

Chapter 11

ANIMAL CONTROL

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**ARTICLE I
GENERAL**

Section 11-I-1	Purpose
Section 11-I-2	Definitions
Section 11-I-3	Adoption of State Animal Cruelty Statutes
Section 11-I-4	Policies and Procedures

SECTION 11-I-1 Purpose.

- A) The purpose of this ordinance is to create in Cedar City a division known as the Division of Animal Control within the Cedar City Police Department with power to cite, apprehend, and/or impound animals found in violation of this Chapter, and to otherwise carry out and enforce the provisions of this Chapter.
- B) While the Division of Animal Control’s primary purpose is to provide animal services for the citizens of Cedar City, the Division may provide assistance in other cases including:
 - 1) Assisting neighboring jurisdictions during times of disaster in placing animals in safe environments, including the Animal Shelter if space is available, and in attempting to find foster homes for such animals; and
 - 2) Taking animals from relinquishing owners living in neighboring jurisdictions in Iron County if all of the following are met:
 - a) The owner pays twice the fee charged to Cedar City residents;
 - b) The animal is spayed or neutered;
 - c) The animal has complete current vaccinations, including bordatella; and
 - d) The animal is in good health and adoptable.
 - 3) Engaging in cooperative efforts with other shelters and qualified rescue groups in placing animals for adoption or foster care.

SECTION 11-I-2 Definitions.

- A) **Abandoned or Strayed:** means an animal whose owner cannot be immediately identified through reasonable diligence.
- B) **Adequate Home:** means an existing facility that meets the needs of the animal, including food, water, shelter, and protection from extreme weather conditions.

- C) **Adoptable**: means those domesticated animals eight 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 a behavioral or temperamental defect that could pose a health or safety risk or otherwise make the animal unsuitable for placement as a pet, and have manifested no sign of disease, injury, or congenital, or hereditary condition that adversely affects the health of the animal or that is likely to adversely affect in the future the health of the animal, the person adopting the animal, or the public.
- D) **Animal Control Officer**: means the supervisor, special function officers, and other employees and volunteers of the Public Safety Department who have been designated by the Chief of Police to perform the duties of Animal Control Officers and who have been authorized to enforce the provisions of this Chapter.
- E) **Animal Shelter**: means the Cedar City Animal Shelter used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domesticated animals. Nothing in this Chapter shall be interpreted to prohibit or restrict the establishment of an animal shelter by Iron County, by the State of Utah, or by interlocal agreement.
- F) **Bite**: means an actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.
- G) **Cattery**: means an establishment for boarding, breeding, buying, grooming, or selling cats for profit.
- H) **Commercial Kennel**: means 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 basis.
- I) **Director**: means the Cedar City Chief of Police.
- J) **Disposition**: means the adoption, placement, or destruction of an animal.
- K) **Domesticated Animals**: means animals accustomed to living in or about the habitation of man that are not included in the definition of livestock, exotic animal, or wild animal, as defined by this Chapter and as supplemented by Federal Wildlife Code, Chapter 13, as amended. Examples include, but are not limited to dogs, cats, and rabbits.
- L) **Exotic Animal**: means any animal that is not livestock or a domesticated animal and includes, but is not limited to, no matter how well-trained: 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.

- M) Feral Animal:** means an animal without owner identification of any kind whose usual and consistent temperament is extreme fear of and resistance to contact with people.
- N) Groomery:** means any establishment maintained for the purpose of offering cosmetic services for animals for profit.
- O) Litter:** means two or more puppies or kittens under the age of four (4) months old.
- P) Livestock:** means cattle, domesticated elk, bison, sheep, swine, goats, poultry, llamas, horses, mules, or other equines.
- Q) Non-Rehabilitable:** means 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.
- R) Pet Shop:** means 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.
- S) Quarantine:** means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
- T) Qualified Rescue Group:** means a nonprofit, as defined in Section 501(c)(3) of the Internal Revenue Code, animal rescue or adoption organization.
- U) Responsible Adult:** means 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 Chapter 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 Chapter.

- V) **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 such animals for hire.
- W) **Secondary Offense**: means an alleged violation of an ordinance that by itself shall not result in an officer responding or issuing a citation. An officer may only take notice of a secondary offense when the officer is lawfully present to respond to a separate violation of state law or local ordinance. An officer may not issue a citation for a secondary offense unless the officer issues a citation for one or more violations of state law or local ordinance for which the officer is lawfully present.
- X) **Supervisor**: means the position within the police department assigned by the Chief of Police to oversee and supervise the daily operations of the Division of Animal Control and the Animal Control Officers and staff.
- Y) **Treatable**: means any animal that is not adoptable but that could become adoptable with reasonable efforts.

Amended by Cedar City Ordinance No. 0212-14-1

Amended by Cedar City Ordinance No. 0525-16

SECTION 11-I-3 Adoption of State Animal Cruelty Statutes.

The Cruelty to Animals Code of the State of Utah set forth at Title 76, Chapter 9, Part 3, Utah Code Annotated, 1953 as amended, is hereby approved and adopted as part of this Chapter. Whenever any amendment, revision, or supplement is made to the Cruelty to Animals Code of the State of Utah, the same shall become an amendment, revision, or supplement to this Chapter.

SECTION 11-I-4 Policies and Procedures.

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

**ARTICLE II
LICENSING OF DOGS AND CATS**

SECTION 11-II-1 Licensing

Benefits of licensing dogs and cats include the ability of animal control to be able to identify owners of animals that are in the animal shelter, and so animal control has the opportunity to know if animals have been vaccinated for rabies. Cedar City will not require licensing; however animal control will offer licensing to interested animal owners. Fees shall be established through the City's fee schedule.

