

Senator Dennis E. Stowell proposes the following substitute bill:

**ANIMAL CONTROL - EXCEPTION FOR COMMUNITY CAT
MANAGEMENT INITIATIVE**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: _____

LONG TITLE

General Description:

This bill creates an Animal Welfare chapter in Title 11, Cities, Counties, and Local Taxing Units, and provides minimum requirements for any county or municipality to set up a community cat management program.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ sets minimum requirements for community cat management programs;
- ▶ allows for the registration of community cat colonies by a sponsor;
- ▶ requires the sponsor of a cat colony to actively trap cats in the colony for the purpose of sterilizing, vaccinating, and ear-tipping before returning the cat to its original location;
- ▶ requires the sponsor of a cat colony to maintain records on each cat;
- ▶ allows a county or municipality to charge a minimum fee to register a cat colony;

and

- ▶ exempts a cat from the three-day mandatory hold requirement if the cat is eligible to participate in the community cat management program.



26 **Money Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **77-24-1.5**, as last amended by Laws of Utah 2005, Chapter 126

33 ENACTS:

34 **11-46-101**, Utah Code Annotated 1953

35 **11-46-102**, Utah Code Annotated 1953

36 **11-46-103**, Utah Code Annotated 1953

37 **11-46-201**, Utah Code Annotated 1953

38 **11-46-301**, Utah Code Annotated 1953

39 **11-46-302**, Utah Code Annotated 1953

40 **11-46-303**, Utah Code Annotated 1953

41 RENUMBERS AND AMENDS:

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

44 **11-46-203**, (Renumbered from 17-42-103, as last amended by Laws of Utah 2000,
45 Chapter 217)

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

48 **11-46-205**, (Renumbered from 17-42-105, as last amended by Laws of Utah 2000,
49 Chapter 217)

50 **11-46-206**, (Renumbered from 17-42-105.5, as enacted by Laws of Utah 2000, Chapter
51 217)

52 **11-46-207**, (Renumbered from 17-42-106, as enacted by Laws of Utah 1998, Chapter
53 156)

54 **11-46-208**, (Renumbered from 17-42-107, as enacted by Laws of Utah 1998, Chapter
55 156)

56 REPEALS:

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

89 **11-46-103. Stray animals.**

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

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

94 (a) date of impound;

95 (b) date of disposition; and

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

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

99 (ii) return to its owner;

100 (iii) placement in a community cat program; or

101 (iv) euthanasia.

102 (3) Any cats eligible for and released to a Community Cat Management Program under
103 Part 3, Community Cat Management Act, are exempt from the three-day requirement in
104 Subsection (1).

105 (4) An unidentified or unclaimed stray animal may be euthanized prior to the
106 completion of the three working day minimum holding period to prevent unnecessary suffering
107 due to serious injury or disease, if the euthanasia is in compliance with written agency or
108 department policies and procedures, and with any local ordinances allowing the euthanasia.

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

110 (a) proof of ownership;

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

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

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

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

115 **11-46-201. Title.**

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

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

119 ~~[17-42-102].~~ 11-46-202. Definitions.

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

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

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

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

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

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

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

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

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

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

134 [~~(4)~~ (1) "Proof of sterilization" means a written document signed by a veterinarian
135 licensed under Title 58, Chapter 28, Veterinary Practice Act, stating:

- 136 (a) a specified animal has been sterilized;
- 137 (b) the date on which the sterilization was performed; and
- 138 (c) the location where the sterilization was performed.

139 [~~(5)~~ (2) "Recipient" means the person to whom an animal shelter transfers an animal
140 for adoption.

141 [~~(6)~~ (3) "Sterilization deposit" means the portion of a fee charged by an animal shelter
142 to a recipient or claimant of an unsterilized animal to ensure the animal is timely sterilized in
143 accordance with an agreement between the recipient or the claimant and the animal shelter.

144 [~~(7)~~ (4) "Sterilized" means that an animal has been surgically altered either by the
145 spaying of a female animal or by the neutering of a male animal, so it is unable to reproduce.

146 [~~(8)~~ (5) "Transfer" means that an animal shelter sells, gives away, places for adoption,
147 or transfers an animal to a recipient.

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

150 ~~[17-42-103].~~ **11-46-203. Animal shelters to transfer only sterilized**
151 **animals, or shall require sterilization deposit.**

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

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

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

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

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

163 (b) receives from the recipient a sterilization deposit as provided under Section
164 ~~[17-42-104]~~ 11-46-204, the terms of which are part of the written agreement executed by the
165 recipient ~~[under]~~ in accordance with this section.

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

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

172 ~~[17-42-104].~~ **11-46-204. Sterilization deposit.**

173 (1) A sterilization deposit may be:

174 (a) a portion of the adoption fee or purchase price of the ~~[pet]~~ animal, which will
175 enable the adopter to take the ~~[pet]~~ animal for sterilization to a veterinarian with whom the
176 animal shelter has an agreement that the veterinarian will bill the animal shelter directly for the
177 sterilization;

178 (b) a deposit that is:

179 (i) refundable to the recipient if proof of sterilization of the animal within the
180 appropriate time limits under Section ~~[17-42-103]~~ 11-46-203 is presented to the animal shelter

181 not more than three months after the date the animal is sterilized; and

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

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

186 (2) Sterilization deposits under Subsection (1) shall reflect the average reduced cost of
187 a sterilization of an animal, based on the gender and weight of the animal, that is reasonably
188 available in the area where the animal shelter is located, but the deposit may not be less than
189 \$25.

