the vicious dog.

C. Vicious dogs shall not be allowed to participate in dog shows. (Ord. 48-88 § 2, 1988)



#### **8.05.030: OFFENDING VICIOUS DOGS:**

~~A. It shall be a class B misdemeanor offense of strict liability for the owner or keeper of a vicious dog if the owner's or keeper's vicious dog shall, when unprovoked, kill or wound, or assist in killing or wounding any sheep, lamb, cattle, dog, cat, horse, hog, swine, fowl or other animal, or shall, when unprovoked, attack, assault, bite or otherwise injure any human being or assist in attacking, assaulting, biting or otherwise injuring any human being while out of or within the enclosure of the owner or keeper of such vicious dog, or while otherwise, on or off the property of the owner or keeper, whether or not such vicious dog was on a leash and securely muzzled or whether the vicious dog escaped without fault of the owner or keeper.~~

~~B. The owner or keeper of such dog shall also be strictly liable to the person aggrieved as aforesaid, for all damage sustained. It is rebuttably presumed as a matter of law that the owning, keeping or harboring of a vicious dog in violation of this chapter is a nuisance. It shall not be necessary, in order to sustain any such action, to prove that the owner or keeper of such vicious dog knew that such vicious dog possessed the propensity to cause such damage or that the vicious dog had a vicious nature. Upon such attack or assault, the office of animal services or police department is hereby empowered to impound the vicious dog. (Ord. 69-99 § 7, 1999; Ord. 48-88 § 2, 1988)~~

#### **8.05.040: PENALTIES FOR VIOLATION:**

~~A. Any vicious dog:~~

- ~~\_\_\_\_\_ 1. Which does not have a valid license in accordance with the provisions of this chapter; or~~
- ~~\_\_\_\_\_ 2. Whose owner or keeper does not secure the liability insurance coverage required in accordance with subsection 8.05.010A of this chapter, or its successor; or~~
- ~~\_\_\_\_\_ 3. Which is not maintained on property with an enclosure; or~~
- ~~\_\_\_\_\_ 4. Which is found to be outside of the dwelling of the owner or keeper, or outside of an enclosure except as provided in this chapter; or~~
- ~~\_\_\_\_\_ 5. Which is found not wearing the collar required by subsection 8.05.010E of this chapter, or its successor; or~~
- ~~\_\_\_\_\_ 6. Which is not tattooed, should the animal services director issue such regulation, shall be impounded by an animal services officer or police officer, and the owner or keeper shall be guilty of a class B misdemeanor.~~

~~B. If any dog that has been declared vicious pursuant to the provisions of this chapter shall, when unprovoked, kill, wound or worry or assist in killing or wounding or worrying any animal, the animal services office or police department is empowered to impound and, after the expiration of a five (5) day appeal period, exclusive of weekends and holidays, shall~~



euthanize the vicious dog. Appeals shall be made, in writing, to the director of animal services and shall be made pursuant to section 8.05.050 of this chapter, or its successor.

- C. If any dog that has been declared vicious pursuant to the provisions of this chapter shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the office of animal services or police department is empowered to impound and, after the expiration of a five (5) day appeal period, exclusive of weekends and holidays, shall euthanize the vicious dog. Appeals shall be made, in writing, to the director of animal services and shall be made pursuant to section 8.05.050 of this chapter. (Ord. 69-99 § 7, 1999; Ord. 48-88 § 2, 1988)

