

## ORDINANCE NO. 2010-07

### AN ORDINANCE OF IVINS CITY, UTAH, AMENDING TITLE 6 OF THE IVINS CITY CODE ENTITLED “ANIMALS”

**WHEREAS**, the Ivins City Council desires to update and amend Title 6 of the Ivins City Municipal Code entitled “Animals;”

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF IVINS CITY, STATE OF UTAH:**

**SECTION 1.** Title 6 of the Ivins City Municipal Code, is hereby amended to now read as follows:

#### **Title 6 ANIMALS**

##### **CHAPTERS:**

- 6.01: General**
- 6.02: Dog Licensing**
- 6.03 Rabies Control**
- 6.04: Regulatory Permits & Licenses**
- 6.05: Prohibited Acts and Activities**
- 6.06: Impounding and Adoption**
- 6.07: Sterilization Requirements**
- 6.08: Enforcement & Penalties**

#### **CHAPTER 1 GENERAL**

**6.01.101 Policy.** It is the policy of the Ivins City Municipal Animal Shelter & Adoption Center that no adoptable animal shall be euthanized if it can be adopted into a suitable home or transferred to a qualified rescue organization.

The Ivins City Municipal Animal Shelter & Adoption Center operates as a No Kill facility within the parameters of and lawful constraints imposed by virtue of its municipal status. As such, the No Kill designation does not preclude the euthanization of any animal when such action is necessary to ensure the public health, safety and welfare, nor does it prohibit the euthanization of sick or injured animals when no viable humane alternative remains. (Ord. 2010-07, 2010)

**6.01.102 Definitions.** As used in this title, the following words and terms shall have the meanings ascribed to them in this section:

**ABANDONED OR STRAYED:** An animal whose owner cannot be immediately identified through reasonable diligence.

**ADEQUATE HOME:** Existing facilities to meet the physical and emotional needs of the adopted animal, including food, water, shelter, medical care, protection from extreme weather conditions and companionship.

**ADOPTABLE:** Those animals six (6) weeks of age or older that, at or subsequent to the time the animal is impounded or otherwise taken into possession, have manifested no sign of disease, injury, congenital/hereditary defect or behavioral condition that could pose a health or safety risk or otherwise make the animal unsuitable for placement as a pet. Animals exhibiting any of the above mentioned conditions may become adoptable through medical treatment or rehabilitation.

**ANIMAL CONTROL OFFICER:** The Director, peace officers and other employees and volunteers of the Public Safety Department who have been designated by the Director to perform the duties of animal control officers and who have been authorized to enforce the provisions of this title.

**ANIMAL SHELTER:** The Ivins City Municipal Animal Shelter & Adoption Center, (the “animal shelter” or “shelter”) is used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other small domesticated animals from Ivins City, except as follows:

- a) The shelter may assist neighboring jurisdictions, at the approval of the Director during times of disaster and/or exigent circumstances in placing animals in safe environments, including the Shelter if space is available, and in attempting to find foster homes for such animals.
- b) The shelter may take animals from relinquishing owners living in neighboring jurisdictions if all of the following are met:
  - i) the owner pays twice the fee charged to Ivins City residents;
  - ii) the animal is spayed or neutered;
  - iii) the animal has complete current vaccinations, including Bordatella;
  - iv) the animal is in good health and adoptable; and,
  - v) at the discretion of the Shelter Manager.
- c) The shelter may also engage in cooperative efforts with other shelters and qualified rescue groups in placing animals for adoption or foster care.

**AT LARGE:** All wild animals and any livestock or domesticated animals off the premises of the owner or custodian of the animal and not under immediate control of the owner or custodian are considered at large. In the case of a dog, immediate control shall mean on a leash, confined within a vehicle or pet carrier/cage.

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

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

**COMMERCIAL KENNEL:** Any premises or establishment where four (4) or more dogs, older than four (4) months, are kept for the purpose of boarding, breeding, raising or training dogs for a fee or on a nonprofit or commercial basis.

**DIRECTOR:** The Ivins City Public Safety Director.

**DISPOSITION:** Refers to the adoption, transfer, owner return or euthanasia of an animal.

**DIVISION:** The Division of Animal Control which is within the Public Safety Department.

**DOMESTICATED ANIMALS:** Animals accustomed to living in or about the habitation of man that are not included in the definition of “livestock” or “wild animals”.

**FERAL CAT:** A cat usually born in the wild with no human contact before four (4) to six (6) weeks of age, and/or a cat without owner identification of any kind whose usual and consistent temperament is extreme fear of and resistance to contact with people.

