COTTONWOOD HEIGHTS

ORDINANCE NO. 215

AN ORDINANCE AMENDING AND RESTATING SECTIONS 8.04.085, 8.04.110, 8.04.300, 8.12.120, 8.12.130 AND 8.36.010, COTTONWOOD HEIGHTS CODE (WILD, DANGEROUS AND EXOTIC ANIMALS)

WHEREAS, effective 14 January 2005, the city council (the "*Council*") of the city of Cottonwood Heights (the "*City*") adopted a code of ordinances (the "*Code*") for the City; and

WHEREAS, the Council now has determined that a need exists to amend and restate Sections 8.04.085, 8.04.110, 8.04.300, 8.12.120, 8.12.130 and 8.36.010 of the Code (the "*Sections*") concerning the keeping of wild, dangerous and exotic animals in the City; and

WHEREAS, the Council met in regular session on 28 January 2014 to consider, among other things, amending and restating the Sections as proposed; and

WHEREAS, the Council has reviewed a compilation of the proposed amended and restated Sections, a copy of which is attached as an exhibit hereto and is incorporated herein by this reference; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety and welfare of the citizens of the City to so amend and restate the Sections of the Code as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. ***Amendment and Restatement of the Sections***. The Council hereby amends and restates the Sections of the Code as shown on the attached exhibit.

Section 2. ***Action of Officers***. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this "*Ordinance*"), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. ***Severability***. All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 3. ***Repealer***. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. ***Effective Date***. This Ordinance, assigned no. 215, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 28th day of January 2014.

COTTONWOOD HEIGHTS CITY COUNCIL

By _____
Kelvyn H. Cullimore, Jr., Mayor

ATTEST:

_____
Kory Solorio, Recorder

VOTING:

Kelvyn H. Cullimore, Jr.	Yea ✓	Nay ___
Michael L. Shelton	Yea ___	Nay ✓
J. Scott Bracken	Yea ✓	Nay ___
Michael J. Peterson	Yea ✓	Nay ___
Tee W. Tyler	Yea ✓	Nay ___

DEPOSITED in the Recorder's office this 28th day of January 2014.

POSTED this 30 day of January 2014.

612426.1

Title 8—Animals
Amendments—January 2014

8.04.085 Dangerous animal.

"Dangerous animal" means any animal or species, including invertebrate species, that would be a material hazard to public health and safety should the animal escape. "Dangerous animal" includes those animals meeting the definition of either "wild animal" or "vicious animal" in this title. "Dangerous animal" also includes the following, even if such animal has never lived independently of man:

A. Alligators and crocodiles;

B. Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;

C. Cat family (Felidae). All except the commonly accepted domesticated cats, including cheetah, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.;

D. Constrictor snakes in excess of eight feet in length;

E. Dog family (Canidae). All except domesticated dogs, including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;

F. Porcupine (Erethizontidae);

G. Primate (Hominidae). All non-human primates;

H. Raccoon (Procyonidae). All raccoons, including eastern raccoon, desert raccoon, ring-tailed cat, etc.;

I. Skunks;

J. Venomous fish and piranha;

K. Venomous snakes or lizards;

L. Weasels (Mustelidae). All including martens, wolverines, black-footed ferrets, badgers, otters, ermine, mink, mongoose, etc.; and

M. Any species which, if one or more members were to escape from captivity, would pose a material invasive threat to the ecosystem.

8.04.110 Exotic animal.

"Exotic animal" means any animal for which specific numerical limitations do not exist elsewhere in this title. Without limiting the generality of the foregoing sentence, the term "exotic animals" does not include domesticated dogs; domesticated cats; domesticated rabbits; domesticated ferrets; pigeons; tropical fish; other fowl or farm animals which have specific numerical limitations in this title; or any "dangerous animal" as defined in this title.

8.04.300 Wild animal.

"Wild animal" means any animal of a species that in its natural life is usually untamed and undomesticated, including hybrids; any animal that has lived independently of man; any animal that is untamed or undomesticated; and any animal which, as a result of its natural or wild condition, cannot be vaccinated for rabies.

8.12.120 Exotic animals.

A. No more than a total of five exotic animals, whether of the same or different species, may be kept or harbored on any property in the city without an exotic animal hobbyist permit or a commercial animal establishment permit, and as otherwise provided in this section.

