

DAVIS COUNTY

ORDINANCE NO. 8-2011

AN ORDINANCE AMENDING AND REPEALING CERTAIN SECTIONS OF THE ANIMAL CONTROL ORDINANCE AS SET FORTH IN TITLE 6, DAVIS COUNTY CODE, TO UPDATE THE CODE WITH REGARD TO THE LICENSING, CARE, AND PROTECTION OF ANIMALS

The Board of County Commissioners of Davis County, Utah, in a regular meeting, lawful notice of which has been given, finds that Sections 6.04.010, 6.12.010, 6.12.060, 6.20.040, 6.28.010, 6.32.010 of the Davis County Code are inadequate and should be amended to reflect the changes in state law and better meet the purposes of the Davis County Animal Care & Control Office and the County, that Section 6.16.140 should be enacted to better meet the purposes of the Davis County Animal Care & Control Office and the County, that Section 6.12.070 should be repealed to better meet the purposes of the Davis County Animal Care & Control Office and the County, and that it is in the best interest of the County that this ordinance be adopted.

The Board of County Commissioners of Davis County, Utah, ordains as follows:

BE IT ORDAINED THAT

Section 1. Section 6.04.010 of the *Davis County Code* is amended as follows:

Section 6.04.010 - Definitions.

As used in this title:

1. "Animal" means any and all types of livestock, dogs and cats, fowls, and all other subhuman creatures, both domestic and wild, male and female, singular and plural.
2. "Animal boarding establishment" means any establishment that takes in animals and boards them for profit.
3. "Animal Control Director" and "Director" each mean the Director of the Animal Care and Control Department.
4. "Animal grooming parlor" means any establishment maintained for the purpose of offering cosmetological services for animals for profit.
5. "Animal shelter" means any facility owned and operated by a governmental entity or any animal welfare organization which is incorporated within the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domestic animals.
6. "Animal at large" means any animal, whether licensed or not, when
 - a. The animal is off the property of the owner or custodian and is not under the immediate physical restraint by the owner or custodian. "Immediate physical restraint" means a durable restraint device, such as a leash, cage, or other device capable of keeping the animal under physical control.
 - b. The animal is on the property of the owner or custodian and is not:

- (1) Securely confined in a building, fenced area, cage or kennel;
 - (2) Under the immediate physical restraint by the owner or custodian; or
 - (3) Under the immediate and effective control of the owner or custodian and does not cause fear to or constitute or appear to present any threat or danger to the safety, comfort or health of other persons.
- c. A working dog while being used for herding sheep, cattle, or other livestock; a hunting dog while lawfully being used to hunt game; or a dog while being trained for herding or hunting shall not be deemed to be an animal at large if the dog is under the proper control of its owner or custodian.
7. "Bite" means any actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.
8. "Cat" means any age feline of the domesticated types.
9. "Cattery" means an establishment for boarding, breeding, buying, grooming or selling cats for profit.
10. "Center" means the Davis County Animal Control Center.
11. "Custodian" means a person having formal or informal custody, control, or possession.
12. "Dangerous animal" means any animal that:
- a. Is dangerously aggressive or uncontrollable, including, but not limited to, any animal which has bitten or in any manner attacked any person or animal with or without provocation whether on public or private property;
 - b. Has been previously found to be a potentially dangerous animal, whose owner has received notice of such, and it is witnessed and documented that the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
 - c. Is found to be in violation of any of the restrictions placed upon the animal by the department pertaining to a potentially dangerous animal.
13. "Department" means the Davis County Department of Animal Care and Control.
14. "Dog" means any canis familiaris.
15. "Domestic animals" means animals customarily and accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, fowls, horses, swine, cows, sheep, mules, donkeys, cattle and llamas.
16. "Estray" means any livestock found at large.
17. "Guard dog" means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so that it cannot come into contact with the public.
18. "Kennel" means land or buildings used in the keeping of three (3) or more dogs, four (4) months or older.
19. "Livestock" means any normally domesticated animal that is not a cat, or dog, such as; cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc.
20. "Owner" means any person having an ownership or proprietary interest in an animal or having formal or informal custody of an animal.
21. "Pet" means a domesticated animal kept for pleasure rather than utility, including but not limited to, birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.
22. "Pet shop" means any establishment containing cages or exhibition pens, not part of the kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

