



Davis County Animal Care & Control

1422 East 600 North • Fruit Heights, Utah 84037

Telephone: (801) 444-2200 • TDD: 451-3228 • Fax: 444-2212

To: City Administration

From: Clint Thacker
Director
Davis County Animal Care & Control

Re: County Animal Ordinance Changes

The purpose of this letter is to inform you of the changes to the Title 6, Davis County Animal Ordinance. The sections that will be changed are: **6.12.010**, **6.12.060**, **6.20.40**, **6.28.010**, **6.16.140**, **6.32.010** and **6.12.070**. Please see the included summary of the changed sections. (Blue text denotes compliance with section 11-46-103, Utah Code Community Cats Act Annotated. Red text denotes changes we performed.)

I would like to specifically address one section, **6.12.060 Number of dogs and cats per residence**. This ordinance was changed due to the increase of individuals that want, and can responsibly care for, a third pet. Another reason was for this ordinance was compliance issues. For example, an officer responds to a call and tells the pet owner who has three licensed, healthy, well cared for pets that they can only own two pets. Later, when the officer tries to follow-up, the pet owner will not answer and avoids all contact with the officer because the pet owner did not want to get rid of their pet and does not want a penalty. Animal Services has now become the enemy. License compliance will not happen, in turn, we have no way to make sure any of the pets have current rabies vaccines. Compliance with the law, if any at all, will be up to the court system, making sure all pets are properly taken care of at each residence.

Animal hoarding was another issue that arose with this new ordinance. The question was asked "With this new ordinance, what is keeping someone from getting a lot of animals and start to hoard them?" It is a fact that animal hoarding will happen anywhere at any time, regardless of the law. This new ordinance allows an officer to compare the care of the animals to the ordinance: Are the animals well cared for? Are the animals receiving adequate food, water & shelter? Is this an animal cruelty issue? The officer will not only have the ability to do this in a hoarding situation, but in any animal owner's home, regardless of the number of animals. With this new ordinance, animal hoarding will not be an issue any more than it is now.

The goal of the new ordinance will be to increase license compliance. In turn, we will have more animals with current rabies vaccines and healthier animals.

Animal Services will not be the enemy, but a valued resource.

These changes are hoped to be in effect by September 1st 2011.

Please contact me with any questions, comments or concerns.

Clint Thacker
Director
Davis County Animal Care & Control
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Section 1. 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 2. 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 two (2) dogs in any combination, except as otherwise provided in this chapter.~~

There is no limitation on the numbers of dogs and cats that can be owned by a resident, provided that all dogs and cats are properly licensed and cared for. Dog and cat owners must abide by all applicable sections of Title 6 of these ordinances including, but not limited to, ordinances regarding licensing, proper care and maintenance, medical attention, and animal cruelty. Owners are required to prevent their animals from causing, and shall abate, any nuisances caused by animals including, but not limited to, noise and odor.

Section 3. Section 6.20.040 of the *Davis County Code* is amended to read:

Section 6.20.40 – Impoundment and disposal.



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A. Animals shall be impounded for a minimum of ~~three~~ **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.**

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**.

Section 34. Section 6.28.010 of the Davis County Code is amended to read:

Section 6.28.010 Cruelty to animals.

E. **In the case of an animal owner, custodian, or sponsor, N**eglects 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;

K. ~~Leaves any animal confined in a vehicle unattended in excessively hot or cold weather~~ **Carries 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, or his designated officer, after considering the individual circumstances;**

R. **Transports an animal in the open bed of a vehicle without physically restraining the animal in such a manner as to prevent the animal from jumping or falling out of the vehicle.**

Section 45. 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.**



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

Section 6.32.010 Fees & Charges

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.

License for dog or cat (unaltered) for one year	24.00
License for cat (unsterilized/no microchip) for one year (includes microchip)	15.00



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License for dog (altered) for one year	12.00
License for cat (sterilized/no microchip) for one year (includes microchip)	8.00
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 or cat (unaltered) for one year-Senior Citizen owner	10.00
License for dog or cat (altered) for lifetime - Senior Citizen owner	20.00
License for cat (sterilized/microchip) for lifetime – Senior Citizen owner	10.00
Transfer fee for cat	5.00
Late fee for license – dog or cat	20.00

Section 76. 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, groomery, 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.~~