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

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

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

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

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

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

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

204 [~~17-42-105~~]. **11-46-205. Failure to comply with sterilization agreement.**

205 If a recipient fails to comply with the sterilization agreement under Subsection
206 [~~17-42-103~~] 11-46-203(2):

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

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

211 (3) the recipient forfeits the sterilization deposit.

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

214 ~~[17-42-105.5].~~ **11-46-206. Sterilization deposit -- When required for**
215 **redemption by owner of impounded animal.**

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

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

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

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

226 ~~[17-42-106].~~ **11-46-207. Penalties.**

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

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

232 (2) A person is subject to the civil penalties under Subsection (1) who:

233 (a) falsifies any proof of sterilization submitted for the purpose of compliance with this
234 [chapter] part;

235 (b) provides to an animal shelter or a licensed veterinarian inaccurate information
236 regarding ownership of any animal required to be submitted for sterilization under this
237 [chapter] part;

238 (c) submits to an animal shelter false information regarding sterilization fees or fee
239 schedules; or

240 (d) issues a check for insufficient funds for any sterilization deposit required of the
241 person under this [chapter] part.

242 (3) A person who contests a civil penalty imposed [~~against him~~] under this section is

243 entitled to an administrative hearing that provides for the person's rights of due process.

244 (4) All penalties collected under this section shall be retained by the animal shelter
245 imposing the penalties, to be used solely for the purposes ~~[under]~~ of Subsection ~~[17-42-104]~~
246 11-46-204(4).

247 Section 11. Section **11-46-208**, which is renumbered from Section 17-42-107 is
248 renumbered and amended to read:

249 ~~[17-42-107]~~. **11-46-208. Local ordinances may be no less restrictive.**

250 Local ordinances or the adoption or placement procedures of any animal shelter shall be
251 at least as restrictive as the provisions of this ~~[chapter]~~ part.

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

253 **Part 3. Community Cat Management Act**

254 **11-46-301. Title.**

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

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

257 **11-46-302. Definitions.**

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

259 (1) "Community cat" means a feral or free-roaming cat that is without visibly
260 discernable owner identification of any kind, and has been sterilized, vaccinated, and
261 ear-tipped.

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

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

267 (4) "Community cat management program" means a program pursuant to which
268 community cats are sterilized, vaccinated against rabies, and returned to the location where
269 they congregate.

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

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

273 (7) "Sponsor" means any animal humane society, non-profit organization, animal

274 rescue, adoption organization, or a designated community cat caretaker that agrees to comply
275 with the requirements of this chapter and maintain written records that are accessible to an
276 animal control officer upon request.

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

278 **11-46-303. Community cat management program.**

279 (1) A community cat is exempt from licensing requirements and feeding bans.

280 (2) The following cats are eligible for release from an animal shelter prior to the
281 mandatory three-day hold period in Section 11-46-103:

282 (a) a feral or free-roaming cat if eligible for the community cat management program in
283 this part; and

284 (b) a community cat.

285 (3) Any county or municipality may create a community cat management program.

286 Any program created shall meet minimum standards set by this part.

287 (4) A county or municipality may allow individuals or sponsors to trap, sterilize,
288 ear-tip, and vaccinate any feral or free-roaming cat in the community.

289 (5) The sponsor of a cat colony shall register each colony with the county or
290 municipality, providing the approximate location and size of each colony as well as the number
291 of cats trapped, neutered, and returned.

292 (6) The county or municipality may assess a fee of not more than \$15 for each colony
293 registered. Upon registration, the county or municipality shall provide to the sponsor a
294 document verifying the registration and indicating the approximate location of the registered
295 colony.

296 (7) The sponsor of a registered cat colony shall provide to the county or municipality
297 upon request:

298 (a) the number and location by zip code of colonies for which it acts as a sponsor;

299 (b) the total number of cats in each of its colonies;

300 (c) a description of each cat in each colony; and

301 (d) sterilization and vaccination records for each cat in the sponsor's colonies.

302 (8) Sterilization and vaccination records shall be maintained for a minimum of three
303 years.

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

305 76-9-301, of any cat in a community cat colony. Cats in a colony that are obviously owned, as
306 evidenced by a collar, tags, or other discernable owner identification, are not exempt from the
307 provisions of Title 76, Chapter 9, Part 3, Cruelty to Animals.

308 (10) If a county and a municipality within that county both create a community cat
309 management program, they shall coordinate their efforts in order not to require dual registration
310 for colonies within their borders.

311 Section 15. Section **77-24-1.5** is amended to read:

312 **77-24-1.5. Safekeeping by officer pending disposition -- Records required.**

313 [(+) Each peace officer shall:

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

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

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

317 chapter; and

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

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

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

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

324 ~~[(i) placement in an adoptive home or other transfer of the animal, which shall be in~~
325 ~~compliance with Title 10, Chapter 17, Municipal Animal Shelter Pet Sterilization Act, or Title~~
326 ~~17, Chapter 42, County Animal Shelter Pet Sterilization Act; or]~~

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

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

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

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

336 [~~(ii) compliance with requirements of local animal control ordinances; and]~~
337 [~~(iii) compliance with Title 10, Chapter 17, Municipal Animal Shelter Pet Sterilization~~
338 ~~Act, or Title 17, Chapter 42, County Animal Shelter Pet Sterilization Act.]~~

339 Section 16. **Repealer.**

340 This bill repeals:

341 Section **10-8-64, Livestock at large -- Pound -- Distraint.**

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

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

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

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

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

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

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

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

352 Section **17-42-101, Title.**

FISCAL NOTE

S.B. 57 1st Sub. (Green)

SHORT TITLE: **Animal Control - Exception for Community Cat Management Initiative**

SPONSOR: **Stowell, D.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill could result in a potential saving for local governments of approximately \$20,000.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.