

SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. _____, 2009

DOMESTIC FOWL

AN ORDINANCE ENACTING CHAPTER 8.12, ENTITLED DOMESTIC FOWL, REGARDING THE KEEPING OF DOMESTIC FOWL IN RESIDENTIAL NEIGHBORHOODS, AND AMENDING CHAPTER 8.01, REGARDING DEFINITIONS, AND AMENDING SECTION 8.10.020, REGARDING ANIMAL CONTROL SERVICES VIOLATIONS, OF SALT LAKE COUNTY CODE OF ORDINANCES, 2001; AND PERMITTING THE KEEPING OF DOMESTIC FOWL AND ESTABLISHING STRUCTURE REQUIREMENTS AND SETBACK LIMITATIONS, ADHERENCE TO SANITARY REQUIREMENTS, ABATEMENT AND PREVENTION OF NUISANCES RELATED TO KEEPING DOMESTIC FOWL, ESTABLISHING A DOMESTIC FOWL PERMIT AND EDUCATION PROGRAM, LIMITING THE KEEPING OF DOMESTIC FOWL TO NON-COMMERCIAL PURPOSES AND LIMITING THE KINDS OF DOMESTIC FOWL THAT MAY BE KEPT; PROVIDING FOR ORDINANCE ENFORCEMENT AND FOR THE PREVENTION OF NUISANCE AND TRESPASS; AND MAKING OTHER RELATED CHANGES.

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and interlineations.

SECTION II. Chapter 8.01 of the Salt Lake county Code of Ordinances, 2001, is amended to read as follows:

8.01.010 Abandonment.

“Abandonment” means placing an animal in an environment where the animal is separated from basic needs such as food, water, shelter or necessary medical attention, for a period longer than twenty-four hours. Abandonment includes failure to reclaim an animal seventy-two hours beyond the time agreed upon with a kennel, grooming service or similar facility. Abandonment includes failure to reclaim a pet from an animal shelter beyond seventy-two hours of notification or refusal to sign relinquishment authorization.

8.01.020 Allow.

“Allow,” for the purposes of this Title 8, shall include human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.

8.01.030 Animal.

“Animal” means every nonhuman species, both domestic and wild.

8.01.040 Animal at large.

A. “Animal at large” means any animal, whether licensed or unlicensed, which is not under physical restraint imposed by the owner or handler (i.e., caged, enclosed or on a leash), or is not capable of being immediately controlled by the owner or handler when off the premises of the owner. Cats are excluded from this definition.

B. An animal is considered an “animal at large,” regardless of whether the animal is under physical restraint or capable of being immediately controlled, unless:

1. The owner or handler has in his or her possession instruments necessary to clean up after the animal; and

2. The owner or handler does remove the animal’s feces to a proper trash receptacle.

C. An animal is considered an “animal at large,” regardless of whether the animal is under physical restraint or capable of being immediately controlled, if the animal is not vaccinated and licensed in accord with federal, state and local laws and is wearing or displaying all tags required by law to evidence such licensing and vaccination. The owner or handler must be in possession of instruments necessary to physically restrain the animal.

D. A dog is not an “animal at large” in areas not specifically prohibited or restricted by Section 8.04.170 so long as the owner or handler is capable of being in immediate control and has the means to physically control the animal.

8.01.050 Animal boarding establishment.

“Animal boarding establishment” means any commercial establishment that takes in animals for the purpose of providing temporary shelter or care and charges a fee for such service.

8.01.060 Animal control officer.

“Animal control officer” means any person designated by the state of Utah as a peace officer as defined in Section 53-13-101 et seq., Utah Code Annotated (1953), as amended; or otherwise designated by a municipal government or by Salt Lake County, through the division of animal services, as an officer who is authorized by law to perform the duties specified by this Title 8.

8.01.070 Animal exhibition.

“Animal exhibition” means any display of, event or contest involving animals.

8.01.080 Animal grooming parlor.

“Animal grooming parlor” means any commercial establishment maintained for the purpose of offering cosmetological services for animals for a fee.

8.01.090 Animal shelter.

“Animal shelter” means any facility owned, operated or maintained for the care and custody of seized, stray, homeless, quarantined, abandoned, unwanted animals or animals held for the purpose of protective custody under the authority of this Title 8 or state law.