Amended by cedar City Ordinance No. 0525-16

**ARTICLE III
RABIES CONTROL**

Section 11-III-1	Duty to Report Bites
Section 11-III-2	Quarantine
Section 11-III-3	Vaccinations

SECTION 11-III-1 Duty to Report Bites.

Any owner of an animal of a species subject to rabies having knowledge that the owner's animal has bitten any individual or another animal or that the owner's animal was 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.

SECTION 11-III-2 Quarantine.

- A) Any domestic animal that is known to have bitten a person resulting in the exchange of bodily fluids must be placed in strict confinement for observation for a period of not less than 10 days, which shall be determined from the date the bite occurred.
- B) Any animal that is involved in a human biting incident shall be sterilized upon completion of the quarantine period, unless the owner can demonstrate that sterilization will significantly decrease the animal's value for show, work or breeding purposes. The owner shall bear the full cost of sterilization
- C) An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal afflicted with rabies or that is known to have 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 six (6) months. 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 six (6) months 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 six-month period, the owner provides written verification by a licensed veterinarian that the animal has had 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 Chapter.

- D) 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 destroyed. If the owner is unwilling to destroy 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 destroyed if the owner does not comply herewith.
- E) It shall be unlawful for any person to remove any animal from the place of quarantine without the written permission of the Director or his/her designee.

SECTION 11-III-3 Vaccinations.

- A) Rabies vaccination is required for dogs, cats and ferrets. The owner or custodian of a dog, cat, or ferret shall have said animal vaccinated within thirty (30) days after it reaches the age of four (4) months. Unvaccinated dogs, cats, or ferrets over four (4) months of age acquired by the owner or brought into Cedar City must be vaccinated within thirty (30) days. Every dog, cat or ferret shall be revaccinated thereafter to remain current. This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others. Each veterinarian, when vaccinating any animal for rabies, shall complete a certificate of rabies vaccination (in duplicate) which includes the following information:
 - 1) owner's name and address;
 - 2) a description of animal (breed, sex, markings, age, name);

- 3) the date of vaccination;
 - 4) the rabies vaccination tag number;
 - 5) the type of rabies vaccine administered; and
 - 6) the manufacturer's serial number of vaccine.
- B) A copy of the certificate shall be distributed to the owner and original retained by the issuing veterinarian. Unless otherwise provided in this Chapter, any unvaccinated animal that is impounded may be reclaimed prior to disposition by payment of impound fees and by obtaining a rabies vaccination within fourteen (14) days of release. Any adoptable animal not reclaimed within the minimum impound period shall be adopted, placed with a qualified rescue group or into foster care, or may be destroyed if reasonable attempts to adopt or place the animal have failed.
- C) Dogs and cats shall not be licensed unless they have met the requirements of this Section. Violation of this Section shall be treated as a failure to vaccinate, a class B misdemeanor.

Amended by Cedar City Ordinance No. 0525-16

ARTICLE IV
REGULATORY PERMITS & LICENSES

Section 11-IV-1	Required Permits and Licenses
Section 11-IV-2	Kennel Permits
Section 11-IV-3	Breeder's Permit
Section 11-IV-4	Posting of Licenses; Transferability; Changes
Section 11-IV-5	Suspension or Revocation of License

SECTION 11-IV-1 Required Permits and Licenses.

It shall be unlawful for any person to operate or maintain a cattery, pet shop, groomery, 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 therefore as required by City ordinance.

SECTION 11-IV-2 Kennel Permits.

- A) It shall be unlawful for any person to own, keep or maintain more animals than allowed under Chapter 26, Cedar City Ordinances and never more than two (2) dogs, two (2) cats, and two (2) rabbits at any one residence, place of business, or undeveloped lot, unless that person is in possession of a Kennel Permit, or the animals are offspring less than four (4) months of age not to exceed two litters under the age of four (4) months old at any one time.
- B) In addition to any requirements of this Chapter, holders of Kennel Permits must comply with any limitations set by Chapter 26, Cedar City Ordinances.
- C) Any person conducting, operating, or maintaining a kennel shall pay to the Division of Animal Control an annual fee as established by Council Resolution for each calendar year that the kennel is in operation. All kennels are subject to inspection without notice.
- D) Violation of this section of the Ordinance of Cedar City is a secondary offense. The penalty for the first violation of this section is set forth in Chapter 11, Article XI, Section 2.

Amended by Cedar City Ordinance No. 0112-14-1.

Amended by Cedar City Ordinance No. 0525-16.

SECTION 11-IV-3 Breeder's Permit.

- A) Any person who owns an unsterilized dog and/or cat for the purpose of breeding with or without the intent to cause the whelping, sale, or transfer of ownership must pay an annual breeder's fee as established by Council Resolution to the Division prior to any attempted breeding. Each person subject to this provision shall:
- 1) Not allow the whelping of more than one (1) litter each per dog or cat in any twelve (12) month period, unless the owner is forced to destroy a litter due to poor health or illness;
 - 2) Not sell, transfer ownership of or release any animal until such a time that it is able to eat solid food, unless transferred with the dam or to a licensed vet; and
 - 3) Provide the Division with a breed and color description of the dam/sire at the time the permit is purchased.
- B) Except as directed by Subsection (C), no person shall have in their possession a litter of dogs or cats unless that person had previously obtained a still-valid Breeder's Permit. Violations of this Chapter shall be determined according to ownership status at the time of whelping, notwithstanding any transfer of ownership, including the surrendering of ownership to the Division after whelping.
- C) Within thirty (30) days of receiving a citation or Criminal Information for a violation of Subsection (B), the charged person may provide proof that the dam involved in the violation has been spayed. If such proof is provided within the thirty (30) days, the City will request that the Court dismiss the criminal charge.

