

Senator Dennis E. Stowell proposes the following substitute bill:

**ANIMAL CONTROL - EXCEPTION FOR COMMUNITY CATS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dennis E. Stowell**

House Sponsor: Don L. Ipson

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**LONG TITLE**

**General Description:**

This bill creates an Animal Welfare chapter in Title 11, Cities, Counties, and Local Taxing Units.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ defines a sponsor of a cat colony as a person who actively traps cats in a colony for the purpose of sterilizing, vaccinating, and ear-tipping before returning the cat to its original location;
- ▶ exempts community cats from the ~~H→~~ [three] five ~~←H~~ -day mandatory hold requirement;

~~H→~~ ▶ allows a city or county to set up a permitting process for cat colonies and provide notice to adjacent property owners; ~~←H~~ and

▶ allows a shelter that receives a feral cat to release it to a sponsor that operates a community cat program.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

~~H→~~ [None] This bill coordinates with H.B. 273, Animal Control Amendments, by providing substantive and technical amendments. ~~←H~~

**Utah Code Sections Affected:**

AMENDS:



26           **77-24-1.5**, as last amended by Laws of Utah 2005, Chapter 126

27 ENACTS:

28           **11-46-101**, Utah Code Annotated 1953

29           **11-46-102**, Utah Code Annotated 1953

30           **11-46-103**, Utah Code Annotated 1953

31           **11-46-201**, Utah Code Annotated 1953

32           **11-46-301**, Utah Code Annotated 1953

33           **11-46-302**, Utah Code Annotated 1953

34           **11-46-303**, Utah Code Annotated 1953

34a       **Ĥ→ 11-46-304, Utah Code Annotated 1953 ←Ĥ**

35 RENUMBERS AND AMENDS:

36           **11-46-202**, (Renumbered from 17-42-102, as last amended by Laws of Utah 2003,  
37 Chapter 292)

38           **11-46-203**, (Renumbered from 17-42-103, as last amended by Laws of Utah 2000,  
39 Chapter 217)

40           **11-46-204**, (Renumbered from 17-42-104, as last amended by Laws of Utah 2000,  
41 Chapter 217)

42           **11-46-205**, (Renumbered from 17-42-105, as last amended by Laws of Utah 2000,  
43 Chapter 217)

44           **11-46-206**, (Renumbered from 17-42-105.5, as enacted by Laws of Utah 2000, Chapter  
45 217)

46           **11-46-207**, (Renumbered from 17-42-106, as enacted by Laws of Utah 1998, Chapter  
47 156)

48           **11-46-208**, (Renumbered from 17-42-107, as enacted by Laws of Utah 1998, Chapter  
49 156)

50 REPEALS:

51           **10-8-64**, as last amended by Laws of Utah 2009, Chapter 282

52           **10-17-101**, as enacted by Laws of Utah 1998, Chapter 156

53           **10-17-102**, as last amended by Laws of Utah 2003, Chapter 292

54           **10-17-103**, as last amended by Laws of Utah 2000, Chapter 217

55           **10-17-104**, as last amended by Laws of Utah 2000, Chapter 217

56           **10-17-105**, as last amended by Laws of Utah 2000, Chapter 217

57 10-17-105.5, as enacted by Laws of Utah 2000, Chapter 217

58 10-17-106, as enacted by Laws of Utah 1998, Chapter 156

59 10-17-107, as enacted by Laws of Utah 1998, Chapter 156

60 17-42-101, as enacted by Laws of Utah 1998, Chapter 156

60a **H→ Utah Code Sections Affected by Coordination Clause:**

60b **11-46-102, Utah Code Annotated 1953**

60c **11-46-302, Utah Code Annotated 1953 ←H**

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62 *Be it enacted by the Legislature of the state of Utah:*

63 Section 1. Section 11-46-101 is enacted to read:

64 **CHAPTER 46. ANIMAL WELFARE ACT**

65 **Part 1. General Provisions**

66 **11-46-101. Title.**

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

68 Section 2. Section 11-46-102 is enacted to read:

69 **11-46-102. Definitions.**

70 As used in this chapter:

71 (1) "Animal" means a cat or dog.