8.01.100 Animal under physical restraint and animal capable of being immediately controlled.

A. “Animal under physical restraint” means any animal under the physical control of its owner or person over the age of twelve years having charge, care, custody or control of the animal, by the means of a leash, tether, or other physical control device or enclosure. A leash or tether shall not exceed eight feet in length when in close proximity to animals or people.

Animals confined in or upon a motorized vehicle shall be considered physically restrained; provided, that the animal's body parts cannot extend beyond two inches from the vehicle when the vehicle is not in motion and not more than the length of the distance from the animal's shoulders to the tip of its muzzle when the vehicle is in motion. Animals upon the real property of their owner, or upon the property of another (with prior written permission of the property owner) and under direct adult supervision shall be considered under physical restraint.

B. An animal capable of being immediately controlled shall mean an animal within the sight of the owner or handler and which responds to command of said owner or handler and that is subject to being immediately placed under physical restraint by said owner or handler. An animal is subject to being immediately placed under physical restraint only if the owner or handler is in possession of a leash and the animal is wearing a collar, harness or similar device to which said leash may be attached.

8.01.110 Bite.

“Bite” means an actual puncture, tear or abrasion of the skin, inflicted by the teeth of an animal.

8.01.120 Cat.

“Cat” means any feline of the domesticated types more than four months of age. Any feline of the domesticated types less than four months of age is a kitten.

8.01.130 Cattery.

“Cattery” means an establishment where cats are boarded, bred, bought, sold or groomed for a fee.

8.01.140 Commercial animal establishment.

“Commercial animal establishment” means any pet shop, animal grooming parlor, guard dog location or exhibition, riding school or stable, zoological park, circus, rodeo, animal exhibition, cattery, kennel or animal breeding or housing facility.

8.01.150 Coop.

“Coop” means a free-standing building for the sheltering of fowl.

8.01.~~150~~160 Dangerous animal.

“Dangerous animal” means any animal, including invertebrate species, that would be a hazard to public health and safety should the animal escape. “Dangerous animal” includes those animals meeting the definition of “vicious animal” as set forth in this title and constrictor snakes in excess of ten feet in length.

8.01.~~160~~170 Director.

“Director” means the director of the Salt Lake County division of animal services.

8.01.~~170~~180 Division.

“Division” means the Salt Lake County division of animal services.

8.01.~~180~~190 Dog.

“Dog” means any canis familiaris more than four months of age. Any canis familiaris less than four months of age is a puppy.

8.01.~~190~~200 Domesticated animals.

“Domesticated animals” means animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, ferrets and livestock. “Domesticated animal,” however, shall not include “exotic animals.”

8.01.210 Domestic Fowl.

“Domestic Fowl” means any of a variety of ducks or female domesticated chickens, not to include male chickens or other bird species, unless otherwise permitted by law.

8.01.[200]220 Enclosure.

A. For fowl, “Enclosure” means a fenced or sturdy wire pen with a roof containing a coop for the purpose of allowing fowl access to the coop while remaining in an enclosed pen.

B. For all other animals, “Enclosure” means any structure [that prevents] of sufficient strength and height to prevent an animal from escaping its primary confines.

8.01.[210]230 Euthanasia.

“Euthanasia” means the humane destruction of an animal accomplished by a method approved by the most recent report of the American Veterinary Medical Association Panel on Euthanasia that results in unconsciousness and immediate death, or by a method that causes painless loss of consciousness and death during such loss of consciousness.

8.01.[220]240 Exotic animal.

“Exotic animal” means any animal whose native habitat is not indigenous to the continental United States, excluding Alaska, except tropical fish, fur-bearing animals commercially bred for the furrier trade, and birds. Constrictor snakes in excess of ten feet in length are defined as dangerous animals.

8.01.[230]250 Ferret.

“Ferret” means any domestic *Mustela putorius* (except the black footed ferret) more than three months of age. Any *Mustela putorius* less than three months of age is a kit.

8.01.~~240~~260 Guard dog.

“Guard dog” means any dog that will detect and warn its handler that an intruder is present in or near an area that is being secured and will attack a human pursuant to training or its handler’s command.

8.01.~~250~~270 Handler.