SECTION 11-IV-4 Cat Foster Care Permit.

A resident may apply to Cedar City Police Department's Division of Animal Control for a permit to operate a Cat Foster Care Program to promote the adoption of cats from the Cedar City Animal Shelter. The requesting resident must make application to the Cedar City Police Department's Division of Animal Control and comply with the following regulations.

- (A) The Cat Foster Care program must be a non-profit cat adoption program and charge no fees to the party adopting the cat except for such fees as are required by Cedar City.
- (B) All cats involved in the Cat Foster Care program must come from the Cedar City Animal Shelter.

- (C) Cedar City Animal Control adoption fees shall be paid upon adoption of cats from the Cat Foster Care Program.
- (D) Cedar City Animal Control paperwork shall be required upon the adoption of cats from the Cat Foster Care Program.
- (E) The Cedar City Animal Control shall conduct monthly checks of the person(s) residence involved in the Cat Foster Care Program to insure all policies are followed and that all cats are cared for.
- (F) All parties residing in the home where a Cat Foster Care program is operating pursuant to this permit must execute in writing a waiver allowing Cedar City Animal Control access to their property to conduct monthly inspections upon reasonable notice and without the necessity of having to obtain a warrant.
- (G) No more than five (5) foster cats will be allowed at one time in each residence. All foster cats must be more than six (6) months old to be allowed in the Cat Foster Care program.
- (H) No more than two (2) litters with a nursing mother or not more than one (1) litter without a nursing mother will be allowed at one time in a residence.
- (I) Persons residing in the home where the Cat Foster Care program is located shall be allowed two (2) cats of their own as personal pets.
- (J) Persons wishing to host a Cat Foster Care program within their home and those that will be involved in the Cat Foster Care program must pass a background check.
- (K) The Cedar City Animal Shelter will be notified of any health related issues associated with cats involved in the Cat Foster Care Program.

Amended by Cedar City Ordinance No. 0226-14

SECTION 11-IV-5 Posting of Licenses and Permits; Transferability; Changes.

All valid licenses and permits shall be posted in a conspicuous place in each establishment, and licenses and permits shall not be transferable to other locations. The licensee/permittee shall notify the Division of any change in location or ownership prior to such change or within 5 business days of such change if such change is unexpected.

SECTION 11-IV-6 Suspension or Revocation of Kennel Permit.

- A) A kennel permit may be suspended or revoked, or a permit application rejected for falsification of facts in the permit application or for violation of any of the provisions of this Chapter or any other law or regulation governing the establishment such as but not limited to:

- 1) Kennels are not properly maintained upon inspection;
 - 2) Neglect of animals is reported or discovered upon inspection;
 - 3) Two (2) or more violations of this Chapter;
 - 4) Animals are found running at large; or
 - 5) Refusal of kennel owner to allow Division personnel to inspect kennel upon demand.
- B) If the inspection of a permittee discloses a violation, the Director or designee shall notify the permittee of the following:
- 1) The specific violations found;
 - 2) A specific and reasonable period of time for the correction of the violations found, said time period not being less than five (5) days nor more than two (2) months, unless exigent circumstances require a different time period;
 - 3) Notice that failure to correct may result in immediate suspension of the license; and
 - 4) An opportunity for appeal pursuant to the requirements of this Chapter.
- C) 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 permittee or person in charge, or such notice has been sent by certified mail to the last known address of the permittee. A copy of such notice shall be filed with the records of the Division.
- D) Any person found in violation of this Article shall be subject to:
- 1) Loss of kennel license and privileges for a period of two (2) years; and/or
 - 2) Forcible seizure of all animals with all applicable fees to be paid by the owner of the animal and the kennel.

ARTICLE V

PROHIBITED ACTS AND ACTIVITIES

Section 11-V-1	Harboring Stray Animals
Section 11-V-2	Animals Running at Large
Section 11-V-3	Abandonment of Animals
Section 11-V-4	Unsafe Tethering
Section 11-V-5	Female Animals in Heat
Section 11-V-6	Animal Waste Disposal
Section 11-V-7	Carcass Disposal
Section 11-V-8	Cruelty to Animals
Section 11-V-9	Causing Injury or Death; Contacting Division
Section 11-V-10	Provoking Prohibited
Section 11-V-11	Animals Disturbing Neighborhood

SECTION 11-V-1 Harboring Stray Animals.

It shall be unlawful for any person, except an animal shelter, to harbor or keep any lost, abandoned or strayed domestic animal. Whenever any domesticated animal shall be found which appears to be lost, abandoned, or strayed, it shall be the duty of the finder, within seventy-two (72) hours, to either return the domesticated animal to its owner, if known, or to notify the Division, so the domesticated animal can be impounded as provided in this Chapter.

SECTION 11-V-2 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/she knows that the animal is running at large. Animals are considered running at large if they:

- A) Leave their residential property unrestrained, except at any park, if any, that allows unleashed animals as indicated by City signs, ordinance, or resolution;
- B) By way of damage or destruction of a mutual fence line, all or part of the animal is allowed to trespass upon the property of another;
- C) Are left unattended in a vehicle in a manner that allows all or part of the animal to hinder public access;
- D) Are herded on or across City property except upon a City-approved easement; or
- E) Are chained, staked out, or otherwise tethered on or attached to any public property, sign, or structure or in such a manner that allows the animal to go beyond the owner's property line.

SECTION 11-V-3 Abandonment of Animals.

It shall be unlawful for any person to abandon or place at large any animal for any reason, including inability to care for or refusal to maintain such animal. Persons having possession of such animals are responsible for placing such animals under the care, either through transfer of ownership or surrender of ownership, of the Division of Animal Control.

