

Operational Guide

Animal Ordinance Preparation



AMERICAN HUMANE

Protecting Children & Animals Since 1877

About the Author

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Introduction

Preparing an ordinance for your community can be a very challenging task. Animal-related issues often cause serious neighborhood disputes. Therefore, the intent of any ordinance is to provide the ground rules so that community members can live together in harmony. Anytime that people join a social structure, like moving into a new town, they must abide by the rules of that community so as to maintain peace. Because such regulations address the keeping of animals, they intend to protect all members of the community, both of the two-legged and four-legged variety.

Animal control ordinances essentially legislate responsible pet guardianship/ownership. If people properly cared for and maintained their pets, there would be no need for animal control programs. So far, this ideal community does not exist. Frequently, ordinance revisions come as a result of a major incident that triggers public outcry, such as a serious dog attack on a child. In drafting your code, seek fairness to animals, pet owners, and non-pet owners alike. Do not overreact to a single incident, such as forcing a ban on the offending breed.

The primary limiting factor in writing your code is to determine if your state is Home Rule or if it operates under Dillon's Rule. At this time, only a few states in the East continue to operate under Dillon's Rule, which limits any action taken at the local level to that which is permitted by the state; thus, you must look to state statutes to see what codes you may draft locally. Home Rule establishes the minimum standard of law, allowing each locality to enact the same or harsher laws.

Model ordinances are available from numerous sources, and each has its own special interest incorporated within its words. Although some of these proposed ordinances may not meet the needs of your community, they provide a foundation upon which to build your ordinance. You can find these ordinances by performing an online search on Google.com using the search words: "Model Animal Ordinance" or if you want information on a more specific section of code, then search on words, like "Model Feral Cat Ordinance." The Internet provides vast amount of information you can use in drafting your own ordinance. Many communities place their codes online at www.municode.com/index.asp; there you can find code language used by other jurisdictions in drafting their ordinances.

Throughout this guide, I provide some personal commentaries that are result of many years of experience dealing with people and communities on animal control issues. These comments should not be construed as the beliefs of the American Humane Association or of my past, current, or future employers.

In this document, I address specific animal control issues in alphabetical order.

Common Ordinance Sections

Cats

Coming into a new community as an animal control director, I have joked that there are two tasks I would not want to perform: increasing fees and introducing cat regulation. Fee increases and cat regulation changes draw great numbers of citizens to community meetings.

On one side of the issue, people say that cats cannot be regulated. Some even think that cats cannot be owned, that they are independent spirits, and that the cat determines if it allows you into *its* family. These people believe the true nature of the cat is an ongoing pilgrimage as a free spirit, remaining domesticated or feral as it sees fit.

Toward the other end of the spectrum is a group that believes that cats are just like dogs and should be controlled in the same manner. These people believe that cats should not run loose and should be licensed just like dogs.

In the middle lives a group that believes no matter what controls you place on cats, they will not produce the wanted results. They believe efforts to license cats do not increase the number of cats returned to their owners. Thus, they believe you place unnecessary restrictions on cat owners and hinder the efforts of community members who manage feral cat colonies in the process.

At-Large Laws

Depending on how your community views cats, you'll have to decide if loose cats significantly impact your community enough to warrant confinement laws. If you choose to control cats, recognize that you place an additional burden on animal

control officers to respond to complaints of loose cats, on top of their current task of picking up loose dogs.

As an incentive to licensing cats, some communities exempt cats from the leash requirement, if they are wearing a current license tag. If you choose to exempt cats from running at large in this or any fashion, you may wish to consider the issue of the animal trespassing on another neighbor's property. Will you provide a remedy for people who complain about property damage caused by loose animals?

In addition to leash or "at-large" laws, some communities create a separate section of code to deal with animal trespass. The animal trespass section gives the property owner the legal right to take the appropriate action to deal with nuisances caused by their neighbor's pets that do not fall under the leash law. Under this section of the code, people may trap and remove nuisance animals, for example.

Cruelty

This section of code addresses the proper care and treatment of pets in the community. Here is where you set the minimum standards for the keeping of animals — whether it applies to food, water, shelter, space, or medical attention.

Almost every state has animal cruelty laws. Look over your state's requirements and fine tune as necessary when drafting your local ordinance. If your State Attorney's Office is unwilling to prosecute animal related cases, draft ordinances so that you can handle all of your animal cruelty cases locally instead.

Definitions

Each section of code begins with definitions of the words used in that

section. If you fail to define a word, then the definition falls to that used in a common dictionary. For example, the use of the word “animal” which is defined as:

Animals are a major group of organisms, classified as the kingdom Animalia or Metazoa. In general, they are multicellular, capable of locomotion, responsive to their environment, and feed by consuming other organisms. Their body plan becomes fixed as they develop, usually early on in their development as embryos, although some undergo a process of metamorphosis later on. Biologically, human beings fall under the animal kingdom.

If you want to use this common definition of animal in your code, then you take on the enforcement of all animal species. As such, many codes exempt humans and insects from its definition of animal. There is nothing wrong with using the common definitions, but you may want to exercise greater deliberation over the definitions of such words as “leash” or “control” so that animal control officers do not face code interpretations by “back yard lawyers,” who define your ordinance to mean that voice control is sufficient even when the dog is running loose two miles away from its owner.

Another term that you’ll want to wrestle with is deciding between the term “guardian” or “owner” to describe the person or people who exercise control over and care of their pets. In the past several years, we’ve seen a movement to the word “guardian” as a better description of the role that we wish people to play with their pets, rather than the keeping an animal as “owned” property. Some

attorneys argue animals are better off being viewed as property under the law, so you’ll want to research this issue before making your ordinance recommendations.

Dogs

The primary focus for most ordinances is dealing with the problems associated with the keeping of dogs. Dog ownership can become a leading cause of neighborhood disputes. In many areas, communities developed mediation programs to deal with nuisance problems caused by outdoor and roaming dogs.

At-Large Laws

The first order of business is determining the definition of when a dog is legally at large. Most communities determine that at large exists when the dog is off the property of the owner/guardian and not under physical control. Other communities recognize the risk of a dog that is in its own yard, but not physically confined behind a fence. The potential exists for the dog to run at large, but the dog hasn’t left the property. The intention is to physically confine a dog to its property to reduce the number of dog bite risks or incidents to passersby.

Breed-Specific Legislation

We are entering an era where people breed dogs for aggressive traits. As such, many insurance companies now refuse to insure certain breeds as part of the owner/guardian’s home owners’ policy. We also now see communities ban specific breeds.

In general, animal welfare professionals take the stance that we should deal with the deed, not with the breed; in other words, if our enforcement is strong enough to deal with aggressive dogs, the community remains safe. In this way, we maintain an even playing field for every breed. The

difficulty we face, however, is that certain breeds attract the worst pet owners; for this reason, some communities ban an entire breed to keep their community safe.

Dangerous Dog Laws

Dangerous dog laws began with the notion of a two bite rule: the first bite identifies the potential risk of the dog and if unconfined the second bite mandates the destruction of the dog. Most current ordinances have not evolved beyond this notion.

There seems to be two rules of thought when it comes to the potential dangerous behavior of a dog: treating any aggressive action as a dangerous act or creating levels of dangerous behavior.

Multnomah County, Oregon, was one of the first counties in the United States to distinguish five levels of potentially dangerous dogs. (See a copy of this ordinance in the Appendixes of guide.) Although this method seems to provide for a greater fairness in dealing with potentially dangerous dogs, many communities believe that it is too complicated and find it easier to group a dog with an aggressive bark with that of a dog that bites, treating all actions the same under the law.

Enforcement

It should come as no surprise that the effectiveness of your animal control ordinance is only as good as your enforcement. In writing your code, you need to decide how much authority to give to your enforcement staff.

In most communities, animal control officers have limited police authority to enforce sections dealing with animals in the city/county/state statutes. Each community determines what access to

property will be permitted so that their officers can determine compliance with the code.

Civil vs. Criminal

Most animal control officers will tell you that it is more gratifying to have their citations handled criminally: if dog owners do not comply, they go to jail. However, as our criminal courts become overwhelmed, criminal judges may find animal cases clogging up courtrooms and may dismiss those cases they feel are unimportant. In the criminal court system, any fines likely go into the coffers of the courthouse.

Counties have begun using the civil process to cut down on the case load of the criminal courts. Under the civil process, revenues received from fines can go back into the communities "General Fund" to help pay for animal control services. The only down side of the civil process is collecting the fines.

In the criminal process, if the fine is not paid, the dog owner may end up in jail. In the civil process, you may be forced to hire a collection agency to go after outstanding fines. Collection agencies say that civil fines are difficult to collect, unlike something more tangible, such as unpaid merchandise. Recognizing this problem, I drafted a provision in the Salt Lake County Ordinance that names unpaid civil fines as a separate criminal offense. (The Salt Lake County Ordinance is also included in the Appendixes of this guide.)

Exotic & Wild Animals

We are an odd species; we have a need to domesticate every wild animal for our home enjoyment. In some parts of the country people are allowed to keep large exotic cats that were once only found in zoos. Many of these animals pose an

imminent threat to your community, should they escape. In drafting your animal control ordinance, you can prohibit or restrict the keeping of these animals.

If you allow pet shops to sell the smaller pocket-size exotic animals, consider requiring pet shops to provide literature for the proper care of these animals. Many pet shops are in the business of selling pets, and don't care if potential buyers know how to take care of that pet.

Some codes also prevent the selling of baby animals just prior to Easter or the artificial coloring of those animals. Experience tells us that parents often make impulse decisions to please a child and that the animal will eventually suffer as a result of that decision.

Feral Cat Management

We have witnessed successful feral cat management programs throughout the country, and every effort should be made to support and assist efforts to capture, spay/neuter, vaccinate, and release the cats back into the area of capture. This seems to be the most effective means in gaining long-term control of the feral cat population problem. Even with this knowledge, many communities insist on the complete removal of the feral cats.

People maintaining feral cat colonies usually run into problems when they attempt to manage a colony without permission of the property owner. I have witnessed many feral cat caretakers run afoul of their local park maintenance personnel for attempting to manage a colony of feral cats in a park. As a community, you have to face the problem of complaints from neighbors surrounding a feral cat colony area. You can gain some assistance in drafting friendly feral cat

laws by contact Alley Cat Allies at www.alleycat.org.

Licensing

Licensing serves several purposes: it provides identification for the animal, provides proof of rabies vaccination (in most areas), and is a source of revenue. Although license compliance is pretty dismal in most communities, identification on the animal is a great mechanism for returning an animal to its owner quickly. Most communities tie rabies vaccination into licensing programs so that the license is evidence of a current vaccination.

Although we hate calling licenses a tax, it is a user fee that helps offset the cost of providing animal control services. It seems only fair that pet owners pay their share in the costs of services necessary due to pet ownership. To cut down on administrative costs, many communities tie the license expiration date with that of the expiration of the rabies vaccination; so in the administration of a three-year vaccination, pets can be issued a license for that three-year period; thus reducing the mailing costs of renewal notices to every three years, rather than every year.

A licensing program can also encourage the sterilization of pets by making the cost of licenses for sterile pets greatly lower than the license for a fertile pet. Over the lifetime of a pet, show pet owners that the reduced license fees more than offset the cost of the sterilization surgery. Simply put, your ordinance should make every effort to encourage pet owners to sterilize their pets.

Livestock

Although your local zoning code will regulate the areas of your community that allow farm animals, the burden to mandate

the care of those animals falls into your ordinance. Some areas require registration of farm animals so that the owner can be easily found in the event the animal gets loose.

Nuisances

Animal-nuisance-related problems are the source of many neighborhood feuds and the reason for many calls to your city or county council. This is an area of your code that you'll want to spend some time in developing.

Noise

Whether it is a barking dog or a crowing rooster at 3 a.m., neighbors don't want to hear it. In defining your animal noise code, consider how you determine if a violation is occurring; whether it is determined by the number of complainants or the length of time that the noise is occurring or both. For example, if a dog barks once or twice in a 12-hour period and only one neighbor complains, is this a valid complaint?

Sanitation

Disposal of animal waste, whether it is on the owner's property or distributed during daily walks, is a major concern. Many communities require that pet owners carry a means to pick up after their pets while on walks; after all, if the pet owner doesn't carry a baggie, it is likely he never intended to pick up after his pet. Many communities require that animal waste is picked up daily from the owner's yard to prevent a problem with odor encroaching on the neighbor's nose.

Permits

The permit section of your code is where you determine if you wish to regulate pet shops, grooming establishments, and animal exhibitions or to make allowances for the operation of home or commercial

kennels. The permit process usually provides for an onsite inspection of the premises.

Sterilization of Pets

Faced with a serious pet overpopulation problem in most communities, ordinances usually levy additional fees for fertile pets running at large. Many times these additional fees or deposits go into a separate sterilization account to fund sterilization programs in the community. The notion is that if the pet owner who pays the deposit fails to spay or neuter his fertile pet, then that money is used to spay/neuter someone else's pet; either way, a community pet gets sterilized.

Appendix A: Sample Ordinance From Multnomah County

CHAPTER 13 ANIMAL CONTROL

Statutory reference:

Animal control; exotic animals; dealers, see ORS, Ch. 609; Predatory animals, see ORS, Ch. 610

§ 13.000* GENERAL PROVISIONS

§ 13.001 Title.

This chapter may be cited as the Animal Control Law. ('90 Code, § 8.10.005, 07/01/1998; Ord. 156, passed, 12/22/1977)

§ 13.002 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context requires a different meaning.

ANIMAL. Any nonhuman vertebrate.

ANIMAL AT LARGE. Any animal, excluding domestic cats, that is not physically restrained on owner's or keeper's premises including motorized vehicles in a manner that physically prevents the animal from leaving the premises or reaching any public areas; or, is not physically restrained when on public property, or any public area, by a leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a capable person.

AGGRESSIVELY BITES. Any dog bite that breaks the skin and is accompanied by an attack where the dog exhibits one or more of the following behaviors, but not limited to: snarling, baring teeth, chasing, growling, barking, snapping, pouncing, lunging, multiple attacks, multiple lunges, or multiple bites.

BOARD. The Multnomah Board of County Commissioners.

CHRONIC NOISE NUISANCE.

Demonstrated by the issuance of two or more notices of infractions or citations for violation of § 13.305(B)(5), and the receipt of multiple complaints from one or more households within a one-year period in close proximity to the animal's location.

CHRONIC SAFETY NUISANCE.

Demonstrated by the issuance of two or more notices of infractions or citations for any of the following:

- (1) Violation of § 13.401, relating to the same dog; or
- (2) Any dangerous animal that is not confined as required by law; or
- (3) Any other violation of this chapter based on animal behavior that causes a substantial risk to public safety.

DANGEROUS OR EXOTIC ANIMAL.

Any animal which is of a wild or predatory nature, and which because of its size, vicious nature or other characteristics would constitute an unreasonable danger to human life or property. A dangerous or exotic animal under this chapter shall include any of the following animals:

- (1) Any large felid from the genus *Panthera* including: lion, *P. leo*; tiger, *P. tigris*; jaguar, *P. onca*; leopard, *P. pardus*; and snow leopard, *Uncia uncia*; as well as the puma (cougar or mountain lion), *Puma concolor*; clouded leopard, *Neofelis nebulosa*; and cheetah, *Acinonyx jubatus*.
- (2) Any monkey, ape, gorilla, hybrid thereof, or other non-human primate;

- (3) Any wolf or canine except the species *Canis Familiaris* (domestic dog);
- (4) Any bear;
- (5) Any venomous or poisonous reptile;
- (6) Any reptile of the order Crocodylia (crocodiles, alligators and caimans), or any snake of the family Pythonidae or Boinae capable of obtaining eight feet or more in length.

- (2) The purposes of breeding, buying, selling, or bartering of dogs and/or cats or other animals commonly maintained as pets.

DANGEROUS DOG. Any dog found to have engaged in any of the behaviors specified in § 13.402.

DANGEROUS DOG FACILITY. Any site for the keeping of one or more dangerous dogs.

DIRECTOR. The director of the animal control division of the county, or the director's designee.

DOMESTIC ANIMAL. Any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild, or which may be vaccinated against rabies with an approved rabies vaccine and for which there is an established rabies quarantine observation period. Examples of domestic animals include dogs, cats, and livestock.

EUTHANASIA. Putting an animal to death in a humane manner.1998

FACILITY. A site excluding veterinary hospitals operated or used for any of the following:

- (1) Boarding, training, or similar purposes of dogs, cats, or other animals commonly maintained as pets for varying periods of time;

HARBORING OF A DANGEROUS OR EXOTIC ANIMAL. To knowingly allow the animal to remain, lodge, be fed, or to be given shelter or refuge within the person's home, store, yard, enclosure, vehicle or building, place of business, or any other premises in which the person resides or over which the person has control.

HEARINGS OFFICER. A person appointed by the Chair to hear appeals decisions of the director concerning violations of this chapter.

IMMEDIATE HEALTH HAZARD. Exists if at any given location there are conditions related to animal care that the director determines warrant immediate intervention; such conditions include, but are not limited to inadequate sanitation, untreated disease, or animals in numbers greater than the animal's owner or keeper can reasonably care for.