**8.05.050: DETERMINATION, SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS DOGS:**

- A. The director of animal services, or the director's designee, in their discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog, as defined herein, may initiate proceedings to declare such dog a vicious dog. In determining whether or not a dog shall be declared a vicious dog, the director of animal services or designee may consider, as a mitigating factor, that the actions of the dog were "provoked", as defined in this title. A hearing on the matter shall be conducted by the director of animal services or the designee. The person owning, keeping, sheltering or harboring the dog in question shall be given not less than seventy two (72) hours' written notice of the time and place of the hearing. Said notice shall set forth the description of the dog in question and the basis for the allegation of viciousness. The notice shall also set forth that if the dog is determined to be vicious, the owner will be required to register and restrain it in accordance with this chapter, remove it from the city, or allow it to be euthanized. The notice shall be served upon any adult residing at the premises where the dog is located, or may be posted on those premises if no adult is present to accept service.
- B. If, after the hearing, the animal services director or the designee determines that a dog is vicious, as defined in this title, the director of animal services or his or her designee shall order the person owning, sheltering, harboring or keeping the dog to register the dog in compliance with this chapter, remove it from the city, or to cause it to be euthanized in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the director of animal services or the designee is authorized to order the seizure and impoundment of the dog. A dog so seized shall be impounded for a period of seven (7) days from the date the order is served upon the owner or keeper. If, at the end of the impoundment period, the person against whom the order of the director of animal services or his or her designee was issued has not appealed such order, the director of animal services or the designee shall cause the dog to be euthanized.
- C. The order to register, remove or euthanize a vicious dog issued by the director of animal services or his or her designee may be appealed to the mayor or the mayor's designee. In

order to appeal the order, written notice of appeal must be filed with the mayor within three (3) days after receipt of the order to remove, register or euthanize the vicious dog. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the director of animal services or his or her designee.

D. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the office of the city recorder. The hearing of the appeal shall be held by the mayor or mayor's designee within five (5) days after receipt of the notice of appeal. The hearing may be continued for good cause. After such hearing, the mayor may affirm, reverse or modify the order of the director of animal services or his or her designee. Such determination shall be contained in a written decision and shall be made within three (3) days after the hearing, or any continued session thereof.

E. If the mayor affirms the action of the director of animal services or his or her designee, the mayor or the mayor's designee shall order in his or her written decision that the person owning, sheltering, harboring or keeping such vicious dog shall comply with the requirements of this chapter, remove such dog from the city, or cause it to be euthanized in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to remove or euthanize. If the order of the mayor, after appeal, is not complied with within three (3) days of its issuance, the office of animal services is authorized to seize and impound such vicious dog. Any dog so seized shall be impounded for a period of seven (7) days from the date the order is served upon the owner or keeper. If, at the end of the impoundment period, the entity or individual against whom the decision and order of the mayor was issued has not complied with the order or petitioned the appropriate court for a review of the order, the animal services office shall cause the dog to be euthanized in a humane manner.

F. Failure to comply with an order of the director of animal services or his or her designee issued pursuant hereto and not appealed, or of the mayor after appeal, shall constitute a class B misdemeanor.

G. Any dog found at large which displays vicious tendencies may be processed as a vicious dog pursuant to the foregoing.

H. Any dog which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing and all appeals. All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious. If collection of expenses is pursued through the court, Salt Lake City Corporation shall file suit and receive a judgment for all expenses, together with reasonable attorney fees, interest and court costs. If the dog is not determined to be vicious, all costs of such impoundment or quarantine shall be paid by Salt Lake City Corporation. (Ord. 69-99 § 7, 1999; Ord. 48-88 § 2, 1988)

## CHAPTER 8.05

### DANGEROUS OR VICIOUS ANIMALS

#### 8.05.010 POTENTIALLY DANGEROUS ANIMALS.

#### 8.05.020 DANGEROUS ANIMALS.

#### 8.05.030 VICIOUS ANIMALS.

#### 8.05.040 APPEAL PROCESS FOR CHANGE OF CLASSIFICATION.

#### 8.05.010 POTENTIALLY DANGEROUS ANIMALS:

A. The office of animal services investigates reported incidents involving animals which may be potentially dangerous. Upon such investigation and utilizing the office of animal services' written standards, if the office of animal services finds the animal to constitute a sufficient menace to the public's health and safety, such animal shall then be classified as potentially dangerous. The owner shall receive written notification of the office of animal services' classification of the animal.

B. The owner of an animal that has been classified as potentially dangerous shall enter into a containment agreement with the office of animal services and shall also take whatever other measures are necessary to confine or restrain such animal to prevent any future incidents from occurring that constitute a menace to the public health and safety.

C. The office of animal services is responsible for investigating alleged violations of subsection B of this section after an animal has been classified as potentially dangerous. A citation may be issued to the owner of any potentially dangerous animal in violation of subsection B of this section.