SECTION 11-V-4 Unsafe Tethering.

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.

SECTION 11-V-5 Female Animals in Heat.

It shall be unlawful for the custodian of any female animal in heat to fail to confine such animal in a secure enclosure so as to prevent it from coming into contact with another animal of the same species, unless the other animal is of the same sex or has been sterilized, except for planned breeding.

SECTION 11-V-6 Animal Waste Disposal.

It shall be unlawful 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 immediately removes and properly disposes of all animal waste that may result.

SECTION 11-V-7 Carcass Disposal.

- A) **General:** It shall be unlawful for the owner or custodian 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.
- B) **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.
- C) **Killing for Consumption:** This Section shall have no application to animals killed for consumption purposes, although unused portions of the carcass must be disposed of in accordance herewith.

SECTION 11-V-8 Cruelty to Animals.

Cruelty to animals is prohibited. In addition to those acts prohibited by the Utah Code sections adopted in this Chapter, cruelty shall include injurious hobbling and malicious impounding.

SECTION 11-V-9 Causing Injury or Death; Contacting Division.

- A) The operator of a motor vehicle that strikes and injures any domestic animal shall immediately stop the vehicle at the scene of the accident or as close as possible without obstructing traffic more than necessary until he has provided the notice required by Subsection (C) of this Section.
- B) Any person who injures or causes the death of an animal shall immediately provide the notice required by Subsection (C) of this Section.
- C) Notice. When notice is required, the person shall either
 - 1) Notify the owner of the animal, if the owner can be ascertained, or
 - 2) In the absence of the owner, notify the Division, furnishing requested facts relative to the incident.
- D) Emergency vehicles are exempted from the requirements of this provision.

SECTION 11-V-10 Provoking Prohibited.

Unless otherwise allowed by law, it shall be unlawful for any person to tease, torment, abuse, or provoke an animal with the intent to harass or cause injury. This also includes, but is not limited to causing the animal to run at large, bark excessively, or bite a person.

SECTION 11-V-11 Animals Disturbing Neighborhood.

It shall be unlawful for any person to keep or harbor any animal 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 Animal Shelter or veterinary hospitals.

ARTICLE VI
ANIMALS WHICH POSE A THREAT

Section 11-VI-1	Animals Attacking, Biting, or Chasing
Section 11-VI-2	Aggressive Animal at Large
Section 11-VI-3	Dangerous Animal at Large
Section 11-VI-4	Vicious Animal at Large
Section 11-VI-5	Provisions for Maintaining a Dangerous Animal

SECTION 11-VI-1 Animals Attacking, Biting, or Chasing.

- A) It shall be unlawful for the owner or custodian of any animal to allow the animal to attack, bite, or chase any person, any domesticated animal, or livestock.
- B) The injuring, capturing, or killing of an animal by any person while the animal is engaged in any act prohibited by this Section, if reasonably necessary to stop the animal's actions, shall not be a violation of any other provision of this Chapter, provided such injuring, capturing, or killing in no way endangers another's safety or property.

SECTION 11-VI-2 Aggressive Animal at Large.

An animal will be considered aggressive if, while at large, the animal chases, worries, or threatens a person in any way that would cause a reasonable person to be fearful or attacks a domesticated animal or livestock resulting in injury or death. Complaining parties must be forthcoming with their testimony including the signing of a witness statement or citation or providing sworn testimony. Nevertheless, an officer may make the determination based on the officer's own observations or on the previous history of the animal.

SECTION 11-VI-3 Dangerous Animal at Large.

- A) An animal will be considered dangerous if, while at large, the animal
 - 1) Bites a person; or
 - 2) Has violated Section 11-VI-2 Aggressive Animal at Large two (2) or more times before.
- B) Such animal is to be impounded at the shelter or licensed veterinary facility at the expense of the owner until a determination is made by the court that the animal is or is not a threat and/or danger to the public.

SECTION 11-VI-4 Vicious Animal at Large.

- A) **Vicious Animal at Large:** An animal will be considered vicious if, while at large, the animal:
- 1) Bites a person on two (2) or more occasions or on the first bite causes serious bodily injury. Serious bodily injury is defined as an injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;
 - 2) Has attacked a domesticated animal or livestock and a human;
 - 3) Was previously determined to be “dangerous” and is at large; or
 - 4) Has bitten a human on the neck or stomach.
- B) It shall be unlawful for any person to own, keep, possess, or maintain a vicious animal within the City limits. Any person violating this provision must have the animal destroyed by the Division or a licensed veterinarian.
- C) Such animal is to be impounded at the shelter or licensed veterinary facility at the expense of the owner until a determination is made by the court that the animal is or is not a threat and/or danger to the public.
- D) **Petition to Classify as Vicious:** If an Animal Control Officer does not or refuses to deem an animal to be a vicious animal, 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.
- 1) Notice: Upon receipt of a properly executed petition, the Director shall ensure a copy thereof is mailed or hand-delivered to the animal’s owner.
 - 2) Response: 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.
 - 3) Decision: Upon receipt of the owner’s written response, if any, the Director shall decide whether the animal is to be classified as vicious. The Director shall ensure written notice of his decision is mailed or hand-delivered to the owner.
 - 4) Appeal: Appeal of the Director’s decision shall be according to the requirements of this Chapter.
 - 5) Destruction of vicious animal: If an animal is classified as vicious and time for appeal has expired or the Director’s decision is upheld on appeal pursuant to Article XII of this Chapter, the Director shall have the animal destroyed as soon as reasonable possible.

SECTION 11-VI-5 Provisions for Maintaining a Dangerous Animal.