KEEPER. Any person or legal entity who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by that person for a period of time not less than 72 hours or someone who accepted the animal for the purpose of safe keeping.

LIVESTOCK. Animals, including but not limited to fowl, horses, mules, burros, asses, cattle, sheep, goats, llamas, emu, ostriches, swine, or other farm animals, excluding dogs and cats.

LIVESTOCK FACILITY. Any site for the keeping of livestock.

MINIMUM CARE. Has the meaning as provided in ORS 167.310(8).

MUZZLE. A device constructed of strong, soft material or a metal muzzle that is made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.

OWNER. Any person or legal entity having a possessory property right in the animal or any person who has been a keeper of an animal for more than 90 days.

PERMIT. For the purpose of § 13.305, shall include human conduct that is intentional, deliberate, careless, inadvertent, or negligent in relationship to an animal.

PERSON. Any natural person, association, partnership, firm, or corporation.

PET. A domestic or other animal allowed under this chapter to be kept as a companion.

PET LICENSE. A record issued by Animal Control which identifies an animal of licensable age and the owner.

PHYSICAL DEVICE OR STRUCTURE. A tether, trolley system, other physical control device or any structure made of material sufficiently strong to adequately and humanely confine the animal in a manner that would prevent it from escaping the premises.

PHYSICAL INJURY. Physical impairment or as evidenced by scrapes, cuts, punctures, bruises or physical pain.

POTENTIALLY DANGEROUS DOG. Any dog that has been found to have

engaged in any of the behaviors specified in § 13.401.

PUBLIC NUISANCE ANIMAL. An animal that has been determined by the director to be a chronic noise nuisance, or a chronic safety nuisance, or an animal that is subjected to an immediate health hazard.

SECURE ENCLOSURE. Shall be any of the following:

(1) A fully fenced pen, kennel or structure that shall remain locked with a padlock or combination lock. Such pen, kennel, or structure must have secure sides, minimum of five feet high, and the director may require a secure top attached to the sides, and a secure bottom or floor attached to the sides of the structure or the sides must be embedded in the ground no less than one foot. The structure must be in compliance with the jurisdiction's building code; or

(2) A house or garage. When dogs are kept inside a house or garage as a secure enclosure, the house or garage shall have latched doors kept in good repair to prevent the accidental escape of the dog. A house, garage, patio, porch, or any part of the house or condition of the structure is not a secure enclosure if the structure would allow the dog to exit the structure of its own volition; or

(3) For a dangerous dog, a fully fenced pen, kennel, or structure at least six feet in height, installed beneath the ground level or in concrete or pavement, or a fabricated structure to prevent digging under it. Either enclosure shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure and be equipped with a self-

closing and self-latching gate. A “Dangerous Dog” sign prescribed by the director must be posted at the entry to the owner’s or keeper’s premises.

SERIOUS PHYSICAL INJURY. Any physical injury which creates a substantial risk of death or which causes disfigurement, or protracted loss or impairment of health or of the function of any body part or organ.

SERVICE ANIMAL. Any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.

SERVICE ANIMAL shall also mean trained animals used by government agencies in police and rescue work.

SEXUALLY UNREPRODUCTIVE. Being incapable of reproduction and certified as such by a licensed veterinarian.

WOLF-HYBRID. Any animal which is either the result of cross breeding a pure-bred wolf and a dog or an existing wolf-hybrid with a dog.
(Ord. 918, passed, 08/06/1998; ‘90 Code, § 8.10.105, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 591, passed, 09/22/1988; Ord. 517, passed, 06/12/1986; Ord. 480, passed, 10/31/1985; Ord. 379, passed, 04/28/1983; Ord. 156, passed, 12/22/1977)

§ 13.003 Policy.

The Board recognizes that ORS Chapter 609 constitutes state law for the regulation of dogs but may be superseded in home rule counties which provide for regulation by ordinance. The Board finds that it is necessary to establish and implement a program for the licensing and regulation of dogs and other animals and facilities which house them; that animals require legal protection; that the property rights of owners or keepers and non-owners of animals should be protected and that the health, safety and welfare of the people residing in the county would best be served by adoption of such an ordinance. (Ord. 918, passed, 08/06/1998; ‘90 Code, § 8.10.020, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 156, passed, 12/22/1977)

§ 13.004 Spaying and Neutering Encouraged.

An amount as set by Board resolution from revenue generated by pet licensing shall be used for public education and low cost spay/neuter programs for the purpose of reducing the number of unwanted animals in the county.
(‘90 Code, § 8.10.260, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 384, passed, 06/23/1983; Ord. 156, passed, 12/22/1977)

§ 13.005 Other Laws Apply.

Except as expressly provided in this chapter, this chapter shall in no way be a substitute for or eliminate the necessity of conforming with any and all state and federal laws, rules and regulations, and other ordinances which are now or may be in the future in effect which relate to the requirements provided in this chapter.
(‘90 Code, § 8.10.240, 07/01/1998; Ord. 156, passed, 12/22/1977)

§ 13.100* PET LICENSING

§ 13.100 Dogs And Cats Subject To Pet Licensing.

(A) The provisions of this subchapter shall apply to dogs and cats not covered under a facility subject to licensure under §§ 13.150 through 13.153.

(B) Any animal declared by its owner or keeper to be a wolf-hybrid shall be considered a dog under this chapter and subject to all provisions relating to dogs under state law and this chapter with respect to the possession, ownership and licensing of the animal, including the requirement to vaccinate the animal against rabies.

(C) As a condition of the issuance of a license to a wolf-hybrid owner or keeper, and notwithstanding that person's obligation to vaccinate the animal against rabies under § 13.100(B), any such owner or keeper shall agree in writing to immediately release the animal for euthanization upon demand of the County Health Officer or the Director, if the animal has bitten a person or has been exposed to a rabid animal. This condition, consenting to release, shall be effective for the life of the wolf-hybrid or until such time as a rabies vaccine is approved and certified by the Oregon State Department of Agriculture for use in wolf-hybrids.

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.060, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 517, passed, 06/12/1986; Ord. 480, passed, 10/31/1985; Ord. 156, passed, 12/22/1977)

§ 13.101 License Required; Term.

(A) Dogs and cats shall be licensed within 30 days of obtaining the age of six months or within 30 days of obtaining residency in

the county or acquisition by the owner or keeper, whichever occurs later.

(B) Licenses shall be valid for one, two, or three years from date of issuance, at the option of the pet owner or keeper and, for dogs and cats, shall require a current rabies inoculation for licensing period selected and shall be issued upon payment of the fee required by § 13.512.

(C) Licenses issued under prior existing county ordinances shall remain valid until expiration.

(D) The person who licenses an animal becomes the owner or keeper of record and is responsible for the action or behavior of his or her animal, including the responsibilities of owners provided in § 13.305.

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.070, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 480, passed, 10/31/1985; Ord. 156, passed, 12/22/1977)

§ 13.102 License Regulations.

(A) Pet license tags shall be securely displayed upon animals at all times, except when the animal is confined to the owner's or keeper's premises or displayed in an exhibition. A pet license tag, with pet license number, shall be issued by the director. Any additional expenses are to be borne by the pet owner or keeper.

(B) A pet license is not transferable to another animal. The pet license number shall be assigned to the animal and shall remain with the animal upon transfer to another owner or keeper for the life of the animal.

(C) An animal displaying a current license from jurisdictions outside the county, but within the state, shall not require licensing under this chapter until expiration of the current license.

(D) Animal control may inspect the premises where animals are kept to insure that owners or keepers are providing minimum care and facilities.

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.080, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 480, passed, 10/31/1985; Ord. 195, passed, 04/26/1979; Ord. 156, passed, 12/22/1977)

§ 13.103 Waiver Of Fees.

(A) License fees shall be waived for any dog used primarily as a service animal upon the owner or keeper establishing the service animal’s function as an assistance animal under the Americans with Disabilities Act, 42 USC 12101 et seq.

(B) License fees for dogs and cats owned by persons aged 65 or older and persons deemed by the director to be under financial hardship may be reduced by up to 50% for up to two animals per household.

(C) License fees shall be waived for any dog used as a service animal by any local, state, or federal government agency. This exemption shall expire when the dog is no longer used primarily as a service animal. (Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.090, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 684, passed, 06/02/1991; Ord. 480, passed, 10/31/1985; Ord. 156, passed, 12/22/1977)

§ 13.150* FACILITIES LICENSING

§ 13.150 Application; Standards.

A facility license or dangerous dog facility license shall be granted in accordance with procedures, standards and limitations provided in this subchapter, and no such facility may lawfully be operated except upon application and payment of prescribed fees for the license.

(Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.100, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 480, passed, 10/31/1985; Ord. 156, passed, 12/22/1977)

§ 13.151 Licensing Procedure.

(A) Application for a facility license or dangerous dog facility license shall be made upon forms furnished by the director, shall include all information required therein and shall be accompanied by payment of the required fee.

(B) A facility license or dangerous dog facility license shall be valid for one year from the date of issuance, unless revoked.

(C) The director shall inspect any facility for which a license is sought and, upon determination that the facility and its operation complies with all applicable provisions of this chapter and other applicable local, state, and federal laws, shall issue a license which may include one or more conditions of approval and/or operation.

(D) If the director fails to approve or deny a fully completed application within 60 days of its receipt and payment of fees, the application shall be considered approved for the current year, subject only to revocation as provided in § 13.152.

(E) A license shall be conspicuously displayed on the facility premises and a holder of a license shall keep available for inspection by the director a record of the name, address, and telephone number of the owner or keeper of each animal kept at the facility, the date each animal was received, the purpose thereof, the name and address of the person from whom the animal was purchased or received, a description of each animal including species, age, breed, sex, and color and the animal's veterinarian, if known, at the discretion of the director. For small animals such as fish, gerbils, hamsters, or similar kinds of animals acquired in lots, an individual record should not be required for each animal, but the holders shall keep adequate invoice records of the lot acquisition.

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.110, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 480, passed, 10/31/1985; Ord. 156, passed, 12/22/1977)

§ 13.152 Denial And Revocation Of License.

(A) A license required by this subchapter may be denied or revoked for any of the following reasons:

(1) Failure to comply with any provision of this chapter;

(2) Conviction of the owner or keeper or any person subject to the owner's or keeper's direction or control for the violation of any provision of this chapter or other applicable state or federal law, rule, order or regulation pertaining to any activity relating to animals; or

(3) Furnishing false information on an application for a license under this chapter.

(B) The director shall refund 75% of any fee paid upon denial of a license, provided, however, no refund shall be made upon revocation.

(C) If the director denies an application for a license or approves subject to conditions, the determination is final unless the applicant appeals the denial or conditional approval.

(D) The director shall investigate any complaint concerning licensed facilities and, upon determination that a license should be revoked, shall serve written notice upon the licensee of that determination by certified mail. The director's determination shall become final unless appealed.

(E) Failure to file a request within 20 days shall terminate any appeal right, and the director's decision revoking the license shall not be reviewable otherwise.

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.120, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 156, passed, 12/22/1977)

§ 13.153 Standards For Licensed Facilities.

(A) The director shall not issue a facility license or dangerous dog facility license until a site inspection demonstrates compliance with the standards applicable to the nature and species of any animal to be kept as set forth in this section.

(B)(1) Housing structures shall be sound and maintained in good repair to protect animals from injury, safely confine any

animal housed therein and prevent entry of other animals.

(2) Reliable and adequate electrical service and a potable water supply shall serve the facility.

(3) Storage of food supplies and bedding materials shall be designed to prevent vermin infestation.

(4) Refrigeration shall be furnished for perishable foods.

(5) Safe and sanitary disposal facilities shall be available to eliminate animal and food wastes, bedding, dead animals and debris and to minimize vermin infestation, odors, and disease hazards.

(6) Cleaning facilities shall be available to animal caretakers and handlers.

(7) Interior ambient temperature shall be maintained above 50 degrees Fahrenheit for animals not acclimatized to lower temperatures.

(8) Adequate ventilation shall be maintained to assure animal comfort by such means as will provide sufficient fresh air and minimize drafts, odors, and moisture condensation. Mechanical ventilation must be available when ambient temperatures exceed 85 degrees Fahrenheit, if appropriate.

(9) Interior areas shall have adequate natural or artificial lighting provided, however, that primary enclosures for animals shall be protected from excessive illumination.

(10) Interior building surfaces shall be so constructed and maintained to permit

sanitizing and prevent moisture penetration.

(11) Drainage facilities shall be available to assure rapid elimination of excess water from indoor housing facilities. The design shall assure obstruction-free flow and traps to prevent sewage back-flow.

(12) Outdoor facilities shall provide protective shading and adequate shelter areas designed to minimize harmful exposure to weather conditions for those animals not acclimatized to the environment, if appropriate for the species.

(13) The primary enclosure shall be of sufficient size to permit each animal housed therein to stand freely, sit, turn about and lie in a comfortable normal position as appropriate for the species. An exercise area or means to provide each animal with exercise shall be provided on the premises.

(14) When restraining devices are used in connection with a primary enclosure intended to permit movement outside the enclosure, the devices shall be installed in a manner to prevent entanglement with devices of other animals or objects and shall be fitted to the animal by a harness or well-fitted collar, other than a choke type collar, and shall be of reasonable length.

(15) Animals shall be fed as often as necessary a diet of nutritionally adequate and uncontaminated foods.

(16) Potable water shall be continuously available, unless otherwise recommended by a veterinarian in a particular situation.

(17) Cages, rooms, hard-surfaced pens, runs and food and watering receptacles shall be sanitized daily to prevent disease.

Prior to housing animals in empty enclosures, the enclosures shall be sanitized. Animals shall be removed from the enclosure during the cleaning process and adequate care shall be taken to protect animals in other enclosures.

(18) Excrement shall be removed from primary enclosures a minimum of every 24 hours, or more often if necessary as to prevent contamination, reduce disease hazards, and minimize odors.

(19) Animals housed together in primary enclosures shall be maintained in compatible groups with the following restrictions, except in a residential dwelling or otherwise appropriate for the species:

(a) Females in season (estrus) shall not be placed with males except for breeding purposes;

(b) Animals exhibiting vicious behavior shall be housed separately;

(c) Animals six months or less of age shall not be housed with adult animals other than with their mothers, as appropriate for the species;

(d) Animals shall not be housed with other non-compatible species of animals; and

(e) Animals under quarantine or treatment for any communicable disease shall be separated from other animals.

(20) Programs of disease control and prevention shall be established and maintained.

(21) Each animal shall be seen at least once per 24-hour period by an animal caretaker.

(22) The owner or keeper shall comply with the provisions of § 13.305(B)(6) and(B)(8).

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.130, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 156, passed, 12/22/1977)

§ 13.154 Exotic Or Dangerous Animal Facility.

(A) It is unlawful to harbor and/or own an exotic or dangerous animal.

(B) The following facilities, institutions, persons, entities, associations and government agencies are exempt from compliance with § 13.154(A):

(1) Any facility accredited by the Association of Zoos and Aquariums (AZA);

(2) Any licensed or accredited research or medical institution, including any such institution dedicated to the training of exotic primates for service animals;

(3) Licensed or accredited educational institutions;

(4) Veterinary clinics in possession of exotic animals for treatment or rehabilitation purposes;

(5) Traveling circuses or carnivals;

(6) Persons temporarily transporting exotic animals through the county provided that the transit time shall not be more than three days;

(7) Any person or facility licensed as an exhibitor or breeder by the United States

Department of Agriculture (USDA) under the Animal Welfare Act;

(8) Persons owning or keeping a trained exotic primate as a service animal and who have submitted a sworn affidavit affirming the need for the service animal in their personal dwelling.

(C) Any person, not otherwise exempted, in possession of an exotic animal and a current exotic animal facility license prior to and upon August 6, 1998, shall be eligible to request an exemption permit from compliance with § 13.305(B)(13) by submitting a written petition to the director. The petition must address each of the following elements:

(1) What, if any, financial hardship will be caused by the removal of the animal;

(2) Description of the animal including species, age, size, weight, coloring;

(3) History of compliance with all exotic and dangerous animal facility regulations under any applicable federal or state law.

(D) The director shall evaluate whether any petition submitted under subsection (E) herein merits the exotic animal to be maintained at the facility for the duration of the animal's life. Said determination shall be based on comparison of the risk to public health and safety by the specified animal remaining in the facility and petitioner's response to the three factors addressed in the petition.

(E) Any exemption permit issued under this section shall only be available to the original permit holder and shall be non-assignable and nontransferable. An exemption permit shall be subject to annual renewal and routine periodic

inspection of the facility. Inspection of the facility wherein the animal is kept shall be for the purposes of evaluating the adequacy of the facility to protect the public from the animal as well as for the care and treatment of the animal. The exemption permit shall:

(1) Terminate upon death of the animal;

(2) Terminate upon the death of the petitioner;

(3) Terminate upon the relocation of the petitioner or the animal to an address or site outside of the boundaries of the county.

