

**ORDINANCE NO. 1397**

**AN ORDINANCE OF DRAPER CITY AMENDING DRAPER CITY MUNICIPAL CODE CHAPTERS 7-5-010 AND 7-5-150 RELATING TO CITY REGULATIONS OF ANIMALS.**

**WHEREAS**, it is necessary from time to time to revise certain terms of the Draper City Municipal Code to address provisions that become diminished in appropriateness, applicability, or clarity; and

**WHEREAS**, the City Council of Draper City finds good cause to revise the terms and provisions of Health and Safety Code regarding Animal Control; and

**WHEREAS**, notice has been issued according to the requirements of the Utah Code Annotated and Draper City Municipal Code for a public meeting before the City Council to receive public input regarding the revision of the Health and Safety Code; and

**WHEREAS**, the City Council has held a public meeting to receive public input regarding the revision of the Health and Safety Code.

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

**Section 1. Findings.** The City Council of Draper City has made the following findings that the proposed text amendment regarding the Health and Safety Code regarding Animal Control: 1) The proposed amendment is consistent with the City's goals, objectives and policies. 2) The proposed amendment is in the best interest of the health, safety and welfare of the citizens of Draper. 3) The proposed amendment will not create a conflict with any other section or part of this title.

**Section 2. Revision.** Health and Safety Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibits A and B.

**Section 3. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 18<sup>TH</sup> DAY OF JUNE, 2019.**

**DRAPER CITY**

---

**Mayor Troy K. Walker**

**ATTEST:**

---

**Laura Oscarson, City Recorder**

VOTE TAKEN:	YES	NO
Councilmember Green	_____	_____
Councilmember Lowery	_____	_____
Councilmember Summerhays	_____	_____
Councilmember Vawdrey	_____	_____
Councilmember Weeks	_____	_____
Mayor Walker	_____	_____

## EXHIBIT A

### 7-5-010: DEFINITIONS:

The following terms, as used in this chapter, shall have the following meanings. The examples contained herein are provided for illustrative purposes only and are not intended to be mutually exclusive or inclusive of all possible animal species regulated by this code.

[ANIMAL BREEDER: An establishment that breeds dogs, cats, and other household pets for sale from the premises on which they were bred and reared.](#)

ANIMAL AT LARGE: Any domestic animal, whether or not licensed, not under restraint, as defined herein.

ANIMAL SHELTER: A facility owned and/or operated by a governmental entity, by an animal welfare organization incorporated within the State of Utah for the purpose of preventing cruelty to animals, or by any properly authorized establishment used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other small domestic animals.

ANIMAL UNDER RESTRAINT: Any animal under the control of its owner or person having charge, care, custody or control, except a dog shall not be considered under the control of the owner unless on a leash or lead, confined within a vehicle, or within the real property limits of the owner.

BITE: Any actual puncture, tear or abrasion to person or property inflicted by the teeth of an animal.

CAT: Any feline of the domesticated types.

CATTERY: [An establishment having three \(3\) or more cats of any age for the purpose of boarding, letting for hire, or training for profit.](#) ~~An establishment for boarding, breeding, buying, grooming or selling cats for profit.~~

DOG: Any Canis familiaris over four (4) months of age. Any Canis familiaris under four (4) months of age is a puppy.

DOMESTIC ANIMAL: Animals or fowl domesticated by man and accustomed to living in or about the habitation of man, such as dogs, cats, horses, and sheep.

ENCLOSURE: A fence or structure of sufficient height and construction to enclose and confine an animal.

GROOMERY: [An establishment for the grooming, bathing, clipping, and nonmedical care of household pets. Such uses may also include the sale of grooming and care items, as well as accessory items for the keeping of household pets. Such uses shall not include the sale, breeding, training, or boarding of animals.](#) ~~Any establishment maintained for the purpose of offering cosmetological services for animals for profit.~~

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 it cannot come into contact with the public.

HEALTH DEPARTMENT: The Salt Lake ~~City~~ County health department.

IMPOUNDED: The taking of an animal into the custody of the animal control division or other law enforcement agency.

KENNEL: An establishment having three (3) or more dogs, of any age, for the purpose of boarding, ~~breeding, buying, grooming,~~ letting for hire, or training for profit, ~~or selling.~~

LEASH OR LEAD: Any chain, rope or device used to restrain an animal.

PERSON: Any individual, corporation, limited liability company, partnership, trust, or other legal entity however designated.

PET SALES: Any establishment wherein dogs, cats, small household pets such as birds, fish, reptiles, or other household pets of any age are kept or displayed for the purpose of retail sales. This definition does not include kennel; cattery; animals for sale by an animal breeder; or the sale of small household pets that may be associated with another allowed use. Pet sales does not include animal adoptions from a city or county animal shelter, animal control agency, or a non-profit animal welfare organization incorporated within the State of Utah for the purpose of preventing cruelty to animals, or by any properly authorized establishment used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other small domestic animals.

~~PET SHOP: Any establishment wherein dogs, cats, birds or other pets for sale are kept or displayed.~~

PROVOKED: Any deliberate act by a person toward any animal done with the intent to tease, torment, abuse, assault or otherwise cause a reaction by the animal. Any act by a person toward an animal done with the intent to discourage or prevent an animal from attacking shall not be considered to be a provocation.

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

STRAY: Any "animal at large", as defined herein.

WILD ANIMAL: Any animal of a species that in its natural life is wild, including nonhuman primates, European ferrets, wild animal hybrids, alligators, crocodiles, venomous snakes, lizards, or any animal that creates an immediate threat or danger to a human being or public health, or any animal which cannot be vaccinated effectively for rabies, such as bears, porcupines, raccoons, skunks and weasels.

## **EXHIBIT B**

### **7-5-150: ANIMALS PER HOUSEHOLD:**

- A. No more than three (3) dogs and/or three (3) cats may be maintained at any one residence within the city.
- B. Adult dogs, four (4) months of age or older, must be licensed through Draper City within 30 days of acquisition or 30 days from the date the dog attains 4 months of age.
- C. One (1) litter per licensed adult dog may be allowed per household. Litters must be rehomed, sold, or adopted, by the age of 4 months. At no time may there be more than 3 adult dogs per household.
- D. One (1) litter per adult cat may be allowed per household. Litters must be rehomed, sold, adopted, by the age of 4 months. At no time may there be more than 3 adult cats per household.