**GROOMING SALON:** Any establishment maintained for the purpose of offering cosmetic services for animals for profit.

**LIVESTOCK:** Cattle, domesticated elk, bison, sheep, swine, goats, poultry, llamas, horses, mules, or other equines.

**NON-REHABILITATABLE.** Animals that are neither adoptable nor treatable, vicious animals, or animals for whom euthanasia would be the most humane alternative due to disease, injury or suffering that cannot reasonably be alleviated.

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

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

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

**QUALIFIED RESCUE ORGANIZATION:** A nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code. An organization founded to rescue homeless pets. The organization must have the ability to provide reasonable care, medical care, rehabilitation, lifetime care, and/or the possibility of future adoption.

**REHABILITATABLE:** Those animals six (6) weeks of age or older that, at or subsequent to the time the animal is impounded or otherwise taken into possession, have manifested signs of behavioral or temperamental challenges may be retrained by a qualified rescue organization/trainer and may be adopted with signed waiver/disclosure or transferred to a qualified rescue organization.

**RESPONSIBLE ADULT:** A person eighteen (18) years of age or older, who is employed or otherwise capable of providing the physical, medical and emotional needs of the adopted animal. A person found guilty or who pled no contest to violating the provisions of this title or any other federal, state or local law concerning the abuse of or cruelty to animals, within five (5) years of the animal adoption application, is not a "responsible adult" for the purposes of this title.

**REVIEW PANEL:** The Review Panel shall be made up of the Director, Animal Control Officer/Shelter Manager, Friends of Ivins Animal Shelter (FIAS) President or other designated FIAS representative, or any other person(s) requested by the Director who may have specific knowledge/training to assist the panel in making decisions regarding animals. The Director shall make the final determination as to the disposition in each case.

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

**TREATABLE:** Any dog or cat that is not adoptable but that could become adoptable with reasonable efforts.

**VICIOUS ANIMAL:** Any animal which has bitten a person or other animal without provocation, or has a known propensity to attack or bite human beings or other animals, or approaches any person upon the streets, sidewalks or any public grounds or place in a threatening and terrorizing manner in an apparent attitude of attack.

**WILD ANIMAL:** Any animal that is not livestock or a domesticated animal and shall specifically include, no matter how domesticated: all alligators and crocodiles; all bears; all cats other than the commonly accepted domesticated cats, including but not limited to cheetah, leopard, lion, lynx, panther, cougar, mountain lion, bobcat, and tiger; all dogs other than domesticated dogs, including but not limited to wolf, part wolf, fox, part fox, coyote, and part coyote; all porcupines, all nonhuman primates; all raccoons; all skunks; all venomous fish and piranha; all venomous snakes and lizards; and all weasels other than ferrets. (Ord. 2010-07, 2010)

**6.01.103 Division of Animal Control.** There is hereby established a Division of Animal Control (the "Division") within the Ivins City Public Safety Department with power to cite, apprehend, and/or impound animals found in violation of this title, and to otherwise carry out and enforce the provisions of this title. (Ord. 2006-01, 2006)

**6.01.104 Policies and Procedures.**

(1) The Director, or his designee, shall establish and update, from time to time, written policies and procedures which implement the provisions of this title and which govern the administration of the animal shelter.

(2) The Director, or his designee, shall also establish and update, from time to time, written guidelines concerning volunteer opportunities available at or through the animal shelter. (Ord. 2010-07, 2010)

**6.01.105 Animals at Large.** No animals shall be allowed to run at large or to be herded, tethered or staked out upon any street, sidewalk or other public place within the City and all such animals so found may be impounded and/or the owner of the animal cited. (Ord. 2006-01, 2006)

**CHAPTER 2**  
**DOG LICENSING**

**6.02.101 License Requirements; Fees.**

- (1) License Required: All dogs must be licensed each year, except as otherwise provided herein, to a responsible adult of the age of eighteen (18) years or older.
- (2) Time Limit: Any person owning, possessing or harboring any dog shall obtain a license for such animal within thirty (30) days after the dog reaches the age of six (6) months; or in the case of a dog over six (6) months, within ten (10) days after acquisition of the dog or locating within the Ivins City limits.
- (3) Application: License applications must be submitted on a standard form which requests name, address and telephone number of the applicant; breed, sex, color and age of the animal; and rabies information, including vaccination date and expiration. The application shall be accompanied by the prescribed license fee and by a current rabies vaccination certificate. Rabies vaccinations shall be given by a licensed veterinarian and comply with the requirements of chapter 3 of this title.
- (4) Fee For License: The license fees shall be in such amounts as established by resolution of the City Council. No dog will be licensed as spayed or neutered without proof that such surgery was performed.
- (5) Term of License: The license shall be effective from the date of purchase through the expiration date set forth on the rabies vaccination certificate presented at the time of initial licensing or renewal. Failure to renew the license by submitting a new rabies vaccination certificate and renewal fee prior to the license expiring will result in the automatic revocation thereof. (Ord. 2010-07, 2010)