(4) Shall be subject to revocation and the animal shall be subject to immediate impoundment upon any notice of infraction being issued to the permit holder;

(5) Provide that upon termination of the permit for any reason, and if the animal has not been otherwise disposed of at such time, that the permit holder, or his or her heirs or successors in interest shall either:

(a) Immediately release the animal to impound by the Animal Control Division; or

(b) Immediately transfer the animal to lawfully exempted agency as provided in subsection (D) herein that has agreed in writing to accept the animal, proof of which shall be provided to the Animal Control Division prior to the transfer.

(F) Any dangerous or exotic animal found in the county in violation of this section and not otherwise exempt under § 13.154(B) or(C) shall be subject to immediate impoundment by Animal

Control and disposition through any lawful and humane means available to Animal Control.

Penalty, see § 13.999
(Ord. 918, passed, 08/06/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996)

§ 13.300* CARE AND TREATMENT OF ANIMALS

§ 13.300 Confining In Motor Vehicles Prohibited.

(A) No animal shall be confined within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including but not limited to dangerous temperature, lack of food, water or attention or confinement with a dangerous animal.

(B) No person shall carry an animal:

(1) Upon the hood, fender, running board or other external part of any moving automobile or truck; or

(2) Within the open bed of any moving pickup, flat-bed or similar vehicle, unless the dog is cross-tethered or protected by framework, carrier, or other device sufficient to keep it from falling from the vehicle.

(C) Any animal control or peace officer is authorized to remove any animal from a motor vehicle at any location when the officer reasonably believes it is confined in violation of division (A) of this section. Any animal so removed shall be delivered to the animal control Shelter after the removing officer leaves written notice of the removal and delivery, including the officer's name, in a conspicuous, secure

location on or within the vehicle. Such additional notice as may be required by § 13.505(D) shall be given upon impoundment of the removed animal.

(D) No animal control or peace officer shall be held criminally or civilly liable for action under this section, provided the officer acts lawfully, in good faith, on probable cause and without malice.

Penalty, see § 13.999
(' 90 Code, § 8.10.150, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 156, passed, 12/22/1977)

§ 13.301 Transfer Or Abandonment In Public Places Prohibited.

(A) It is unlawful for any person to abandon or transfer to another by gift, sale, or exchange for any consideration, any animal in or upon any sidewalk, street, alley, lane, public right-of-way, park or other public property.

(B) This section does not prohibit transfer of animals under the following circumstances:

(1) When the animal transferred is live-stock, as defined in § 13.002, and one of the parties to the transfer is a person who engages in the business of buying or selling livestock for profit;

(2) When the transfer takes place pursuant to a sale conducted by a public body or a public officer;

(3) When one of the parties to the transfer is a member of an animal welfare organization and is acting on behalf of the animal welfare organization; or

(4) When the transfer takes place at an animal show or exhibition conducted by or

for persons who regularly engage in the practice of breeding animals for show or exhibition.

(C) **ANIMAL WELFARE ORGANIZATION**, for purposes of this section, means an organization which regularly engages in the practice of acquiring or transferring animals for the purposes of animal welfare, which includes protecting or caring for animals, returning animals to their natural habitat, or placing animals for adoption.

Penalty, see § 13.999 ('90 Code, § 8.10.155, 07/01/1998; Ord. 379, passed, 04/28/1983; Ord. 156, passed, 12/22/1977)

§ 13.302 Lost Animals; Duties Of Finders.

(A) Any person who finds and harbors an animal without knowing the animal owner's or keeper's identity shall notify the director and furnish a description of the animal within five days after the date of finding the animal.

(B) The finder may surrender the animal to the director or retain its possession, subject to surrender upon demand of the director.

(C) Records of reported findings shall be retained for six months by the director and made available for public inspection.

(D) If the finder chooses to retain possession of the animal, the finder shall, within 15 days, cause to be published in a newspaper of general circulation in the county a notice of the finding once each week for two consecutive weeks. Each such notice shall state the description of the animal, the location where the animal was found, the name and address of the finder, and the final date before which

such animal may be claimed. If the finder does not wish to have his or her name and address appear in the notice, the finder may obtain a case number from the County Animal Control and have that number published in the newspaper along with the phone number for Animal Control for contact.

(E) If no person appears and claims ownership of the animal prior to the expiration of 180 days after the date of the notice to the director under division (A) of this section, the finder shall be declared the owner of the animal. Any person becoming owner of any animal under the provisions of this division shall assume the responsibilities of an owner under this chapter.

(F) If within 180 days of the finder's notice to the director the animal's owner does appear and establish ownership of the animal, the finder shall surrender possession of the animal to that owner. The owner must first pay the finder for all of the finder's reasonable actual costs incurred for giving of notice, providing urgent veterinary care and keeping of the animal.

(G) Any dispute as to ownership or right to possession of the animal, or as to the amount of the finder's costs, shall be submitted to the director in writing, who shall decide the matter in writing within 30 days. Any party aggrieved by the director's decision may appeal the decision under §§ 13.508 through 13.511.

(H) Notwithstanding any other provision in this section, any person who prior to December 31, 1995, found and harbored any dog or cat and who notified the director and furnished a description of the animal shall be the animal's owner if, prior to the expiration of 180 days after the

director was notified, no person appeared and claimed ownership of the animal. Any person becoming owner of any animal under the provisions of this subsection shall assume the responsibilities of an owner under this chapter.

(Ord. 918, passed, 08/06/1998; ‘90 Code, § 8.10.160, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 379, passed, 04/28/1983; Ord. 156, passed, 12/22/1977)

§ 13.303 Animal Wastes; Duty To Remove.

Any person in physical possession or control of any animal off the premises of the animal’s owner or keeper shall immediately remove excrement or other solid waste deposited by the animal in any public area. This section shall not apply to any “Assistance Animal” as defined under ORS 346.680.

Penalty, see § 13.999
(Ord. 1003, Amended, 12/19/2002; Ord. 918, passed, 08/06/1998; ‘90 Code, § 8.10.170, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 156, passed, 12/22/1977)

§ 13.304 Poisonous Food Prohibited.

No person shall knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to animals, except as provided by law for nuisance, vector, or predator control.

Penalty, see § 13.999
(‘90 Code, § 8.10.180, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 156, passed, 12/22/1977)

§ 13.305 Duties Of Owners.

(A) For the purposes of this section, unless otherwise limited, the owner is ultimately responsible for the behavior of the animal regardless of whether the owner or another member of the owner’s household or a household visitor permitted the animal to engage in the behavior that is the subject of the violation.

(B) It is unlawful for any person to commit any of the following:

- (1) Permit an animal to be an animal at large;
- (2) Permit an animal to trespass upon property of another;
- (3) Fail to comply with requirements of this chapter that apply to the keeping of an animal or dangerous animal or any facility where such animals are kept;
- (4) Permit a dog in season (estrus) to be accessible to a male dog not in the person’s ownership except for intentional breeding purposes;
- (5) Permit any animal unreasonably to cause annoyance, alarm, or noise disturbance to any person or neighborhood by barking, whining, screeching, howling, braying, or other like sounds which may be heard beyond the boundary of the owner’s or keeper’s property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. It shall be an affirmative defense under this subsection that the animal was intentionally provoked by a party other than the owner to make such noise.

Provided, 13.305(B)(5) shall not be applicable to any lawful livestock owner or keeper; kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land use and zoning laws and regulations;

(6) Leave an animal unattended for more than 24 consecutive hours without minimum care;

(7) Deprive an animal of proper facilities or care, including but not limited to the items prescribed in § 13.153. Proper shelter must provide protection from the weather and is maintained in a condition to protect the animals from injury;

(8) Physically mistreat any animal either by abuse or neglect or failure to furnish minimum care;

(9) Permit any animal to leave the confines of any officially prescribed quarantine area;

(10) Permit any dog to engage in any of the behaviors described in § 13.401(A) or (B);

(11) Permit any dog to engage in any of the behaviors described in § 13.401(C) through (D); or Permit any dog to engage in the behavior described in § 13.402.

(13) Harbor a dangerous or exotic animal that is not otherwise exempted under § 13.154. Provided, any person who owns or is keeping a dangerous or exotic animal on the effective date of this chapter in that person's jurisdiction shall have 180 days from the effective date to provide for the animal's removal from the county or other lawful disposition.

(14) Except as provided under MCC 13.300(B)(2), permit any dog to be tethered for more than 10 hours in a 24-hour period.

(15) Notwithstanding MCC 13.305 (B)(14), permit any dog to be tethered in a manner or method that allows the animal to become entangled for a period of time detrimental to the animal's well being.

(C) For the purpose of this section, OWNER shall mean either owner or keeper as defined in this chapter.

(D) Notwithstanding § 13.305(B)(10),(11) and (12), any dog that has been found to have engaged in behaviors as described at §§ 13.401 and 13.402 shall be classified, regardless of whether it is established by preponderance of the evidence that the dog owner, keeper, or other person permitted the dog to engage in the behavior. If in any such case it is not established by a preponderance of the evidence that the person cited permitted the dog to engage in the behavior, no fine shall be imposed against that person, but the dog owner or keeper shall be subject to all other restrictions and conditions lawfully imposed by the director or a hearings officer pursuant to § 13.404(B) and § 13.509(H) respectively and;

(1) In any case, wherein the citing officer or the director based upon his or her investigation and review of such case, determines there is insufficient evidence to establish the responsible party permitted the dog to engage in the violative behavior, may in lieu of issuing a notice of infraction for violation of § 13.305 (B)(10),(11) and (12) issue a notice of infraction citing this division and the specific division of § 13.401 or 13.402

directly applicable to the dog's alleged behavior.

(2) Any notice of infraction issued pursuant to § 13.305(D)(1) shall not be subject to the imposition of a fine against the person cited, upon issuance or affirmation but that person shall be subject to all other restrictions and conditions lawfully imposed by the director or a hearings officer pursuant to § 13.404(B) and § 13.509(H) respectively.

Penalty, see § 13.999
(Ord. 986, Amended, 06/27/2002; Ord. 918, passed, 08/06/1998; ' 90 Code, § 8.10.190, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 517, passed, 06/12/1986; Ord. 156, passed, 12/22/1977)

§ 13.306 Violations; Notice Of Infraction.

(A) The failure to comply with any conditions or restrictions lawfully imposed pursuant to a notice of infraction or director's decision not otherwise stayed under § 13.510 is a violation of this chapter. Failure to pay the civil fine shall be an infraction under this section. A notice of infraction issued under this section for failure to comply shall be of the same classification as the original infraction. The first notice of infraction issued under this section shall not be construed as a second offense under § 13.999.

(B) Except as provided in division (C) of this section, all enforcement actions under this section shall be brought before a hearings officer.

(C) Any enforcement action for a Class A infraction failure to comply wherein the

circumstances of the failure to comply by the party in violation are determined by the director to:

(1) Be a substantial risk to public safety;

(2) Be a substantial risk to the care and treatment of the subject animal(s); or

(3) Be a failure to pay past-due fines on three or more infractions within a 12-month period shall be brought in the state court as provided under ORS 203.810 and ORS 30.315.

(D) Notwithstanding division (A) of this section, a notice of failure to comply issued under this section that is based solely on the failure to pay the annual classified dog fee under § 13.404 shall be a Class C infraction.

(E) In addition to any other remedies allowed by law, judgment may be entered under this section in state court against any person issued a citation under division (C) of this section by reason of that person failing to appear at the time and date set for arraignment or other required appearance provided that such judgment shall only be allowed if the notice of infraction served on the person contains a statement notifying the person that a monetary judgment may be entered against the person up to the maximum amount of fines, assessments, and other costs allowed by law for the infraction if the person fails to appear at the time, date and court specified in the notice of infraction or subsequent hearing notice from the court.

Penalty, see § 13.999
(Ord. 918, passed, 08/06/1998; ' 90 Code, § 8.10.191, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996;

Ord. 773, passed, 07/22/1993; Ord. 732, passed, 09/03/1992)

§ 13.307 Nuisance Animals; Order To Abate.

(A) Whenever a public nuisance animal, as determined by the director under this chapter is found on any premises within the jurisdiction of the county, a written order may be given to the owner or keeper of the animal(s), or to the owner, occupant, person in possession, person in charge, or person in control of the premises where the animal(s) is (are) located, or a written order may be posted at such premises when none of the above people can be found at the premises. Such order shall be signed by the director and shall give the person or persons to whom it is directed no less than 72 hours (three days) nor more than 120 hours (five days) to remove and abate the nuisance.

(B) If, after the time given to comply with the notice has passed, the nuisance has not been abated, the director may summarily abate the nuisance by ordering impoundment of the animal(s) and assess the cost of such abatement against the owner or keeper of the animal(s), or the owner, occupant, person in possession, person in charge, or person in control of the premises where the animal(s) is (are) located, to be collected by suit or otherwise, in addition to the penalties for the violation thereof.

(C) It shall be unlawful to fail to comply with an order to abate a nuisance issued as provided in division (A) of this section and shall be construed as a class A infraction.

(D)(1) Any party served a written order to abate a nuisance as provided in division (A) of this section, may appeal the order as provided under § 13.508. The appeal

under this section may be consolidated with any underlying infraction still pending and eligible for appeal under this chapter. Provided, any challenge to an enforcement action brought under division (C) of this section, including issues relating to the validity of the order to abate the nuisance, shall be joined in one state court proceeding, and there shall be no further administrative review or appeal except as directed by the court.

(2) Any animal impounded pursuant to the order to abate shall not be released until such time as the director, hearings officer, or court of competent jurisdiction orders such release.

(E)(1) Any enforcement action first brought under § 13.306(C) shall bar any enforcement action brought under this section in relation to the same event or series of events subject to regulation and enforcement under this chapter.

(2) Notwithstanding § 13.306(C), any enforcement action first brought under this section shall bar any enforcement action brought under § 13.306(C) in relation to the same event or series of events subject to regulation and enforcement under this chapter.

(Ord. 918, passed, 08/06/1998; ‘90 Code, § 8.10.192, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996)

§ 13.308 Keeping Livestock.

(A) Owners or keepers of livestock shall post at an entrance to property containing livestock a sign to be furnished by the director which shall display a number assigned by the director.

(B) The sign shall be posted so that it can be read from the nearest public property.

(C) An owner or keeper whose livestock are in violation of this chapter or any other statute pertaining to livestock shall reimburse the county for any expenses incurred for investigation of the violation if reimbursement is not otherwise provided for in § 13.512 or other applicable statutes. Reimbursement claims shall be a debt due the county and enforceable as such at law.

Penalty, see § 13.999

(‘ 90 Code, § 8.10.210, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 156, passed, 12/22/1977)

§ 13.309 Gamecocks.

It is unlawful for any person in the county to:

(A) Harbor, keep, possess, breed or deal in gamecocks; or

(B) Knowingly and intentionally, whether for amusement of self or others, or for financial gain, cause any animal to fight or injure any other animal, cause it to be fought or injured by any other animal or to train or keep for the purpose of training any animal with the intent that the animal shall be exhibited combatively with any other animal. Anyone who permits such conduct on premises under that person’s control, and any person present as a spectator at that exhibition, shall be considered a violator of this division and subject to punishment upon conviction.

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; Ord. 909, passed, 06/25/1998)

§ 13.400* DANGEROUS DOGS

§ 13.400 Purpose.

The purpose of this subchapter is to establish a procedure for dogs that pose a reasonably significant threat of causing

serious injury to humans, other animals or property are identified and subjected to precautionary restrictions before any such serious injury has occurred.

(‘ 90 Code, § 8.10.265, 07/01/1998; Ord. 517, passed, 06/12/1986)

§ 13.401 Levels Of Dangerousness.

Classification of a dog as potentially dangerous shall be based upon specific behaviors exhibited by the dog. For purposes of this subchapter, behaviors establishing various levels of potentially dangerous dogs are the following:

(A) Level 1 behavior is established if a dog at large is found to menace, chase, display threatening or aggressive behavior, or otherwise threaten or endanger the safety of any person.

(B) Level 2 behavior is established if a dog, while at large, causes physical injury to any domestic animal.

(C) Level 3 behavior is established if a dog, while confined so as not to be at large, as defined in § 13.002, aggressively bites any person.

(D) Level 4 behavior is established if:

(1) A dog, while at large:

(a) Aggressively bites any person; or

(b) Kills or causes the death of any domestic animal or livestock; or

(2) A dog classified as a Level 3 potentially dangerous dog that repeats the behavior in division (C) of this section after the owner or keeper receives notice of the Level 3 classification.

(E) Notwithstanding divisions (A) through (D) of this section, the director shall have discretionary authority to refrain from classifying a dog as potentially dangerous, even if the dog has engaged in the behaviors specified in divisions (A) through (E) of this section, if the director determines that the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other similar mitigating or extenuating circumstances.

(Ord. 918, passed, 08/06/1998; ‘90 Code, § 8.10.270, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 591, passed, 09/22/1988; Ord. 517, passed, 06/12/1986)

§ 13.402 Classification.

(A) Classification of a dog as a dangerous dog shall be based upon the dog engaging in any of the following behaviors:

(1) A dog, whether or not confined, causes the serious physical injury or death of any person; or

(2) A dog is used as a weapon in the commission of a crime.

