

- 30 **11-46-101**, Utah Code Annotated 1953
- 31 **11-46-102**, Utah Code Annotated 1953
- 32 **11-46-103**, Utah Code Annotated 1953
- 33 **11-46-201**, Utah Code Annotated 1953
- 34 **11-46-301**, Utah Code Annotated 1953
- 35 **11-46-302**, Utah Code Annotated 1953
- 36 **11-46-303**, Utah Code Annotated 1953
- 37 **11-46-304**, Utah Code Annotated 1953

38 RENUMBERS AND AMENDS:

- 39 **11-46-202**, (Renumbered from 17-42-102, as last amended by Laws of Utah 2003,
- 40 Chapter 292)
- 41 **11-46-203**, (Renumbered from 17-42-103, as last amended by Laws of Utah 2000,
- 42 Chapter 217)
- 43 **11-46-204**, (Renumbered from 17-42-104, as last amended by Laws of Utah 2000,
- 44 Chapter 217)
- 45 **11-46-205**, (Renumbered from 17-42-105, as last amended by Laws of Utah 2000,
- 46 Chapter 217)
- 47 **11-46-206**, (Renumbered from 17-42-105.5, as enacted by Laws of Utah 2000, Chapter
- 48 217)
- 49 **11-46-207**, (Renumbered from 17-42-106, as enacted by Laws of Utah 1998, Chapter
- 50 156)
- 51 **11-46-208**, (Renumbered from 17-42-107, as enacted by Laws of Utah 1998, Chapter
- 52 156)

53 REPEALS:

- 54 **10-8-64**, as last amended by Laws of Utah 2009, Chapter 282
- 55 **10-17-101**, as enacted by Laws of Utah 1998, Chapter 156
- 56 **10-17-102**, as last amended by Laws of Utah 2003, Chapter 292
- 57 **10-17-103**, as last amended by Laws of Utah 2000, Chapter 217

86 **11-46-103. Stray animals.**

87 (1) Each municipal or county animal control officer shall hold any unidentified or
88 unclaimed stray animal in safe and humane custody for a minimum of five business days after
89 the time of impound and prior to making any final disposition of the animal.

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

91 (a) date of impound;

92 (b) date of disposition; and

93 (c) method of disposition, which may be:

94 (i) placement in an adoptive home or other transfer of the animal, which shall be in
95 compliance with Part 2, Animal Shelter Pet Sterilization Act;

96 (ii) return to its owner;

97 (iii) placement in a community cat program as defined in Section 11-46-302; or

98 (iv) euthanasia.

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

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

104 (a) proof of ownership;

105 (b) compliance with requirements of local animal control ordinances; and

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

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

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

109 **11-46-201. Title.**

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

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

113 ~~[17-42-102].~~ **11-46-202. Definitions.**

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

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

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

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

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

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

122 [~~(ii)~~ a city of the first, second, or third class;]

123 [~~(iii)~~ a first or second class county operating the shelter jointly with any municipality;
124 or]

125 [~~(iv)~~ a private humane society or private animal welfare organization located within a
126 first or second class county or within a city of the first, second, or third class.]

127 [~~(3)~~ "Person" means an individual, an entity, or a representative of an entity.]

128 [~~(4)~~ (1) "Proof of sterilization" means a written document signed by a veterinarian
129 licensed under Title 58, Chapter 28, Veterinary Practice Act, stating:

130 (a) a specified animal has been sterilized;

131 (b) the date on which the sterilization was performed; and

132 (c) the location where the sterilization was performed.

133 [~~(5)~~ (2) "Recipient" means the person to whom an animal shelter transfers an animal
134 for adoption.

135 [~~(6)~~ (3) "Sterilization deposit" means the portion of a fee charged by an animal shelter
136 to a recipient or claimant of an unsterilized animal to ensure the animal is timely sterilized in
137 accordance with an agreement between the recipient or the claimant and the animal shelter.

138 [~~(7)~~ (4) "Sterilized" means that an animal has been surgically altered either by the
139 spaying of a female animal or by the neutering of a male animal, so it is unable to reproduce.

140 [~~(8)~~ (5) "Transfer" means that an animal shelter sells, gives away, places for adoption,
141 or transfers an animal to a recipient.

142 Section 6. Section **11-46-203**, which is renumbered from Section 17-42-103 is
143 renumbered and amended to read:

144 ~~[17-42-103]~~. **11-46-203. Animal shelters to transfer only sterilized**
145 **animals, or shall require sterilization deposit.**

146 (1) An animal shelter may not transfer an animal that has not been sterilized, except as
147 provided in Subsection (2) or Section ~~[17-42-105.5]~~ 11-46-206.

