

**KAYSVILLE CITY
ORDINANCE 21-10-06**

**AN ORDINANCE AMENDING TITLE 15, CHAPTER 1, SECTION 1 REGARDING
DEFINITIONS; ENACTING TITLE 15, CHAPTER 9 ENTITLED
“RESTRICTIONS ON RETAIL PET SALES”; PROVIDING FOR REPEALER;
SEVERABILITY; AND AN EFFECTIVE DATE**

WHEREAS, local groups have approached the City and explained the negative impacts of “puppy mills”: and

WHEREAS, the City desires to enact measures to prevent the inhumane treatment of animals; and

WHEREAS, the City believes that restricting retail dog and cat sales will reduce puppy mills thereby reducing inhumane animal treatment; and

WHEREAS, the Kaysville City Council finds it to be in the best interest of its citizens to make the enact the proposed portions of the Kaysville Municipal Code;

NOW THEREFORE, be it ordained by the Council of the Kaysville City, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “15-1-1 Definitions” of the Kaysville City Code is hereby *amended* as follows:

A M E N D M E N T

15-1-1 Definitions

As used in this Title:

Animal - Any and all types of livestock, dogs and cats, and all other subhuman creatures, both domestic and wild, male and female, singular and plural.

Animal at Large - Any animal, whether licensed or not, when

- a. The animal is off the property of the owner or custodian and is not under the immediate physical restraint by the owner or custodian. "Immediate physical restraint" means a durable restraint device, such as a leash, cage, or other device capable of keeping the animal under physical control.
- b. The animal is on the property of the owner or custodian and is not:
 1. Securely confined in a building, fenced area, cage, or kennel;
 2. Under the immediate physical restraint by the owner or custodian; or
 3. Under the immediate and effective control of the owner or custodian and does not cause fear to or constitute or appear to present any threat or danger to the safety, comfort, or health of other persons.

- c. A working dog while being used for herding sheep, cattle, or other livestock; a hunting dog while lawfully being used to hunt game; or a dog while being trained for herding or hunting shall not be deemed to be an animal at large if the dog is under the proper control of its owner or custodian.
- d. Livestock being herded from one place to another in a controlled and supervised move shall not be deemed to be an animal at large.

Animal Boarding Establishment - Any establishment that takes in animals and boards them for a fee.

Animal Control Department - The Davis County Department of Animal Care and Control.

Animal Control Director - The Director of the Davis County Department of Animal Care and Control.

Animal Grooming Parlor - Any establishment maintained for the purpose of offering cosmetological services for animals for a fee.

Animal Rescue Organization - A non-profit organization incorporated under the law of any state and exempt from federal taxation under Section 501(c)(3) of the federal Internal Revenue Code, as amended, and whose principal purpose is the prevention of cruelty to animals and whose principal activity is to rescue sick, injured, abused, neglected, unwanted, abandoned, orphaned, lost, or displaced animals and to adopt them to good homes. "Animal rescue organization" shall not include any entity that breeds animals or that (1) is located on the same premises as; (2) has any personnel in common with; (3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or (4) facilitates the sale of dogs or cats obtained from—a person that breeds animals.

Animal Shelter - Any facility owned and operated by a governmental entity or any animal welfare organization which is incorporated within the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domestic animals.

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

Cat - Any age feline of the domesticated types.

Cattery - An establishment for boarding, breeding, buying, grooming, or selling cats for a fee.

Center - The Davis County Animal Control Center.

Custodian - A person having formal or informal custody, control, or possession of an animal.

Dangerous Animal - Any animal that:

- a. Is dangerously aggressive or uncontrollable, including, but not limited to, any animal which has bitten or in any manner attacked any person or animal with or without provocation whether on public or private property; or
- b. Has been previously found to be a potentially dangerous animal, whose owner has

received notice of such, and it is witnessed and documented that the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals; or
c. Is found to be in violation of any of the health and safety or other restrictions placed upon the animal by the department pertaining to a potentially dangerous animal.

Department - The Davis County Department of Animal Care and Control.

Director - The Director of the Davis County Department of Animal Care and Control.

Dog - Any canis familiaris.

Domestic Animals - Animals customarily and accustomed to living in or about the habitation of man, including, but not limited to, cats, dogs, fowls, horses, swine, cows, sheep, mules, donkeys, cattle and llamas.

Estray - Any livestock found at large.

Guard Dog - A working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so that it cannot come into contact with the public.

Kenel - Land or buildings used in keeping of three or more dogs, four months or older.

Livestock - Any normally domesticated animal that is not a cat, or dog, such as; cattle, sheep, goats, mules, burros, swine, horses, geese, ducks, turkeys, etc.

Offer for Sale - To display or proffer for acceptance by another person.

Owner - Any person having an ownership or proprietary interest in an animal or having formal, or informal custody of an animal.

Pet - A domesticated animal kept for pleasure rather than utility, including but not limited to, birds, cats, dogs, fish, hamsters, mice, and other animals associated with man's environment.

Pet Shop - ~~Any establishment containing cages or exhibition pens, not part of the kennel or eatery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.~~ A retail store where animals are kept, sold, or offered for sale on the premises. Such term shall include any owner or operator of the business. An animal rescue organization or public animal shelter, as defined in this section, shall not be considered a pet shop.

Person - An individual, corporation, organization, partnership, or any other entity.