**6.02.102 License Tag.**

- (1) Required; Attachment: Upon payment of the license fee, the city shall issue to the owner a certificate and a tag for each dog licensed. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and the tag are constantly worn. Failure to attach the tag as required shall be in violation of this chapter, except that dogs which are kept primarily for show purposes are exempt from wearing the tag.
- (2) Transferability; Lost Tags: Dog tags are not transferable from one dog to another. No refunds shall be made on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of a fee to the city in such amount as established by resolution of the City Council.
- (3) Removal Prohibited: Any person removing or causing to be removed the collar, harness or tag from any licensed dog without the consent of the owner or keeper thereof, except a licensed veterinarian or officer who removes such for medical and other reasons, shall be in violation of this chapter. (Ord. 2010-07, 2010)

### **6.02.103 Exemptions.**

- (1) The licensing requirements of this chapter shall not apply to:
  - (a) dogs licensed elsewhere whose owners are nonresidents and are temporarily (up to 30 days) within the jurisdiction; and
  - (b) individual dogs within a properly licensed kennel or other such establishment when such dogs are held for resale.
- (2) The fee provisions of this chapter shall not apply to:
  - (a) seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place;
  - (b) hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds; and
  - (c) dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.
- (3) Nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination. (Ord. 2006-01, 2006)

## **CHAPTER 3 RABIES CONTROL**

**6.03.101 Duty to Report Bites.** Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Division, giving the name and address of the person bitten, or whose animal was bitten, and of the owner or custodian of the biting animal, if available. Failure to provide such information or otherwise assist the Division in discovering possible exposure to rabies or in ascertaining the immunization status of an animal shall be in violation of this chapter. (Ord. 2006-01, 2006)

### **6.03.102 Vaccination.**

- (1) Rabies vaccination is required for dogs and cats. The owner or custodian of a dog or cat shall have said animal vaccinated within thirty (30) days after it reaches the age of six (6) months. Unvaccinated dogs or cats over six (6) months of age acquired by the owner or brought into Ivins City must be vaccinated within thirty (30) days. All adult dogs and cats shall be revaccinated thereafter every thirty-six (36) months. This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others.
- (2) Each veterinarian, when vaccinating any animal for rabies, shall complete a certificate of rabies vaccination (in duplicate) which includes the following information:
  - (a) owner's name and address;(2) a description of animal (breed, sex, markings, age, name);

- (b) the date of vaccination;
- (c) the rabies vaccination tag number;
- (d) the type of rabies vaccine administered; and
- (e) the manufacturer's serial number of vaccine.

(3) A copy of the certificate shall be distributed to the owner and original retained by the issuing veterinarian. Any unvaccinated animal shall be impounded but may be reclaimed prior to disposition by payment of impound fees and by obtaining a rabies vaccination within seventy two (72) hours of release. Any adoptable animal not reclaimed within the minimum impound period shall be subject to disposition as defined and set forth herein. (Ord. 2010-07, 2010)

**6.03.103 Boarding at Commercial Kennels.** Commercial kennel operators within Ivins City must be shown proof of current vaccination before accepting an animal for boarding. (Ord. 2006-01, 2006)

**6.03.104 Quarantine.**

(1). An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal afflicted with rabies or that has been exposed to rabies, shall be reported by the owner, as set forth above, and shall immediately be confined in a secure place by the owner. The owner shall turn over the animal to the Division upon demand, whereupon the Division shall quarantine the animal for observation for a period of not less than ten (10) days. The owner of the animal shall bear all costs of quarantining the animal. Although the animal shelter or a veterinary kennel shall be the normal place for quarantine, other arrangements, including confinement by the owner, may be made by the Director or his designee if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Division if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health or animal control officer to make an inspection or examination during the period of quarantine. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately notify the Division who shall immediately remove and deliver the head of such animal to the state health laboratory to be examined for rabies. If, at the end of the ten (10) day period, the Director or his designee examines the animal and finds no sign of rabies, the animal may be released to the owner, or in the case of a stray, it shall be placed for adoption or otherwise disposed of as provided in this title.