(B) Notwithstanding division (A) of this section, the director or hearings officer shall have discretionary authority to refrain from classifying a dog as a dangerous dog, even if the dog has engaged in the behaviors specified in division (A) of this section, if the director or hearings officer determines that the behavior was the result of the victim abusing or tormenting the dog or was directed towards a trespasser or other extenuating circumstances that establishes that the dog does not constitute an unreasonable risk to human life or property.

(C) If a dog is classified under this section as a dangerous dog and the owner requests to keep the dog, the director shall have discretion to order the dog not be euthanized provided the dog is placed in a certified dangerous animal facility as defined under this chapter.

(D) The director in making a determination under division (C) of this section may consider any relevant evidence that addresses one or more of the following factors:

(1) Whether the dog constitutes an unreasonable risk to human life or property if housed in a dangerous dog facility;

(2) Whether the dog has successfully completed the certified American Temperament Testing Society or Pet Partners as deemed appropriate; or

(3) The reasonable likelihood of no repeated behavior by the animal in violation of this chapter.

(Ord. 918, passed, 08/06/1998; ‘90 Code, § 8.10.271, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996)

§ 13.403 Potentially Dangerous Dogs; Appeals; Restrictions Pending Appeal.

(A) The director shall have authority to determine whether any dog has engaged in the behaviors specified in §§ 13.401 or 13.402. This determination may be based upon an investigation that includes observation of and testimony about the dog’s behavior, including the dog’s upbringing and the owner’s or keeper’s control of the dog, and other relevant evidence as determined by the director. These observations and testimony can be provided by the County Animal Control Officers or by other witnesses who

personally observed the behavior. They shall sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog's behavior if necessary.

(B) The director shall have the discretion to increase or decrease a classified dog's restrictions based upon relevant circumstances.

(C) The director shall give the dog's owner or keeper written notice by certified mail or personal service of the dog's specified behavior, of the dog's classification as a potentially dangerous dog or dangerous animal, of the fine imposed, and of the restrictions applicable to that dog by reason of its classification. If the owner or keeper denies that the behavior in question occurred, the owner or keeper may appeal the director's decision to the hearings officer by filing a written request for a hearing with the director as provided under § 13.508.

(D) Upon receipt of notice of the dog's classification as a Level 1, 2, 3, or 4 potentially dangerous dog or dangerous animal pursuant to division (C) of this section, the owner or keeper shall comply with the restrictions specified in the notice unless reversed on appeal. Failure to comply with the specified restrictions shall be a violation of this chapter for which a fine can be imposed. Additionally, the director shall have authority to impound the dog pending completion of all appeals.

(E) If the director's decision or the hearings officer's decision finds that a dog has engaged in dangerous animal behavior, the dog shall be impounded pending the completion of a dangerous animal facility application or any appeals.

(F) Any dog classified as a Level 4, that is found to have repeated Level 4 behavior as defined under this code, shall be impounded pursuant to § 13.307 if not already impounded. The dog shall not be released to the owner or be made available for adoption until either potential recipient of the dog has established arrangements for accommodating the animal consistent with all the security and safety requirements ordered by the director or the hearings officer.

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.275, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 591, passed, 09/22/1988; Ord. 550, passed, 03/28/1987; Ord. 517, passed, 06/12/1986)

§ 13.404 Regulation Of Potentially Dangerous Dogs.

In addition to the other requirements of this chapter, the owner or keeper of a potentially dangerous dog shall comply with the following conditions:

(A) Dogs classified as Level 1 dogs shall be restrained, so as not to be at large, as defined in § 13.002, by a physical device or structure, in a manner that prevents the dog from reaching any public sidewalk, or adjoining property and must be located so as not to interfere with the public's legal access to the owner's or keeper's premises, whenever that dog is outside the owner's or keeper's home and not on a leash.

(B) Dogs classified as Level 2 dogs shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's or keeper's premises. In addition, the director may require the owner or keeper to obtain and maintain

proof of public liability insurance. In addition, the owner or keeper may be required to complete a responsible pet ownership program as prescribed by the director or a hearings officer.

(C) Dogs classified as Level 3 or Level 4 dogs shall be confined within a secure enclosure whenever the dog is not on a leash. The secure enclosure must be located so as not to interfere with the public's legal access to the owner's or keeper's premises, and the owner or keeper shall post warning signs, which are provided by the director, on the premises where the dog is kept, in conformance with rules to be adopted by the director. In addition, the director may require the owner or keeper to obtain and maintain proof of public liability insurance. The owner or keeper shall not permit the dog to be off the owner's or keeper's premises unless the dog is muzzled and restrained by an adequate leash and under the control of a capable person. In addition, the director may require the owner or keeper to satisfactorily complete a pet ownership program.

(D) Dogs classified as a dangerous animal as described in § 13.402 shall be euthanized or placed in a dangerous animal facility as determined by the director or hearings officer. A dog classified as a dangerous animal shall be confined within a secure enclosure with a double security gate and shall meet the requirements in division (C) of this section. In addition, the director or hearings officer may suspend, for a period of time specified by the director or hearings officer, that dog owner's or keeper's right to be the owner or keeper of any dog in the county, including dogs currently owned by that person.

(E) All dogs classified as dangerous animals, and determined by the director or hearings officer to be euthanized, shall be euthanized at any time not less than 20 days after the date of classification. Notification to the director of any appeal to the hearings officer as provided for in § 13.508(A), or to any court of competent jurisdiction, shall delay destruction of the dog until a date not less than 15 days after a final decision by the hearings officer or final judgment by the court.

(F) To insure correct identification, all dogs that have been classified as potentially dangerous or dangerous animals shall be marked with a permanent identifying mark, micro-chipped, photographed, and may be fitted with a special tag or collar determined by the director at the owner's expense. The director shall adopt rules specifying the type of required identification.

(G) In addition to the normal licensing fees established by § 13.512, there shall be an annual fee in an amount set by Board resolution for dogs at each classification level. This additional fee shall be imposed at the time of classification of the potentially dangerous dog and shall be payable within 30 days of notification by the director. Annual payment of this additional fee shall be due and payable upon the anniversary date of the classification.

(H) The owner or keeper of a potentially dangerous dog or dogs classified as dangerous animals shall not permit the warning sign to be removed from the secure enclosure, and shall not permit the special tag or collar to be removed from the classified dog. The owner or keeper of a potentially dangerous dog or dogs classified as dangerous animals shall not permit the dog to be moved to a new

address or change owners or keepers without providing the director with ten days' prior written notification.

Penalty, see § 13.999 (Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.280, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 823, passed, 06/29/1995; Ord. 773, passed, 07/22/1993; Ord. 732, passed, 09/03/1992; Ord. 591, passed, 09/22/1988; Ord. 517, passed, 06/12/1986)

§ 13.405 Declassification Of Dangerous Dogs.

A declassification fee in an amount to be set by Board resolution will be assessed when the classification period begins. Declassification will be automatic pursuant to this section.

(A) The following conditions must be met:

- (1) Level 1 or Level 2 dogs have been classified for one year without further incident, and two years for Level 3 and Level 4 dogs; and
- (2) There have been no violations of the specified regulations; and
- (3) Any other condition ordered by the director or hearings officer at the time of classification.
 - (a) The owner or keeper provides the director with written certification of satisfactory completion of obedience training for the dog classified, with the owner or keeper.
 - (b) In addition, the director may require the dog owner or keeper to provide written verification that the classified dog has been spayed or neutered.

(B) When the owner or keeper of a potentially dangerous dog meets all of the conditions in this division, the restrictions for Level 1 and Level 2 classified dogs may be removed. Restrictions for Level 3 and Level 4 dogs, and dogs classified as dangerous animals may be removed, with the exception of the secure enclosure.

Penalty, see § 13.999 (Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.285, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 517, passed, 06/12/1986)

§ 13.406 Other Restrictions; Authority To Impose.

(A) The director or hearings officer shall have authority to determine whether any infraction of this chapter warrants other restrictions and conditions be imposed on the party in violation as provided in § 13.999, in addition to the civil fine.

(B) This determination may be based upon an investigation that includes observation of and testimony about the circumstances and the nature of the infraction, including the animal's behavior, the owner's control of the animal, the care and treatment of the animal, and other relevant evidence as determined by the director. These observations and testimony can be provided by the county animal control officers or by other witnesses who personally observed the circumstances. They shall sign a written statement attesting to the observed circumstances and agree to provide testimony, if necessary.

(C) The director shall give the party in violation written notice by regular or certified mail or personal service of the director's decision imposing a fine and any conditions or restrictions under this section and § 13.999. The notice shall

contain a brief explanation why the additional conditions and restrictions were imposed. If the party wishes to challenge the director's decision, the party may appeal, as provided under § 13.508. ('90 Code, § 8.10.290, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.500* ADMINISTRATION AND ENFORCEMENT

§ 13.500 Powers And Duties Of Director.

(A) It shall be the responsibility of the director, and those the director designates, to enforce provisions of this chapter.

(B) The director and persons duly authorized under ORS 204.635(2) shall be empowered to exercise the authority of peace officers to the extent necessary to enforce this chapter.

(C) Persons designated by the director to enforce this chapter shall bear satisfactory identification reflecting the authority under which they act, which identification shall be shown to any person requesting it.

(D) No person shall intentionally hinder or interfere with or prevent the exercise of any powers conferred under this chapter or the state statutes incorporated into this chapter under § 13.507, nor shall any person knowingly provide false information to the director. A violation issued under this division is a class C misdemeanor.

(E) The director may waive or modify any of the standards for licensing of facilities as the director considers appropriate to meet peculiar requirements of a particular animal or species.

(F) The director shall be authorized to reduce or waive any fee prescribed by this chapter except those related to licensing and registration.

Penalty, see § 13.999 ('90 Code, § 8.10.030, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 379, passed, 04/28/1983; Ord. 156, passed, 12/22/1977)

§ 13.501 Notice Of Infraction.

(A) Whenever a county animal control officer or person designated by the director has reasonable grounds to believe that an animal or facility is in violation of this chapter, that officer or designee shall be authorized to issue the owner or keeper notice of civil infraction.

(B) The notice shall contain the following information:

(1) The name and address, if known, of the owner or person in violation of this chapter and description of the animal, if applicable;

(2) The code section allegedly violated plus a brief descriptive statement of the nature of the violation;

(3) A statement of the amount due as a civil fine for the infraction and notice that the animal is to be impounded if impoundment is authorized hereunder;

(4) A statement explaining all fines are due within 30 days of service of the notice;

(5) A statement advising that if any civil fine is not timely paid, the failure to comply may lead to enhancement of the original fine or additional fines;

(6) A statement that the determination of violation is final unless appealed by filing a written notice of appeal including a fee, in an amount set by Board resolution, to the director of animal control division within 20 days of the date of the notice of infraction was served; and

(7) A statement that an admission of infraction would be on record and could lead to the enhancement of fine on any subsequent infraction issued under this chapter as provided under § 13.999. (Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.035, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.502 Service.

The notice of infraction shall be served on the owner or keeper of the animal or facility in violation of this chapter by personal service or by regular and certified mail with return receipt requested. (Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.036, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.503 Dismissal Of Pet License Violations.

Notices of infraction issued for violations of the pet licensing requirement as set forth in §§ 13.100 through 13.103 shall be dismissed by the director upon reasonable proof that the required pet license(s) have been obtained within ten days of service of the notice(s) of infraction. (‘ 90 Code, § 8.10.037, 07/01/1998; Ord. 732, passed, 09/03/1992)

§ 13.504 Admission Of Infraction; Conditions.

(A) Any party who is issued a notice of infraction for any offense listed under § 13.999(A) may, in lieu of requesting a hearing, admit the infraction and submit

the fine as stated on the notice of infraction to the animal control division. The party may attach a written explanation of mitigating circumstances with the payment of the fine.

(B) Any written explanations submitted under division (A) shall be reviewed by the hearings officer. The hearings officer shall have discretion to reduce the submitted fine and refund any portion not retained based on the written explanation.

(C) When a person issued a notice of infraction for violation of any of the following sections of this chapter: § 13.305(B)(2),(5),(10),(11), or(12); or § 13.306(A), the violation may be compromised as provided in division (D) of this section.

(D)(1) If the person injured, damaged, or otherwise detrimentally impacted by the commission of the violation acknowledges in writing any time before the final decision of the director, hearings officer, or a court of requisite jurisdiction, that the person has received satisfaction for the injury, damage or detrimental impact, the director, hearings officer or court may in their discretion, on payment of any cost or expense incurred, order the notice of infraction dismissed.

(2) The director, hearings officer, or court when issuing an order to dismiss under this section, may impose additional conditions or requirements upon the party issued the violation, if in their determination the additional requirements are necessary to further protect the public health or safety.

(3) Any condition or requirement imposed pursuant to division (D)(2) of this section shall be complied with prior to the entry of

the final order dismissing the notice of infraction(s).

(E) The order authorized by division (D) of this section, when made and entered by the director, hearings officer or court is a bar to another enforcement action for the same violation.

(Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.038, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.505 Impoundment.

(A) The director shall operate, maintain, or provide for an adequate facility to receive, care for and safely confine any animal delivered to the director's custody under provisions of this chapter, which facility shall be accessible to the public during reasonable hours for the conduct of necessary business concerning impounded animals.

(B) Any animal may be impounded and held at the facility when it is the subject of a violation of this chapter, when an animal requires protective custody and care because of mistreatment or neglect by its owner or keeper or when otherwise ordered impounded by a court, a hearings officer, or the director.

(C) An animal shall be considered impounded from the time the director or the director's designee takes physical custody of the animal.

(D) Impoundment is subject to the following holding period and notice requirements:

(1) An animal bearing identification of ownership shall be held for 144 hours from time of impoundment. The director shall make reasonable effort by phone to

give notice of the impoundment to owner or keeper and, if unsuccessful, shall mail written notice to the last known address of the owner or keeper advising of the impoundment, the date by which redemption must be made and the fees payable prior to redemption release.

(2) An animal for which no identification of ownership is known or reasonably determinable shall be held for 72 hours from time of impoundment before any disposition may be made of the animal.

(3) Animals held for periods prescribed under this section, or as otherwise required by ORS 433.340 or 433.390, and not redeemed by the owner or keeper, shall be subject to such means of disposal as the director considers most humane.

(4) Animals delivered for impoundment by a peace officer who removed the animal from possession of a person in custody of the peace officer shall be held for the period prescribed in division (D)(1) of this section. A receipt shall be given the peace officer, who shall deliver the receipt to the person in custody from whom the animal was taken. The receipt shall recite redemption requirements and shall serve as the notice required by this section.

(E)(1) Any impounded animal shall be released to the owner or keeper or the owner's or keeper's authorized representative upon payment of impoundment, care, rabies, vaccination deposits, license fees, past due fines, and all fees and deposits related to potentially dangerous dog regulations with the addition of the following conditions:

(a) Any animal impounded by court, hearings officer's or director's order shall be released to the owner or keeper or the

owner's or keeper's authorized representative upon payment of all fees required in division (E)(1) of this section, and upon receipt of a written order of release from the court of competent jurisdiction or the hearings officer or the director issuing the order.

(b) Any classified potentially dangerous dog shall be released to the owner or keeper or the owner's or keeper's authorized representative upon payment of all fees required in division (E)(1) of this section, and upon verification of satisfactory compliance with the regulations required in §§ 13.401 through 13.406. Failure to be in satisfactory compliance with the potentially dangerous dog regulations within twenty days after the date of impoundment shall result in the owner or keeper forfeiting all rights of ownership of the dog to the county.

(2) An animal held for the prescribed period and not redeemed by its owner or keeper, and which is neither a dangerous or exotic animal or in an unhealthy condition, may be released for adoption subject to the provisions of § 13.506.

(3) The director shall dispose of animals held for the prescribed period without redemption or adoption only by humane means.

(4) At any time the director may euthanize any unlicensed and feral animal, or any unhealthy or injured animal by humane means without regard to the holding period specified in (D)(1)(2) above, provided the animal's injuries must be determined to be life threatening or if the animal is unhealthy the animal's condition must be found to present a health threat to the other animals in the shelter.

(5) Any device attached to any animal upon impoundment shall be retained 30 days by the director should the animal be disposed of as provided in division (E)(3) of this section. Otherwise, the device shall accompany the animal when redeemed or adopted.

(F)(1) Whenever a person in possession of an animal which has been used in the commission of a violation of this chapter and which is the subject of a lawful order of impound refuses to voluntarily release said animal to an animal control officer upon timely and reasonable request, the director shall determine the need to procure the animal's immediate impoundment.

(2) A limited search warrant authorized under this section shall be sought by the division after the director has determined the animal's immediate impoundment is necessary based on one or more of the following factors:

(a) The public's health and safety is at risk by the subject animal remaining in the possession of the owner.

(b) The health and welfare of the subject animal is at risk by the animal remaining in the possession of the owner or keeper.

(c) The owner/keeper has failed to comply with requirements specified in § 13.307.

