

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2009

TETHERING DOGS

AN ORDINANCE AMENDING TITLE 8 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, SETTING LIMITATIONS REGARDING THE TETHERING OF DOGS FOR EXTENDED PERIODS OR IN BAD WEATHER; DESCRIBING PENALTIES THEREFOR; ADOPTING DEFINITIONS; AND MAKING OTHER RELATED CHANGES.

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

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designed by brackets and interlineations.

SECTION II. Chapter 8.01 of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

8.01.010 Abandonment.

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

8.01.020 Adequate space.

"Adequate space" means that when a dog is fixed to a tether, fastener, chain, tie, or other restraint, the dog is able to easily stand up, sit down, turn around, lay down, and make all normal bodily movements and interact safely with the environment and with other animals that may be in the immediate area.

8.01.030 Allow.

"Allow," for the purposes of this Title 8, shall include human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.

8.01.[030]040 Animal.

"Animal" means every nonhuman species, both domestic and wild.

8.01.[040]050 Animal at large.

A. "Animal at large" means any animal, whether licensed or unlicensed, which is not under physical restraint imposed by the owner or handler (i.e., caged, enclosed or on a leash), or is not capable of being immediately controlled by the owner or handler when off the premises of the owner. Cats are excluded from this definition.

B. An animal is considered an "animal at large," regardless of whether the animal is under physical restraint or capable of being immediately controlled, unless:

1. The owner or handler has in his or her possession instruments necessary to clean up after the animal; and

2. The owner or handler does remove the animal's feces to a proper trash receptacle.

C. An animal is considered an "animal at large," regardless of whether the animal is under physical restraint or capable of being immediately controlled, if the animal is not vaccinated and licensed in accord with federal, state and local laws and is wearing or displaying all tags required by law to evidence such licensing and vaccination. The owner or handler must be in possession of instruments necessary to physically restrain the animal.

D. A dog is not an "animal at large" in areas not specifically prohibited or restricted by Section 8.04.170 so long as the owner or handler is capable of being in immediate control and has the means to physically control the animal.

8.01.[050]060 Animal boarding establishment.

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

8.01.[060]070 Animal control officer.

"Animal control officer" means any person designated by the state of Utah as a peace officer as defined in Section 53-13-101 et seq., Utah Code Annotated (1953), as amended; or otherwise designated by a municipal government or by Salt Lake County, through the division of animal services, as an officer who is authorized by law to perform the duties specified by this Title 8.

8.01.[070]080 Animal exhibition.

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

8.01.[080]090 Animal grooming parlor.

"Animal grooming parlor" means any commercial establishment maintained for the purpose of offering cosmetological services for animals for a fee.

8.01.~~099~~100 Animal shelter.

"Animal shelter" means any facility owned, operated or maintained for the care and custody of seized, stray, homeless, quarantined, abandoned, unwanted animals or animals held for the purpose of protective custody under the authority of this Title 8 or state law.

8.01.~~100~~110 Animal under physical restraint and animal capable of being immediately controlled.

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

B. An animal capable of being immediately controlled shall mean an animal within the sight of the owner or handler and which responds to command of said owner or handler and that is subject to being immediately placed under physical restraint by said owner or handler. An animal is subject to being immediately placed under physical restraint only if the owner or handler is in possession of a leash and the animal is wearing a collar, harness or similar device to which said leash may be attached.

8.01.~~110~~120 Bite.

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

8.01.~~120~~130 Cat.

"Cat" means any feline of the domesticated types more than four months of age. Any feline of the domesticated types less than four months of age is a kitten.

8.01.~~130~~140 Cattery.

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

8.01.~~140~~150 Commercial animal establishment.

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

8.01.~~150~~160 Dangerous animal.

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

8.01.~~160~~170 Director.

"Director" means the director of the Salt Lake County division of animal services.

8.01.~~170~~180 Division.

"Division" means the Salt Lake County division of animal services.

8.01.~~180~~190 Dog.

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

8.01.~~190~~200 Domesticated animals.

"Domesticated animals" means animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, ferrets and livestock. "Domesticated animal," however, shall not include "exotic animals."

8.01.~~200~~210 Enclosure.

"Enclosure" means any structure that prevents an animal from escaping its primary confines.

8.01.~~210~~220 Euthanasia.

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

8.01.~~220~~230 Exotic animal.

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

8.01.240 Extreme weather conditions.

"Extreme weather conditions" means weather conditions of extreme heat or cold that are likely to endanger an animal confined in such temperatures.

8.01.[230]250 Ferret.

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

8.01.[240]260 Guard dog.