B. Unless prohibited by other applicable law, a total of over five, and up to 25, exotic animals, whether of the same or different species, may be kept on a residential property in the city if an exotic animal hobbyist permit is obtained as provided in this subsection B.

1. Any one person per residence, over the age of 18 years, who primarily resides in that residence, may obtain or renew an exotic animal hobbyist permit upon providing to the city, at the applicant's cost, a current, written and signed certification from a Utah-licensed veterinarian, with significant experience in attending to exotic animals of the type being licensed, that:

(a) Within the prior 30 days, the veterinarian personally has discussed with the owner the needs of the exotic animals to be kept and determined that the owner has sufficient knowledge of the species to provide appropriate care for the number of exotic animals being requested, without hiring outside help;

(b) Within the prior 30 days, the veterinarian personally has visited the premises where the exotic animals are to be kept and determined that adequate caging appropriate for the species and numbers being requested is present or will be available for use, and that such premises otherwise comply with the requirements of this section;

(c) The exotic animals in question pose no material threat to the health and safety of the community, whether or not one or more escapes;

(d) The exotic animals in question have received all required or appropriate vaccinations;

(e) Within the prior 30 days, the veterinarian personally has confirmed that any other required state or federal permits have been obtained by the owner and are in full force and effect; and

(f) The owner otherwise is capable of keeping the specific number and type of exotic animals being requested.

2. The city's exotic animal hobbyist permit application form shall require, among other things, the applicant to provide:

(a) A description of the animals;

(b) The number of animals of each species being requested;

(c) A plan of action to safeguard and safely relocate the animals in the event of a natural disaster or other emergency, the adequacy of which the city may confirm with federal, state and/or local authorities or experts; and

(d) Such other information as the city reasonably may require.

3. A single exotic animal hobbyist permit shall be required for all exotic animals kept on a residential property under this subsection B. The permit shall be for the specific number and type of exotic animals approved by the certifying veterinarian, shall have duration of one year, and shall be renewable upon full compliance with this section, including, without limitation, a current certification from a veterinarian under subpart B(1), above.

4. Granting or renewal of an exotic animal hobbyist permit shall be conditioned on prior inspection of the subject premises by city's animal control officers or other city representatives. Follow-up inspections may be required during the term of a permit upon reasonable prior notice by the city.

5. The annual fee for an exotic animal hobbyist permit shall be $72.00 or as otherwise provided in the city's consolidated fee schedule.

C. Keeping over 25 exotic animals is deemed to be a commercial enterprise required to be conducted in a commercial animal establishment located in a conforming non-residential zone, and subject to the following additional requirements in lieu of the requirements under section 8.12.030:

1. Any one person per establishment over the age of 18 years may obtain or renew an commercial animal establishment permit for exotic animals upon providing to the city, at the applicant's cost, a current, written and signed certification from a Utah-licensed veterinarian, with significant experience in attending to exotic animals of the type being licensed, that:

(a) Within the prior 30 days, the veterinarian personally has discussed with the owner the needs of the exotic animals to be kept and determined that the owner has sufficient knowledge of the species to provide appropriate care;

(b) Within the prior 30 days, the veterinarian personally has visited the premises where the exotic animals are to be kept and determined that adequate caging appropriate for the species is present and available for use, and that such premises otherwise comply with the requirements of this section;

(c) The exotic animals in question pose no material threat to the health and safety of the community, whether or not one or more escapes; and

(d) Within the prior 30 days, the veterinarian personally has confirmed that any other required state or federal permits have been obtained by the owner and are in full force and effect.

2. The city's commercial animal establishment permit for exotic animals shall require such information as the city reasonably may require.

3. A single commercial animal establishment permit for exotic animals shall be required for all exotic animals kept on a property under this subsection C. The permit shall have duration of one year, and shall be renewable upon full compliance with this section, including, without limitation, a current certification from a veterinarian under subpart C(1), above.

4. Granting or renewal of a commercial animal establishment permit for exotic animals shall be conditioned on prior inspection of the subject premises by city's animal control officers or other city representatives. Follow-up inspections may be required during the term of a permit upon reasonable prior notice by the city.

5. The annual fee for a commercial animal establishment permit for exotic animals shall be $72.00 or as otherwise provided in the city's consolidated fee schedule. In addition, the commercial animal establishment shall be required to obtain an appropriate business license under Title 5 of this code.