#### 8.05.020 DANGEROUS ANIMALS:

A. The office of animal services investigates reported incidents involving animals that may be dangerous. Upon such investigation and utilizing the office of animal services' written standards, if the office of animal services finds the animal's behavior to constitute a dangerous animal, such animal shall be so classified. The owner shall receive written notification of the office of animal services' classification of the animal.

B. Within 30 days of notification of the animal's classification as a dangerous animal, the owner will be required to purchase a dangerous animal permit to be renewed annually.

C. A dangerous animal must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the animal from coming into contact with a human being other than the owner, or any other animal, and designed to prevent the animal



from escaping. Such pen shall have secure sides and a secure top to prevent the animal from escaping over, under, or through the structure. The enclosure shall provide a humane existence for the animal and protection from the elements. The area where the animal is held must have a sufficient secondary system of confinement so as to prevent unauthorized access to the animal and to prevent the animal's escape. The animal shall be fitted with an identification microchip.

1. The owner of a dangerous animal shall immediately notify the office of animal services when a dangerous animal:

i. is loose or unconfined;

ii. has bitten a human being or attached another animal;

iii. was sold, given away, or died; or

iv. has been moved to another address.

2. Prior to a dangerous animal being sold or given away, the owner shall provide the name, address, and phone number of the new owner to the office of animal services. Each new owner is to be given notice of the animal's classification as dangerous and, if the new owner resides within the City, shall be required to comply with the provisions of this chapter.

D. The owner shall prominently display a sign on his/her property at all entry points warning that there is a dangerous animal on the property;

E. A dangerous animal may be off the owner's property or out of its enclosure if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a competent adult over the age of eighteen (18) years. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but must prevent it from biting any person or animal.

F. An owner will be required to provide proof of liability insurance with a minimum coverage of three hundred thousand dollars (\$300,000.00). Such insurance coverage must be maintained and proof provided to the City upon request.

G. The office of animal services shall have the authority to make whatever inspections are deemed necessary to ensure compliance with the provisions recited herein.

H. An owner of a dangerous animal shall have the option to have the animal humanely euthanized at his/her sole expense if the owner is unable to comply with the requirements of this section.

I. The office of animal services is responsible for investigating violations of this section after a animal is classified as dangerous. A citation may be issued to the owner of any dangerous animal found in violation of this section.

#### **8.05.030 VICIOUS ANIMALS:**

A. The office of animal services investigates reported incidents involving animals that may be vicious. Upon such investigation and utilizing the office of animal services' written standards, if the office of animal services finds the animal to constitute a vicious animal, such animal shall be so classified. The owner shall receive written notification of the classification of the animal.

B. Any animal that has been classified as vicious shall be impounded by animal services. The animal shall be kept at the animal shelter and placed in rabies quarantine if necessary for the proper length of time, or held for ten (10) days after the owner's receipt of notification, and the animal shall be euthanized or otherwise appropriately processed by animal services unless the owner initiates an appeal procedure within that ten (10) day period.

#### **8.05.040 APPEAL PROCESS FOR CHANGE OF CLASSIFICATION:**

A. The owner of a animal that has been classified as dangerous or vicious may appeal this classification under Section 8.15.060 by written notification to the office of animal services within ten (10) days after receiving written notification from the owner.

B. For a dangerous animal classification, the owner shall take whatever measures are necessary to prevent any future incidents from occurring until final disposition of the appeal.

C. The classification of dangerous or vicious animal shall be upheld or revoked by a written decision within five (5) days, excluding legal holidays and weekends, after the appeal hearing.

D. The owner will be responsible for payment of all the office of animal services' boarding costs and other fees required to humanely and safely keep the animal at the animal shelter through the administrative appeals process and any disposition of the animal at issue.