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

8.01.[250]270 Handler.

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

8.01.[260]280 Holding facility.

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

8.01.[270]290 Kennel.

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

8.01.[280]300 Leash or lead.

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

8.01.[290]310 Livestock.

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

8.01.[300]320 Nuisance--Public nuisance animal.

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

B. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

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

10. Attacks people or other animals, whether such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;

11. Has been found by a court or by any other commission or board lawfully established under Utah law, to be a public nuisance under any other provision(s) of Utah law;

12. Cannot be restrained by normal restraints, such as standard leashes, standard chains or muzzles; or

13. Cannot be effectively controlled by its owner or handler.

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

8.01.~~310~~330 Owner.

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

8.01.~~320~~340 Performing animal exhibition.

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

8.01.~~330~~350 Pet or companion animal.

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

8.01.~~340~~360 Pet shop.

"Pet shop" means any commercial establishment containing cages or exhibition pens wherein dogs, cats, birds or other pets, are kept, displayed and sold.

8.01.~~350~~370 Provoked.

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

8.01.[360]380 Quarantine.

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

8.01.[370]390 Riding school or stable.

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

8.01.[380]400 Species subject to rabies.

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

8.01.[390]410 Stray.

"Stray" means any animal at large, as defined in this chapter.

8.01.420 Tether.

"Tether" means any chain, rope, cable, or device attached to a fixed object and used for restraining a dog. The tether must be of sufficient strength to restrain the dog and be appropriate to the breed, age, size, and weight of the dog and is attached to the dog by a properly applied collar, halter or harness configured so as to protect the dog from injury or entanglement with objects or other animals.

8.01.[400]430 Veterinarian.

"Veterinarian" means any person properly licensed under the laws of the state of Utah to practice veterinary medicine.

8.01.[410]440 Veterinary hospital.

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

8.01.[420]450 Vicious animal.

"Vicious animal" means:

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

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

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

Whether an animal has been properly licensed under the provisions of this title shall have no relevance to the determination of whether an animal is a "vicious animal" as defined in this section.

8.01.[430]460 Wild animal.

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

- A. Alligators and crocodiles;
- B. Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;
- C. Cat Family (Felidae). All except the commonly accepted domesticated cats, including cheetah, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.;
- D. Dog Family (Canidae). All except domesticated dogs, including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;
- E. Porcupine (Erethizontidae);
- F. Primate (Hominidae). All nonhuman primates;
- G. Raccoon (Procyonidae). All raccoons, including eastern raccoon, desert raccoon, ring-tailed cat, etc.;
- H. Skunks;
- I. Venomous fish and piranha;
- J. Venomous snakes or lizards;
- K. Weasels (Mustelidae). All including martens, wolverines, black-footed ferrets, badgers, otters, ermine, mink, mongoose, etc.

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

8.01.[440]470 Zoological park.

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

SECTION III. Section 8.08.130 of the Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

8.08.130 Tethering of dogs—Restrictions.

A. It is unlawful for an owner or handler of a dog to tether a dog in any manner that would cause injury or damage to the dog, or when freedom of movement would endanger a dog. A tether must be of sufficient length to provide the dog with adequate space. Each dog tethered in violation of this section shall constitute a separate offense.

B. It is unlawful for an owner or handler of a dog to tether a dog for longer than ten (10) hours within a 24-hour period. Each dog tethered in violation of this section shall constitute a separate offense.

SECTION IV. Section 8.08.140 of the Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

8.08.140 Tethering of dogs—Exemptions.

The provisions of Section 8.08.130.B. will not apply in the following circumstances:

A. The owner or handler has been mandated by animal services to keep the dog properly restrained at all times by the use of a tether or other means of containment.

B. The owner or handler has a dog that is registered as a dangerous animal under Section 8.03.130 of these ordinances.

C. The owner or handler of a dog has made application with animal services for an extension to the maximum tethered hours in 8.08.130.B. The application has passed review and inspection. Written notice has been given to the owner or handler of the approved extension.

D. The owner or handler has attached the dog to a running line, pulley or trolley system. The dog shall not be tethered to the running line, pulley or trolley system by means of a choke collar, choke chain or pinch collar.

E. The owner or handler has tethered the dog pursuant to the requirements of a park, camping or recreational area.

F. The owner or handler has tethered the dog while actively engaged in the business of shepherding or herding cattle, sheep or other livestock or conduct that is directly related to the business of cultivating agriculture products if the restraint is reasonably necessary for the safety of the dog.