23. "Potentially dangerous animal" means any animal:
- a. That, with or without provocation, chases, attacks, threatens or approaches a person, domestic animal or livestock in a threatening or menacing fashion, or apparent attitude of attack;
 - b. Any animal with a known propensity, tendency or disposition to attack a person, domestic animal, or livestock with or without provocation; or
 - c. That, because of witnessed and documented conduct is reasonably believed to be capable or causing injury to or otherwise poses a threat to the safety of a person, another animal or livestock.
24. "Quarantine" means the isolation of an animal as required by this title in a substantial and approved enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
25. "Restraint device" means any chain, leash, cord, rope, or other device used to physically restrain an animal, exclusive of any underground or other electrical or radio device.
26. "Riding school or stable" means an establishment, person or business which offers boarding and/or riding instruction of any horse or other riding animal or which offers such animal for hire.
27. "Vicious animal" means any animal which has:
- a. Inflicted severe injury on a human being with or without provocation on public or private property;
 - b. Has killed a domestic animal with or without provocation while off the owner' s property; or
 - c. Has been previously found to be dangerous, the owner having received notice of such and the animal again bites, attacks, or endangers the safety of humans or domestic animals, or it is witnessed and documented that the animal is in violation of restrictions placed upon it as a potentially dangerous or dangerous animal pursuant to Sections 6.16.050 and 6.16.060 of this title.
28. "Wild animal" means any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:
- a. Alligators, crocodiles, Caiman;
 - b. Bears (Ursidae). All bears including grizzly bears, brown bears and black bears;
 - c. Cat Family (Felidae). All except the commonly accepted domesticated cats; including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;
 - d. Dog Family (Canidae). All, except domesticated dogs, and including wolf, fox, coyote, and wild dingo. Any dog cross bred with a wild animal as described above shall be considered to be a wild animal;
 - e. Porcupine;
 - f. Primates (all subhuman primates);
 - g. Raccoon (all varieties);
 - h. Skunks;
 - i. Venomous snakes or lizards;
 - j. Weasels. (All weasels, martens, wolverines, badgers, otters, ermine, mink and mongoose, except that the possession of mink shall not be prohibited when raised

commercially for their pelts, in or upon a properly constructed legally operated ranch.

Section 2. Section 6.12.010 of the *Davis County Code* is amended as follows:

6.12.010 Licensing and registration of dogs and cats.

It is unlawful for any person to own, keep, harbor or maintain a dog or cat over the age of four months of age, without registering and obtaining a license for such dogs and cats from the Animal Control Department or authorized vendor. All dogs and cats brought into Davis County shall require registering and licensing within thirty (30) days after they enter Davis County, or within thirty (30) days after having reached the age of four (4) months. The annual fee for all dog and cat licenses shall be from time to time set by resolution by the Board of County Commissioners. For any dog or cat not registered within thirty (30) days after having been brought into Davis County, or within thirty (30) days of being four months old, the owner thereof will be required to pay an additional license late fee which shall be set from time to time by resolution of the Board of County Commissioners. No dog or cat shall be licensed as spayed or neutered without proof that the surgery has been performed.

Dog and cat licenses shall be renewed each year, with each license being valid from the date of purchase for twelve (12) consecutive months with the license expiration date one year from the date of purchase. Three year cat licenses shall be valid from the date of purchase for thirty-six (36) consecutive months with the license expiration date three years from the date of purchase. Licenses not renewed within thirty (30) days of expiration shall be subject to the applicable late fee.

Section 3. Section 6.12.060 of the *Davis County Code* is amended to read:

Section 6.12.060 Number of dogs and cats per residence.

No person or persons at any one (1) residence within the jurisdiction of this title shall at any one (1) time own, harbor, license, or maintain more than three (3) cats and dogs in any combination. A person may only own, harbor, license, or maintain three (3) dogs if one of the dogs has been acquired from a legitimate animal shelter, as the term "animal shelter" is defined in the Utah Animal Welfare Act.

Section 4. Section 6.20.040 of the *Davis County Code* is amended to read:

Section 6.20.40 – Impoundment and disposal.

- A. Animals shall be impounded for a minimum of five (5) business days before further disposition. Reasonable effort shall be made to notify the owner, caretaker or sponsor, of any animal wearing a license or other form of identification, including but not limited to a microchip, during that time. Notice shall be deemed given when sent to the last known address of the listed owner, caretaker or sponsor. Any animal voluntarily relinquished to the animal control facility by the

owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided. In compliance with the Community Cat Act, any cat received by a shelter under the provisions of Section 11-46-103, Utah Code Annotated, may be released prior to the five (5) day holding period to a sponsor that operates a community cat program.

- B. All animals, except those quarantined or confined by court order, or those subject to Section 4-25-4, Utah Code Annotated, 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 of Animal Control shall direct. Any healthy dog or cat may be sold in compliance with the Davis County animal control adoption policy after payment of all applicable fees. Other small animals, not included as livestock may also be sold as determined by the director.
- C. Any animal impounded and having or suspected of having a serious physical injury or contagious disease requiring medical attention may, at the discretion of the Animal Control Director, be released to the care of a veterinarian with or without the consent of the owner, caretaker or sponsor.
- D. When, in the judgment of the Director of Animal Control, it is determined that an animal should be destroyed without delay 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 limitation otherwise established in this title, except as provided in Chapter 6.24, and without court order.
- E. The Animal Control Director or any of his or her agents may destroy an animal upon request of the 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 done by the Department of Animal Control.
- F. In the event that an impounded animal is to be sold at an administrative auction, notice of the sale shall be given in a newspaper of general publication once at least 10 calendar days prior to the sale.