SECTION 3. Section 8.08.050 of the Salt Lake City Code shall be, and hereby is, amended to read as follows:

#### **8.08.050: PERMIT; REVOCATION CONDITIONS; APPEALS:**

The above mentioned permits are subject to revocation at any time by the office of animal services or the sanitary division of the Valley health department. Any permittee may, within five (5) business days from date of revocation of this permit, appeal to the ~~mayor~~director of animal services, who may, after a hearing, confirm such revocation or reinstate the permit



SECTION 4. Section 8.12.020 of the Salt Lake City Code shall be, and hereby is,

amended to read as follows:

**8.12.020: NOTICE OF SALE OF ESTRAYS:**

Within ~~fivethree~~ (53) ~~business~~ days after an estray shall come into the possession of the director of animal services, the director ~~mayshall~~ advertise the same in a newspaper published in the county, having general circulation in the county, by publishing a notice in at least one issue of said paper, at least five (5) days before the sale, and by posting notices for a period of ten (10) days in three (3) public places in the city, one of which places shall be at or near the post office. The director shall immediately deliver a copy of such notice to the county clerk, or mail the same to him/her by registered letter. The notice so filed with the clerk shall be available during reasonable hours for inspection by the public free of charge. The notice herein provided for shall contain a description of the animals, including all makes and brands, when taken, the day, hour, and place of sale, and may be substantially in the following form:

*NOTICE*

*State of Utah, County of Salt Lake,  
In Salt Lake City,*

*I have in my possession the following described estray animals, which, if not claimed and taken away, will be sold at public auction to the highest cash bidder at the Animal Shelter in Salt Lake City on \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, ~~2019~~, at the hour of \_\_\_\_\_.*

*(description of animals)*

*Said estrays were taken up by me in said city on the \_\_\_\_ day of \_\_\_\_\_, ~~19~~—20\_\_\_\_.*

*Director,      Animal Services*

SECTION 5. Section 8.04.125 shall be, and hereby is, enacted to read as follows:

**8.04.125: 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 the 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 three hundred thousand dollars (\$300,000.00).

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 office of animal services when determining that a person has sufficient knowledge of a species.

SECTION 6. Section 8.04.405 shall be, and hereby is, enacted as follows:

**8.04.405: TETHERING OF ANIMALS – EXEMPTIONS:**

The provisions of Section 8.04.400(C). will not apply in the following circumstances:

A. The owner or handler has been mandated by animal services to keep the animal properly restrained at all times by the use of a tether or other means of containment.

B. The owner or handler has a animal that is registered as a dangerous animal under Section 8.04.125 of these ordinances.

C. The owner or handler of a animal has made application with animal services for an extension to the maximum tethered hours in Section 8.04.400(C). 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 animal to a running line, pulley or trolley system. The animal 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 animal pursuant to the requirements of a park, camping or recreational area.

F. The owner or handler has tethered the animal 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 animal.

G.

The owner or handler is actively engaged in a lawful licensed hunting activity.

SECTION 7. Chapter 8.15 shall be, and hereby is, enacted as follows:

### **CHAPTER 8.15**

### **ENFORCEMENT, HEARING PROCESS, NOTICE OF VIOLATIONS AND PENALTIES**

<b><u>8.15.010</u></b>	<b><u>VIOLATION OF TITLE – PENALTIES</u></b>
<b><u>8.15.020</u></b>	<b><u>ISSUANCE OF CRIMINAL CITATION – NOTICE OF VIOLATIONS AND STIPULATION</u></b>
<b><u>8.15.030</u></b>	<b><u>VIOLATION – PROCEDURE FOR COURT ORDERS</u></b>
<b><u>8.15.040</u></b>	<b><u>PICK UP ORDERS</u></b>
<b><u>8.15.050</u></b>	<b><u>REPEATED VICIOUS ANIMAL VIOLATIONS - OWNER DEBARMENT</u></b>
<b><u>8.15.060</u></b>	<b><u>SEIZURE AND DISPOSITION – VICIOUS ANIMALS</u></b>
<b><u>8.15.070</u></b>	<b><u>ADMINISTRATIVE HEARING PROCESS - ANIMAL DISPOSITION OR DESTRUCTION</u></b>
<b><u>8.15.080</u></b>	<b><u>CITY ENFORCEMENT OF ORDINANCE VIOLATIONS</u></b>

#### **8.15.010 VIOLATION OF TITLE – PENALTIES:**

A. Any person who violates any mandate or prohibition contained in this title shall be penalized according to the provisions of this title or the provisions of § 1.12.050 of the Salt Lake City Code.

