

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

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Dennis E. Stowell**

House Sponsor: \_\_\_\_\_

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**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.

**Money Appropriated in this Bill:**

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:

57           **10-8-64**, as last amended by Laws of Utah 2009, Chapter 282

58           **10-17-101**, as enacted by Laws of Utah 1998, Chapter 156

- 59 10-17-102, as last amended by Laws of Utah 2003, Chapter 292
- 60 10-17-103, as last amended by Laws of Utah 2000, Chapter 217
- 61 10-17-104, as last amended by Laws of Utah 2000, Chapter 217
- 62 10-17-105, as last amended by Laws of Utah 2000, Chapter 217
- 63 10-17-105.5, as enacted by Laws of Utah 2000, Chapter 217
- 64 10-17-106, as enacted by Laws of Utah 1998, Chapter 156
- 65 10-17-107, as enacted by Laws of Utah 1998, Chapter 156
- 66 17-42-101, as enacted by Laws of Utah 1998, Chapter 156

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

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

70 **CHAPTER 46. ANIMAL WELFARE ACT**

71 **Part 1. General Provisions**

72 **11-46-101. Title.**

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

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

75 **11-46-102. Definitions.**

76 As used in this chapter:

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

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

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

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

86 (b) operated by:

87 (i) a first or second class county as defined in Section 17-50-501;

88 (ii) a city of the first, second, or third class;

89 (iii) a first or second class county operating jointly with any municipality; or

90 (iv) a private humane society or private animal welfare organization located within a  
91 first or second class county or within a city of the first, second, or third class.

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

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

94 **11-46-103. Stray animals.**

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

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

99 (a) date of impound;

100 (b) date of disposition; and

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

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

104 (ii) return to its owner;

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

106 (iv) euthanasia.

107 (3) Any cats eligible for a Community Cat Management Program under Part 3,  
108 Community Cat Management Act, are exempt from the three-day requirement in Subsection  
109 (1).

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

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

115 (a) proof of ownership;

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

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

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

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

120 **11-46-201. Title.**

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

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

124 ~~[17-42-102].~~ **11-46-202. Definitions.**

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

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

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

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

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

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

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

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

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

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

139 ~~[(4)]~~ (1) "Proof of sterilization" means a written document signed by a veterinarian  
140 licensed under Title 58, Chapter 28, Veterinary Practice Act, stating:

141 (a) a specified animal has been sterilized;

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

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

144 ~~[(5)]~~ (2) "Recipient" means the person to whom an animal shelter transfers an animal  
145 for adoption.

146 ~~[(6)]~~ (3) "Sterilization deposit" means the portion of a fee charged by an animal shelter  
147 to a recipient or claimant of an unsterilized animal to ensure the animal is timely sterilized in  
148 accordance with an agreement between the recipient or the claimant and the animal shelter.

149 ~~[(7)]~~ (4) "Sterilized" means that an animal has been surgically altered either by the  
150 spaying of a female animal or by the neutering of a male animal, so it is unable to reproduce.

151 ~~[(8)]~~ (5) "Transfer" means that an animal shelter sells, gives away, places for adoption,

152 or transfers an animal to a recipient.

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

155 ~~[17-42-103]~~. **11-46-203. Animal shelters to transfer only sterilized**  
156 **animals, or shall require sterilization deposit.**

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

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

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

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

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

168 (b) receives from the recipient a sterilization deposit as provided under Section  
169 ~~[17-42-104]~~ 11-46-204, the terms of which are part of the written agreement executed by the  
170 recipient ~~[under]~~ in accordance with this section.

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

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

177 ~~[17-42-104]~~. **11-46-204. Sterilization deposit.**

178 (1) A sterilization deposit may be:

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

183 (b) a deposit that is:

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

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

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

191 (2) Sterilization deposits under Subsection (1) shall reflect the average reduced cost of  
192 a sterilization of an animal, based on the gender and weight of the animal, that is reasonably  
193 available in the area where the animal shelter is located, but the deposit may not be less than  
194 \$25.

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

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

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

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

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

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

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

209 [~~17-42-105~~]. **11-46-205. Failure to comply with sterilization agreement.**

210 If a recipient fails to comply with the sterilization agreement under Subsection  
211 [~~17-42-103~~] 11-46-203(2):

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

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

216 (3) the recipient forfeits the sterilization deposit.