(2). In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal should be immediately euthanized. If the owner is unwilling to euthanize the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be euthanized if the owner does not comply herewith. (Ord. 2010-07, 2010)

**CHAPTER 4**  
**REGULATORY PERMITS & LICENSES**

**6.04.101 Required Permits and Licenses.** It shall be unlawful for any person to operate or maintain a kennel, cattery, pet shop, grooming salon, riding school or stable, veterinary clinic or hospital, or any similar establishment, unless such establishment is located in a zoning district allowing such use as either a permitted or conditional use and such person first obtains all necessary permits and licenses therefor as required by City ordinance. This provision shall have no application to the City animal shelter. (Ord. 2010-07, 2010)

**6.04.102 Posting of Licenses; Transferability; Changes.** All valid licenses shall be posted in a conspicuous place in each establishment, and a license shall not be transferable to another location. The permittee shall immediately notify the Division of any change in location or ownership. (Ord. 2006-01, 2006)

**6.04.103 Suspension or Revocation of License.**

(1) A license may be suspended or revoked, or a license application rejected, for falsification of facts in the license application or for violation of any of the provisions of this title or any other law or regulation governing the establishment.

(2) If the inspection of a licensee discloses a violation, the Director or designee shall notify the licensee of the following:

(a) the specific violations found;

(b) a specific and reasonable period of time for the correction of the violations found;

(c) notice that failure to correct may result in immediate suspension of the license; and

(d) an opportunity for appeal from the notice and inspection findings will be provided if a written request for a hearing is filed with the Division within five (5) days of the date of notice.

(3) 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 licensee or person in charge, or such notice has been sent by certified mail to the last known address of the licensee. A copy of such notice shall be filed with the records of the Division. (Ord. 2006-01, 2006)

**CHAPTER 5**  
**PROHIBITED ACTS AND ACTIVITIES**

**6.05.101 Harboring Stray Dogs.** It shall be unlawful for any person, except an animal shelter, to harbor or keep any lost, abandoned or strayed dog. Whenever any dog shall be found which appears to be lost, abandoned or strayed, it shall be the duty of the finder, within forty-eight (48) hours, to either return the dog to its owner, if known, or to notify the Division so the dog can be impounded as provided in this title. (Ord. 2006-01, 2006)

**6.05.102 Animals Running At Large.** It shall be unlawful for the owner or custodian of any animal to allow such animal to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not he knows that the animal is running at large. (Ord. 2006-01, 2006)

**6.05.103 Tethering.**

(1) Tethering may be allowed up to a maximum of 10 hours per day with adequate food, water and shelter from extreme temperatures (cold or hot).

(2) It shall be unlawful for any person to chain, stake out or tether any animal in such a manner that may be dangerous to the animal or that would allow the animal to go beyond the owner's property line. (Ord. 2010-07, 2010)

**6.05.104 Female Dogs in Heat.** It shall be unlawful for the custodian of any female dog in heat to fail to confine such dog in a secure enclosure so as to prevent it from coming into contact with other dogs and creating a nuisance, except for planned breeding. (Ord. 2006-01, 2006)

**6.05.105 Places Prohibited to Animals.** It shall be unlawful for any person to take or permit any animal in or about any establishment or place of business where food or food products are sold or displayed, regardless of how the animal may be restrained, except for seeing eye dogs, hearing dogs and dogs assisting governmental officials. (Ord. 2006-01, 2006)

**6.05.106 Attacking Dogs.**

(1) It shall be unlawful for the owner or custodian of any dog to allow the dog to attack, bite or chase any person, any domesticated animal or any domestic fowl. The killing of a dog by any person while the dog is engaged in any act prohibited by this subsection, if reasonably necessary to stop the dog's actions, shall not be a violation of any other provision of this title, provided such killing in no way endangers another's safety or property.

(2) When there have been two (2) reported attacks by the same dog, a Review Panel will be convened where the dog may be deemed vicious. Regardless of number of bites, a Review Panel may be convened on a case by case basis as determined by the Director. The officer may impound the dog pending a final determination and shall give written notice to the owner that the dog may be euthanized.

(a) The offending dog's actions shall be scrutinized by the Review Panel.

(b) After review by the Review Panel the Director shall render a final decision whether or not the dog has been determined to be vicious. The Director shall then cause to be mailed or hand delivered to the owner written notice of his decision.

(3) If a dog is determined to be vicious, the owner may oppose the dog being euthanized by making a written request for a hearing to the City Recorder's office within ten (10) calendar days of receipt of the notice. If mailed, the notice shall be deemed received five (5) calendar days after the date of mailing. Upon receiving a written request for a hearing, a hearing shall be scheduled before the City's Administrative Law Judge as soon as reasonably possible.

(a) At the hearing, the Administrative Law Judge shall allow the Animal Control Officer and the owner, or the representative of either, to present any relevant evidence, including reliable hearsay evidence, and shall then, based on the evidence presented, affirm or overturn the decision to euthanize the dog.