B. Any notice of violation issued pursuant to this title shall subject the person to a processing fee established in accordance with § 3.20.010 of the Salt Lake City Code and as set forth in the Salt Lake City Consolidated Fee Schedule.

#### **8.15.020 ISSUANCE OF CRIMINAL CITATIONS – NOTICE OF VIOLATIONS AND STIPULATION:**

A. A peace officer or animal control officer is authorized to issue a criminal citation to any person upon a charge of violation any provisions of this title. The form of the citation, and proceedings to be handled upon the basis of the citation, shall conform to the provisions of



the Utah Code of Criminal Procedure, including, but not necessarily limited to Section 77-7-18 through 77-7-22, Utah Code Ann. (1953) as amended.

- B. 1. Where violations of any applicable sections of this title are observed, an animal control officer may, in lieu of issuance of the criminal citation and, with consent of the person charged with a violation, issue a notice of violation to any person so charged.
2. A notice of violation and stipulation is an office of animal services determination, with the consent of the person charged, to forgo the criminal citation and enter into a contractual stipulation to resolve the issue.
3. The use by the office of animal services of a notice of violation and stipulation, in lieu of issuing a criminal citation, is intended to provide an equitable and uniform method for administering and resolving disputes between the office of animal services and parties alleged to have violated this title.
4. In the interest of promoting uniformity in administering and resolving animal services related disputes, any penalties agreed upon in connection with notices of violation and stipulations under this section shall generally conform to the penalty ranges set forth in a written policy prepared by animal services and available to the public. However, in rare instances and for demonstrable good cause the animal services officer may permit a deviation from these penalty ranges if he or she finds compliance to be impractical or unnecessary or that such deviation furthers justice or the purposes of the office of animal services. In appropriate circumstances, such deviation may include merely issuing a verbal warning to the offending party and foregoing the imposition of any penalties. The procedures set forth herein will be liberally construed to secure a just, speedy, and economical determination of all issues presented to the office of animal services.
5. 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 any remedial requirements in the notice. The notice of violation shall also include the amount of an administrative processing fee to be paid to the office of animal services by the person charged in the notice of violation.
6. Refusal to execute the waivers defined herein, refusal or nonpayment of the administrative processing fee, or failure to comply with the notice of violation and stipulation by the deadline set as the compliance date may result in the issuance of a criminal citation to the person charged.
7. Upon reaching an agreement as to the issues, requirements and penalties (if any), the office of animal services designee shall prepare a settlement agreement and shall submit the agreement to the parties for approvals and signature. The director or designee may sign for the office of animal services. After signing a



settlement agreement, the parties waive all rights to further hearings or appeals unless the terms are not honored, in which case the director or designee may issue a criminal citation or either party may seek enforcement in court.

#### **8.15.030 VIOLATION – PROCEDURE FOR COURT ORDERS:**

Pursuant to state laws and rules of procedure, court orders pursuant to this title shall be obtained upon the director or designee petitioning the court for the desired action and providing notice, together with supporting affidavits to be served on the party against whom the action is taken in accordance with state laws and rules of procedure.

#### **8.15.040 PICK UP ORDERS:**

The director or designee may petition the court for a “pick up order” for an animal within the premises of and under the control of a person who is in violation of this title. This process may be used for, but is not limited to, picking up animals pursued but not captured by an animal control officer, nuisance animals or for any other violation of these ordinances.

#### **8.15.050 REPEATED VICIOUS ANIMAL VIOLATIONS - OWNER DEBARMENT:**

When any person who owns or has custody of animals is found to have violated any law or ordinance regarding harboring a potentially dangerous, dangerous, or vicious animal or regarding animal neglect or cruelty more than two times in a five year period, that person may be debarred from receiving a license under Chapter 8.04 of these ordinances. Notice of debarment shall be served on the person in a written order issued by the director. Debarment may be for a period of up to five years. Appeal of a debarment order shall be made using the same two-part procedural process outlined in Section 8.15.070 of these ordinances. Any person who has been debarred and who subsequently owns or has custody of an animal requiring licensure under Chapter 8.04 in violation of a debarment order is guilty of a class B misdemeanor.