148 (2) An animal shelter may transfer an animal for adoption that has not been sterilized
149 only if the animal shelter:

150 (a) establishes a written agreement, executed by the recipient, stating the animal is not
151 sterilized and the recipient agrees in writing to be responsible for ensuring the animal is
152 sterilized:

153 (i) within 30 days after the agreement is signed, if the animal is six months of age or
154 older; or

155 (ii) if the animal is younger than six months of age, within 30 days after the animal
156 becomes six months of age; and

157 (b) receives from the recipient a sterilization deposit as provided under Section
158 ~~[17-42-104]~~ 11-46-204, the terms of which are part of the written agreement executed by the
159 recipient ~~[under]~~ in accordance with this section.

160 (3) The shelter may waive the sterilization deposit and release any unsterilized animal
161 to a sponsor, as defined in Section 11-46-302, provided the sponsor is a non-profit organization
162 that qualifies as being tax exempt under Section 501(c)(3) of the Internal Revenue Code and
163 provides proof of sterilization within 30 days.

164 Section 7. Section **11-46-204**, which is renumbered from Section 17-42-104 is
165 renumbered and amended to read:

166 ~~[17-42-104]~~. **11-46-204. Sterilization deposit.**

167 (1) A sterilization deposit may be:

168 (a) a portion of the adoption fee or purchase price of the ~~[pet]~~ animal, which will
169 enable the adopter to take the ~~[pet]~~ animal for sterilization to a veterinarian with whom the

170 animal shelter has an agreement that the veterinarian will bill the animal shelter directly for the
171 sterilization;

172 (b) a deposit that is:

173 (i) refundable to the recipient if proof of sterilization of the animal within the
174 appropriate time limits under Section [~~17-42-103~~] 11-46-203 is presented to the animal shelter
175 not more than three months after the date the animal is sterilized; and

176 (ii) forfeited to the animal shelter if proof of sterilization is not presented to the animal
177 shelter in compliance with Subsection (1)(b)(i); or

178 (c) a deposit under Section [~~17-42-105.5~~] 11-46-206 required for an owner to claim an
179 unsterilized animal impounded at the animal shelter.

180 (2) Sterilization deposits under Subsection (1) shall reflect the average reduced cost of
181 a sterilization of an animal, based on the gender and weight of the animal, that is reasonably
182 available in the area where the animal shelter is located, but the deposit may not be less than
183 \$25.

184 (3) If a female [~~dog or cat~~] animal and her litter are transferred to one person, a
185 sterilization deposit is required only for the female [~~dog or cat~~] animal.

186 (4) All sterilization deposits forfeited or unclaimed under this section shall be retained
187 by the animal shelter and [~~shall be~~] used by the animal shelter only for:

188 (a) a program to sterilize animals, which may include a sliding scale fee program;

189 (b) a public education program to reduce and prevent overpopulation of animals and
190 the related costs to local governments;

191 (c) a follow-up program to assure that animals transferred by the animal shelter are
192 sterilized in accordance with the agreement executed under Section [~~17-42-103~~] 11-46-203;
193 and

194 (d) any additional costs incurred by the animal shelter in the administration of the
195 requirements of this chapter.

196 Section 8. Section **11-46-205**, which is renumbered from Section 17-42-105 is
197 renumbered and amended to read:

198 ~~[17-42-105].~~ **11-46-205. Failure to comply with sterilization agreement.**

199 If a recipient fails to comply with the sterilization agreement under Subsection
200 ~~[17-42-103]~~ 11-46-203(2):

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

203 (2) the recipient relinquishes all ownership rights regarding the animal and any claim to
204 expenses incurred in maintenance and care of the animal; and

205 (3) the recipient forfeits the sterilization deposit.

206 Section 9. Section **11-46-206**, which is renumbered from Section 17-42-105.5 is
207 renumbered and amended to read:

208 ~~[17-42-105.5].~~ **11-46-206. Sterilization deposit -- When required for
209 redemption by owner of impounded animal.**

210 (1) Upon the second impound within a 12-month period and upon any subsequent
211 impound of an animal that is claimed by its owner, an animal shelter may release the
212 impounded animal to its owner only upon payment of all impound fees required by the shelter
213 and:

- 214 (a) receipt of proof the animal has been sterilized; or
- 215 (b) a sterilization deposit.

216 (2) The sterilization deposit shall be refunded to the owner only if the owner provides
217 proof of sterilization to the animal shelter within 30 days of release of the animal to the owner.

218 Section 10. Section **11-46-207**, which is renumbered from Section 17-42-106 is
219 renumbered and amended to read:

220 ~~[17-42-106].~~ **11-46-207. Penalties.**

221 (1) (a) A person who knowingly commits any of the violations in Subsection (2) is
222 subject to a civil penalty of not less than \$250 on a first violation [~~of Subsection (2)~~], and a
223 civil penalty of not less than \$500 on any second or subsequent violation [~~of Subsection (2)~~].

224 (b) The administrator of the animal shelter imposes the civil penalties under this
225 section.