72 (2) "Animal control officer" means any person employed or appointed by a county or a  
73 municipality who is authorized to investigate violations of laws and ordinances concerning  
74 animals, to issue citations in accordance with Utah law, and take custody of animals as  
75 appropriate in the enforcement of the laws and ordinances.

76 (3) "Animal shelter" means a facility or program:

77 (a) providing services for stray, lost, or unwanted animals, including holding and  
78 placing the animals for adoption, but does not include an institution conducting research on  
79 animals, as defined in Section 26-26-1; or

80 (b) a private humane society or private animal welfare organization.

81 (4) "Person" means an individual, an entity, or a representative of an entity.

82 Section 3. Section 11-46-103 is enacted to read:

83 **11-46-103. Stray animals.**

84 (1) Each municipal or county animal control officer shall hold any unidentified or  
85 unclaimed stray animal in safe and humane custody for a minimum of H→ [three] five ←H business  
85a days after

86 the time of impound and prior to making any final disposition of the animal.

87 (2) A record of each animal held shall be maintained. The record shall include:

- 88 (a) date of impound;
- 89 (b) date of disposition; and
- 90 (c) method of disposition, which may be:
- 91 (i) placement in an adoptive home or other transfer of the animal, which shall be in
- 92 compliance with Part 2, Animal Shelter Pet Sterilization Act;
- 93 (ii) return to its owner;
- 94 (iii) placement in a community cat program as defined in Section 11-46-302; or
- 95 (iv) euthanasia.

96 (3) An unidentified or unclaimed stray animal may be euthanized prior to the  
 97 completion of the ~~five~~ **three** ~~working day~~ **five** ~~working day~~ minimum holding period to prevent  
 97a unnecessary suffering  
 98 due to serious injury or disease, if the euthanasia is in compliance with written agency or  
 99 department policies and procedures, and with any local ordinances allowing the euthanasia.

100 (4) An unidentified or unclaimed stray animal shall be returned to its owner upon:

- 101 (a) proof of ownership;
- 102 (b) compliance with requirements of local animal control ordinances; and
- 103 (c) compliance with Part 2, Animal Shelter Pet Sterilization Act.

104 Section 4. Section **11-46-201** is enacted to read:

105 **Part 2. Animal Shelter Pet Sterilization Act**

106 **11-46-201. Title.**

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

108 Section 5. Section **11-46-202**, which is renumbered from Section 17-42-102 is  
 109 renumbered and amended to read:

110 ~~[17-42-102].~~ **11-46-202. Definitions.**

111 ~~[As]~~ In addition to the definitions in Section 11-46-102, as used in this [chapter] part:

112 ~~[(1) "Animal" means a cat or dog.]~~

113 ~~[(2) "Animal shelter" means a facility or program:]~~

114 ~~[(a) providing services for stray, lost, or unwanted animals, including holding and~~  
 115 ~~placing the animals for adoption, but does not include an institution conducting research on~~  
 116 ~~animals, as defined in Section 26-26-1; and]~~

117 ~~[(b) operated by:]~~

118 ~~[(i) a first or second class county as defined in Section 17-50-501;]~~

243 Section 12. Section **11-46-301** is enacted to read:

244 **Part 3. Community Cat Act**

245 **11-46-301. Title.**

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

247 Section 13. Section **11-46-302** is enacted to read:

248 **11-46-302. Definitions.**

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

250 (1) "Community cat" means a feral or free-roaming cat that is without visibly  
251 discernable ~~Ĥ→~~ or microchip ~~←Ĥ~~ owner identification of any kind, and has been sterilized,  
251a vaccinated, and  
252 ear-tipped.

253 (2) "Community cat caretaker" means any person other than an owner who provides  
254 food, water, or shelter to a community cat or community cat colony.

255 (3) "Community cat colony" means a group of cats that congregate together. Although  
256 not every cat in a colony may be a community cat, any cats owned by individuals that  
257 congregate with a colony are considered part of it.