#### **8.15.060 SEIZURE AND DISPOSITION – VICIOUS ANIMALS:**

A. Upon the occurrence of circumstances resulting in the seizure of an animal by animal services, the procedures governing the potential classification and disposition of the animal shall be conducted as set forth in this section.

B. The office of animal services shall prepare written criteria or standards to objectively evaluate the facts and circumstances surrounding a bite or other animal attack. The evaluation criteria shall include bite or attack severity, observed animal behavior, animal history, animal owner’s background or history, and such other circumstances as may be appropriate, based on current professional standards. Aggravating and mitigation circumstances for each evaluation criteria shall be rated on a numerical scale in such a way that all circumstances and facts may be objectively calculated in determining the severity of the animal attack, the nature of the animal’s behavior, and the appropriate response by animal services.



C. When an animal has been seized by the office of animal services, such office shall serve written notice to the owner that a meeting with the director or designee shall be conducted on a date no sooner than five business days, at a date, time and place designated in the notice. The purpose of the meeting shall be to discuss the facts and circumstances of the matter and to give an opportunity to both the owner and the animal services representative to present those facts. Any complaints or other reports may be reviewed and discussed and the animal attack evaluation form, where applicable, shall be explained to the owner. This meeting is not considered a formal administrative hearing and shall be conducted accordingly. Following the meeting, the director or designee shall issue written findings regarding the meeting, including a decision regarding the disposition of the animal, to be issued within two business days following the meeting.

D. The animal owner may appeal the written findings required in 8.15.060(c) by filing a written request with animal services within five business days after such findings are issued. If such an appeal is made, animal services shall conduct a formal administrative hearing as set forth herein. The hearing will be conducted by a person trained or experienced in law, mediation or arbitration, or animal services. Witnesses may be called and documents and other evidence presented for admission. The Utah Rules of Civil Procedure and Evidence shall be used as guidelines for the conduct of this hearing, but shall not be binding. A record of the hearing shall be maintained. The hearing officer shall prepare written findings and a decision within five business days of the hearing. No sooner than ten business days following the issuance of the hearing officer's decision, the animal may be destroyed or otherwise processed by animal services, including, but not limited to, the sale or other placement of animals in circumstances of cruelty or neglect.

#### **8.15.070: PERMIT; SUSPENSION OR REVOCATION:**

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

1. Falsification of facts in a permit application;
2. Violation of any of the provisions of this title, or any other law or regulation governing the establishment including health, noise, building and zoning ordinances;
3. Conviction on a charge of cruelty to animals.

B. Procedure: If an inspection of any establishment required to be permitted under this title, reveals a violation of this title, the inspector shall notify the permit holder or operator of such violation by means of an inspection report accompanied by either a citation or a notice of violation and stipulation. The inspection report shall:

1. Set forth the specific violation(s) found;



2. Establish a specific and reasonable period of time for the correction of the violation(s) found;
3. State that failure to comply with any notice issued in accordance with the provisions of this title may result in immediate suspension of the permit;
4. State that an opportunity for a hearing upon any grievance the permittee or operator may have concerning the inspection findings and corrections ordered by the animal control officer will be provided if such permittee or operator files a written request for a hearing with the office of animal services within five (5) business days of the date of the inspection report. Compliance with the notice will be stayed until the animal services director or designee has rendered a decision on the matter.

C. Revocation or Suspension: Any permit granted under this title may be suspended or revoked by the office of animal services for violations of any requirements of this title. A minimum of five (5) business days' notice shall be given to the permittee, advising him or her of the date and time for such hearing, and listing the cause or causes for such suspension or revocation. 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, or the director's designee, may, at his or her sole discretion, uphold the suspension or revocation or reinstate the permit.

No new permit shall be issued to any person whose permit has been previously revoked except upon application for a new permit, accompanied by the required application fee, and unless and until all requirements of this title have been met.

D. A new permit shall not be issued to any person whose prior permit was suspended or revoked by the office of animal services 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.

E. Notice Procedure: Notice provided for under this section 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 of the office of animal services.