(b) If the Administrative Law Judge affirms the decision, the Director or his designee shall euthanize the dog as soon as possible. (Ord. 2010-07, 2010)

**6.05.107 Vicious Animals.** It shall be unlawful for any person to keep or harbor a vicious animal within the City.

(1). Any person may petition to have an animal classified as vicious by filing with the Division a written "Petition to Classify an Animal as Vicious" on a form provided by the Division.

(a) Upon receipt of a properly executed petition, the Director shall cause a copy thereof to be mailed or hand-delivered to the animal's owner. The owner shall then have ten (10) calendar days from the date of receipt to submit a written response to the allegations of the petition. If mailed, the petition shall be deemed received five (5) calendar days after the date of mailing.

(b) Upon receipt of the owner's written response, if any, the Review Panel shall review the case to recommend if the animal is in fact vicious. After review by the Review Panel, the Director shall decide whether the animal is to be classified as vicious.

(c) The Director shall then cause to be mailed or hand-delivered to the owner written notice of his decision.

(d) If an animal is determined to be vicious, the owner may oppose the animal being euthanized by making a written request for a hearing to the City Recorder's office within ten (10) calendar days of receipt of the notice. If mailed, the notice shall be deemed received five (5) calendar days after the date of mailing. Upon receiving a written request for a hearing, a hearing shall be scheduled before the City's Administrative Law Judge as soon as reasonably possible.

(e) At the hearing, the Administrative Law Judge shall allow the Animal Control Officer, the petitioner and the owner, or their representatives, and other witnesses where applicable, to present any relevant evidence, including reliable hearsay evidence, and shall then, based on the evidence presented, affirm or overturn the decision of the Director.

(f) If the Administrative Law Judge overturns the decision the animal will be returned to the owner.

(g) If the Administrative Law Judge affirms the decision, the Director or his designee shall euthanize the animal as soon as possible. (Ord. 2010-07, 2010)

**6.05.108 Animal Waste Disposal.** It shall be considered an infraction for the owner or custodian of an animal to permit the animal to defecate upon a public street, sidewalk, park or other area, or upon the property of another unless the owner or custodian removes and properly disposes of all animal waste that may result. In the case of farm/recreational animals such as a horse, the owner

should dismount and remove the waste or return as soon as practical/reasonable to remove the waste. (Ord. 2010-07, 2010)

**6.05.109 Carcass Disposal.**

(1) General. It shall be unlawful for the owner or custodian, or if ownership cannot be ascertained, for any person causing the death of an animal, to allow the carcass of a dead animal to remain anywhere in the City, whether interred or otherwise, and whether on private or public property. Disposal shall be at the county sanitary landfill by arrangement directly with the operator thereof who shall effect an appropriate interment at the landfill site. This subsection shall have no application to animals killed for consumption purposes, although unused portions of the carcass must be disposed of in accordance herewith.

(2) Domesticated Animals. The foregoing notwithstanding, upon the death of a domesticated animal, the owner thereof may bury the animal on his/her private property within one (1) day of the animal's death. (Ord. 2006-01, 2006)

**6.05.110 Cruelty to Animals.**

(1) Cruelty to animals is prohibited. Cruelty shall consist of those acts designated in Utah Code Annotated sections 76-9-301 and 76-9-301.1 through 76-9-301.8, together with injurious hobbling and malicious impounding. The penalties prescribed by Utah Code shall apply.

(2) The operator of a motor vehicle that strikes and injures any domestic animal shall immediately stop and give such aid as can reasonably be rendered. In the absence of the owner, he shall also immediately notify the Division, furnishing requested facts relative to the incident. Emergency vehicles are exempted from the requirements of this provision when engaged in emergency or urgent calls.

(3) It shall be unlawful for any person to take or kill any birds, or to rob or destroy any nest, eggs or young of any bird, other than domestic fowl if allowed within the applicable zoning district. (Ord. 2010-07, 2010)

**6.05.111 Dogs and Cats Disturbing Neighborhood.** It shall be unlawful for any person to keep or harbor any dog or cat which by loud, continued or frequent barking, howling, yelping, meowing, screeching or by noxious or offensive odors shall annoy, disturb or endanger the health and welfare of any person or neighborhood. This section shall not apply to the City animal shelter or veterinary hospitals. (Ord. 2010-07, 2010)

**CHAPTER 6**

**IMPOUNDING AND ADOPTION**

**6.06.101 Authority; Applicable Animals.** Animal control officers shall place animals taken into custody in the animal shelter. The following animals may be taken into custody and impounded:

- (1) any animal being kept or maintained contrary to the provisions of this title;
- (2) any animal running at large contrary to the provisions of this title;

- (3) any animal which is by this title required to be licensed and is not licensed or is not wearing a tag, which shall be presumed to be unlicensed for purposes of this section;
- (4) any abandoned or stray animal;
- (5) animals which are not vaccinated for rabies in accordance with the requirements of this title; and
- (6) any vicious animal. (Ord. 2006-01, 2006)

**6.06.102 Information Required.** The impounding of any animal shall require the following information to be kept by the Division:

- (1) a complete description of the animal, including tag numbers if any;
- (2) the manner and date of impound;
- (3) the location of the pick up and name of the officer picking up the animal;
- (4) the name and address of any person relinquishing an animal to the impound facility;
- (5) the name and address of the redeemer, adopter or qualified rescue organization the animal is released to, and the date thereof;
- (6) all applicable violations of this title;
- (7) all applicable fees and penalties; and
- (8) all expenses accrued during impoundment. (Ord. 2010-07, 2010)

**6.06.103 Period of Impound.** Domesticated animals shall be impounded for a minimum period of five (5) working days before further disposition, unless voluntarily relinquished by the owner or custodian in which case there shall be no minimum period of impound. Notice shall be deemed given when sent to the last known address of the listed owner. All adoptable dogs and cats, except for those quarantined or confined by court order, that have not been reclaimed by their owners within the minimum impound period are then eligible for adoption, placement with a qualified rescue organization or placement into foster care.

- (1) After one hundred twenty (120) days an animal, not adopted or placed, may have its status evaluated by the Review Panel.
- (2) Regardless of length of time in the shelter, an animal who begins to manifest aberrant or aggressive behavior or whose health is deteriorating may be evaluated by the Review Panel.
- (3) If, after the evaluation by the Review Panel, it is determined that the animal remains adoptable, transferable or capable of being rehabilitated, the animal may be placed under the care of FIAS and placement attempts shall continue per an agreement with FIAS. If determined that an animal is no longer adoptable, transferable or capable of rehabilitation, the animal may be euthanized as approved by the Director. (Ord. 2010-07, 2010)

#### **6.06.104 Impound Fees; Waiver.**

- (1) Impound fees shall be in such amounts as established by resolution of the City Council.
- (2) The Director or his designee may waive an impound fee under appropriate circumstances for animals quarantined for possible rabies, but boarding charges shall be paid in any event. (Ord. 2006-01, 2006)

**6.06.105 Redemption.** The owner of any impounded animal, who is a responsible adult, may redeem his/her impounded animal before disposition, upon payment of the following:

- (1) the impound fees;
- (2) the daily board charges;
- (3) veterinary costs incurred during the impound period, including rabies vaccination;
- (4) license fees, if required; and
- (5) any penalties imposed for violation of this title. (Ord. 2006-01, 2006)

#### **6.06.106 Adoption.**

- (1) The Director or his designee shall establish written placement guidelines for the adoption of impounded animals which are in accordance with this title.
- (2) Upon the expiration of the minimum period of impound, adoptable animals may be given up for adoption to responsible adults, upon a showing that they can provide an adequate home for the animal. Disposition by adoption shall relieve the City of further responsibility to any party for the animal. The City reserves the right to refuse any adoption. No warranty of any type may be given as to the health, temperament or suitability of the animal so adopted.
- (3) Records shall be kept of any person to whom an animal is given. No animal shall be given to a former owner, directly or indirectly, without payment by the recipient of all impound and other fees applicable to redemption.
- (4) Adoption fees shall be in such amounts as established by resolution of the City Council. However, the Director may reduce or waive such adoption fees under appropriate circumstances, such as special animal adoption events or when the animal shelter is full.
- (5) Any person denied the right to adopt an animal may appeal the denial by filing a written notice of appeal with the Director within five (5) working days of the denial. The written notice of appeal shall contain the applicant's name, mailing address, daytime telephone number, and the relief sought. Upon receipt of the notice of appeal, a hearing shall be scheduled before the City's Administrative Law Judge as soon as possible. At the hearing, the Administrative Law Judge shall allow the officer and the petitioner, or the representative of either, to present any relevant evidence, including reliable hearsay evidence, and shall then, based on the evidence presented, affirm or overturn the decision to deny the adoption. During the appeal process, the adoptee animal shall be retained by the shelter. If the Administrative Law Judge affirms the denial, the adoptee animal shall be treated as any other

animal. If the Administrative Law Judge overturns the denial, the adoptee animal shall be adopted to the petitioner as soon as reasonably practical. (Ord. 2006-01, 2006)