- A) This provision is for owners that have been told by the court that their animal is dangerous but did not order destruction of the animal.
- B) Any person who owns, keeps, or maintains a dangerous animal within the city limits must:
 - 1) Maintain the animal in a secure enclosure, which is enclosed on all six (6) sides, as to prevent accidental escape.
 - 2) Position such enclosure in a manner that is not accessible to the public. If the enclosure is a fence that separates two adjoining properties, it cannot be constructed of chain link or wire, even if slats are inserted between the links or wire, but must be of a sight-obscuring material such as wood, vinyl or brick of at least 6 feet in height.
 - 3) Post “Beware of Dog” or “Beware of Animal” signs visible to the public.
 - 4) When off the owner’s property, animals must be on a secure restraint not to exceed four (4) feet in length and be muzzled, and/or confined so as to prevent it from injuring any person, property or other animal.
 - 5) Immediately report to Animal Control in writing any material change in dangerous animal situations, including, but not limited to a change, transfer or termination of ownership, change of address, escape, or death.

**ARTICLE VII
IMPOUNDING AND ADOPTION**

Section 11-VII-1	Authority; Applicable Animals
Section 11-VII-2	Information Required
Section 11-VII-3	Period of Impound
Section 11-VII-4	Impound Fees
Section 11-VII-5	Redemption
Section 11-VII-6	Adoption
Section 11-VII-7	Euthanasia

SECTION 11-VII-1 Authority; Applicable Animals.

Except as otherwise directed by this Chapter or other applicable law, 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 Chapter;
- 2) Any animal running at large contrary to the provisions of this Chapter;
- 3) Any animal which is by this Chapter 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 Chapter; and
- 6) Any dangerous or vicious animal.

SECTION 11-VII-2 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 or person adopting, and the date thereof;
- 6) All applicable violations of this Chapter;

- 7) All applicable fees and penalties; and
- 8) All expenses accrued during impoundment.

SECTION 11-VII-3 Period of Impound.

Domesticated animals shall be impounded for a minimum period of five (5) days before further disposition, unless voluntarily relinquished by the owner or custodian in which case there shall be no minimum period of impound. 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 group or into foster care, or, when reasonable attempts to adopt or otherwise place the animal have been unsuccessful, destruction as the Director or his designee shall direct in accordance with this Chapter.

SECTION 11-VII-4 Impound Fees.

Impound fees shall be in such amounts as established by resolution of the City Council.

SECTION 11-VII-5 Redemption.

Unless otherwise prohibited by this Chapter or other law, 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; and
- 4) License fees, if required.

SECTION 11-VII-6 Adoption.

- A) The Division shall not receive any adoptable animal from its owner unless such person signs a release agreement waiving rights to said animal, and provides full disclosure of the animal, including age, vaccination history, and temperament. Acceptance of such animal is determined by available space. The owner shall pay a surrender fee established by resolution of the City Council.
- B) All animals that are known to be infirm, diseased, aggressive, dangerous, vicious, or otherwise non-rehabilitable shall not be considered adoptable, and it is therefore the responsibility of the owner to have the animal humanely euthanized. If the owner of such animal must relinquish ownership to the Division, the owner shall pay at the time of surrender a euthanasia fee established by resolution of the City Council. The Division has the right to refuse acceptance of such animals for reasons that include, but are not limited to:
- 1) Limited kennel space availability;
 - 2) Extended waiting time for euthanasia causing the animal undue stress or pain; or
 - 3) Kenneling of animal may spread disease to other impounded animals.
- C) 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.
- D) The Division has the right to refuse adoption of any animal to such persons that are unable to properly care for such animal, including, but not limited to persons that have relinquished ownership of another animal, or persons with repeated violations of any animal ordinance or statute, or persons with a known intent to injure, abuse, or kill the animal, unless otherwise required by law.
- E) No warranty of any type may be given as to the health, temperament, or suitability of the animal so adopted.
- F) 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.
- G) Adoption fees shall be in such amounts as established by resolution of the City Council.

SECTION 11-VII-7 Euthanasia.

The Animal Shelter is not a no kill shelter. Healthy strayed animals are to be held for five (5) days, and may be given an extended amount of time, based on available space and adoptability of the animal. Animals are to be euthanized through humane methods by trained personnel. Feral animals, animals with temperament problems, or animals with major health issues are to be euthanized first while healthy, adoptable animals are to be given additional time if possible.

ARTICLE VIII

STERILIZATION REQUIREMENTS

Section 11-VIII-1	Definitions
Section 11-VIII-2	Sterilization Required; Written Agreement
Section 11-VIII-3	Sterilization Deposit
Section 11-VIII-4	Failure to Comply with Agreement
Section 11-VIII-5	Deposit; When Required for Redemption
Section 11-VIII-6	Penalty; Appeal

SECTION 11-VIII-1 Definitions. As used in this Article:

- A) **Agreement**: means the animal shelter's written animal sterilization agreement.
- B) **Claimant**: means 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.
- C) **Person**: means an individual, an entity or a representative of an entity.
- D) **Proof of Sterilization**: means a written document signed by a veterinarian licensed under Utah Code Annotated Title 58, Chapter 28, The Utah Veterinary Practice Act, stating: 1) a specified animal has been sterilized; 2) the date on which the sterilization was performed; and 3) the location where the sterilization was performed.
- E) **Recipient**: means the person to whom the animal shelter transfers an animal for adoption.
- F) **Sterilization Deposit**: means 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.

- G) **Sterilized**: means 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.
- H) **Transfer**: means the animal shelter sells, gives away, places for adoption, or transfers an animal to a recipient.

SECTION 11-VIII-2 Sterilization Required; Written Agreement.