#### **8.15.080: CITY ENFORCEMENT OF ORDINANCE VIOLATIONS:**

The office of animal services has primary responsibility for enforcing the provisions of this title. However, the City likewise has authority to enforce the provisions of this title, and nothing set forth herein shall prevent the City from enforcing such ordinances if the office of animal services is unwilling or unable to do so.



SECTION 8. Sections 8.04.180, 8.04.220, 8.04.500, 8.04.510, 8.04.520, 8.04.521, and

8.10.100 of the Salt Lake City Code shall be, and hereby are, repealed in their entirety.

**~~8.04.180: PERMIT; SUSPENSION OR REVOCATION:~~**

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

- ~~1. Falsification of facts in a permit application;~~
- ~~2. Violation of any of the provisions of this title, or any other law or regulation governing the establishment including health, noise, building and zoning ordinances;~~
- ~~3. Conviction on a charge of cruelty to animals.~~

~~B. Procedure: If an inspection of any establishment required to be permitted under this title, reveals a violation of this title, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice.~~

~~The notification shall:~~

- ~~1. Set forth the specific violation(s) found;~~

~~2. Establish a specific and reasonable period of time for the correction of the violation(s) found;~~

~~3. State that failure to comply with any notice issued in accordance with the provisions of this title may result in immediate suspension of the permit;~~

~~4. State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the office of animal services within five (5) days of the date of the notice. Compliance with the notice will be stayed pending the decision from a request for hearing.~~

~~C. Revocation Or Suspension: Any permit granted under this title may be suspended or revoked by the mayor or the mayor's designee for violations listed in subsection A of this section. A minimum of five (5) days' notice shall be given to the permittee, advising him of the date and time for such hearing, and listing the cause or causes for such suspension or revocation. No new permit shall be issued to any person whose permit has been previously revoked except upon application for a new permit, accompanied by the required application fee, and unless and until all requirements of this title have been met.~~

~~D. Notice Procedure: Notice provided for under this section 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 of the office of animal services.~~

**~~8.04.220: COURT ORDER PROCEDURES AUTHORIZED WHEN:~~**

Unless modified by the court, court orders pursuant to sections 8.04.100, 8.04.240 through 8.04.290 and 8.04.420 of this chapter, or their successor sections, shall be filed according to the following minimum notice and procedure:

A. The director of the animal services office, or his or 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 (5) days prior to the hearing.

**8.04.500: VIOLATION; PENALTY:**

Any person violating the provisions of this title, either by failing to do those acts required herein or by doing any act prohibited herein, shall be guilty of a class B misdemeanor, unless otherwise provided in section 8.04.510 of this chapter. Each day any violation under this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Nothing herein shall be construed to proscribe any act specifically authorized under state statute

**8.04.510: ISSUANCE OF MISDEMEANOR CITATIONS; NOTICE OF VIOLATIONS:**

A. A peace officer and/or animal services officer is authorized to issue a misdemeanor citation to any person upon a charge of violating any provisions of this title. The form of the misdemeanor 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, or their successors.



B. Where violations of the following requirements of this chapter are committed, and provided they are not charged in conjunction with another criminal offense and do not constitute a fourth or succeeding notice of violation within a twenty four (24) month period, an animal services officer or authorized agent shall issue a civil notice of violation to such violator in lieu of a misdemeanor citation; violations regarding: 1) commercial permits (section 8.04.130 of this chapter), 2) commercial permit display (section 8.04.160 of this chapter), 3) licensing (section 8.04.070 of this chapter), 4) license tag requirements (section 8.04.080 of this chapter), 5) rabies vaccinations (section 8.04.240 of this chapter), 6) rabies tag requirements (subsection 8.04.250B of this chapter), 7) harboring stray animals (section 8.04.110 of this chapter), 8) animals running at large (section 8.04.390 of this chapter), 9) animal nuisances (section 8.04.370 of this chapter except for subsections B2, B8, B9, and B10), 10) more than two (2) rabbits at a residence (section 8.04.120 of this chapter), 11) staking dogs improperly (section 8.04.400 of this chapter), 12) confining female dogs in heat (section 8.04.380 of this chapter), 13) giving animals as sales premiums (subsection 8.04.440B of this chapter), 14) the sale/premium of baby rabbits and fowl (subsection 8.04.440A of this chapter), or 15) the sale of pet turtles (subsection 8.04.440C of this chapter). 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 may set forth a compliance date by which the violator must comply with the remedial requirements. The notice of violation shall include a list of the penalties as applicable to this violation as set forth in section 8.04.521, "Appendix A", of this chapter for minimum citation penalties. This penalty amount may be reduced or waived for first offenses, provided the pet owner satisfactorily completes a class on responsible pet ownership which is approved by the office of animal services. Compliance with all remedial requirements referred to in the notice of violation by the compliance date shown thereon shall result in a twenty five dollar (\$25.00) reduction in the penalty. Refusal or failure to comply with any remedial requirements referred to in the notice of violation by the deadline set as the compliance date may result in the imposition of the full penalty and any additional administrative fees which may be applicable.