## **CHAPTER 7**

### **STERILIZATION REQUIREMENTS**

**6.07.101 Definitions.** As used in this chapter:

**AGREEMENT:** The animal shelter's written animal sterilization agreement.

**ANIMAL:** An adoptable cat or dog.

**ANIMAL SHELTER:** The Ivins City Municipal Animal Shelter & Adoption Center, (the “animal shelter” or “shelter”) is used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other small domesticated animals from Ivins City, except as follows:

- (a) The shelter may assist neighboring jurisdictions, at the approval of the Director during times of disaster and/or exigent circumstances in placing animals in safe environments, including the Shelter if space is available, and in attempting to find foster homes for such animals.
- (b) The shelter may take animals from relinquishing owners living in neighboring jurisdictions if all of the following are met:
  - (i) the owner pays twice the fee charged to Ivins City residents;
  - (ii) the animal is spayed or neutered;
  - (iii) the animal has complete current vaccinations, including Bordatella;
  - (iv) the animal is in good health and adoptable; and,
  - (v) at the discretion of the Shelter Manager.
- (c) The shelter may also engage in cooperative efforts with other shelters and qualified rescue groups in placing animals for adoption or foster care.

**CLAIMANT:** An owner claiming an animal upon the animal's second impound within a twelve (12) month period and upon any subsequent impound of that animal.

**PERSON:** An individual, an entity or a representative of an entity.

**PROOF OF STERILIZATION:** A written document signed by a veterinarian licensed under Utah Code Annotated title 58, chapter 28, the Utah veterinary practice act, stating:

- (a) a specified animal has been sterilized;
- (b) the date on which the sterilization was performed; and

(c) the location where the sterilization was performed.

**RECIPIENT:** The person to whom the animal shelter transfers an animal for adoption.

**STERILIZATION DEPOSIT:** The portion of a fee charged by the animal shelter to a recipient or claimant of an unsterilized animal to ensure the animal is timely sterilized in accordance with an agreement between the recipient or the claimant and the animal shelter.

**STERILIZED:** An animal has been surgically altered, either by the spaying of a female animal or by the neutering of a male animal, so it is unable to reproduce.

**TRANSFER:** The animal shelter sells, gives away, places for adoption or otherwise transfers an animal to a recipient. (Ord. 2010-07, 2010)

### **6.07.102 Sterilization Required; Written Agreement.**

(1) The animal shelter may not transfer an animal that has not been sterilized, except as provided below.

(2) The animal shelter may transfer an animal for adoption that has not been sterilized only if:

(a) Recipient signs the animal shelter's written agreement which states that the animal is not sterilized and the recipient agrees to be responsible for ensuring the animal is sterilized:

(i) Within thirty (30) days after the agreement is signed, if the animal is six (6) months of age or older; or

(ii) If the animal is younger than six (6) months of age, within thirty (30) days after the animal becomes six (6) months of age; and

(b) The animal shelter receives from the recipient a sterilization deposit as provided under the terms of the written agreement executed by the recipient under this section. (Ord. 2006-01, 2006)

### **6.07.103 Sterilization Deposit.**

(1) Sterilization deposits shall reflect the average reduced cost of a sterilization of an animal, based on the gender and weight of the animal, but the deposit may not be less than \$25. The amount of the sterilization deposit shall conform to the City's Consolidated Fee Schedule.

(2) The sterilization deposit shall be refundable to the recipient if proof of sterilization of the animal within the appropriate time limits is presented to the animal shelter not more than three months after the date the animal is sterilized.

(3) The deposit shall be forfeited to the animal shelter if proof of sterilization is not presented to the animal shelter in compliance with this section.

(4) If a female dog or cat and her litter are transferred to one person, a sterilization deposit is required only for the female dog or cat.

(5) All sterilization deposits forfeited or unclaimed under this section shall be retained by the animal shelter and shall be used by the animal shelter only for:

- (a) a program to sterilize animals, which may include a sliding scale fee program;
- (b) a public education program to reduce and prevent overpopulation of animals and the related costs to the City;
- (c) a follow up program to assure that animals transferred by the animal shelter are sterilized in accordance with the agreement; and
- (d) any additional costs incurred by the animal shelter in the administration of the requirements of this section. (Ord. 2006-01, 2006)

**6.07.104 Failure to Comply with Agreement.** If a recipient or claimant fails to comply with the agreement:

- (1) the failure is grounds for seizure and impoundment of the animal by the animal shelter;
- (2) the recipient relinquishes all ownership rights regarding the animal and any claim to expenses incurred in maintenance and care of the animal; and
- (3) the recipient forfeits the sterilization deposit. (Ord. 2006-01, 2006)

**6.07.105 Deposit; When Required for Redemption by Claimant.**

(1) Upon the second impound within a twelve (12) month period, and upon any subsequent impound of an animal that is claimed by its owner, the animal shelter may release the impounded animal to its owner only upon payment of all impound fees required by the shelter and:

- (a) receipt of proof the animal has been sterilized; or
- (b) a sterilization deposit.