- A) The animal shelter may not transfer an animal that has not been sterilized, except as provided below.
- B) The animal shelter may transfer an animal for adoption that has not been sterilized only if:
 - 1) 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:
 - a. Within thirty (30) days after the agreement is signed, if the animal is six (6) months of age or older; or
 - b. 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
 - 2) 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.

SECTION 11-VIII-3 Sterilization Deposit.

- A) 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 be established by resolution of the City Council.
- B) The sterilization deposit shall be refundable or paid directly to the vet if proof of sterilization of the animal within the appropriate time limits is presented to the animal shelter.

- C) 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.
- D) If a female dog or cat and her litter are transferred to one person, a sterilization deposit is required for the female dog or cat and for all members of the litter unless they are transferred to a qualified rescue group.
- E) 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:
 - 1) A program to sterilize animals, which may include a sliding scale fee program;
 - 2) A public education program to reduce and prevent overpopulation of animals and the related costs to the City;
 - 3) A follow up program to assure that animals transferred by the animal shelter are sterilized in accordance with the agreement; and
 - 4) Any additional costs incurred by the animal shelter in the administration of the requirements of this section.

SECTION 11-VIII-4 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.

SECTION 11-VIII-5 Deposit; When Required for Redemption.

- A) 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 applicable fees required by the shelter and:

- 1) Receipt of proof the animal has been sterilized; or
 - 2) A sterilization deposit.
- B) The sterilization deposit shall be refunded to the claimant only if the claimant provides proof of sterilization to the animal shelter within the requirements of Section (1) of this Article.

SECTION 11-VIII-6 Penalty.

- A) **Civil Penalty:** A person who knowingly commits any of the violations set forth in this Article shall be subject to a civil penalty as described in Article XI of this Chapter.
- B) A person is subject to the civil penalties under this section who:
- 1) Falsifies any proof of sterilization submitted for the purpose of compliance with this Chapter;
 - 2) 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; or
 - 3) Submits to the animal shelter false information regarding sterilization fees or fee schedules.

ARTICLE IX

PROHIBITED ANIMALS

Section 11-IX-1	Prohibited Domestic Livestock
Section 11-IX-2	Prohibited Domestic Fowl
Section 11-IX-3	Domestic Livestock or Fowl at Large
Section 11-IX-4	Exotic Animals Prohibited
Section 11-IX-5	Selling Diseased Animals

SECTION 11-IX-1 Prohibited Domestic Livestock.

- A) It shall be unlawful for any person to own, keep, or maintain any domestic livestock within the limits of Cedar City, except for:
 - 1) Any person having a prior agreement with the City to maintain livestock on their property, and/or are correctly zoned for livestock; or
 - 2) Any offspring that must be bottle fed or hand fed until such time that they may eat unsupervised.
- B) Any domestic livestock that are in compliance with zoning/animal control ordinances within the limits of Cedar City must still comply with all applicable nuisance ordinances.

SECTION 11-IX-2 Prohibited Domestic Fowl.

- A) It shall be unlawful for any person to own, keep, or maintain any domestic fowl within the limits of Cedar City, except for any person having a prior agreement with the City to maintain fowl on their property, and/or are correctly zoned for domestic fowl.
- B) Domestic fowl includes but is not limited to: chicken, turkey, duck, goose, and pigeons.
- C) Any domestic fowl that are in compliance with zoning/animal control ordinances within the limits of Cedar City must still comply with all applicable nuisance ordinances.

SECTION 11-IX-3 Domestic Livestock or Fowl at Large.

It shall be unlawful for the owner or person in care of domestic livestock or fowl to permit such animals to trespass upon the property of another or in a public place.

SECTION 11-IX-4 Exotic Animals.

It shall be unlawful for any person to own, keep or maintain any animal defined as exotic within the limits of Cedar City unless duly authorized or licensed as required under State and Federal law.

SECTION 11-IX-5 Selling Diseased Animals.

It shall be unlawful for any person to bring into Cedar City for sale or have in their possession with intent to sale, any animal having a communicable disease, or which has been exposed to, or which is liable to carry infection from a communicable disease.

ARTICLE X ENFORCEMENT

Section 11-X-1	Enforcement Authority
Section 11-X-2	Powers and Duties
Section 11-X-3	Right of Entry for Enforcement
Section 11-X-4	Interfering with Officers

SECTION 11-X-1 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 Chapter, including animals required to be licensed for which no license has been procured in accordance with this Chapter, or any licensed or unlicensed animals for any other violation of this Chapter, and are empowered to issue criminal citations and/or notices of violation for any violations of this Chapter.

SECTION 11-X-2 Powers and Duties.

The Director shall employ and designate those employees and volunteers within the Police Department who shall perform the duties of Animal Control Officers. Animal Control Officers shall be authorized to enforce the provisions of this Chapter in all respects, including but not limited to, the apprehension and impoundment of animals found in violation of this Chapter and to issue criminal citations and/or notices of violation for any violations of this Chapter.

SECTION 11-X-3 Right of Entry for Enforcement.

In the enforcement of this Chapter, 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 Chapter. Nothing in this Section shall be interpreted to prohibit any peace officer or Animal Control Officer from entering property when otherwise authorized by law.

SECTION 11-X-4 Interfering with Officers.

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 Chapter. For purposes of this Chapter, 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 comply with an abatement order lawfully issued by the Director; releasing an impounded animal without authority from an Animal Control Officer; or failing to meet the conditions imposed by a notice of violation and stipulation.

ARTICLE XI
PENALTIES

Section 11-XI-1	General
Section 11-XI-2	Specific Penalties
Section 11-XI-3	Loss of Privilege

SECTION 11-XI-1 GENERAL.