Potentially Dangerous Animal - Any animal:

- a. That, with or without provocation, chases, attacks, threatens or approaches a person, domestic animal or livestock in a threatening or menacing fashion, or apparent attitude of attack;
- b. Any animal with a known propensity, tendency or disposition to attack a person, domestic animal, or livestock with or without provocation; or
- c. That, because of witnessed and documented conduct is reasonably believed to be

capable of causing injury to or otherwise poses a threat to the safety of a person, another animal or livestock.

Public Animal Shelter - A facility operated by or under contract with any state, or a political subdivision of any state, for the impoundment and care of seized, stray, homeless, abandoned, unwanted, or surrendered animals.

Quarantine - The isolation of an animal as required by this Title in a substantial and approved enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

Restraint Device - Any chain, leash, cord, rope, or other device used to physically restrain an animal, exclusive of any underground or other electrical or radio device.

Riding School or Stable - An establishment, person or business which offers boarding and/or riding instruction of any horse or other riding animal or which offers such animal for hire.

Sell - To exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer.

Vicious Animal - Any animal which has:

- a. Inflicted severe injury on a human being with or without provocation on public or private property.
- b. Has killed or inflicted injury upon a domestic animal with or without provocation while off the owner's property, or
- c. Has been previously found to be dangerous, the owner having received notice of such and the animal again bites, attacks, or endangers the safety of humans or domestic animals, or it is witnessed and documented that the animal is in violation of restrictions placed upon it as a potentially dangerous or dangerous animal pursuant to [KCC 15-4-5](#) and [KCC 15-4-6](#).

Wild Animal - Any animal which is not commonly domesticated or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health, or property if not kept, maintained or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:

- a. Alligators, crocodiles, caiman;
- b. Bears (Ursidae). All bears including grizzly bears, brown bears, and black bears;
- c. Cat family (Felidae). All except the commonly accepted domesticated cats; including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, and wildcats;
- d. Dog family (Canidae). All, except domesticated dogs, and including wolf, fox, coyote, and wild dingo. Any dog cross bred with a wild animal as described above shall be considered to be a wild animal;
- e. Porcupine;
- f. Primates (all subhuman primates);
- g. Raccoon (all varieties);
- h. Skunks;

- i. Venomous snakes or lizards;
- j. Weasels (All weasels, martins, wolverines, badgers, otters, ermine, mink and mongoose, except that the possession of mink shall not be prohibited when raised commercially for their pelts, in or upon a properly constructed, legally operated ranch.)

SECTION 2: **ADOPTION** “Chapter 9 Restrictions On Dog And Cat Sales At Retail Pet Stores” of the Kaysville City Code is hereby *added* as follows:

A D O P T I O N

Chapter 9 Restrictions On Dog And Cat Sales At Retail Pet Stores(*Added*)

SECTION 3: **ADOPTION** “15-9-1 Sale Of Dogs And Cats By Pet Shops” of the Kaysville City Code is hereby *added* as follows:

A D O P T I O N

15-9-1 Sale Of Dogs And Cats By Pet Shops(*Added*)

It shall be unlawful for any pet shop to sell or offer for sale a dog or cat.

SECTION 4: **ADOPTION** “15-9-2 Display Of Dogs Or Cats Available For Adoption” of the Kaysville City Code is hereby *added* as follows:

A D O P T I O N

15-9-2 Display Of Dogs Or Cats Available For Adoption(*Added*)

It shall be unlawful for any pet shop to provide space for the display of adoptable dogs or cats unless all of the following requirements are met:

1. Any dog or cat displayed for adoption is displayed by either an animal rescue organization or a public animal shelter;
2. No part of any fees associated with the display or adoption of a dog or cat, including but not limited to adoption fees or fees for the provision of space, shall be paid to or received by the host pet shop or to any entity affiliated with or under common ownership with the host pet shop;
3. The host pet shop shall not have any ownership interest in any animal displayed for adoption; and
4. Each dog or cat displayed for adoption shall be adopted for total fees not in excess of \$500.

SECTION 5: **ADOPTION** “15-9-3 Penalty” of the Kaysville City Code is hereby *added* as follows:

ADOPTION

15-9-3 Penalty(*Added*)

A violation of this chapter shall be a class C misdemeanor and each sale, offer for sale, or provision of space made in violation of this Chapter shall constitute a separate violation.

SECTION 6: **REPEALER CLAUSE** If any provisions of the City's Code previously adopted are inconsistent herewith they are hereby repealed.

SECTION 7: **SEVERABILITY CLAUSE** If any section, subsection, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 8: **EFFECTIVE DATE** This ordinance being necessary for the peace, health, and safety of the City, shall become effective immediately upon posting.

PASSED AND ADOPTED BY THE KAYSVILLE CITY COUNCIL OCTOBER 21, 2021.

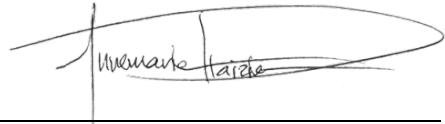
	AYE	NAY	ABSENT	ABSTAIN
Council Member Adams	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council Member Barber	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council Member Blackham	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Council Member Lortz	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Council Member Tran	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Katie Witt, Mayor, Kaysville City



Annemarie Plaizier, City Recorder
Kaysville City