“Handler” is any person who has physical control, i.e., the charge, care, control, custody or possession, or responsibility for the same, of an animal at any given time. An “owner” shall be presumed to have ultimate responsibility for the physical control of the animal and may divest himself/herself of such responsibility only by the transferring of, or giving permission for, actual physical control of the animal to a legally responsible adult person of age eighteen or more. Whenever such other person of the requisite age has responsibility for physical control of the animal, such person shall be the “handler.” At all other times, the “owner” shall be presumed to be the “handler.”

8.01.~~260~~280 Holding facility.

“Holding facility” means any pet shop, kennel, cattery, animal grooming parlor, riding school, stable, animal shelter, veterinary hospital, or any other such facility used for holding animals.

8.01.~~270~~290 Kennel.

“Kennel” means a commercial establishment having three or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling such dogs.

8.01.~~280~~300 Leash or lead.

“Leash” or “lead” means any chain, rope, or device of sufficient strength used to restrain an animal.

8.01.~~290~~310 Livestock.

“Livestock” means animals kept for husbandry, including but not limited to fowl, ratites, horses, mules, burros, asses, cattle, sheep, goats, llamas, swine and other farm, hoofed domesticated animals, excluding dogs, cats and ferrets.

8.01.~~300~~320 Nuisance--Public nuisance animal.

A. “Nuisance” means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or humans, or substantially interfere with humans’, other than their owner’s, enjoyment of life or property.

B. The term “public nuisance animal” shall mean and include, but is not limited to, any animal that:

1. Is repeatedly found at large;
2. Damages the property of anyone other than its owner;
3. Repeatedly molests or intimidates neighbors, pedestrians or passersby by lunging at fences, chasing, or acting aggressively towards such person(s), unless provoked by such person(s);
4. Chases vehicles;
5. Makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other noise which causes unreasonable annoyance, disturbance or discomfort to neighbors or others;
6. Causes fouling of the air by odors and thereby creates unreasonable annoyance or discomfort to neighbors or others;
7. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

8. Defecates on any public sidewalk, park or building, or on any private property without the consent of the owner of such private property, unless the handler of such animal shall have in his or her possession the instruments to clean up after his or her animal and shall remove the animal's feces to a proper trash receptacle;

9. Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals kept or harbored;

10. Attacks people or other animals, whether such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;

11. Has been found by a court or by any other commission or board lawfully established under Utah law, to be a public nuisance under any other provision(s) of Utah law;

12. Cannot be restrained by normal restraints, such as standard leashes, standard chains or muzzles; or

13. Cannot be effectively controlled by its owner or handler.

C. The fact, or evidence of the fact, that the factors alleged to have caused the animal to be a nuisance are inherent and/or natural behavior for such animal, or the action of the owner or animal are otherwise legal, shall not negate or excuse a charge of nuisance.

8.01.~~310~~330 Owner.

“Owner” means any person, partnership, corporation or any other type of entity or association having title to, or custody of, or keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed and sheltered for a period of twenty-four consecutive hours or more, or fed for a period of two or more days.

8.01.~~320~~340 Performing animal exhibition.

“Performing animal exhibition” means any spectacle, display, act or event in which animals are used to provide a performance, whether a fee is charged or not.

8.01.~~330~~350 Pet or companion animal.

“Pet” or “companion animal” means any animal of a species that has been domesticated to live in or about the habitation of humans, is dependent on humans for food and shelter and is kept by its owner for pleasure rather than utility and/or commercial purposes.

8.01.~~340~~360 Pet shop.

“Pet shop” means any commercial establishment containing cages or exhibition pens wherein dogs, cats, birds or other pets, are kept, displayed and sold.

8.01.~~350~~370 Provoked.

“Provoked” means any deliberate act by a person towards a dog or any other animal done with the intent to tease, torment, abuse, assault or otherwise cause a reaction by the dog or other animal; provided, however, that any act by a person done with the intent to discourage or prevent a dog or other animal from attacking shall not be considered provocation.

8.01.~~360~~380 Quarantine.

“Quarantine” means the isolation of an animal in an enclosure so that the animal cannot have physical contact with other animals or persons without recognized authority to be near or about the quarantined animal.

8.01.~~370~~390 Riding school or stable.

“Riding school” or “stable” means an establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burro, or which offers the use of such animals for hire.