(3) The director shall request the assistance of the Sheriff to procure and execute the limited search warrant. The Sheriff shall prepare the application for the warrant including the affidavit in support thereof. The Sheriff shall obtain the warrant in compliance with the procedures and practices authorized under state law for the seizure of property pursuant to a

search warrant. The director and the Sheriff shall coordinate with the Office of County Attorney to review the affidavit for compliance with all the provisions herein stated.

(Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.040, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 591, passed, 09/22/1988; Ord. 379, passed, 04/28/1983; Ord. 276, passed, 08/06/1981; Ord. 156, passed, 12/22/1977)

§ 13.506 Release For Adoption.

(A) An animal may be released for adoption or transferred to another adoption agency, approved by the director, subject to the following conditions:

(1) The adoptive owner shall agree in writing to furnish proper care to the animal in accordance with this chapter;

(2) Payment of required fees; however, animals transferred to another adoption agency are exempt from the requirement of paying adoption fees;

(3) In the case of a fertile dog or cat, the adoption agency must obtain prior to transfer from the adoption agency to the adoptive owner a written agreement by the adoptive owner to render any adopted dog or cat sexually unproductive within 30 days of adoption or upon the animal attaining sexual maturity, whichever event last occurs, together with a fee in an amount set by Board resolution, refundable upon furnishing evidence that the animal has been rendered sexually unproductive. Failure to perform the agreement shall be a forfeiture of the amount deposited under this paragraph and the director may require return of the adopted dog or cat to the shelter. It is unlawful to

fail to return an adopted animal as required by the director.

(B) The director may decline to release an animal for adoption under any circumstances including but not limited to:

(1) The prospective adoptive owner has a history of violations of this chapter or has been convicted of an animal-related crime;

(2) The prospective adoptive owner has inadequate or inappropriate facilities for confining the animal and for providing proper care to the animal as set out in § 13.305;

(3) The existence of other circumstances which, in the opinion of the director, would endanger the welfare of the animal or the health, safety and welfare of the people residing in the county; or

(4) The animal is classified as a dangerous dog or a potentially dangerous dog.

(C) For purposes of this section, ADOPTION AGENCY shall mean any government, association, corporation or similar entity approved by the director and capable of caring for animals pending final adoption placement.

Penalty, see § 13.999

(Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.045, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992; Ord. 379, passed, 04/28/1983; Ord. 276, passed, 08/06/1981)

§ 13.507 State Law; Enforcement.

(A) Pursuant to ORS 609.015(1), this chapter supersedes enforcement in the county of the following state statutes: ORS 609.010(2), 609.030, 609.040, 609.060,

609.090, 609.092, 609.095, 609.097,
609.100, 609.110, 609.150, 609.155,
609.160, 609.170, 609.180, 609.190.

(B) Enforcement of ORS 433.340 through 433.390 shall be the responsibility of the director and the county Health Officer. Such enforcement procedures shall comply with the state law and are not subject to the enforcement provisions of this chapter.

(‘ 90 Code, § 8.10.050, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.508 Appeals.

(A) Any party served a notice of infraction or director’s decision or order under this chapter may appeal the infraction or director’s decision by submitting a notice of appeal in writing along with the hearing fee in an amount set by Board resolution to the Animal Control Division within 30 days of the date the notice of infraction or director’s decision or order was served on the party.

(B) Any party whose application for a facility license or dangerous animal facility license was denied, revoked or issued subject to conditions may appeal the license denial, revocation or conditional approval by submitting a notice of appeal in writing along with the hearing fee in an amount set by Board resolution to the Animal Control Division within 20 days of the date the denial or conditional approval was mailed to the applicant by certified mail.

(Ord. 918, passed, 08/06/1998; ‘ 90 Code, § 8.10.054, 07/01/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.509 Hearings Procedure.

(A) The Board shall adopt procedural rules governing the conduct and scheduling of the appeal hearings under this chapter.

(B) Upon the receipt of a timely appeal, animal control division shall set the matter for hearing on the next available date scheduled for Animal Control hearings.

(C) Any party appealing a notice of infraction or license denial/revocation or director’s decision or order under this chapter shall be given a written notice of the hearing date no less than ten days prior to the scheduled hearing.

(D) The hearings officer shall hold a public hearing on any timely appeal from a notice of infraction, director’s decision or order, or the denial/revocation of a facility license. The party who brought the appeal or any other person having relevant evidence concerning the nature of the infraction or license denial/revocation shall be allowed to present testimony and documentary evidence at the hearing. The hearings officer may consider mitigating or extenuating circumstances presented on behalf of a party.

(E) If the hearing is held to address a notice of infraction or director’s decision issued under §§ 13.403 or 13.406, the hearings officer shall determine whether the infraction contained in the notice did occur. The hearings officer shall have the same authority as the director under § 13.403 when conducting potentially dangerous dog hearings.

(F) If the hearing is held to address a facility license condition, denial or revocation, the hearings officer shall determine whether the license conditions were rightfully imposed or the license was

rightfully denied or revoked as provided under § 13.152.

(G) The hearings officer shall issue a written decision containing findings of fact addressing the allegations contained in the notice of infraction, the director's decision, or the license denial/revocation under §§ 13.150 through 13.153. The decision shall clearly state the hearings officer's conclusion and the reasoning based on the findings of fact. The decision shall be signed and dated by the hearings officer and shall be served by personal service or regular and certified mail to the last known address of the party who filed the appeal. The decision shall be final on the date of personal service or three days after mailing.

(H) In all appeals under this chapter, the hearings officer shall have discretion ordering conditions, restrictions and penalties.

(I) Failure of a party to file an appeal as provided in this section or unexcused failure of a party to appear at a duly scheduled hearing shall constitute a waiver by the party of any further appeal under this chapter. Upon the entry of a waiver in the record, the last decision issued by the animal control division shall become final. (Ord. 918, passed, 08/06/1998; '90 Code, § 8.10.055, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.510 Stay Of Enforcement; Exceptions.

(A) Enforcement of any notice of infraction or decision of the director shall be stayed during the pendency of an appeal, except:

(1) Restrictions or conditions placed on animal owner or keeper by the director under §§ 13.400 through 13.406; or

(2) The impoundment of an animal as required under this chapter or because it was necessary for the protection of the animal under § 13.505.

(B) Notwithstanding division (A) of this section, in any case wherein the subject animal has been impounded and is to be euthanized pursuant to a hearings officer's decision, a party seeking a writ of review under ORS 34.010 to 34.100 of that decision, may obtain a stay of the destruction of the animal pending the resolution of the writ of review proceeding only as provided in this division. The party shall submit a written notice to the director within 15 days of the date of the hearings officer's decision of the party's intent to file a writ of review. The written notice shall be submitted with a deposit as required under § 13.511, if applicable.

(C) In any case subject to division (B) of this section, the written notice to the director shall stay the destruction of the animal until a date not less than 15 days after final judgment by the court or the party's rights have expired under ORS 34.030.

('90 Code, § 8.10.056, 07/01/1998; Ord. 732, passed, 09/03/1992)

§ 13.511 Impoundment Pending Appeal.

(A) In any appeal wherein the subject animal has been impounded pending appeal of director's decision to the hearings officer, the owner or keeper of the animal shall be required to post a deposit with the director in an amount set by Board resolution at the time an appeal is requested to apply towards the expense

of sheltering the animal during the appeal process.

(B) If an animal not previously impounded under this chapter is subsequently ordered to be impounded by a hearings officer and the owner or keeper appeals the hearings officer's decision by writ of review to the circuit court, the owner or keeper of the animal shall be required to post a deposit with the director in an amount set by Board resolution at the time the notice of intent to file the writ of review is submitted under § 13.510(B) to apply towards the expense of sheltering the animal during the pendency of the writ of review proceeding.

(C) In either situation described above in division (A) or (B) of this section, if the finding of a violation is upheld on appeal, the animal's owner or keeper shall be liable for the cost of the animal's impoundment and shall pay all fees incurred for sheltering and caring for the animal. If the animal control division's finding is reversed on appeal, the deposit shall be refunded.
(' 90 Code, § 8.10.057, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 732, passed, 09/03/1992)

§ 13.512 Fees.

Fees shall be imposed under this chapter in amounts set by Board resolution.
(Ord. 918, passed, 08/06/1998; ' 90 Code, § 8.10.220, 07/01/1998; Ord. 850, passed, 04/11/1996; Ord. 823, passed, 06/29/1995; Ord. 732, passed, 09/03/1992; Ord. 683, passed, 06/06/1991; Ord. 480, passed, 10/31/1985; Ord. 384, passed, 06/23/1983; Ord. 379, passed, 04/28/1983; Ord. 262, passed, 01/08/1981; Ord. 195, passed, 04/26/1979; Ord. 156, passed, 12/22/1977)

§ 13.999 Penalty.

(A) Classification. Violations of the provisions of this chapter shall be classified as provided below.

(1) Class A infractions. Violations of the following sections or divisions shall be Class A infractions:

- (a) Section 13.500;
- (b) Section 13.300;
- (c) Section 13.304;
- (d) Section 13.305(B)(7) -(B)(9),(B)(11) - (B)(15);
- (e) Section 13.307; and
- (f) Section 13.309.

(2) Class B infractions. Violations of the following sections or divisions of this chapter shall be Class B infractions:

- (a) Section 13.506(A)(3);
- (b) Section 13.301; and
- (c) Section 13.305(B)(3) -(B)(6),(B)(10).

(3) Class C infractions. Infractions of the following sections or divisions of this chapter shall be Class C infractions:

- (a) Section 13.101;
- (b) Section 13.303;
- (c) Section 13.305(B)(1),(B)(2); and
- (d) Section 13.308.

(4) Other infractions. Except as provided under §§ 13.306 and 13.307, any other

violation of this chapter not listed in this division shall be a Class A infraction.

(B) Fines.

(1) Class A infraction. A fine for Class A infraction shall be no less than \$100 nor more than \$500 for a first offense. The fine for a second Class A infraction committed within 12 months from the date that the first offense was committed shall be no less than \$200, nor more than \$500. The fine for a third Class A infraction committed within 12 months from the date that the first offense was committed, the fine shall be not less than \$500.

(2) Class B infraction. A fine for Class B infraction shall be no less than \$50 nor more than \$250 for a first offense. If the violator committed either a Class A or B infraction within the 12-month period immediately prior to the date of the second infraction, the fine shall be no less than \$100 nor more than \$250. If the violator has committed two or more Class A or B infractions within the 12-month period immediately prior to the date of the most recent notice of infraction for a Class B infraction, the fine shall be \$250.

(3) Class C infraction. A fine for a Class C infraction shall be no less than \$30 nor greater than \$150 for a first offense. If the violator has committed a Class A, B, or C infraction within the 12-month period immediately prior to the date of the second infraction, the fine shall be no less than \$50 nor more than \$150. If the violator has committed two or more Class A, B, or C infractions within the 12-month period immediately prior to the date of the most recent notice of infraction for a Class C infraction,

(Ord. 156, passed 1977; Ord. 732, passed 1992; Ord. 773, passed 1993; Ord. 823, passed 1995; Ord. 850, passed 1996)

(C) Facility operations violations.

(1) The operation of a facility without a license for which licensing is required under §§ 13.150 through 13.153 shall be a Class A infraction, and, in addition, the director or hearings officer may order removal of the animals housed in the facility or allow the facility operator to find suitable homes for the animals within 30 days or to be impounded subject to § 13.505.

(2) The operation of a facility by a person holding a facility license under §§ 13.150 through 13.153, in violation of any provision of the license applicable to that license or to the care of the animals housed in the facility, shall be a Class A infraction; and in addition the director or hearings officer may order removal of any or all animals from the facility for impoundment subject to § 13.505 or allow the facility operator to find suitable homes for the animals within 30 days.
(Ord. 156, passed 1977; Ord. 732, passed 1992; Ord. 850, passed 1996)

(D) Additional conditions and restrictions. In addition to the monetary civil penalties imposed for infractions of this chapter, and the regulations applicable under § 13.404, the director and the hearings officer shall have authority to order additional restrictions and conditions upon the party in violation, including but not limited to the following:

(1) Require the owner or keeper and animal to satisfactorily complete an obedience program approved by the

director or hearings officer at owner's or keeper's expense;

(2) Require the owner or keeper to attend a responsible pet ownership program adopted or approved by the director or hearings officer, at the owner's or keeper's expense;

(3) Require the owner or keeper of an animal that unreasonably causes annoyance, as described in § 13.305, to keep the animal inside the owner or keeper's residence during hours specified by the director or hearings officer;

(4) Suspend the animal owner's or keeper's right to own or keep any animal in the county for a period of time specified by the director or hearings officer;

(5) Require the owner or keeper to have the animal surgically sterilized within a time period determined by the director or hearings officer; and

(6) Any other condition (s) that would reasonably abate the infraction.

(E) Late payment penalties. If a civil penalty is unpaid after 30 days, the fine then due shall be increased by 25% of the original amount; if the civil penalty is not paid after 60 days, the fine then due shall be increased by 50% of the original amount.

(F) Collection. At the discretion of the director, any civil penalty(ies) not paid within 30 days from the date of issuance of the notice of infraction may be assigned to a collections agency for collection. (Ord. 986, Amended, 06/27/2002; Ord. 918, passed, 08/06/1998; Ord. 909, passed, 06/25/1998; Ord. 850, passed, 04/11/1996; Ord. 823, passed, 06/29/1995; Ord. 773,

passed, 07/22/1993; Ord. 732, passed, 09/03/1992; Ord. 156, passed, 12/22/1977)

**§ 13.999* Resolution 02-095
Establishing Fees and Charges for
MCC Chapter 13, Animal Control and
Repealing Resolution No. 01-077**

BEFORE THE BOARD OF COUNTY
COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 02-095

Establishing Fees and Charges for Chapter
13 of the Multnomah County Code
Relating to Animal Control and Repealing
Resolution No. 01-077

The Multnomah County Board of
Commissioners Finds:

a. Chapter 13, Animal Control, of the
Multnomah County Code provides that the
Board will establish certain fees and
charges by resolution.

b. The Board wishes to raise the dog and
cat adoption fee for animals age six years
and under and reduce the fee for adoption
of senior animals over six years of age by
50% of the standard adoption rate

c. The Board wishes to increase license
fees for altered and unaltered dogs as
shown in the chart below.

d. All other fees and charges established
by Resolution No. 01-077 remain the
same.

The Multnomah County Board of
Commissioners Resolves:

1. The fees and charges for Chapter 13, Animal Control, of the Multnomah County Code are set as follows:

Section 13.004: SPAYING AND NEUTERING ENCOURAGED.

The amount set aside by the Board from revenue generated from pet licensing to cover the cost of the county's public educational, spaying and neutering programs is \$25,000.

Section 13.404(G): REGULATION OF POTENTIALLY DANGEROUS DOGS.

Fees for licensing dangerous dogs are:

- Level 1: \$50.00
- Level 2 and 3: \$100.00
- Level 4: \$150.00

The review fee for a request for reclassifying a dangerous dog is: \$40.00

Section 13.501: NOTICE OF INFRACTION.

Appeal fee: \$25.00

Section 13.506: RELEASE FOR ADOPTION.

The spay/neuter deposit Maximum of: \$55.00

Section 13.508: APPEALS.

The fee for appealing a notice or decision under this chapter is: \$25.00

Section 13.511: IMPOUNDMENT PENDING APPEAL.

Impoundment appeal deposit: \$100.00

Section 13.512: FEES.

Fees imposed under this section are:

- (A) Pet Licenses
(One Year / Two Years / Three Years)
- (1) Dogs:
 - (a) Fertile \$30.00 / \$50.00 / \$65.00

- (b) Sexually Unreproductive
\$18.00 / \$26.00 / \$38.00

- (2) Cats:
 - (a) Fertile \$30.00 / \$60.00 / \$90.00
 - (b) Sexually Unreproductive
\$8.00 / \$14.00 / \$19.00

- (3) License replacement \$5.00

(B) Facilities License:

- (1) Dogs \$85.00
- (2) Cats \$85.00
- (3) Exotic, Wild, or Dangerous Animal Facility
\$150.00
- (4) Exotic, Wild, or Dangerous Animal Permit \$20.00
- (5) Facility Fees:
 - (a) 1-10 animals \$70.00
 - (b) >10 animals \$110.00

(C) County Shelter Rates:

- (1) Impoundment Fee, Dogs \$50.00
 - (a) Second impound same dog
\$100.00
 - (b) Third impound same dog
\$200.00
- (2) Impoundment Fee, Cats \$30.00
- (3) Animals Other Than Livestock \$8.00
- (4) Daily care for any portion of a 24-hour period from time of impoundment:
 - (a) Dogs \$15.00
 - (b) Cats \$8.00
 - (c) Livestock \$15.00
 - (d) Other animals \$8.00
 - (e) Special care (per veterinary orders) \$5.00 per day extra
- (5) Veterinary Fees: Actual fee incurred, with a minimum charge of \$50.00
- (6) Disposal Fees:
 - (a) Euthanasia and disposal \$ 25.00
 - (b) Dead animal disposal \$15.00
 - (c) Release of unwanted animals by owner or keeper \$15.00
 - (d) Release of two or more animals by owner or keeper \$25.00
- (7) Adoption Fees:
Animals six years of age and under

- (a) Dogs: \$120.00
 - (b) Cats: \$ 80.00
- Senior Animals (over six years of age):
- (a) Dogs: \$60.00
 - (b) Cats: \$40.00

- (D) Live Trap Rental:
- (1) Cat trap deposit fee (per trap) \$35.00
 - (2) Cat trap weekly rental fee \$5.00
 - (3) Dog trap deposit fee \$200.00
 - (4) Dog trap weekly rental fee \$10.00

- (E) Appeal Hearing:
- (1) Fee \$25.00
 - (2) Boarding deposit \$100.00
 - (3) Boarding deposit for an animal being held At Multnomah County Animal Control Pending Writ of Review or Court Appeal \$500.00

- (F) Stray Livestock Fees:
- (1) Hourly fee (per person) \$45.00
 - (2) Mileage fee (per mile, per vehicle) \$0.315

- (G) Potentially Dangerous Dog Classification Fees:
- (1) Level 1(per year) \$50.00
 - (2) Level 2 and Level 3 (per year) \$100.00
 - (3) Level 4 (per year) \$150.00

(H) Declassification Fee: \$40.00

2. This resolution takes effect and Resolution No. 01-077 is repealed on June 27, 2002.
ADOPTED this 27th day of June 2002.