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

219 ~~[17-42-105.5].~~ **11-46-206. Sterilization deposit -- When required for**  
220 **redemption by owner of impounded animal.**

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

225 (a) receipt of proof the animal has been sterilized; or

226 (b) a sterilization deposit.

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

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

231 ~~[17-42-106].~~ **11-46-207. Penalties.**

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

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

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

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

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

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



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

247 (3) A person who contests a civil penalty imposed ~~[against him]~~ under this section is  
248 entitled to an administrative hearing that provides for the person's rights of due process.

249 (4) All penalties collected under this section shall be retained by the animal shelter  
250 imposing the penalties, to be used solely for the purposes ~~[under]~~ of Subsection ~~[17-42-104]~~  
251 11-46-204(4).

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

254 ~~[17-42-107]~~. **11-46-208. Local ordinances may be no less restrictive.**

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

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

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

259 **11-46-301. Title.**

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

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

262 **11-46-302. Definitions.**

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

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

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

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

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

275 (5) "Ear-tipping" means removing approximately a quarter-inch off the tip of a cat's left

276 ear while the cat is anesthetized for sterilization.

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

278 (7) "Sponsor" means any animal humane society, non-profit organization, animal  
279 rescue, adoption organization, or a designated community cat caretaker that agrees to comply  
280 with the requirements of this chapter and maintain written records that are accessible to an  
281 animal control officer upon request.

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

283 **11-46-303. Community cat management program.**

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

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

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

289 (b) a community cat.

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

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

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

294 (5) A community cat management program shall require from each sponsor:

295 (a) registration of each cat colony a sponsor maintains; and

296 (b) a statement that all cats in the colony are sterilized, vaccinated, and ear-tipped, or  
297 that cats within the colony are being actively trapped in order to be sterilized, vaccinated, and  
298 ear-tipped.

299 (6) The sponsor of a cat colony shall register each colony the sponsor maintains and  
300 provide the approximate location of each colony to the county or municipality.

301 (7) The county or municipality may assess a fee of not more than \$15 for each colony  
302 registered. Upon registration, the county or municipality shall provide to the sponsor a  
303 document verifying the registration and indicating the approximate location of the registered  
304 colony.

305 (8) The sponsor of a registered cat colony shall provide to the county or municipality  
306 upon request:

- 307 (a) the number and location by zip code of colonies for which it acts as a sponsor;
- 308 (b) the total number of cats in each of its colonies;
- 309 (c) a description of each cat in each colony; and
- 310 (d) sterilization and vaccination records for each cat in the sponsor's colonies.
- 311 (9) Sterilization and vaccination records shall be maintained for a minimum of three
- 312 years.

313 (10) Community cat sponsors or caretakers do not have custody, as defined in Section  
 314 76-9-301, of any cat in a community cat colony. Cats in a colony that are obviously owned, as  
 315 evidenced by a collar, tags, or other discernable owner identification, are not exempt from the  
 316 provisions of Title 76, Chapter 9, Part 3, Cruelty to Animals.

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

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

321 **77-24-1.5. Safekeeping by officer pending disposition -- Records required.**

322 [(+) Each peace officer shall:

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

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

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

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

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

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

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

333 [(i) placement in an adoptive home or other transfer of the animal, which shall be in  
 334 compliance with Title 10, Chapter 17, Municipal Animal Shelter Pet Sterilization Act, or Title  
 335 17, Chapter 42, County Animal Shelter Pet Sterilization Act; or]

336 [(ii) euthanasia.]

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

338 completion of the three working day minimum holding period to prevent unnecessary suffering  
339 due to serious injury or disease, if the euthanasia is in compliance with written established  
340 agency or department policies and procedures, and with any local ordinances allowing the  
341 destruction.]

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

344 [(i) proof of ownership;]

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

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

348 Section 16. **Repealer.**

349 This bill repeals:

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

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

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

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

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

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

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

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

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

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

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Legislative Review Note  
as of 1-28-11 10:55 AM

Office of Legislative Research and General Counsel

# FISCAL NOTE

S.B. 57

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 likely will not result in direct, measurable costs and/or benefits for local governments.

## 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.