8.01.400 Single-family residential lot.

“Single-Family residential lot” means a single parcel in a primarily residential zone that is occupied by one single-family detached home.

8.01.~~380~~410 Species subject to rabies.

“Species subject to rabies” means any species that has been reported to the Center for Disease Control and Prevention to have contracted the rabies virus and become a host for that virus.

8.01.~~390~~420 Stray.

“Stray” means any animal at large, as defined in this chapter.

8.01.~~400~~430 Veterinarian.

“Veterinarian” means any person properly licensed under the laws of the state of Utah to practice veterinary medicine.

8.01.~~410~~440 Veterinary hospital.

“Veterinary hospital” means any establishment operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

8.01.~~420~~450 Vicious animal.

“Vicious animal” means:

- A. Any animal which, in a threatening and terrorizing manner, approaches any person upon the streets, sidewalks or any public grounds or places in an apparent attitude of attack;
- B. Any animal with a known propensity, tendency or disposition to attack or to cause injury or otherwise endanger the safety of human beings or animals; or
- C. Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property.

Whether an animal has been properly licensed under the provisions of this title shall have no relevance to the determination of whether an animal is a “vicious animal” as defined in this section.

8.01.~~430~~460 Wild animal.

“Wild animal” means any animal of a species that in its natural life is usually untamed and undomesticated, including hybrids and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These animals, however domesticated or tamed, shall include, but are not limited to:

- 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. Dog Family (Canidae). All except domesticated dogs, including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.;
- E. Porcupine (Erethizontidae);
- F. Primate (Hominidae). All nonhuman primates;
- G. Raccoon (Procyonidae). All raccoons, including eastern raccoon, desert raccoon, ring-tailed cat, etc.;
- H. Skunks;
- I. Venomous fish and piranha;
- J. Venomous snakes or lizards;
- K. Weasels (Mustelidae). All including martens, wolverines, black-footed ferrets, badgers, otters, ermine, mink, mongoose, etc.

For the purpose of this section, animals that are kept commercially or ranched shall not be wild animals.

8.01.[440]470 Zoological park.

“Zoological park” means any facility, properly and lawfully licensed by applicable federal, state or local law, operated by a person, partnership, corporation or government agency, other than a pet shop, kennel or cattery, displaying or exhibiting one or more species of nondomesticated animals.

SECTION III. Section 8.10.020.B of the Salt Lake County Code of Ordinances, 2001, is amended to read as follows:

8.10.020 Issuance of criminal citations – Notice of violations and stipulation.

A. A peace officer and/or animal services officer is authorized to issue a criminal citation to any person upon a charge of violating any provisions of this title and to any person upon a charge of violating Section 19.04.305 of the Salt Lake County Code of Ordinances. The form of the citation, and proceedings to be handled upon the basis of the citation, shall conform to the provisions of the Utah Code of Criminal Procedure, including, but not necessarily limited to, Sections 77-7-18 through 77-7-22, Utah Code Annotated (1953) as amended.

B. Where violations of Sections [~~8.03.170~~] 8.03.010, 8.03.070, 8.03.080, 8.03.120 through 8.03.140, 8.04.010, 8.04.120 through 8.04.160, 8.05.010, 8.08.010, 8.08.050, [~~and~~] 8.08.100 through 8.08.120, and 8.12.30 through 8.12.100 of this title and Section 19.04.305 of the Salt Lake County Code of Ordinances are observed, an animal services officer may, in lieu of issuance of the criminal citation and, with the consent of the person charged with a violation, issue a notice of violation to any person. The notice of violation shall state, with reference to the pertinent sections of this title, the violation which must be remedied by the person charged and shall set forth a compliance date by which the violator must comply with the remedial requirements. It shall also set forth a waiver provision; providing that the person to whom the notice of violation is issued waives all rights to contest the charge made against him/her in the

notice of violation and further waives the rights to a trial or hearing upon the charges. The notice of violation shall also include the amount of an administrative and processing fee to be paid to the division by the person charged in the notice of violation. Refusal to execute the waivers defined herein, refusal and/or nonpayment of the administrative and processing fee, or failure to comply with the notice of violation and stipulation by the deadline set as the compliance date may result in the issuance of a criminal citation to the person charged.