Appendix B: Sample Ordinance From Salt Lake County:

RECODIFICATION OF ANIMAL CONTROL ORDINANCE

AN ORDINANCE REPEALING IN ITS ENTIRETY TITLE 8 OF THE SALT LAKE COUNTY CODE OF ORDINANCE, 1986, PERTAINING TO ANIMALS AND ENACTING A NEW TITLE 8, ANIMALS.

The County Legislative Body of the County of Salt Lake ordains as follows:

Section I. Title 8 of the Salt Lake County Code of Ordinances, 1986, pertaining to Animals is hereby repealed in its entirety.

Section II. A new Title 8 of the Salt Lake County Code of Ordinances, pertaining to Animals is enacted to read:

Chapter 8.01

DEFINITIONS

8.01.010 Abandonment.

“Abandonment” means placing an animal in an environment where the animal is separated from basic needs such as food, water, shelter or necessary medical attention, for a period longer than 24 hours. Abandonment includes failure to reclaim an animal seventy-two (72) hours beyond the time agreed upon with a kennel, grooming service, or similar facility. Abandonment includes failure to reclaim a pet from an animal shelter beyond seventy-two (72) hours of notification or refusal to sign relinquishment authorization.

8.01.020 Allow.

“Allow,” for the purposes of this ordinance, shall include human conduct

that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.

8.01.030 Animal.

“Animal” means every nonhuman species, both domestic and wild.

8.01.040 Animal at Large.

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

8.01.050 Animal Boarding Establishment.

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

8.01.060 Animal Control Officer.

“Animal Control Officer” means any person designated by the State of Utah as a peace officer as defined in Sec. 53-13-101 et seq., Ut. Code Ann. 1953, as amended; or otherwise designated by a municipal government or by Salt Lake County, through the Division of Animal Services, as an officer who is authorized by law to perform the duties specified by this Ordinance.

8.01.070 Animal Exhibition.

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

8.01.080 Animal Grooming Parlor.

“Animal grooming parlor” means any commercial establishment maintained for

the purpose of offering cosmetological services for animals for a fee.

8.01.090 Animal Shelter.

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

8.01.100 Animal Under Physical Restraint.

“Animal under physical restraint” means any animal under the physical control of its owner or person over the age of 12 years having charge, care, custody or control of the animal, by the means of a leash, tether, or other physical control device or enclosure. A leash or tether shall not exceed eight feet in length when in close proximity to other animals or people. Animals confined in or upon a motorized vehicle shall be considered physically restrained, providing that the animal’s body parts cannot extend beyond two inches from the vehicle, when the vehicle is not in motion and not more than the length of the distance from the animal’s shoulders to the tip of its muzzle when the vehicle is in motion. Animals upon the real property of their owner, or upon the property of another (with prior written permission of the property owner) and under direct adult supervision shall be considered under physical restraint.

8.01.110 Bite.

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

8.01.120 Cat.

“Cat” means any feline of the domesticated types more than four months of age.

Any feline of the domesticated types less than four months of age is a kitten.

8.01.130 Cattery.

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

8.01.140 Commercial Animal Establishment.

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

8.01.150 Dangerous Animal.

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

8.01.160 Director.

“Director” means the Director of the Salt Lake County Division of Animal Services.

8.01.170 Division.

“Division” means the Salt Lake County Division of Animal Services.

8.01.180 Dog.

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

8.01.190 Domesticated Animals.

“Domesticated animals” means animals accustomed to living in or about the habitation of man, including but not

limited to cats, dogs, ferrets and livestock. “Domesticated Animal,” however, shall not include “Exotic Animals.”

8.01.200 Enclosure.

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

8.01.210 Euthanasia.

“Euthanasia” means the humane destruction of an animal accomplished by a method approved by the most recent Report of the American Veterinary Medical Association Panel on Euthanasia that results in unconsciousness and immediate death, or by a method that causes painless loss of consciousness and death during such loss of consciousness.

8.01.220 Exotic Animal.

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

8.01.230 Ferret.

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

8.01.240 Guard Dog.

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

8.01.250 Handler.

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

8.01.260 Holding Facility.

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

8.01.270 Kennel.

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

8.01.280 Leash or Lead.

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

8.01.290 Livestock.

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

8.01.300 Nuisance/Public Nuisance Animal.

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

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

Is repeatedly found at large; Damages the property of anyone other than its owner; Repeatedly molests or intimidates neighbors, pedestrians or passersby by lunging at fences, chasing, or acting aggressively towards such person (s), unless provoked by such person (s); Chases vehicles; Makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other noise which causes unreasonable annoyance, disturbance, or discomfort to neighbors, or others; Causes fouling of the air by odors and thereby creates unreasonable annoyance or discomfort to neighbors or others; Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; Defecates on any public sidewalk, park or building, or on any private property without the consent of the owner of such private property, unless the handler of such animal shall have in his or her possession the instruments to clean up after his or her animal and shall remove the animal’s feces to a proper trash receptacle; Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals kept or harbored; Attacks people or other animals, whether such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;

Has been found by a court or by any other commission or board lawfully established under Utah law, to be a public nuisance under any other provision (s) of Utah law; Cannot be restrained by normal restraints, such as standard leashes, standard chains, or muzzles; or Cannot be effectively controlled by its owner or handler.

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

8.01.310 Owner.

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

8.01.320 Performing Animal Exhibition.

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

8.01.330 Pet or Companion Animal.

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

8.01.340 Pet Shop.

“Pet shop” means any commercial establishment containing cages or

exhibition pens wherein dogs, cats, birds or other pets, are kept, displayed and sold.

8.01.350 Provoked.

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

8.01.360 Quarantine.

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

8.01.370 Riding School or Stable.

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

8.01.380 Species Subject to Rabies.

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

8.01.390 Stray.

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

8.01.400 Veterinarian.

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

8.01.410 Veterinary Hospital.

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

8.01.420 Vicious Animal.

“Vicious animal” means:

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

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

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

Whether an animal has been properly licensed under the provisions of this Title shall have no relevance to the determination of whether an animal is a “vicious animal” as defined herein.

8.01.430 Wild Animal.

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

- Alligators and crocodiles;
- Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;

- Cat Family (Felidae). All except the commonly accepted domesticated cats, including cheetah, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.;
- Dog Family (Canidae). All except domesticated dogs, including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;
- Porcupine (Erethizontidae);
- Primate (Hominidae). All nonhuman primates;
- Raccoon (Procyonidae). All raccoons, including eastern raccoon, desert raccoon, ring-tailed cat, etc.;
- Skunks;
- Venomous fish and piranha;
- Venomous snakes or lizards;
- Weasels (Mustelidae). All including martens, wolverines, black-footed ferrets, badgers, otters, ermine, mink, mongoose, etc.

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

8.01.440 Zoological Park.

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

Chapter 8.02

ADMINISTRATION

8.02.010 Division of Animal Services Created.

There is hereby created a Division of Animal Services as a division of the Salt

Lake County Department of Human Services.

8.02.020 Director, Powers and Duties.

The Division shall be under the direction of a Director, who shall:

- Enforce this Chapter and perform other responsibilities inherent thereto;
- Supervise the municipal animal shelter(s) under his/her jurisdiction;
- Keep records of all animals impounded in said shelter(s);
- Keep accounts of all moneys collected and received and follow the Uniform Fiscal Procedures Act for Counties in accordance therewith in the administration of the Division;
- Establish, in cooperation with the Salt Lake City-County Health Department and other interested governmental agencies, measures for the control of, and immunization of animals against, rabies;
- Negotiate interlocal cooperation agreements with other interested governmental agencies for the purpose of establishing animal control services throughout Salt Lake County;
- Establish rules and regulations for the training of all persons hired as Animal Control Officers to assure professional conduct of said persons and compliance with the Division’s policies and with governing law;
- Pursuant to duly adopted policies and procedures, waive or reduce impound-related fees if warranted, or waive fees and penalties otherwise authorized in this Title; and
- Pursuant to duly adopted policies and procedures, provide for deferred payments of impound-related fees if warranted.

8.02.030 Director and Officers– Enforcement Authority.

The Director, his/her authorized deputies, assistants and Animal Control Officers are empowered to apprehend, and transport and impound any animal found in violation of this Title, including licensable animals for which no license has been procured in accordance with this Title, or any licensed or unlicensed animals for any other violation thereof and issue criminal citations and/or Notice of Violation and Stipulation for violations of this Title.

8.02.040 Animal Control Officers– Powers and Duties.

The Director shall employ and designate those employees and volunteers of his/her Division who shall perform the duties of Animal Control Officer. Animal Control Officers shall be authorized to enforce this Chapter in all respects, including, but not limited to, the apprehension and impoundment of animals found to warrant such action and issue criminal citations and/or Notice of Violation and Stipulation for violations of this Title. Said officers shall further carry out all lawful duties prescribed or delegated by the Director. For the purpose of this Section, volunteers shall be defined as persons working without compensation who have met the minimum training standards to perform the duties as set forth by the Director.

8.02.050 Right of Entry for Enforcement.

In the enforcement of this Title, any peace officer, Animal Control Officer, or the Director or his/her assistants are authorized to enter into the open premises of any person to secure or take possession of any animal which is reasonably deemed by said officer to then and there, in the presence of said officer or official, be in violation of this Title and issue criminal

citations and/or Notice of Violation and Stipulations for violations of this Title to the owner or handler of said animal.

8.02.060 Interfering with Officers Prohibited.

It is unlawful for any person to knowingly and intentionally interfere with the Director or any Animal Control Officer in the lawful discharge of his/her duties as prescribed in this Title. For the purpose of this Section, interfering with Officers shall include, but not be limited to, failing to hand over to or release to an officer an identifiable animal which has been pursued but not captured by said officer, failing to make payment of agreed upon fees that have been deferred by the Director, failing to meet the agreed upon conditions of a fee waiver, reduction or deferment, knowingly and intentionally failing to comply with an abatement order lawfully issued by the Director or failing to meet the conditions imposed by a Notice of Violation and Stipulation.

Chapter 8.03 COMMERCIAL PERMITS AND FANCIER'S PERMITS

8.03.010 Commercial Permit Requirements.

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

8.03.020 Regulatory Authority of Division.

The Director shall have the authority to promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this ordinance and other applicable laws. The Director may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals. Regulations promulgated under this delegation of authority shall not extend the power of the Division beyond that reasonably necessary to carry out the requirements of this Title. Regulations will not go into effect without the giving of prior notice to the public of the proposed rule or regulation and of a public hearing to be held thereon, through publication at least once in a newspaper with general circulation in Salt Lake County, and the holding of a public hearing no sooner than 15 days after the publication of notice. The hearing officer shall be appointed by the Director. Said officer may be an officer or employee of Salt Lake County, but not of the Division. Regulations shall not become effective until approved and adopted by Salt Lake County.

8.03.030 Procedures.

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

Upon submission of an application, the Division will verify with the Salt Lake City-County Health Department, appropriate zoning authority, and appropriate business licensing division that the applicant is in compliance with

applicable rules, regulations, ordinances and laws.

Applications must be accompanied by the fee established in Appendix A to this Title, attached hereto and/or incorporated by reference. Said Appendix may be modified from time to time as deemed necessary by the Director and upon approval of Salt Lake County. The current Appendix shall be available from the Division.

Each permit issued under this Section shall expire as outlined in Section 8.03.170. Permits issued pursuant to this Section are nontransferable.

A permit issued under this Section shall be prominently displayed in the business office of the commercial animal establishment or animal shelter.

Late applications for the permits required by this Section shall be subject to the late fee set forth in Appendix A.

8.03.040 Requirements for Catteries and Kennels.

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

- Be operated in such a manner as not to constitute a nuisance;
- Provide an isolation area for boarded animals which are sick or diseased;
- Retain for a period of 1 year the name, address and telephone number of the owner and license number of each dog or cat boarded;
- Retain for a period of 3 years the name and address of each person selling, trading or giving any animal to the kennel or cattery;
- Keep all boarded animals caged or under control of the owner or operator of the kennel or cattery;

- Care for all animals in the kennel or cattery, whether or not owned by the kennel or cattery, shall comply with all the requirements of this Chapter for the general care of animals;
- Comply with all applicable federal, state and local laws and all regulations respecting kennels and catteries which are adopted by the Division and in effect from time to time; and
- Supply the purchaser, residing in the licensing authority of this Title, of any dog, cat or ferret with an application for animal license, the form of which is prescribed by the Division.

8.03.050 Requirements for Pet Shops

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

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

for animal license, the form of which is prescribed by the Division; and

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

8.03.060 Requirements for Stables

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

- Be operated in such a manner as not to constitute a nuisance;
- Provide an isolation area for animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals;
- Keep all animals confined or under the control of the owner or operator of the stable;
- Care for all animals in the stable, shall comply with all the requirements of this Chapter for the general care of animals; and
- Comply with all applicable federal, state and local laws, and all regulations respecting stables that are adopted by the Division and in effect from time to time.

8.03.070 Requirements for Animal Exhibitions.

It shall be unlawful for any person to own, operate, sponsor or conduct an animal exhibition within the jurisdiction of the Division unless an animal exhibition permit issued by the Division, is first obtained thereof.

No animal exhibition shall occur within the jurisdiction of the Division in which any animal is exhibited, paraded or allowed to participate in a contest:

- Under conditions which cause physical injury to such animal;

- Under conditions that place spectators at risk of being harmed; or
- Unless all applicable federal, state and local laws and regulations, and standards adopted by reputable, nationally-recognized associations organized for the operation of such exhibitions and acceptable to the Division are complied with by the operator of the exhibition.

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

D. The application for an animal exhibition permit required by this sub-section shall:

1. Describe the type of exhibition or contest and the kind and number of animals to be on exhibition or involved in the contest and list the sites and dates of the event(s); and
2. Contain such other information as may be required under regulations established by the Director; and include a sworn statement by the applicant that the provisions of this Title pertaining to animal exhibitions will be complied with at all times.

E. No permit required by this sub-section shall be issued until the applicant completes the application form, pays the

applicable fees as set forth in the then-current Appendix A to this Title, and receives the written approval of the Division of the provisions made for the safety, well-being and comfort of the animals involved.

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

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

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

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

J. Animal exhibitions permitted under this Section shall provide immediate access to peace officers, Animal Control Officers, and agents of the City-County Health Department or Utah State officials for the purpose of compliance inspections.

8.03.080 Requirements for Guard Dogs.

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

A Permit required by this Section shall be obtained from the Division. The application shall set forth the type of dog, the site(s) where said dog shall be used, the hours of use of said dog, and any other

information the Director deems appropriate.

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

On the premises where a guard dog is used, conspicuous warning signs shall be posted at each door or gate that give access to the guard dog, and shall contain the following wording: "Warning: A guard dog is guarding this property. Entry herein may cause said dog to attack your person and cause significant injury, even death. To reach the handler for said dog, call (enter telephone number)." The telephone number contained in the warning required by this sub-section must provide a 24-hour per day access to the guard dog's owner or handler.

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

A guard dog shall, in addition to licensing, be microchipped and the microchip number shall be registered with the Division. The license shall be attached to a 1-inch wide red or orange collar with the word "Danger" written or embroidered in black lettering $\frac{3}{4}$ inch in height. The collar must be on the dog at all times.

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

8.03.090 Fancier's Permit—Authorized When.

Where permitted by the zoning ordinances, owners of purebred dogs and

cats may obtain a permit to keep more than two dogs or cats in a residential area, provided:

- Such pets are individually licensed;
- Such pets are registered with a national registry, such as, but not limited to the AKC, UKC or Field Dog;
- Approval is granted by the appropriate zoning authority, City-County Health Department and Division of Animal Services;
- Adequate confinement areas are provided;
- Other provisions of this Title are complied with, and no pet or premises is deemed to be a nuisance.