Section 5. Section 6.28.010 of the Davis County Code is amended to read:

Section 6.28.010 Cruelty to animals.

A person commits cruelty to animals when he or she:

- A. Causes one animal or fowl to fight with another;
- B. Intentionally or carelessly administers or applies any poisonous or toxic drug or any material injurious to tissues or organs to any animal or livestock, or procures or permits the same to be done, whether the animals be his own property or that of

another. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of public health when applied in such a manner as to reasonably prohibit access to other animals;

- C. By act or omission causes pain, suffering, terror or torment, or if he or she injures, mutilates, or causes disease or death to any animal or fowl;
- D. Administers or applies or procures or permits the administration of application of any trapping mechanism, other than a live capture trap or exposes such a trapping mechanism to domestic animals or livestock, with the intent to harm or take the animal whether the animal be his or her own property or that of another. All set live capture traps shall be checked and emptied daily. All traps must have owner identification permanently affixed to them;
- E. In the case of an animal owner, custodian, or sponsor, neglects or fails to supply such animal with necessary and adequate exercise, care, rest, food, drink, air, light, space, shelter, protection from the elements, and/or medical care;
- F. Raises, trains, purchases or sells any animal or fowl for fighting or harbors fowl for fighting purposes, which has the comb clipped or the spur altered or who is in possession of an artificial spur;
- G. Is present as a spectator at any animal contest wherein one animal or fowl is caused to fight with another, or rents any building, shed, room, yard, ground or premises for the purpose of holding such a contest between animals; or knowingly suffers or permits the use of any building, shed, room, yard, ground or premises belonging to him or her or under his or her control for any of these purposes;
- H. Abandons an animal;
- I. Performs or causes to be performed any of the following operations:
 - 1. Inhumanely removes any portion of the beak of any bird, domestic or wild,
 - 2. Alters the gait or posture of any animal, by surgical, chemical, mechanical, or any other means, including soring,
 - 3. Crops or cuts the ears, removes an animal's claws or sterilizes a dog or cat and is not a licensed veterinarian,
 - 4. Inhumanely docks the tail of an animal or removes an animal's dewclaws;
- J. Carries or causes to be carried any animal in a manner harmful to that animal. Suitable racks, cars, crates or cages in which such animals may stand, move freely, or lie down during transportation, or while awaiting slaughter, must be provided;
- K. Carries, transports, or confines 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, food or water for an unusual length of time. In this

section the determination of whether treatment of an animal is “cruel or inhumane” shall be made by the Director of Animal Care and Control, his designated officer, or local law enforcement officer, after considering the individual circumstances;

- L. Continuously drives or works a horse or other animal to a point of observable strain, and denies the animal rest periods. Working animals shall be offered water periodically;
- M. Takes or kills any bird(s) or robs or destroys any nest, eggs or young or any bird in violation of the laws of the State of Utah;
- N. Inhumanely hobbles livestock or other animals;
- O. Leaves any livestock species used for draught, driving or riding purposes, on the street without protection from the weather and without food and water;
- P. Recklessly rides or drives any horse or other livestock species on any street, highway, or avenue within this jurisdiction;
- Q. Induces or encourages an animal to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause physical injury or unnecessary suffering;

Section 6. Section 6.16.140 of the *Davis County Code* is hereby enacted to read as follows:

Section 6.16.140 *Animals Attacking Persons and Animals.*

A. **Attacking Animals:** 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 threaten any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. “Threaten,” as used in this section means any menacing behavior, including but not limited to, lunging, growling, biting, or bearing of teeth.

B. **Owner Liability:** The owner in violation of subsection A of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A of this section, the owner of such animal shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.

C. **Defenses:** The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

1. That the animal was properly confined on the premises;
2. When the animal is on its owner’s property;

3. That the animal was deliberately or maliciously provoked.

D. Any person may take reasonably necessary actions, including killing, to defend him or herself, other persons, and property while the animal is committing any of the acts specified in subsection A of this section.

