

Chapter 46
Animal Welfare Act

Part 1
General Provisions

11-46-101 Title.

This chapter is known as the "Animal Welfare Act."

Enacted by Chapter 130, 2011 General Session

11-46-102 Definitions.

As used in this chapter:

- (1) "Animal" means a cat or dog.
- (2) "Animal control officer" means any person employed or appointed by a county or a municipality who is authorized to investigate violations of laws and ordinances concerning animals, to issue citations in accordance with Utah law, and take custody of animals as appropriate in the enforcement of the laws and ordinances.
- (3) "Animal shelter" means a facility or program:
 - (a) providing services for stray, lost, or unwanted animals, including holding and placing the animals for adoption, but does not include an institution conducting research on animals, as defined in Section 26-26-1; or
 - (b) a private humane society or private animal welfare organization.
- (4) "Person" means an individual, an entity, or a representative of an entity.

Enacted by Chapter 130, 2011 General Session

11-46-103 Stray animals.

- (1) Each municipal or county animal control officer shall hold any unidentified or unclaimed stray animal in safe and humane custody for a minimum of five business days after the time of impound and prior to making any final disposition of the animal.
- (2) A record of each animal held shall be maintained. The record shall include:
 - (a) date of impound;
 - (b) date of disposition; and
 - (c) method of disposition, which may be:
 - (i) placement in an adoptive home or other transfer of the animal, which shall be in compliance with Part 2, Animal Shelter Pet Sterilization Act;
 - (ii) return to its owner;
 - (iii) placement in a community cat program as defined in Section 11-46-302; or
 - (iv) euthanasia.
- (3) An unidentified or unclaimed stray animal may be euthanized prior to the completion of the five working day minimum holding period to prevent unnecessary suffering due to serious injury or disease, if the euthanasia is in compliance with written agency or department policies and procedures, and with any local ordinances allowing the euthanasia.
- (4) An unidentified or unclaimed stray animal shall be returned to its owner upon:
 - (a) proof of ownership;
 - (b) compliance with requirements of local animal control ordinances; and

(c) compliance with Part 2, Animal Shelter Pet Sterilization Act.

Enacted by Chapter 130, 2011 General Session

Part 2

Animal Shelter Pet Sterilization Act

11-46-201 Title.

This part is known as the "Animal Shelter Pet Sterilization Act."

Enacted by Chapter 130, 2011 General Session

11-46-202 Definitions.

In addition to the definitions in Section 11-46-102, as used in this part:

- (1) "Proof of sterilization" means a written document signed by a veterinarian licensed under Title 58, Chapter 28, Veterinary Practice Act, stating:
 - (a) a specified animal has been sterilized;
 - (b) the date on which the sterilization was performed; and
 - (c) the location where the sterilization was performed.
- (2) "Recipient" means the person to whom an animal shelter transfers an animal for adoption.
- (3) "Sterilization deposit" means the portion of a fee charged by an 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.
- (4) "Sterilized" means that 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.
- (5) "Transfer" means that an animal shelter sells, gives away, places for adoption, or transfers an animal to a recipient.

Renumbered and Amended by Chapter 130, 2011 General Session

11-46-203 Animal shelters to transfer only sterilized animals, or shall require sterilization deposit.

- (1) An animal shelter may not transfer an animal that has not been sterilized, except as provided in Subsection (2) or Section 11-46-206.
- (2) An animal shelter may transfer an animal for adoption that has not been sterilized only if the animal shelter:
 - (a) establishes a written agreement, executed by the recipient, stating the animal is not sterilized and the recipient agrees in writing to be responsible for ensuring the animal is sterilized:
 - (i) within 30 days after the agreement is signed, if the animal is six months of age or older; or
 - (ii) if the animal is younger than six months of age, within 30 days after the animal becomes six months of age; and
 - (b) receives from the recipient a sterilization deposit as provided under Section 11-46-204, the terms of which are part of the written agreement executed by the recipient in accordance with this section.
- (3) The shelter may waive the sterilization deposit and release any unsterilized animal to a sponsor, as defined in Section 11-46-302, provided the sponsor is a non-profit organization

that qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue Code and provides proof of sterilization within 30 days.

Renumbered and Amended by Chapter 130, 2011 General Session

11-46-204 Sterilization deposit.

- (1) A sterilization deposit may be:
 - (a) a portion of the adoption fee or purchase price of the animal, which will enable the adopter to take the animal for sterilization to a veterinarian with whom the animal shelter has an agreement that the veterinarian will bill the animal shelter directly for the sterilization;
 - (b) a deposit that is:
 - (i) refundable to the recipient if proof of sterilization of the animal within the appropriate time limits under Section 11-46-203 is presented to the animal shelter not more than three months after the date the animal is sterilized; and
 - (ii) forfeited to the animal shelter if proof of sterilization is not presented to the animal shelter in compliance with Subsection (1)(b)(i); or
 - (c) a deposit under Section 11-46-206 required for an owner to claim an unsterilized animal impounded at the animal shelter.
- (2) Sterilization deposits under Subsection (1) shall reflect the average reduced cost of a sterilization of an animal, based on the gender and weight of the animal, that is reasonably available in the area where the animal shelter is located, but the deposit may not be less than \$25.
- (3) If a female animal and her litter are transferred to one person, a sterilization deposit is required only for the female animal.
- (4) All sterilization deposits forfeited or unclaimed under this section shall be retained by the animal shelter and used by the animal shelter only for:
 - (a) a program to sterilize animals, which may include a sliding scale fee program;
 - (b) a public education program to reduce and prevent overpopulation of animals and the related costs to local governments;
 - (c) a follow-up program to assure that animals transferred by the animal shelter are sterilized in accordance with the agreement executed under Section 11-46-203; and
 - (d) any additional costs incurred by the animal shelter in the administration of the requirements of this chapter.