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

8.03.100 Hobby Permit.

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

- Such pets are individually licensed;
- Such pets are rendered sterile;
- Approval is granted by the appropriate zoning authority, City-County Health Department and Division of Animal Services;
- Adequate confinement areas are provided; and
- Other provisions of this Title are complied with, and no pet or premises is deemed to be a nuisance.

8.03.110 Permit for Foster Animals.

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

- Such pets are the property of a local City or County operated animal shelter or a Section 501(c)(3), United States Internal Revenue Code, animal welfare organization;
- Such pets are awaiting adoption;
- Approval is granted by the appropriate zoning authority, City-County Health Department and Division of Animal Services;
- Adequate confinement areas are provided; and
- Other provisions of this Title are complied with, and no pet or premises is deemed to be a nuisance.

8.03.120 Exotic Animal Permit.

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

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

For the purpose of this Section, to demonstrate “sufficient knowledge” of a

species, a person must show that he/she has adequate knowledge of a species to provide for its basic needs to maintain the animal’s health and welfare. The Director may consider the person’s experience, education, apprenticeship or by examination administered by the Division when determining that a person has sufficient knowledge of a species.

8.03.130 Dangerous Animal Permit.

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

- Demonstrating sufficient knowledge of the species so as to be an expert in the care and control of the species;
- 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;
- Presenting proof that adequate measures have been taken to prevent the animal from becoming a threat to the health and safety of the community;
- Presenting a plan of action in the event of the animal’s escape. The Director may consult with a review board comprising Federal, State and local public health authorities in considering a request for a dangerous animal permit; and
- Presenting proof of required, if any, State or Federal permits.
- Presenting proof of liability insurance in an amount of at least Fifty Thousand Dollars and No/100(\$50,000.00).

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 Division when determining that a person has sufficient knowledge of a species.

8.03.140 Feral Cat Colony Permit.

It is unlawful for any person to maintain a feral cat colony without a permit. Unless prohibited by zoning or other ordinances or laws, any person over the age of 18 years of age, may obtain a feral cat colony permit upon:

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

8.03.150 Exemptions.

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

8.03.160 Permits–Display Requirements.

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

8.03.170 Permit Fees–Expiration–Renewal.

A permit issued pursuant to this Chapter shall expire one year after it is issued by the Division and shall be renewable upon acceptance by the Division of a new application. Renewal applications shall not be available until thirty days prior to the expiration date of the current permit. A permit may only be issued after the appropriate fee has been paid. Application must be accompanied by the fee established in the permit and fee schedule, Appendix A, attached to the ordinance codified in this Title and incorporated by reference into this Chapter.

The permit and fee schedule may be modified from time to time as deemed appropriate by the Director and upon approval of Salt Lake County. The then current permit fee schedule shall apply to all permit applications. A copy of the then-current fee schedule shall be available at the Division.

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

8.03.180 Establishments–Rules and Regulations.

The Director with approval of Salt Lake County may, from time to time, adopt rules and regulations governing the operation of kennels, catteries, animal grooming parlors, pet shops, riding stables or other animal-related establishments. Such rules and regulations may provide for:

- The type of structures, buildings, pens, cages, runways or yards required for the animals sought to be kept, harbored or confined on such premises;
- The manner in which food, water, and sanitation facilities will be provided to such animals;
- Measures relating to the health of such animals, the control of odors, noise, and the protection of persons or property on adjacent premises; and
- Such other matters as Salt Lake County shall deem necessary.
- Such rules and regulations shall, upon publication and following adoption by Salt Lake County, have the effect of law, and violation of such rules and regulations shall be deemed a violation of this Title, subject to the penalties provided for in Section 1.12.010, Salt Lake County Code of Ordinances, and grounds for revocation of a permit issued by the Division. Copies of the rules and regulations, when adopted, shall be filed for public inspection in the office of the County Clerk and the Division.

8.03.190 Establishments–Inspections and Reports.

All establishments required to have permits under this Title shall be subject to periodic inspections, and the inspector shall make a report of such inspection, which shall be given to the establishment

and will be filed at the administration section of the Division.

8.03.200 Unlawful Activities–Notice Requirements.

If an inspection of kennels, catteries, animal grooming parlors, pet shops, riding stables, similar establishments, or the premises of the holder of a permit reveals a violation of this Title, the inspector shall notify the permit holder or operator of such violation by means of issuance of a Citation as provided in Chapter 8.10 or issuance of a Notice of Violation and Stipulation as provide in Chapter 8.11. If the Notice of Violation and Stipulation is used, the notice shall:

- Set forth the specific violation (s) found;
- Establish a specific and reasonable period of time for correction of the violation (s) found;
- State that failure to comply in the specified period of time with any notice issued in accordance with the provisions of this Section may result in immediate suspension of the permit and/or issuance of a citation; and
- State that an opportunity for a hearing upon any grievance the owner or operator may have concerning the inspection findings and corrections ordered by the Animal Control Officer may be processed according to the provisions of Chapter 11 of this Title.

8.03.210 Permits–Suspension or Revocation–Grounds.

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

- Falsification of facts in a permit application;
- Material change in the conditions upon which the permit was granted;

- Violation of any provisions of this Title or any other law or regulation governing the permittee's establishment, including, but not limited to, noise and/or building and zoning ordinances; or
- Conviction on a charge of cruelty to animals.

8.03.220 Permits–Suspension or Revocation–Procedure.

Any permit granted under this Title may be suspended or revoked by the Division for violations of any of the requirements of this Title. A permittee aggrieved by the suspension or revocation of his/her permit may petition the Director for review of said grievance. Upon consideration of said grievance and upon good cause showing, the Director may, at his or her sole discretion, uphold or modify the suspension or revocation, or reinstate the permit.

A new permit shall not be issued to any person whose prior permit was suspended or revoked by the Division until the applicant has satisfied the Director that he/she has the means and the will to comply with the requirements of this Title in the future. An application for another permit must comply with the requirements for an application for an initial permit, including application fee.

8.03.230 Emergency Suspension of Permits.

Notwithstanding any other provisions of this Title, when the inspecting officer finds unsanitary or other conditions in the operation of kennels, catteries, animal grooming parlors, riding stables, pet shops, or any similar establishments, or premises of the holder of a permit obtained under this Title, which in his/her judgment constitute an immediate and substantial

hazard to public health or the health and safety of any animal, he/she may order the immediate seizure of any animals whose health and safety are at risk and order the owner or operator of the establishment to immediately cease operations. It shall be unlawful for any person to whom such an order is given to fail to obey the same. Any animals seized under this Section shall be impounded or otherwise cared for as the Director of Animal Services deems necessary. Persons whose permit has been suspended by such action may petition the Director for review of said suspension. Upon consideration of said petition and upon good cause showing, the Director may, at his or her sole discretion, uphold or modify the emergency suspension or reinstate the permit.

8.03.240 Notice of Suspension of Permits – Service Procedures.

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

Chapter 8.04

ANIMALS REQUIRING A LICENSE

8.04.010 License–Required–Age and Residence Requirements for License Holder.

All dogs and ferrets must be licensed each year, except as otherwise provided in this Chapter, to a person of the age of eighteen years or older who has a residence, with street address, within the County. Licensing of cats is voluntary, however, the owner of a cat which does not display a license and which is allowed to run at

large assumes the risk of loss or destruction by the Division without notification.

8.04.020 License–Required–Age of Animals.

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

8.04.030 License–Application.

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

8.04.040 Additional Requirements for Licensing of Ferrets.

First-time applicants for ferret licenses must present, in addition to the requirements of 8.04.030, proof of applicant's satisfactory completion of a ferret ownership class. The class must have the approval/certification of the

Director and must, at a minimum, include the following:

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

The Division encourages owners to sterilize and descent their ferrets.

8.04.050 Veterinary Verification.

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

8.04.060 License–Fees–Senior Citizens.

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

8.04.070 License–Term and Renewal.

The license shall be issued for one year, two years or three years, and be effective from the date of purchase, through the end of the same month of the expiration year as the month in which the license is

purchased, or at the end of the rabies vaccination period current for the animal at the time the license is obtained, whichever date occurs first. Renewals must be obtained prior to the expiration of the immediately preceding license. Applications for renewals made after the expiration of the immediately preceding license must be accompanied by a late fee as set forth in Appendix A.

8.04.080 License–Revocation.

If the owner of any dog(s), cat(s) or ferret(s) is found to be in violation of this Title on three or more different occasions, within a twelve month period, the Director of Animal Services may seek a court order pursuant to Chapter 8.10, revoking for a period of one year any and all license(s) such person may possess, and providing for the Animal Services Division to pick up and impound any animal kept by the person under such order. Any animal impounded pursuant to such an order shall be dealt with in accordance with the provisions of this Title for impounded animals, except that the person under the order of revocation shall not be allowed to redeem their pet, unless successfully making reapplication of the license with the Director. Persons seeking reapplication of said animals must comply with conditions as set forth by the Director that may include, but not limited to, sterilization of the animal(s), enclosure requirements and confinement conditions.

8.04.090 License–Tag Requirements.

A. Upon payment of the license fee, the Division shall issue to the owner a receipt and a tag for each pet licensed. The tag shall have stamped thereon the license number, corresponding with the tag number on the receipt. The owner shall attach the tag to the collar or harness of the animal and see that the animal constantly

wears the collar and tag. Failure to attach the tag as provided shall be a violation of this Title, except that dogs or cats which are kept for show purpose are exempt from wearing the collar and tag while participating in an Animal Exhibition.

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

C. Any person who removes, or causes the removal, of the collar, harness or tag from any licensed dog, cat or ferret without the consent of the owner or keeper thereof, except a licensed veterinarian or Animal Control Officer who removes such for medical or other reasons, shall violate this Title.

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

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

8.04.100 License–Exemptions.

A. The provisions of Sections 8.04.010 through 8.04.090 shall not apply in the following circumstances:

- The dog, cat or ferret is properly licensed in another jurisdiction and the owner thereof is within the County temporarily, for a period not to exceed 30 consecutive days. If the owner shall be within the County temporarily, but for a period longer than 30 consecutive days, he/she may transfer the dog, cat or ferret to the local license required by this Chapter by payment of the fee set forth in Appendix A, and upon presentment of proof of a current rabies vaccination for the animal.
- Individual dogs or ferrets housed within a properly permitted facility or other such establishment when such animals are held for resale.

B. The fee provisions of Sections 8.04.010 through 8.04.080 shall not apply to:

Seeing-eye dogs trained and certified to assist blind persons, if such dogs are actually used by blind persons to assist them in moving from place to place; Hearing dogs trained and certified to assist deaf persons to aid them in responding to sounds and in use for that purpose; Assistance dogs trained and certified to assist persons with a physical disability and in use for that purpose; or Dogs trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

C. Nothing in this Section shall be construed so as to exempt any dog, cat or ferret located within the County from having a current rabies vaccination.

8.04.110 License Vendors.

The Division Director may contract with veterinary hospitals, veterinarians, pet

shops, animal grooming parlors, and similar institutions or individuals for the issuance of license application forms.

8.04.120 Harboring Stray Animals, Unlawful Confinement or Concealment of Animals.

It shall be unlawful for any person, except an animal welfare society incorporated, or otherwise qualified to do business within the State of Utah and licensed under this Title, to harbor or keep any lost or stray pet, unless otherwise allowed by the laws of the State of Utah. A person who assumes and maintains control of a lost or strayed pet longer than 24 hours, without notifying the Division of the presence and location of said animal, shall be presumed to have violated this Section.

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

8.04.130 Dogs or Ferrets Running at Large-Owner Liability.

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

the owner or keeper thereof knew that it was vicious or mischievous.

8.04.140 Animal Trespass.

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

8.04.150 Staking Dogs Improperly.

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

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

8.04.160 Female Dogs in Heat.

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

8.04.170 Dogs Prohibited in Designated Areas.

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

It is unlawful for any person keeping, harboring or having charge or control of any dog to allow such dog to be within protected watershed areas as designated by

either the Salt Lake City-County Health Department or any public water district. This Section shall not apply to dogs provided for in subsection B of Section 8.04.100, or when the Director of Health adopts rules and regulations, which are subsequently ratified by the Salt Lake County, which set forth the times and places where the dog or dogs may be allowed without compromising the health and safety of humans, causing a nuisance, or damaging property.

8.04.180 Attacks by Animals—Owner Liability—When Destruction Shall be Authorized.

It is unlawful for the owner or person having charge, care, custody or control of any animal to allow such animal to attack, chase or worry any human, domesticated animal, any species of hoofed wildlife protected by any law or ordinance, or any pet or companion animal. “Worry,” as used in this Section, means to harass or intimidate by barking or baring of teeth, growling, biting, shaking or tearing with the teeth; or approaching any person in an apparent attitude of attack or any aggressive behavior which would cause a reasonable person to feel they were in danger of immediate physical attack. Any penalty imposed as a result of prosecution of a person under sub-section A, above, of this Section shall be in addition to any penalties or liabilities imposed upon such person by any other law or ordinance.

Defenses. The following shall be considered in mitigating the penalties or damages, or in dismissing a charge brought under subsection A of this Section:

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

2. That the animal was deliberately or maliciously provoked.

Animals May Be Killed. Any person may kill (or take other protective action) an animal while it is committing any of the acts specified in subsection A of this Section or while such animal is being pursued thereafter or to protect him/herself, or members of the public from any threat of death or personal injury then being posed by the animal.

Chapter 8.05

RABIES CONTROL

8.05.010 Dog, Cat and Ferret Rabies Vaccination Requirements.

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

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

The provisions of this Section shall not apply to a veterinarian providing emergency medical care to a sick or injured animal.

8.05.020 Rabies Vaccination—When Valid.

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

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

8.05.030 Rabies Vaccination—Veterinarian Duties—Certification and Tags.

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

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

B. A copy of the certificate shall be distributed to the owner and the original retained by the issuing veterinarian. The

veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this Chapter.

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

8.05.040 Impoundment of Animals Without Valid Vaccination Tags.

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

B. Any unvaccinated animal may be reclaimed by its owner prior to disposal of said animal under the procedures set forth hereafter in Section 8.07.040 of this Title by payment of all fees attributable to said animal's apprehension and impoundment and by the owner posting a Rabies deposit as found in Appendix A. Said deposit may be recovered by owner upon showing proof of rabies vaccination within seventy-two hours of release.

C. Any animal not reclaimed prior to the period specified in Section 8.07.050 of this Title shall be disposed of pursuant to that Section.

08.05.050 Rabid Animal Reports.

Any person having knowledge of the presence or whereabouts of an animal

known to have been exposed to or reasonably suspected of having rabies and any person having knowledge of an animal or person bitten by a wild or domestic carnivorous mammal or bat shall report such knowledge and all pertinent information available to the Division and/or Salt Lake City-County Health Department. Any person having custody of such animal shall confine the animal pending direction from the Division or Health Department.

It shall be unlawful under this Title for any person having knowledge of the presence or whereabouts of an animal known to have been exposed to, or reasonably suspected of having, rabies; or of an animal or person bitten by such an animal; to harbor, protect, or otherwise interfere with the apprehension or identification of said animal or persons by willfully withholding such knowledge from an Animal Control Officer, peace officer, or any officer of the Salt Lake City-County Health Department or the Utah State Department of Health.

It shall be a violation of this Title for an owner, or other person having the care, custody and control of an animal known, suspected, or deemed to have been exposed to rabies as set forth above in this Section to fail to surrender said animal immediately upon demand by any peace officer, Animal Control Officer, or officer of the Salt Lake City-County Health Department or Utah State Department of Health.

8.05.060 Animals Exposed to Rabies.

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

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

Dogs, cats, and ferrets that are currently vaccinated shall be revaccinated immediately, kept under the owner's control and observed for 45 days. Livestock shall be handled as per the current Compendium of Animal Rabies Control.

8.05.070 Management of Animals that Bite Humans.

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

1. The animal shall be observed for a period of not less than ten days by the Division and/or the Salt Lake City-County Health Department, and the owner of the animal shall be responsible for the cost of such quarantine.
2. The normal place for such quarantine shall be the Division's animal shelter; however, other arrangements suitable to the Division's Director may be made for the period of observation specified herein upon the condition that the biting animal had a current rabies vaccination at the time the bite is inflicted.
3. A person having custody of an animal under quarantine at a place other than the Division's animal shelter shall immediately notify the Division if the animal shows any signs of sickness or abnormal

behavior, or if the animal escapes from quarantine.

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

5. If the quarantined animal dies within ten days from the date of the bite for which the animal was quarantined, the person having custody of said animal shall immediately notify the Division of such fact and immediately deliver the animal to their veterinarian or the Division for the removal and delivery of the head of said animal to a laboratory specified by the Utah State Department of Health for examination for rabies.

6. At the end of the quarantine period, the Director or designee shall examine the quarantined animal and if no sign of rabies is present in the animal, the animal may be released to its owner. Stray animals shall be disposed of as provided below in Section 8.07.050.

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

8. A. Any stray or unwanted dog, cat or ferret that bites a person may be euthanized immediately and submitted for rabies examination, if an immediate examination is determined necessary by the Salt Lake City-County Health Department.