- 226 (2) A person is subject to the civil penalties under Subsection (1) who:
- 227 (a) falsifies any proof of sterilization submitted for the purpose of compliance with this
- 228 [chapter] part;
- 229 (b) provides to an animal shelter or a licensed veterinarian inaccurate information
- 230 regarding ownership of any animal required to be submitted for sterilization under this
- 231 [chapter] part;
- 232 (c) submits to an animal shelter false information regarding sterilization fees or fee
- 233 schedules; or
- 234 (d) issues a check for insufficient funds for any sterilization deposit required of the
- 235 person under this [chapter] part.
- 236 (3) A person who contests a civil penalty imposed ~~[against him]~~ under this section is
- 237 entitled to an administrative hearing that provides for the person's rights of due process.
- 238 (4) All penalties collected under this section shall be retained by the animal shelter
- 239 imposing the penalties, to be used solely for the purposes ~~[under] of~~ Subsection ~~[17-42-104]~~
- 240 11-46-204(4).

241 Section 11. Section **11-46-208**, which is renumbered from Section 17-42-107 is

242 renumbered and amended to read:

243 ~~[17-42-107]~~. **11-46-208. Local ordinances may be no less restrictive.**

244 Local ordinances or the adoption or placement procedures of any animal shelter shall be

245 at least as restrictive as the provisions of this [chapter] part.

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

247 **Part 3. Community Cat Act**

248 **11-46-301. Title.**

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

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

251 **11-46-302. Definitions.**

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

253 (1) "Community cat" means a feral or free-roaming cat that is without visibly

254 discernable or microchip owner identification of any kind, and has been sterilized, vaccinated,
255 and ear-tipped.

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

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

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

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

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

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

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

273 **11-46-303. Community cats.**

274 (1) A cat received by a shelter under the provisions of Section 11-46-103 may be
275 released prior to the five-day holding period to a sponsor that operates a community cat
276 program.

277 (2) A community cat is:

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

279 (b) eligible for release from an animal shelter prior to the mandatory five-day hold
280 period in Section 11-46-103.

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

282 76-9-301, of any cat in a community cat colony. Cats in a colony that are obviously owned, as
283 evidenced by a collar, tags, microchip, or other discernable owner identification, are not
284 exempt from the provisions of Title 76, Chapter 9, Part 3, Cruelty to Animals.

285 (4) Sterilization and vaccination records shall be maintained for a minimum of three
286 years and be available to an animal control officer upon request.

287 Section 15. Section **11-46-304** is enacted to read:

288 **11-46-304. Permit process for community cat colonies.**

289 (1) A county or municipality may create a permitting process for community cat
290 colonies.

291 (2) Any permitting process created by a county or municipality shall provide notice to
292 adjacent property owners by:

293 (a) mailing notice to the record owner of each parcel within parameters specified by the
294 permitting process; or

295 (b) posting notice on the property with a sign of sufficient size, durability, print quality,
296 and location that is reasonably calculated to give notice to passers-by.

297 Section 16. Section **77-24-1.5** is amended to read:

298 **77-24-1.5. Safekeeping by officer pending disposition -- Records required.**

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

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

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

302 ~~[(ii)]~~ (b) if it is not used as evidence, until it can be disposed of as provided in this
303 chapter; and

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

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

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

307 ~~[(2) (a) Each municipal or county animal control officer shall hold any unidentified or~~
308 ~~unclaimed stray dog or stray cat in safe and humane custody for a minimum of three working~~
309 ~~days after the time of impound prior to making any final disposition of the animal, including:]~~

310 ~~[(i) placement in an adoptive home or other transfer of the animal, which shall be in~~
311 ~~compliance with Title 10, Chapter 17, Municipal Animal Shelter Pet Sterilization Act, or Title~~
312 ~~17, Chapter 42, County Animal Shelter Pet Sterilization Act, or]~~

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

314 ~~[(b) An unidentified or unclaimed stray dog or stray cat may be euthanized prior to the~~
315 ~~completion of the three working day minimum holding period to prevent unnecessary suffering~~
316 ~~due to serious injury or disease, if the euthanasia is in compliance with written established~~
317 ~~agency or department policies and procedures, and with any local ordinances allowing the~~
318 ~~destruction.]~~

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

321 ~~[(i) proof of ownership;]~~

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

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

325 **Section 17. Repealer.**

326 This bill repeals:

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

328 **Section 10-17-101, Title.**

329 **Section 10-17-102, Definitions.**

330 **Section 10-17-103, Animal shelters shall transfer only sterilized animals, or shall**
331 **require sterilization deposit.**

332 **Section 10-17-104, Sterilization deposit.**

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

334 **Section 10-17-105.5, Sterilization deposit -- When required for redemption by**
335 **owner of impounded animal.**

336 **Section 10-17-106, Penalties.**

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