6. A commercial animal establishment may not be conducted as a home occupation.

D. The following additional requirements are applicable to all exotic animals kept within the city:

1. Housing for exotic animals shall be in cages or containers consistent with applicable standards and practices, and shall be designed to safeguard the animal and to prevent escape.

2. All exotic animals on residential property within the city shall be kept within the human living space of such dwelling, and may not be kept in an attached or detached garage, storage area, shed or other type of accessory structure on such property.

3. The cumulative area within a dwelling on residential property within the city for housing, caring for, storing or otherwise maintaining all of the exotic animals on such premises may not total more than the lesser of 5% of the habitable interior floor area of the residence or 250 square feet.

4. Feed for exotic animals (including, without limitation, rodents raised for food for exotic animals) shall be kept within the commercial establishment or the human living space of the dwelling, as applicable, and may not be kept in an attached or detached garage, storage area, shed or other type of accessory structure on such property. Any rodents raised as food for exotic animals are also considered to be exotic animals which must be kept in compliance with this section and which count toward the maximum number of exotic animals which may be kept on residential property.

5. Exotic animals that are temporarily taken outside (such as for transport) must be properly restrained to prevent escape; under constant supervision of a responsible adult who can properly manage the animals; and not taken onto public property (except public streets, for transport) or another's private property without express written permission from the owner of that property.

6. Young born to exotic animals that are legally kept on residential property within the city pursuant to this section may be kept for the greater of 60 days or until such young are capable of

surviving in captivity without protection or feeding by their parent(s), provided that the sum of all permitted adults and immature young on such premises may not exceed ten for exotic animals kept without an exotic animal hobbyist permit, or 50 for exotic animals kept with an exotic animal hobbyist permit.

7. All exotic animals shall otherwise be kept so as to comply with all applicable public health laws and so as to not constitute a nuisance.

8.12.130 Dangerous animal permit.

A. It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor or purchase any dangerous animal (as defined this title) in the city.

B. The prohibitions of subsection A, above, shall not apply to a public animal shelter, public zoological park, veterinary hospital providing care for an ill or injured wild animal, section 501(c)(3) of the Internal Revenue Code animal welfare shelter, public laboratory, or facility for education or scientific research that is part of or formally affiliated with a university or similar educational institution, subject to full compliance with the requirements of subsections C(1) through C(5), below.

C. To the extent that applicable state or federal law preempts the prohibition in subsection A above, then any person or organization not described in subsection B, above, but who otherwise is authorized by applicable state or federal law to own or keep a dangerous animal may not so act without a city permit, full compliance with applicable zoning requirements, and:

1. Demonstrating sufficient knowledge of the species so as to be an expert in the care and control of the species;

2. Presenting proof of adequate primary caging appropriate for the species and a sufficient secondary system of confinement so as to prevent unauthorized access to the animal and to prevent the animal's escape;

3. Presenting proof that adequate measures have been taken to prevent the animal from becoming a threat to the health and safety of the community;

4. Presenting a plan of action in the event of the animal's escape. The director may consult with a review board comprising federal, state and local public health authorities in considering a request for a wild animal permit;

5. Presenting proof of required, if any, state or federal permits; and

6. Presenting proof of liability insurance in an amount of at least One Million Dollars ($1,000,000.00), which policy shall name the city as an additional insured and shall not be subject to cancellation or other material modifications without at least 30 days' prior written notice to the city.

D. For the purpose of this section, to demonstrate "sufficient knowledge" of a species, a person must show that he has specialized knowledge of a species to provide for its basic needs to maintain the animal's health, welfare and confinement. The director may consider the person's experience, education, apprenticeship or by examination administered by the director when determining that a person has sufficient knowledge of a species.

Chapter 8.36
WILD, DANGEROUS AND EXOTIC ANIMALS

Sections:

8.36.010 Prohibitions relating to wild, dangerous and exotic animals – Exceptions.

8.36.010 Prohibitions relating to wild, dangerous and exotic animals – Exceptions.

Except as specifically authorized by this title, it is unlawful for any person or entity to sell, offer for sale, barter, give away, keep, own, harbor or purchase any wild, dangerous or exotic animal (as defined in Title 50 of the Code of Federal Regulations, in Utah law or regulation, or by this title) or which is otherwise a vicious animal or a nuisance as defined in this title.