B. Animals other than dogs, cats, or ferrets that might have exposed a person to rabies shall be reported immediately to the Salt Lake City-County Health Department. Case management will be a collaborative effort between the Health Department and the Division.

Chapter 8.06

ANIMAL BITES AND NUISANCES

8.06.010 Nuisance–Penalties for Allowing.

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

8.06.020 Animal Nuisance Abatement.

If the Director has reasonable grounds to believe that an animal constitutes a “public nuisance animal,” as defined herein, and that such nuisance necessitates immediate abatement, he/she may issue an abatement order, by mail or posting, giving the animal owner or keeper seven days to abate the animal nuisance. If the animal nuisance is not abated within seven days after delivery of the abatement notice, the Division may seize the animal(s) pending delivery of an order concerning the disposition of the animal(s) by a court of competent jurisdiction. Each day that an owner or keeper allows an animal nuisance to persist beyond seven days following delivery of an abatement notice will constitute a separate violation of this Title.

If the court determines that the animal in question is not a nuisance and/or need not be abated for the public health and safety, the Division shall return the animal to the owner or handler forthwith, and shall assume the responsibility for the costs

incurred while the animal is under the care and keeping of the Division. If the court determines that the animal in question constitutes a public nuisance, the owner or handler shall be liable to the Division for the cost incurred by the Division for the animal’s care and keeping while the matter is before the courts, and for the cost of destroying the animal.

8.06.030 Animal Bites–Reporting Requirements.

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

A physician, or other medical personnel, who renders professional treatment to a person bitten by an animal shall report that fact to the Division or the Salt Lake City-County Health Department within twenty-four hours of his/her first professional attendance. Said report shall include the name, sex and address of the person bitten as well as the type and location of the bite. If known, the person making the report shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Division of animal control in ascertaining the immunization status of the animal.

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

Any person not conforming with the requirements of this Section shall be in violation of this Title.

8.06.040 Dangerous or Vicious Animals.

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

8.06.050 Control and Fencing of Livestock.

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

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

In areas where livestock are not permitted to run at large, the owner or handler of

livestock shall construct adequate fencing and shall maintain said fencing to prevent livestock animals' escape from the owner's or handler's premises. For the purposes of this Section, "adequate fencing" means, at a minimum, mesh, barbed wire, chain link, rail, or post fencing; or metal fence panels.

Because of the unusual hazards presented by stallions, such animals shall be confined in a fenced enclosure with a minimum fence height of eight feet.

Failure by an owner or handler to erect and maintain the fencing required by this Section, thus permitting the escape of, or injury to persons, property or other domesticated animals, shall be a violation of this Title.

Chapter 8.07 IMPOUNDMENT

8.07.010 Animal Shelter and Facilities.

Salt Lake County shall be responsible, within its legislative discretion, to provide suitable premises and facilities to be used as an animal shelter where impounded animals can be kept. The County, through the Division, shall purchase and supply food and provide care for impounded animals.

The Division shall provide for the destruction of dogs, cats, ferrets, and other animals for which destruction is authorized by this Title or by the laws of the State of Utah. Destruction shall be accomplished in accordance with standards established by the American Veterinary Medical Association, or in accordance with any other nationally recognized standards established for the proper destruction of animals; or by any method which, in the discretion of the

Director, is proper under the circumstances existing in the County.

The Division may furnish, at the discretion of Division personnel, when necessary, medical treatment to animals impounded pursuant to this Title. Prior consent for such treatment from the owners of such animals shall not be required.

The Division shall be entitled to recover from the owner of any affected animal the cost of the care and keeping, medical treatment, and euthanasia provided or performed under the authority of this Title.

8.07.020 Impoundment Authorized—When.

An Animal Control Officer may impound, or leave an animal in the custody of its owner or handler, according to said Officer's discretion, whenever such animal is found to be in circumstances which violate the requirements of this Title. If left in the custody of the owner or handler, said owner or handler shall nevertheless be required to respond to a Notice of Violation issued by the Animal Control Officer.

An animal found in the following circumstances may be impounded by an Animal Control Officer without the filing of a criminal complaint or obtaining a prior order from a court of competent jurisdiction:

The animal is running at large outside its owner's or handler's premises;

The animal is outside its owner's or handler's premises and is not licensed as required by this Title. An animal not wearing a license tag shall be presumed to be unlicensed for the purpose of this subsection;

The animal is sick or injured and its owner cannot be immediately located;

The animal's owner or handler requests the Division to impound the animal and pays, in advance, a fee reasonably calculated to pay for the cost the Division will reasonably incur during impoundment and possible destruction of the animal;

The animal is abandoned;

The animal is outside its owner's or handler's premises and is known by the Animal Control Officer to be without the rabies vaccination (s) required by this Title. An animal not wearing a rabies tag shall be presumed to be unvaccinated, for the purpose of this sub-section;

The animal is known by the Animal Control Officer to have been exposed to rabies or bitten by a rabid animal;

The animal is to be otherwise held for quarantine;

The animal is a vicious animal and not properly confined or restrained as required by Section 8.06.040 of this Title; or

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

C. The circumstances set forth above in this Section are not intended to be a complete list of those in which the Division, and its Animal Control Officers, may impound an animal without a prior order from a court of competent jurisdiction; and said officers are authorized to act as necessary to maintain the peace and safety of Salt Lake County under the

requirements of this Title and under the requirements of law.

8.07.030 Impoundment; Recordkeeping Requirements.

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

- Complete description of the animal, including tag numbers;
- The manner and date of impound;
- The location of the pickup and name of the officer picking up the animal;
- The manner and date of disposal;
- The name and address of the person who redeems, purchases or adopts the animal;
- The name and address of any person relinquishing an animal to the impound facility;
- All fees received on behalf of the animal; and
- All costs of impoundment allocable to the animal which accrue during its impoundment.

8.07.040 Redemption of Animals; Restrictions.

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

- The impound fee;
- The daily board charge;
- Veterinary costs incurred during the impound period, including rabies vaccination or rabies vaccination deposit;
- License fee, if required;
- A transportation fee if transportation of an impounded animal by specialized equipment is required. “Specialized equipment” is that equipment, other than the usual patrol and operation vehicles of animal control, which is

designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers. The Director of Animal Services shall determine this fee at a level that approximates the cost of utilizing the specialized equipment in the particular situation;

- Any other expenses incurred to impound an animal in accordance with state or local laws;
- Any unpaid (past due) fees and fines incurred by the owner; and

If any dog or cat is fertile, the owner shall also pay a sterilization deposit and comply with other requirements established by Title 17, Chapter 42, Utah Code Annotated, 1953 as amended, and implemented by the Division. For the purposes of this subsection, the term “recipient” contained in the referenced Utah statute shall include an owner or his/her authorized representative who is redeeming his/her animal after impound.

If an animal is impounded on two or more occasions without wearing identification or license tags, the owner maybe required to purchase microchip identification in addition to impound fees.

B. The Director, subject to the approval of Salt Lake County, shall set, and periodically revise when necessary, maximum impound fees and daily board charges for the impounding of animals. Such fees shall be published in Appendix A. Such fees may take into account the type of animal impounded, the owner’s compliance with animal licensure requirements, the number of confinements in the preceding year, and the duration of the confinement. No impound fees will be charged the reporting owners of suspected rabid animals if they comply with Chapter 8.05 of this Title.

**8.07.050 Term of Impoundment–
Destruction or other Disposition of
Animals.**

Animals shall be impounded for a minimum of three business days before further disposition unless the animal is wearing a license tag or other identification, in which case it shall be held a minimum of five calendar days. Reasonable efforts shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility by the owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition.

All animals, except those quarantined or confined by court order, or those subject to Section 4-25-4, Utah Code Annotated, 1953, as amended, which are held longer than the minimum impound period, and all animals voluntarily relinquished to the impound facility, may be destroyed or disposed of as the Director shall direct. Any healthy pet may be adopted to any qualifying person desiring to adopt such animal, for a price as published in Appendix A. The Director shall require the sterilization of any healthy dog, cat, ferret or rabbit sold or released under this Chapter and shall also comply with the requirements of Title 17, Chapter 42, Utah Code Annotated, 1953 as amended.

Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention may, in the discretion of the Director, be released to the care of a veterinarian with the consent of the owner.

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

The Director may destroy an animal upon the request of an owner without transporting the animal to county facilities. An appropriate fee shall be charged the owner for the destruction and any subsequent disposal of the carcass performed by the Division.

**8.07.060 Sterilization of Adopted and
Impounded Animals.**

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

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

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

**Chapter 8.08
CRUELTY TO ANIMALS
8.08.010 Care and Maintenance
Responsibility.**

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

8.08.020 Keeping of Diseased or Painfully Crippled Animals.

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

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

It is unlawful for an owner or handler of an animal which is infected with a disease, or is in a painfully crippled condition, to have, keep or harbor such animal without placing the animal under veterinary care and/or to dispose of such animal as required above in sub-section B.

8.08.030 Abandonment of Animals.

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

8.08.040 Hobbling Animals.

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

8.08.050 Animals in Vehicles.

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

8.08.060 Physical Abuse of Animals.

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

8.08.070 Injury to Animals by Motorists; Duty to Stop and Assist.

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

- The County Sheriff,
- Other police agency having jurisdiction in the area where the animal is struck, or
- The Division

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

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

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

8.08.080 Poisoning Animals.

Except as provided in this Section, it is unlawful for any person by any means to knowingly and recklessly make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to

prohibit the use of poisonous substances for the control of vermin in furtherance of the public health, when applied in such a manner as to reasonably prohibit access to other animals.

8.08.090 Steel-Jaw Traps.

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

8.08.100 Mistreatment of Animals.

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

8.08.110 Baby Rabbits and Fowl—Restrictions.

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

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

It is unlawful to artificially dye or color any animal under six months of age.

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

It is unlawful to offer as an advertising device, or to display any animal without keeping adequate food and water available for them at all times.

Each day an offense occurs or continues shall be a separate offense.

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

8.08.120 Selling Certain Turtles Prohibited.

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

Chapter 8.09 WILD, DANGEROUS AND EXOTIC ANIMALS

8.09.010 Prohibitions Relating to Wild, Dangerous and Exotic Animals – Exceptions.

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor or purchase any wild, dangerous or exotic animal, as defined in Title 50 of the Code of Federal Regulations, Utah law or regulation, or Sections 8.01.150, 8.01.220 & 8.01.430 of this Title; or which is otherwise a vicious animal or a nuisance as defined in this Title.

The prohibitions of sub-section A., above, shall not apply to a person, animal shelter, zoological park, veterinary hospital, 501(C)(3) animal welfare shelter, public laboratory, circus, sideshow, amusement

show, or facility for education or scientific research if such organizations are otherwise licensed or permitted as provided in this Title, and said animals are restrained or confined in such a manner as to prevent their escape and/or injury to the public.

Chapter 8.10 ENFORCEMENT AND PENALTIES

8.10.010 Violation of Title–Penalties.

Any person who violates any mandate or prohibition contained in this Title shall be penalized according to the provisions of this Title or the provisions of Section 1.12.010 of the Salt Lake County Code of Ordinances.

Any Notice of Violation issued pursuant to this Title shall subject the person to a processing fee as set forth in Appendix A.

8.10.020 Issuance of Criminal Citations; Notice of Violations and Stipulation.

A peace officer and/or Animal Control Officer is authorized to issue a criminal citation to any person upon a charge of violating any provisions of this Title. The form of the citation, and proceedings to be handled upon the basis of the citation, shall conform to the provisions of the Utah Code of Criminal Procedure, including, but not necessarily limited to, Sections 77-7-18 through 77-7-22, Utah Code Annotated, 1953 as amended.

Where violations of Sections 8.03.170, 8.04.010, 8.04.120 through 8.04.160, 8.05.010, 8.08.010, 8.08.050 and 8.08.110 through 8.08.120 of this Title are observed, an Animal Control Officer may, in lieu of issuance of the criminal citation and, with the consent of the person charged with a violation, issue a Notice of Violation to any person. The Notice of Violation shall state, with reference to the pertinent sections of this Title, the violation which must be remedied by the

person charged and shall set forth a compliance date by which the violator must comply with the remedial requirements. It shall also set forth a waiver provision providing that the person to whom the Notice of Violation is issued waives all rights to contest the charge made against him/her in the Notice of Violation and further waives the rights to a trial or hearing upon the charges. The Notice of Violation shall also include the amount of an administrative and processing fee to be paid to the Division by the person charged in the Notice of Violation. Refusal to execute the waivers defined herein, refusal and/or non-payment of the administrative and processing fee, or failure to comply with the Notice of Violation and Stipulation by the deadline set as the compliance date may result in the issuance of a criminal citation to the person charged.

8.10.030 Violation–Procedure for Court Orders.

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

The Director or his/her authorized representative shall petition the court for the desired action;

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

8.10.040 Pick Up Orders.

The Director or his authorized representative may petition the Court for a “pick up order” for an animal within the premises of and/or under the control of a person who is in violation of this Title. This section may be used for, but is not limited

to, picking up of animals pursued but not captured by an Animal Control Officer, nuisance animals or for any other violation of this Title.

Chapter 8.11

NOTICE OF VIOLATION AND STIPULATION PROCEDURES

8.11.010 Purpose and Authority.

The use by Salt Lake County Division of Animal Services of a Notice of Violation and Stipulation in lieu of issuance of a criminal citation is intended to provide an equitable and uniform method for administering and resolving disputes between Salt Lake County Division of Animal Services and parties alleged to have violated one or more of the following sections of this Title: 8.03.170, 8.04.010, 8.04.120 through 8.04.160, 8.05.010, 8.08.010, 8.08.050 and 8.08.111 through 8.08.120.

8.11.020 Definition.

“Notice of Violation and Stipulation” means a Division determination, with the consent of the person charged, to forgo the criminal citation and enter into a contractual stipulation to resolve the issue.

8.11.030 Administrative Procedure.

In lieu of issuing a criminal citation, and in an attempt to resolve disputes at the lowest level, the Division may convene a conference with the person charged and attempt to enter into a contractual settlement to resolve the issue.

When good cause appears, the Division may permit a deviation from these procedures if it finds compliance to be impractical or unnecessary or that such deviation furthers justice or purpose of the Division.

These procedures will be liberally construed to secure a just, speedy, and economical determination of all issues presented to the Division.

Actions commenced in court, whether criminal or civil, are not subject to review under these procedures.

There is no appeal from the Notice of Violation and Stipulation procedure. Failure by the person charged to comply with the provisions of the Notice of Violation and Stipulation settlement agreement will result in negation of the stipulation and issuance of the criminal citation or at the option of the Director of the Division the settlement agreement may be enforced in Court as provided in Section 8.10.030.

8.11.040 Division Conference.

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

Settlement Agreement. Upon reaching agreement as to the issues, requirements, and penalties (if any), the Division representative shall prepare a binding settlement agreement and shall submit the agreement to the parties for approvals and signature. The Director or his or her designee may sign for Salt Lake County. After signing a settlement agreement, the parties waive all rights to further hearings or appeals unless the terms are not honored, in which case the Director or designee may issue a criminal citation, or seek enforcement in Court as provided in Section 8.10.030.

Section III. This Animal Control Ordinance shall become effective fifteen (15) days after its passage and upon at least one publication in a newspaper published in and having general circulation in the County of a summary of said ordinance stating that the complete ordinance is available at the County Clerk's Office, 2001 South State Street, Room S2200, Salt Lake City, Utah. The ordinance shall also be posted at the attached nine (9) public places within the County.

APPROVED AND ADOPTED this _____ day of _____, 2000.

Appendix A

SALT LAKE COUNTY ANIMAL SERVICES PERMITS/FEES

A. PERMIT FEES

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

B. PET LICENSE FEES

1 year / 2 year / 3 year / Lifetime

- Unsterilized
\$25.00 / \$45.00 / \$60.00 / n/a
- Sterilized \$5.00 / \$9.00 / \$12.00 / n/a
- Senior citizen - unsterilized
\$20.00 / \$36.00 / \$48.00 / n/a
- Senior citizen - sterilized \$15.00
- Transfer fee \$3.00
- Replacement tag \$3.00

C. SERVICE FEES FOR PETS

1. Impound fees:

- 1st impound \$25.00
- 2nd impound within 12 month period
\$50.00
- 3rd impound within 12 month period
\$100.00
- Subsequent impound after 3rd
impound \$200.00

2. Board fees per day for pets \$8.00

3. Adoption fee (includes microchip and adoption packet) \$25.00

4. Sterilization deposit
Dog impoundment \$50.00

Cat impoundment \$25.00

5. Rabies Deposit \$25.00

6. Turn-over

Currently licensed (in County's jurisdiction) pet \$0.00

Unlicensed pet \$25.00

7. Transportation \$25.00

8. Stray animal from another jurisdiction
\$10.00

D. SERVICE FEES FOR LIVESTOCK

1. Impound fees:

Large livestock \$60.00

Small livestock \$30.00

2. Board fees per day

Large livestock \$10.00

Small livestock \$8.00

3. Transportation fees \$ 20.00

E. NOTICE OF VIOLATION

1. Notice of Violation fee \$ 25.00*

*per violation