#### **8.04.520: NOTICE OF VIOLATIONS:**

A. Notices of violations shall be adjudicated as civil violations in the justice court in accordance with the procedures set forth in title 2, chapter 2.75 of this code.

B. Any person having received a notice of violation, as provided in this chapter, may appear before the justice court and present and contest such alleged violation.

C. The burden to prove any defense shall be upon the person raising such defense. Nothing herein shall affect the city's burden to prove each element of the underlying charge by a preponderance of evidence.

D. If the hearing officer finds that no violation as set forth in the notice of violation has occurred or that such a violation has occurred but one or more of the affirmative defenses set forth in this section is applicable, the hearing officer may dismiss the notice of violation and release the recipient of the notice from liability thereunder or the hearing officer may reduce the penalty associated therewith. Such affirmative defenses are:



1. At the time of the receipt of the notice, the person receiving the notice was not the owner or the person responsible for the animal and his/her actions did not contribute to the issuance of the notice of violation.
2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.
3. Such other mitigating circumstances as may be approved by the city law department.

#### **8.04.521: APPENDIX A:**

#### **SALT LAKE CITY ANIMAL SERVICES PENALTIES**

The following penalties shall be imposed per animal. However, a "litter" as defined in section 8.04.010 of this chapter, shall be considered a single animal for purposes of imposing the penalties set forth in this section.

##### **A. Pet License And Dog Breeder License Penalties:**

###### **Late penalty (in addition to regular fee):**

- First encounter	- No penalty
- Second encounter	- \$125 .00
- Third encounter	- 250 .00

##### **B. Service And Violation Penalties For Pets: Where indicated, penalties for second, third, and subsequent violations are for those occurring within a twenty four (24) month period.**

	First Offense	Second Offense	Third Offense	Subsequent Offenses
-	-	-	-	-
Impound penalties	\$ 35 .00	\$ 70 .00	\$125 .00	\$250 .00
Minimum notice of violation penalties:	-	-	-	-
- Animal nuisance, commercial permit, permit display	50 .00	100 .00	200 .00	Criminal
- Licensing, permits, tags, rabies vaccination, at large, number of animals, staking, female dogs in heat, harboring stray animals, animals as sales premiums, sale of baby rabbits, fowl,	25 .00	50 .00	100 .00	Criminal

and pet turtles (applies when no other penalty is specified)

Purchase price for unclaimed livestock is based on costs incurred by animal services during impound and recommendations made by the state brand inspector.

**8.10.100: VIOLATIONS:**

A violation of this chapter may be remedied as provided in sections ~~8.04.500, 8.04.510, and 8.04.520~~ of this title. When a violation of this chapter is committed, and provided it is not charged in conjunction with another criminal offense and does not constitute a fourth or succeeding notice of violation within a twenty four (24) month period, an authorized agent of the city shall issue a civil notice of violation to such violator in lieu of a misdemeanor citation.

SECTION 9. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

APPROVED AS TO FORM

Date: \_\_\_\_\_

By: \_\_\_\_\_

(SEAL)

Bill No. \_\_\_\_\_ of 2013.

Published: \_\_\_\_\_

HB\_ATTYY-#25488-v6-Vicious\_Dog\_Ordinance.DOC