Section 7. Section 6.32.010 of the *Davis County Code* is amended to read:

Section 6.32.010 Fees & Charges

Fee Description	Amount
Relinquishment (at the Animal Shelter)	15.00
Relinquishment (in the field with pickup by Animal Control officer)	30.00
Relinquishment (litter and mother)	15.00
Impound of domestic animal	50.00
Impound of livestock (during day operation hours)	75.00
Impound of livestock (after day operation hours)	95.00
Daily board charges for domestic animal	10.00
Daily board charges for livestock	25.00
Euthanasia and disposal	40.00
Quarantine (for 10 day period)	100.00
Fees for adoption/purchase of dogs, cats, and small animals such as turtles, snakes, gerbils, etc., are on a sliding scale as set by Animal Control based on such factors as size, breed, and age of the animal, and time spent in the shelter. In no event, shall the fee for adopting/purchasing a dog, cat or small animal be more than \$295.00.	
Spay/Neuter Feline	45.00
Spay/Neuter Canine (under 30 lbs)	55.00
Spay/Neuter Canine (30-59 lbs)	65.00
Spay/Neuter Canine (60-89 lbs)	75.00
Spay/Neuter Canine (over 90 lbs)	85.00
Spay female in heat additional	25.00
Neuter with Retained Testicle additional	25.00
License for dog (unsterilized/no microchip) for one year	40.00
License for dog (sterilized / no microchip) for one year	15.00
License for dog (unsterilized / microchip)	30.00
License for dog (sterilized / microchip)	10.00
Three year for dog (unsterilized / no microchip)	120.00
Three year for dog (unsterilized / with microchip)	90.00
Three year for dog (sterilized / no microchip)	45.00

Three year for dog (sterilized / microchip)	20.00
License for cat (unsterilized/no microchip) for one year (includes microchip)	15.00
License for cat (sterilized/no microchip) for one year (includes microchip)	5.00
License for cat (unsterilized/microchip) for one year (no microchip)	10.00
License for cat (sterilized/microchip) for one year	5.00
Three year license for cat (unsterilized with or without microchip)	45.00
Three year license for cat (sterilized/no microchip) – includes microchip	24.00
Three year license for cat (sterilized/microchip)	10.00
License for dog (unsterilized) for one year-Senior Citizen owner	10.00
License for dog (sterilized) for lifetime - Senior Citizen owner	20.00
License for cat (sterilized/microchip) for lifetime – Senior Citizen owner	10.00
Transfer fee for cat or dog	5.00
Late license fee for dog or cat	20.00
Rabies Vaccination (1 year w/adoption)	10.00
Rabies Vaccination (3 years w/adoption)	12.00
Five (5) Way Vaccination (w/adoption)	15.00
Vaccines Open to General Public	20.00
Combo Kits (any 2 vaccines) Open to General Public	30.00
Combo Kits (any 3 vaccines) Open to General Public	50.00
Micro Chip (Mandatory for Impounded Dogs)	25.00
Micro Chip (For dogs of General Public)	25.00
Micro chip (w/Adoption)	20.00
Kennel Fee (annual)	75.00
Replacement/Duplicate tag for dog or cat	6.00
Euthanization of trapped raccoon (includes reoval of carcass) and trapped skunk (does not include removal of carcass)	20.00
Trap rental security deposit	50.00
Trap rental fee per week	10.00

NON-CONTRACTED CITIES FEES:

Fee Description	Amount
Impound	75.00
Boarding per day/per animal	20.00
Impound of Livestock (regular working hours)	125.00
Impound of Livestock (after working hours)	175.00
Daily Boarding Charges for Livestock	50.00
Euthanasia and Disposal	50.00
Quarantine (10 days)	200.00
Stock Truck, Trailer and ACO from Animal Control site & return	200.00

+2.00 per mile

Section 8. Section 6.12.070 of the Davis County Code is hereby repealed.

Section 6.12.070 — Regulatory permits.

It is unlawful for any person to operate a boarding kennel, cattery, pet shop, grooming, riding stable, or any similar establishment, unless such person first obtains a regulatory permit from the Animal Control Department, which permit shall be 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 Animal Control Department. Before the permit is issued, approval shall be granted by the Davis County Health Department, and appropriate zoning authority and the Animal Control Department. Establishments in existence prior to the ratification of this title shall obtain such regulatory permit within ninety (90) days of written notification of the regulatory inspector that such a permit is necessary.

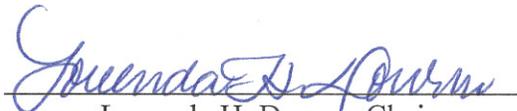
Section 9. Effective Date.

This ordinance shall become effective 15 days after its adoption and upon publication as required by law.

This ordinance was duly approved and adopted by the Board of County Commissioners of Davis County, Utah on the 20th day of December, 2011, with Commissioners, Louenda H. Downs, P. Bret Millburn and John Petroff Jr., all voting as noted above regarding passage of this ordinance.

BOARD OF COUNTY COMMISSIONERS OF DAVIS COUNTY

By:


Louenda H. Downs, Chairperson

ATTEST:


Steve S. Rawlings
Davis County Clerk/Auditor

Approved as to legal form and compatibility with state law:


Deputy Davis County Attorney