258 (4) "Community cat program" means a program pursuant to which feral cats are  
259 sterilized, vaccinated against rabies, ear-tipped, and returned to the location where they  
260 congregate.

261 (5) "Ear-tipping" means removing approximately a quarter-inch off the tip of a cat's left  
262 ear while the cat is anesthetized for sterilization.

263 (6) "Feral" has the same meaning as in Section 23-13-2.

264 (7) "Sponsor" means any person or organization that traps feral cats, sterilizes,  
265 vaccinates against rabies, and ear-tips them before returning them to the location where they  
266 were trapped. A sponsor may be any animal humane society, non-profit organization, animal  
267 rescue, adoption organization, or a designated community cat caretaker that also maintains  
268 written records on community cats.

269 Section 14. Section **11-46-303** is enacted to read:

270 **11-46-303. Community cats.**

271 (1) A cat received by a shelter under the provisions of Section 11-46-103 may be  
272 released prior to the ~~Ĥ→~~ [three] five ~~←Ĥ~~ -day holding period to a sponsor that operates a  
272a community cat  
273 program.

274 (2) A community cat is:

275 (a) exempt from licensing requirements and feeding bans; and

276 (b) eligible for release from an animal shelter prior to the mandatory

276a ~~H→~~ **[three]** five ~~←H~~ -day hold

277 period in Section 11-46-103.

278 (3) Community cat sponsors or caretakers do not have custody, as defined in Section

279 76-9-301, of any cat in a community cat colony. Cats in a colony that are obviously owned, as

280 evidenced by a collar, tags, ~~H→~~ microchip, ~~←H~~ or other discernable owner identification, are not

280a exempt from the

281 provisions of Title 76, Chapter 9, Part 3, Cruelty to Animals.

282 (4) Sterilization and vaccination records shall be maintained for a minimum of three

283 years and be available to an animal control officer upon request.

284 Section 15. Section ~~77-24-1.5~~ is amended to read:

285 **77-24-1.5. Safekeeping by officer pending disposition -- Records required.**

286 ~~[(+)]~~ Each peace officer shall:

287 ~~[(a)]~~ (1) hold all property in safe custody:

288 ~~[(i)]~~ (a) until it is received into evidence; or

289 ~~[(ii)]~~ (b) if it is not used as evidence, until it can be disposed of as provided in this

290 chapter; and

291 ~~[(b)]~~ (2) maintain a proper record of the property that identifies:

292 ~~[(i)]~~ (a) the owner of the property, if known; and

293 ~~[(ii)]~~ (b) the case for which it was taken or received and is being held.

294 ~~[(2) (a) Each municipal or county animal control officer shall hold any unidentified or~~

295 ~~unclaimed stray dog or stray cat in safe and humane custody for a minimum of three working~~

296 ~~days after the time of impound prior to making any final disposition of the animal, including:]~~

297 ~~[(i) placement in an adoptive home or other transfer of the animal, which shall be in~~

298 ~~compliance with Title 10, Chapter 17, Municipal Animal Shelter Pet Sterilization Act, or Title~~

299 ~~17, Chapter 42, County Animal Shelter Pet Sterilization Act; or]~~

300 ~~[(ii) euthanasia.]~~

301 ~~[(b) An unidentified or unclaimed stray dog or stray cat may be euthanized prior to the~~

302 ~~completion of the three working day minimum holding period to prevent unnecessary suffering~~

303 ~~due to serious injury or disease, if the euthanasia is in compliance with written established~~

304 ~~agency or department policies and procedures, and with any local ordinances allowing the~~

305 destruction.]

306 [(c) An unidentified or unclaimed stray dog or stray cat shall be returned to its owner  
307 upon:]

308 [(i) proof of ownership;]

309 [(ii) compliance with requirements of local animal control ordinances; and]

310 [(iii) compliance with Title 10, Chapter 17, Municipal Animal Shelter Pet Sterilization  
311 Act, or Title 17, Chapter 42, County Animal Shelter Pet Sterilization Act.]