SECTION IV. Chapter 8.12 of Salt Lake County Code of Ordinances, 2001, is hereby enacted to read as follows:

Chapter 8.12

DOMESTIC FOWL

Sections:

<u>8.12.010</u>	<u>Purpose.</u>
<u>8.12.020</u>	<u>General conditions, restrictions and limitations.</u>
<u>8.12.030</u>	<u>Permit required.</u>
<u>8.12.040</u>	<u>Non-commercial use only–No slaughtering.</u>
<u>8.12.050</u>	<u>Number and location of domestic fowl and related structures.</u>
<u>8.12.060</u>	<u>Enclosures and coops.</u>
<u>8.12.070</u>	<u>Health and sanitation.</u>
<u>8.12.080</u>	<u>Enforcement.</u>
<u>8.12.090</u>	<u>Nuisance and trespass.</u>
<u>8.12.100</u>	<u>Revocation of permit.</u>
<u>8.12.110</u>	<u>Compliance–Pre-existing Structures.</u>

8.12.010 Purpose.

This ordinance provides standards for keeping domestic fowl in residential neighborhoods on single-family residential lots. It allows residents to keep a limited number of domestic fowl for non-commercial purposes, while establishing standards to limit the adverse impacts on neighboring properties and ensuring the health of persons and domestic fowl and the sanitation of domestic fowl-related structures.

8.12.020 General conditions, restrictions and limitations.

A. Persons may keep domestic fowl on single-family owner-occupied, residential lots in accordance with the terms and provisions of this ordinance.

B. Domestic fowl permits, as provided in this ordinance, may be issued for applicants living in areas zoned for residential use, excluding any residential lot in the Salt Lake City designated watershed.

C. It is unlawful for any person to keep any domestic fowl in residential areas without first making application for and obtaining an annual domestic fowl permit from the division of Animal Services.

D. Existing regulations and ordinances that address the keeping of animals on any property shall be superseded by any specific contradictory provisions of this ordinance.

E. It is unlawful for any person who is the owner, keeper or temporary custodian of any domestic fowl to allow the animal(s) to be at large, off the premises or outside the enclosure owned by the owner, keeper or temporary custodian.

F. It is unlawful for any person to keep or maintain in an unclean or unsanitary state or condition any coop, enclosure or other structure or area in which any domestic fowl is kept.

G. It is unlawful for the owner, keeper or custodian of any domestic fowl to allow the animal(s) to be a nuisance to any neighbor(s), including but not limited to creating noxious odors from the animals, their waste, coop, or related structure or generating noise of a loud and persistent nature. An officer of Animal Services or the Salt Lake Valley Health Department will determine whether a nuisance exists on a case-by-case basis.

H. All places where any domestic fowl is kept shall at all times be subject to inspection for cleanliness, health and sanitation purposes by an Animal Services officer or representative of the Salt Lake Valley Health Department.

I. 1. Only ducks and female chickens are considered “domestic fowl” and may be kept under this chapter. No geese, turkeys, peafowl, or crowing hens or male chickens may be kept. No other bird species shall be kept.

2. The keeping of pigeons, birds normally and generally considered household or indoor pets, birds of prey, or exotic or unusual bird species are not addressed by this chapter and are regulated by other separate state or county laws, ordinances, or regulations.

J. The total area of all accessory buildings on a lot, including coops, may not exceed twenty-five percent of the rear yard’s area.

8.12.030 Permit required.

A. Issuing a domestic fowl permit is contingent upon successful completion of an on-site inspection by Animal Services. Animal Services may request the assistance of Planning and Development staff in on-site or site plan inspection and review. A permit shall be required to keep any domestic fowl as described in this ordinance. Permits must be renewed annually.

B. The annual domestic fowl permit fee shall be established in accordance with Section 5.16.040B of these ordinances.

C. Upon applying for or receiving a domestic fowl permit, the permittee may have the option to participate in a Chicken Keeper Training Course to learn the care and maintenance of a coop and enclosure, and to learn proper care and protection of domestic fowl. Successful completion of this program will reduce the fee for a domestic fowl permit by 50% on a one-time basis, for the first time a permittee enrolls in the course program. Any applicable fee reduction will be refunded to permittee.