Renumbered and Amended by Chapter 130, 2011 General Session

11-46-205 Failure to comply with sterilization agreement.

If a recipient fails to comply with the sterilization agreement under Subsection 11-46-203(2):

- (1) the failure is ground for seizure and impoundment of the animal by the animal shelter from whom the recipient obtained the animal;
- (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.

Renumbered and Amended by Chapter 130, 2011 General Session

11-46-206 Sterilization deposit -- When required for redemption by owner of impounded animal.

- (1) Upon the second impound within a 12-month period and upon any subsequent impound of an animal that is claimed by its owner, an animal shelter may release the impounded animal to its owner only upon payment of all impound fees required by the shelter and:
 - (a) receipt of proof the animal has been sterilized; or
 - (b) a sterilization deposit.
- (2) The sterilization deposit shall be refunded to the owner only if the owner provides proof of sterilization to the animal shelter within 30 days of release of the animal to the owner.

Renumbered and Amended by Chapter 130, 2011 General Session

11-46-207 Penalties.

- (1)
 - (a) A person who knowingly commits any of the violations in Subsection (2) is subject to a civil penalty of not less than \$250 on a first violation, and a civil penalty of not less than \$500 on any second or subsequent violation.
 - (b) The administrator of the animal shelter imposes the civil penalties under this section.
- (2) A person is subject to the civil penalties under Subsection (1) who:
 - (a) falsifies any proof of sterilization submitted for the purpose of compliance with this part;
 - (b) provides to an animal shelter or a licensed veterinarian inaccurate information regarding ownership of any animal required to be submitted for sterilization under this part;
 - (c) submits to an animal shelter false information regarding sterilization fees or fee schedules; or
 - (d) issues a check for insufficient funds for any sterilization deposit required of the person under this part.
- (3) A person who contests a civil penalty imposed under this section is entitled to an administrative hearing that provides for the person's rights of due process.
- (4) All penalties collected under this section shall be retained by the animal shelter imposing the penalties, to be used solely for the purposes of Subsection 11-46-204(4).

Renumbered and Amended by Chapter 130, 2011 General Session

11-46-208 Local ordinances may be no less restrictive.

Local ordinances or the adoption or placement procedures of any animal shelter shall be at least as restrictive as the provisions of this part.

Renumbered and Amended by Chapter 130, 2011 General Session

**Part 3
Community Cat Act**

11-46-301 Title.

This part is known as the "Community Cat Act."

Enacted by Chapter 130, 2011 General Session

11-46-302 Definitions.

In addition to the definitions in Sections 11-46-102 and 11-46-202, as used in this part:

- (1) "Community cat" means a feral or free-roaming cat that is without visibly discernable or microchip owner identification of any kind, and has been sterilized, vaccinated, and ear-tipped.
- (2) "Community cat caretaker" means any person other than an owner who provides food, water, or shelter to a community cat or community cat colony.
- (3) "Community cat colony" means a group of cats that congregate together. Although not every cat in a colony may be a community cat, any cats owned by individuals that congregate with a colony are considered part of it.
- (4) "Community cat program" means a program pursuant to which feral cats are sterilized, vaccinated against rabies, ear-tipped, and returned to the location where they congregate.
- (5) "Ear-tipping" means removing approximately a quarter-inch off the tip of a cat's left ear while the cat is anesthetized for sterilization.
- (6) "Feral" has the same meaning as in Section 23-13-2.
- (7) "Sponsor" means any person or organization that traps feral cats, sterilizes, vaccinates against rabies, and ear-tips them before returning them to the location where they were trapped. A sponsor may be any animal humane society, non-profit organization, animal rescue, adoption organization, or a designated community cat caretaker that also maintains written records on community cats.

Enacted by Chapter 130, 2011 General Session

11-46-303 Community cats.

- (1) A cat received by a shelter under the provisions of Section 11-46-103 may be released prior to the five-day holding period to a sponsor that operates a community cat program.
- (2) A community cat is:
 - (a) exempt from licensing requirements and feeding bans; and
 - (b) eligible for release from an animal shelter prior to the mandatory five-day hold period in Section 11-46-103.
- (3) Community cat sponsors or caretakers do not have custody, as defined in Section 76-9-301, of any cat in a community cat colony. Cats in a colony that are obviously owned, as evidenced by a collar, tags, microchip, or other discernable owner identification, are not exempt from the provisions of Title 76, Chapter 9, Part 3, Cruelty to Animals.
- (4) Sterilization and vaccination records shall be maintained for a minimum of three years and be available to an animal control officer upon request.

Enacted by Chapter 130, 2011 General Session

11-46-304 Permit process for community cat colonies.

- (1) A county or municipality may create a permitting process for community cat colonies.
- (2) Any permitting process created by a county or municipality shall provide notice to adjacent property owners by:
 - (a) mailing notice to the record owner of each parcel within parameters specified by the permitting process; or
 - (b) posting notice on the property with a sign of sufficient size, durability, print quality, and location that is reasonably calculated to give notice to passers-by.

Enacted by Chapter 130, 2011 General Session