G. The owner or handler is actively engaged in a lawful licensed hunting activity.

SECTION V. Section 8.10.020 of the Salt Lake County Code of Ordinances, 2001, is hereby amended to read as follows:

8.10.020 Issuance of criminal citations--Notice of violations and stipulation.

A. A peace officer and/or animal control officer is authorized to issue a criminal citation to any person upon a charge of violating any provisions of this title and to any person upon a charge of violating Section 19.04.305 of the Salt Lake County Code of Ordinances. The form of the citation, and proceedings to be handled upon the basis of the citation, shall conform to the provisions of the Utah Code of Criminal Procedure, including, but not necessarily limited to, Sections 77-7-18 through 77-7-22, Utah Code Annotated (1953) as amended.

B. Where violations of [~~Sections 8.03.170, 8.04.010, 8.04.120 through 8.04.160, 8.05.010, 8.08.010, 8.08.050 and 8.08.100 through 8.08.120 of this title and Section 19.04.305 of the Salt Lake County Code of Ordinances~~] Title 8 of this code of ordinances or of zoning ordinance Section 19.04.305 are observed, an animal control officer may, in lieu of issuance of the criminal citation and, with the consent of the person charged with a violation, issue a notice of violation to any person. The notice of violation shall state, with reference to the pertinent sections of this title, the violation which must be remedied by the person charged and shall set forth a compliance date by which the violator must comply with the remedial requirements. It shall also set forth a waiver provision; providing that the person to whom the notice of violation is issued waives all rights to contest the charge made against him/her in the notice of violation and further waives the rights to a trial or hearing upon the charges. The notice of violation shall also include the amount of [~~an administrative and~~] any escalating violation fees and a processing fee to be paid to the division by the person charged in the notice of violation if stipulations are not met or violation fees are not paid. Refusal to execute the waivers defined herein, refusal and/or nonpayment of the [~~administrative~~] violation fees and processing fee, or failure to comply with the notice of violation and stipulation by the deadline set as the compliance date may result in the issuance of a criminal citation to or filing criminal charges against the person charged.

SECTION VI. Section 8.11.010 of the Salt Lake County Code of Ordinances, 2001, is hereby amended to read as follows:

8.11.010 Purpose and authority.

The use by Salt Lake County division of animal services of a notice of violation and stipulation in lieu of issuance of a criminal citation is intended to provide an equitable and uniform method for administering and resolving disputes between Salt Lake County division of animal services and parties alleged to have violated one or more of the [following] sections of [this title: 8.03.170, 8.04.010, 8.04.120 through 8.04.160, 8.05.010, 8.08.010, 8.08.050 and 8.08.111 through 8.08.120] Title 8 or of Section 19.04.305 of the zoning code.

SECTION VII. Section 8.11.030 of the Salt Lake County Code of Ordinances, 2001, is hereby amended to read as follows:

8.11.030 Administrative procedure.

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

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

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

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

E. There is no appeal from the notice of violation and stipulation procedure. Failure by the person charged to comply with the provisions of the notice of violation and stipulation settlement agreement will result in [~~negation of the stipulation and issuance~~] the issuance of [~~the~~] a criminal citation or charges or at the option of the director of the division, or the director's designee, the settlement agreement may be enforced in court as provided in Section 8.10.030.

SECTION VIII. Section 8.11.040 of the Salt Lake County Code of Ordinances, 2001, is hereby repealed.

~~**[8.11.040 Division conference.**~~

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

~~B. Settlement Agreement. Upon reaching agreement as to the issues, requirements and penalties (if any), the division representative shall prepare a binding settlement agreement and shall submit the agreement to the parties for approvals and signature. The director or his or~~

~~her designee may sign for Salt Lake County. After signing a settlement agreement, the parties waive all rights to further hearings or appeals unless the terms are not honored, in which case the director or designee may issue a criminal citation, or seek enforcement in court as provided in Section 8-10-030.]~~

SECTION IX. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this _____ day of _____, 2009.

SALT LAKE COUNTY COUNCIL

ATTEST:

By _____
Joe Hatch, Chair

Sherrie Swensen
Salt Lake County Clerk

ORDINANCE HISTORY

Council Member Allen voting	_____
Council Member Bradley voting	_____
Council Member Burdick voting	_____
Council Member Hatch voting	_____
Council Member Horiuchi voting	_____
Council Member Iwamoto voting	_____
Council Member Jensen voting	_____
Council Member Wilde voting	_____
Council Member Wilson voting	_____

Vetoed and dated this _____ day of _____, 2009.

By _____
Mayor Peter Corroon or Designee

(Complete As Applicable)

Veto override: Yes__ No__ Date _____

Ordinance published in newspaper: Date _____

Effective date of ordinance: _____