- A) Any person violating the provisions of this Chapter, either by failing to do those acts required herein or by doing any act prohibited herein, shall be subject to the following:
 - 1) A Class C misdemeanor, unless expressly stated otherwise herein;
 - 2) 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; and
 - 3) Restitution of the reasonable costs or expenses of the Animal Shelter caused by the person's violation of this Chapter or other law.
- B) In addition to any other remedies available at law or equity, penalties for violations of this Chapter may be pursued under the City's Administrative Code Enforcement program.
- C) Each day any violation of this Chapter is committed or permitted to continue shall constitute a separate offense.
- D) Surrender or transfer of an animal does not avoid the consequences of past actions, including any violations of this Chapter or State law.

SECTION 11-XI-2 Specific Penalties.

Violations of the following Sections and Subsections of this Chapter shall be punishable as follows:

- 1) Subsection 11-II-2(A) Improper Display of Tag: Minimum \$50 fine per offense.
- 2) Subsection 11-II-2(B) Attempted Improper Transfer of License or Tag: Minimum \$100 fine per offense.

- 3) Section 11-III-1 Failure to Report Bite: Class C misdemeanor.
- 4) Section 11-III-2 Failure to Comply with Quarantine Provisions: Class B misdemeanor.
- 5) Section 11-III-3 Failure to Vaccinate: Treated as a failure to license under Subsection (1) above.
- 6) Subsection 11-IV-2(A) Failure to Obtain Kennel Permit or exceeding the number of animals allowed under a Kennel Permit; Operating with Expired, Suspended, or Revoked Permit:
 - a. First offense is a \$50 fine.
 - b. Second offense within one (1) year of the first offense is a \$100 fine.
 - c. Third offense within one (1) year of the first offense results in all animals over the numerical limit adopted in ordinance being declared a nuisance. The City is authorized to seek a court order requiring the responsible party to abate the nuisance. The party harboring the nuisance animals shall select which animals are to be adopted out, put down, or otherwise removed from their property. Failure of the party harboring the nuisance animals to designate which animals are to be adopted, put down, or otherwise removed from the property shall result in City seeking within the Court's abatement order an order designating which animals shall be deemed a nuisance and abated.
 - d. All fine amounts are total amounts and are not to be imposed per animal above the designated animal limit.
- 7) Subsection 11-IV-3 Breeding without a Permit; Improper Breeding: Minimum \$150 fine per animal, per violation.
- 8) Section 11-IV-4 Improper Display of License or Permit; Failure to Notify of Change: Minimum \$100 fine per offense.
- 9) Section 11-V-1 Harboring Stray Animal: Minimum \$50 fine per animal.
- 10) Section 11-V-2 Animals Running at Large:
 - a. For sterilized animals:
 - i. First offense: Minimum \$50 fine per animal.
 - ii. Second offense: Minimum \$100 fine per animal.

iii. Third or subsequent offense: Minimum \$200 fine per animal.

b. For unsterilized animals:

i. First offense: Minimum \$100 fine per animal.

ii. Second offense: Minimum \$200 fine per animal.

iii. Third or subsequent offense: Minimum \$300 fine per animal.

11) Section 11-V-3 Abandonment of Animals: Class B misdemeanor.

12) Section 11-V-4 Unsafe Tethering: Minimum \$100 fine per offense.

13) Section 11-V-5 Failure to Confine Female in Heat:

a. First offense: Minimum \$100 fine per animal.

b. Second offense: Minimum \$200 fine per animal.

c. Third or subsequent offense: Minimum \$300 fine per animal.

14) Section 11-V-6 Failure to Properly Dispose of Animal Waste:

a. First offense: Minimum \$50 fine.

b. Second offense: Minimum \$100 fine.

c. Third or subsequent offense: Minimum \$200 fine.

15) Section 11-V-7 Improper Disposal of Carcass: Minimum \$50 fine per offense.

16) Section 11-V-9 Failure to Stop and Provide Notice: Minimum \$50 fine per offense.

17) Section 11-V-10 Provoking:

a. If the provoked animal does not bite a person or bites only the person provoking the animal:

i. First offense: Minimum \$50 fine per animal.

ii. Second offense Minimum \$100 fine per animal.

iii. Third or subsequent offense: Minimum \$200 fine per animal.

- b. If the provoked animal bites another person:
 - i. First offense: Minimum \$100 fine per animal.
 - ii. Second offense: Minimum \$200 fine per animal.
 - iii. Third or subsequent offense: Minimum \$300 fine per animal.
- c. Any offense under Subsection (a) shall be treated as a previous offense for any later committed or convicted offense under Subsection (b), and any offense under Subsection (b) shall be treated as a previous offense for any later committed or convicted offense under Subsection (a).

18) Section 11-V-11 Animals Disturbing Neighborhood:

- a. First offense: warning.
- b. Second offense: Minimum \$100 fine per offense.

19) Section 11-VI-2 Aggressive Animal at Large: Minimum \$300 fine per animal.

20) Section 11-VI-3 Dangerous Animal at Large: Minimum \$700 fine per animal.

21) Section 11-VI-4 Vicious Animal at Large; Keeping Vicious Animal in City: Class B misdemeanor with a recommended minimum penalty of a \$1,000 fine and destruction of the animal.

22) Section 11-VI-5 Failure to Properly Maintain Dangerous Animal: Class C misdemeanor.

23) Article 11-VIII Failure to Comply with Sterilization Requirements:

- a. First offense: Minimum \$250.00 fine.
- b. Second or subsequent offense: Minimum \$500.00 fine.

24) Section 11-IX-1 Possession of Prohibited Domestic Livestock:

- a. First offense: Minimum \$50 fine for first head plus minimum \$10 per head thereafter.
- b. Second or subsequent offense: Minimum \$100 fine for first head plus minimum \$10 per head thereafter.