311a **H→ Section 16. Section 11-46-304 is enacted to read:**

311b **11-46-304. Permit process for community cat colonies.**

311c **(1) A county or municipality may create a permitting process for community cat**  
311d **colonies.**

311e **(2) Any permitting process created by a county or municipality shall provide notice to**  
311f **adjacent property owners by:**

311g **(a) mailing notice to the record owner of each parcel within parameters specified by the**  
311h **permitting process; or**

311i **(b) posting notice on the property with a sign of sufficient size, durability, print quality,**  
311j **and location that is reasonably calculated to give notice to passers-by. ←H**

312 Section H→ [16.] 17. ←H Repealer.

313 This bill repeals:

314 Section 10-8-64, Livestock at large -- Pound -- Distrain.

315 Section 10-17-101, Title.

316 Section 10-17-102, Definitions.

317 Section 10-17-103, Animal shelters shall transfer only sterilized animals, or shall  
318 require sterilization deposit.

319 Section 10-17-104, Sterilization deposit.

320 Section 10-17-105, Failure to comply with sterilization agreement.

321 Section 10-17-105.5, Sterilization deposit -- When required for redemption by  
322 owner of impounded animal.

323 Section 10-17-106, Penalties.

324 Section 10-17-107, Local ordinances may be no less restrictive.

325 Section 17-42-101, Title.

325a **H→ Section 17. Coordinating S.B. 57 with H.B. 273 -- Substantive and technical amendments.**

325b **If this S.B. 57 and H.B. 273, Animal Control Amendments, both pass, it is the intent of**  
325c **the Legislature that the Office of Legislative Research and General Counsel prepare the Utah**  
325d **Code database for publication by:**

325e **(1) modifying Section 11-46-102 to read: ←H**

- 325f Ĥ→"11-46-102. Definitions.
- 325g As used in this chapter:
- 325h (1) "Animal" means a cat or dog.
- 325i (2) "Animal control officer" means any person employed or appointed by a county or a
- 325j municipality who is authorized to investigate violations of laws and ordinances concerning
- 325k animals, to issue citations in accordance with Utah law, and take custody of animals as
- 325l appropriate in the enforcement of the laws and ordinances.
- 325m (3) "Animal shelter" means a facility or program:
- 325n (a) providing services for stray, lost, or unwanted animals, including holding and
- 325o placing the animals for adoption, but does not include an institution conducting research on
- 325p animals, as defined in Section 26-26-1; or
- 325q (b) a private humane society or private animal welfare organization.
- 325r (4) "Community cat" means a feral or free-roaming cat that:
- 325s (a) is without visibly discernable or microchip owner identification of any kind; and
- 325t (b) is sterilized, vaccinated, and ear-tipped.
- 325u (5) "Community cat program" means a program pursuant to which feral cats are
- 325v sterilized, vaccinated against rabies, ear-tipped, and returned to the locatiion where they
- 325w congregate with other cats.
- 325x (6) "Person" means an individual, an entity, or a representative of an entity."; and
- 325y (2) modifying Section 11-46-302 to read:
- 325z "11-46-302. Definitions.
- 325aa In addition to the definitions in Sections 11-46-102 and 11-46-202, as used in this part:
- 325ab (1) "Community cat caretaker" means any person other than an owner who provides
- 325ac food, water, or shelter to a community cat or community cat colony.
- 325ad (2) "Community cat colony" means a group of cats that congregate together. Although
- 325ae not every cat in a colony may be a community cat, any cats owned by individuals that
- 325af congregate with a colony are considered part of it.
- 325ag (3) "Ear-tipping" means removing approximately a quarter-inch off the tip of a cat's
- 325ah left ear while the cat is anesthetized for sterilization.
- 325ai (4) "Feral" has the same meaning as in Section 23-13-2.
- 325aj (5) "Sponsor" means any person or organization that traps feral cats, sterilizes,
- 325ak vaccinates against rabies, and ear-tips them before returning them to the location
- 325al where they were trapped. A sponsor may be any animal humane society, non-profit
- 325am organization, animal rescue, adoption organization, or a designated community cat caretaker
- 325an that also maintains written records on community cats." ←Ĥ