(2) The sterilization deposit shall be refunded to the claimant only if the claimant provides proof of sterilization to the animal shelter within thirty (30) days of release of the animal to the claimant. (Ord. 2010-07, 2010)

**6.07.106 Penalty; Appeal.**

(1) (a) A person who knowingly commits any of the violations set forth in this chapter shall be subject to a civil penalty of not less than two hundred fifty dollars (\$250.00) on a first violation, and a civil penalty of not less than five hundred dollars (\$500.00) on any second or subsequent violation.

(b) The Director or designee shall impose the civil penalties under this section.

(2) A person is subject to the civil penalties under this section who:

- (a) falsifies any proof of sterilization submitted for the purpose of compliance with this chapter;
- (b) provides to the animal shelter or a licensed veterinarian inaccurate information regarding ownership of any animal required to be submitted for sterilization under this chapter;
- (c) submits to the animal shelter false information regarding sterilization fees or fee schedules;  
or
- (d) issues a check for insufficient funds for any sterilization deposit required of the person or claimant under this chapter.

(3) Appeal: Any person or claimant who contests a civil penalty imposed under this section may appeal by filing a notice of appeal with the City Recorder's office within ten (10) days of the imposition of the penalty. The notice of appeal shall contain the person's or claimant's name, mailing address, daytime telephone number, and the relief sought. Upon receipt of the notice of appeal, the matter shall be scheduled for a hearing before the City's Administrative Law Judge as soon as possible. At the hearing, the Administrative Law Judge shall allow the animal control officer and the person or claimant, or a representative of either, to present any relevant evidence, including reliable hearsay evidence, and shall then, based on the evidence presented, affirm, modify or overturn the imposition of penalty. (Ord. 2006-01, 2006)

## **CHAPTER 8**

### **ENFORCEMENT & PENALTIES**

**6.08.101 Enforcement Authority.** The Director, his/her authorized designees, and animal control officers are empowered to apprehend, 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 of this title, and are empowered to issue criminal citations and/or notices of violation for any violations of this title. (Ord. 2006-01, 2006)

**6.08.102 Powers and Duties.** The Director shall employ and designate those employees and volunteers within the Public Safety Department who shall perform the duties of animal control officers. Animal control officers shall be authorized to enforce the provisions of this title in all respects, including but not limited to, the apprehension and impoundment of animals found in violation of this title and to issue criminal citations and/or notices of violation for any violations of this title. (Ord. 2006-01, 2006)

**6.08.103 Right of Entry for Enforcement.** In the enforcement of this title, any peace officer or animal control officer is hereby authorized to enter into the open yard of any person to secure or take possession of any animal which is reasonably believed by such officer to then and there, in the presence and plain view of such officer, to be in violation of this title. (Ord. 2006-01, 2006)

**6.08.104 Interfering with Officers Prohibited.** It is unlawful for any person to knowingly and intentionally interfere with the Director or any officer in the lawful discharge of his/her duties as prescribed in this title. For purposes of this title, the term "interfere" shall include, without limitation: failing to hand over to, or release to, an officer an identifiable animal which has been pursued but not captured by such officer; failing to make payment of agreed upon fees that have been deferred by the Director; failing to meet the agreed upon conditions of a fee waiver, reduction or deferment; 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. (Ord. 2006-01, 2006)

**6.08.105 Penalties.**

(1) Any person violating the provisions of this title, either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to the following:

(a) a Class C misdemeanor, unless expressly stated otherwise herein;

(b) restitution of the cost of all damages incurred by anyone whose person, property or animal has been injured or destroyed by a dog or other animal.

(2) In addition to any other remedies available at law or equity, penalties for violations of this Title may be pursued under the City's Administrative Code Enforcement program.

(3) Each day such violation is committed or permitted to continue shall constitute a separate offense. (Ord. 2006-01, 2006)

**SECTION 2. Severability.** If any section, clause or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

**SECTION 3. Effective Date.** This ordinance shall become effective immediately upon passage.

**PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THE 1st DAY OF APRIL, 2010. ALL COUNCIL MEMBERS WERE PRESENT AT THE MEETING. FOUR VOTED IN FAVOR AND ONE OPPOSED.**