25) Section 11-IX-2 Possession of Prohibited Domestic Fowl: Minimum \$20 fine per animal, not to exceed \$200 per incident.

26) Section 11-IX-3 Domestic Livestock or Fowl at Large: Treated as Possession of Prohibited Domestic Livestock of Fowl under Subsections (26) and (27) above.

27) Section 11-IX-4 Possession of Exotic Animal: Class C misdemeanor.

28) Section 11-IX-5 Selling Diseased Animal: Class C misdemeanor.

29) Section 11-X-4 Interfering with Officer: Class B misdemeanor.

Amended by Cedar City Ordinance No. 0525-16.

SECTION 11-XI-3 Loss of Privilege.

- A) Any person who is convicted of excessive violations of any section(s) of this ordinance may be prohibited by the court from owning, keeping or maintaining any domestic animals within the limits of Cedar City for a period of two (2) years. Any animal found in possession of such person during the term of probation shall be confiscated and such person will be charged with a class B Misdemeanor.
- B) The City deems the following to constitute a nonexclusive list of excessive violations:
 - 1) Four (4) or more violations of Animals, Domestic Animals, or Fowls at large within any twelve (12) month period;
 - 2) Three (3) or more violations of Animals Disturbing the Neighborhood within any twelve (12) month period;
 - 3) Two (2) or more violations of failing to obtain a Breeder's Permit within any two (2) year period; or
 - 4) Two (2) or more violations for Cruelty to Animals at any time.
- C) Nothing in this Section shall be interpreted as an attempt by the City to limit a court's discretion in determining appropriate situations to prohibit a defendant from owning, keeping, or maintaining any domestic animals.
- D) For the purpose of counting multiple violations and subsequent offenses, previous convictions shall be counted as previous violations and/or offenses if each of the previous convictions occurred within the specified enhancement period from the date of the current conviction or from the date of the commission of the offense upon which the current conviction is based.

**ARTICLE XII
APPEAL**

Section 11-XII-1 Appealable Matters
Section 11-XII-2 Standing
Section 11-XII-3 Filing of Appeal
Section 11-XII-4 Hearing

SECTION 11-XII-1 Appealable Matters.

A) Except as provided under Subsection (B), the following matters may be appealed according to the requirements of this Article:

- 1) The denial, suspension, or revocation of a license or permit;
- 2) The classification of a person, location, business, or other entity as a “Cattery,” “Groomery,” “Pet Shop,” “Qualified Rescue Group,” “Riding School,” or Stable”; and
- 3) The classification of an animal as vicious under Subsection 11-VI-4(D) of this Chapter

B) Citations and Criminal Matters:

- 1) No decision on whether or not to issue or file a citation or Criminal Information may be appealed under the provisions of this Article.
- 2) Once a citation or Criminal Information has been issued or filed on any matter under this Chapter, no appeal under this Article may be filed for the same or any related matter. A matter is the same or related if any of the following is true:
 - a. A decision by the City Manager either upholding or reversing the appealed decision would result in a dismissal of the citation or criminal matter;
 - b. A finding of guilt or innocence by the Court handling the citation or Criminal Information would make any decision by the City Manager moot; or
 - c. If the Court and the City Manager must interpret the application of the same provision(s) of this Chapter to the same animal, location, incident, business, or person.
- 3) The issuance or filing of a citation or Criminal Information shall not stay a currently pending appeal on the same or a similar matter.

SECTION 11-XII-2 Standing.

- 1) The following persons have standing to appeal decisions regarding Appealable Matters:
- 2) An applicant for a license or permit, a licensee, or permittee may appeal a decision denying, suspending, or revoking the license or permit;
- 3) A person owning, in whole or in part, the location, business, or other entity the person believes has been improperly classified as a “Cattery,” “Groomery,” “Pet Shop,” “Qualified Rescue Group,” “Riding School,” or Stable”;
- 4) An owner of an animal that has been classified as a vicious animal under Subsection 11-VI-4(D) of this Chapter; and
- 5) A person that has petitioned the Director to classify an animal as a vicious animal under Subsection 11-VI-4(D) of this Chapter.

SECTION 11-XII-3 Filing of Appeal.

Any person with standing on an Appealable Matter may appeal the decision to the City Manager. Any appeal must be submitted in writing to the City Recorder’s Office within ten (10) business days of the decision from which the appeal is taken. If mailed, the decision shall be deemed received five (5) calendar days after the date of mailing. Such appeal shall describe in detail the nature of the appeal, the action complained of, the grounds for appeal, and whether a hearing is requested.

SECTION 11-XII-4 Hearing.

- A) **Scheduling of hearing:** If a hearing is requested by either the appealing party or the Director, a hearing shall be scheduled before the City Manager as soon as reasonably possible, but not earlier than five (5) days nor more than thirty (30) days from the filing of the appeal, unless the appealing party and the Director agree to another date.
- B) **Notice of hearing:** Notice may be provided to the person appealing in person, by United States Mail to the last-provided address, or personally on any agent or employee of the appealing party’s business, if any. Notice shall be served personally on the appealing party if the hearing is scheduled five (5) days or less from the date of service.
- C) **Presentation at Hearing:** At the hearing, the City Manager shall allow the appealing party, the Director, and the owner of the animal, if any, or their representatives to present any relevant evidence, including reliable hearsay evidence.
- D) **Decision:** Based on the evidence presented, whether at hearing or in writing by any party, the City Manager shall affirm or overturn in writing the decision complained of within fifteen (15) days of the hearing, if one is requested, or of the filing of the appeal, if a hearing is not requested.

AMENDED BY ORDINANCE NUMBER 0311-09-1 and 12-14-16-1.