D. Prior to issuance of any domestic fowl permit, applicants shall submit a completed written application. All requirements, attachments and fees set forth on the

application shall be satisfied and submitted to Animal Services, before the application shall be deemed completed. The following information shall be provided:

1. A completed and signed application.

2. The appropriate fee shall be paid.

3. A site plan shall be attached showing the exact location of the enclosure and coop, including measured minimum distances to buildings and property lines, and showing the location of storage facilities and for food and water. The application shall list the zone in which the facility is located. The site plan shall include the distances to buildings on adjacent properties, along with the lawful use of those buildings. All buildings, coops and other structures are subject to any applicable zoning and building code ordinances, except that distance and set-back standards are governed by Sec. 8.12.050.

4. A photograph or illustration of the design of the enclosure and coop shall be attached, including construction materials, height and other dimensions.

5. a. Before applying, an applicant shall provide written notice to the owners of every property located within 300 feet of the proposed coop.

b. The written notice shall inform the property owner of the applicant's intention to keep domestic fowl, explain the requirements and criteria for maintaining domestic fowl, and provide a phone number and address for Salt Lake County Animal Services.

c. The applicant shall include with the application a signed notarized statement that he or she has complied with these notice requirements.

d. Animal Services shall provide example notice and notarized statement forms.

6. As part of the application process, applicant shall consent in writing to an on-site inspection of coop, enclosure and surroundings, by county representatives. Any on-site inspection shall be conducted at reasonable hours.

8.12.040 Non-commercial use only–No slaughtering.

A. Domestic fowl shall be kept for personal use only. The selling of eggs or fertilizer or the breeding of domestic fowl for commercial purposes is prohibited.

B. The slaughtering of domestic fowl on the premises is prohibited.

8.12.050 Number and location of domestic fowl and related structures.

A. A person shall have no more than fifteen (15) domestic fowl in a residential zone under this chapter.

B. Any domestic fowl, enclosure or coop shall be located only in the rear yard. No coop, enclosure or domestic fowl shall be allowed in any front or side yard.

C. No domestic fowl or related structure shall be located within fifty (50) feet of any human dwelling, school or church, measured from the edge of the domestic fowl enclosure or coop to the nearest edge of any human dwelling, school or church. The coop and enclosure must be at least three (3) feet from any property line.

8.12.060 Enclosures and coops.

A. Domestic fowl must be kept in an enclosure or coop at all times. All domestic fowl enclosures, coops and related structures must be kept clean and sanitary, free from standing water, and odor-free. A fence enclosure for any domestic fowl must consist of sturdy ¼” hardware cloth wire fencing buried at least two (2) feet vertically into the ground, with an additional two (2) feet bent outwards, from the vertical element, to be parallel to the ground and underground. The use of flimsy wire mesh, including chicken wire, is not permitted in the construction of a domestic fowl coop, fence or enclosure.

B. Domestic fowl and related structures and areas must be maintained in a manner that will not disturb the use and enjoyment of neighboring lots due to noise, odor or other adverse impact.

C. 1. The coop and the enclosure shall be covered, predator-proof and well-ventilated and shall be resistant to rodents, wild birds, and predators, including but not limited to raccoons, dogs, and cats. The coop shall provide a minimum of two (2) square feet per animal and be of sufficient size to permit free movement of domestic fowl. No coop shall be built taller than six (6) feet.

2. The coop shall be easily accessible for cleaning and maintenance; be enclosed on all sides with a roof and doors; have doors that are able to be shut and locked; have all opening windows and vents covered with predator- and bird-proof ¼” hardware cloth wire fencing; and be well-maintained.

8.12.070 Health and sanitation.

A. Any domestic fowl enclosure, coop and surroundings shall be kept and maintained in a clean and sanitary condition. All droppings within the coop and the enclosure shall be cleaned out at least once a week. Coops must be thoroughly cleaned with a standard disinfectant at least once per calendar quarter.

B. At all times, domestic fowl shall have access to feed and clean liquid water that are protected from rodents, wild birds and predators. Any stored feed must be kept in a rodent- and predator-proof container.

8.12.080 Enforcement.

A. Animal Services may conduct an onsite inspection, determine if violations exist, and leave written notice to take corrective action with the owner, keeper or custodian of any domestic fowl or related structures. The owner, keeper or custodian shall take corrective action

and comply with the notice within ten (10) days. If the violations are not corrected in the allotted time, Animal Services may issue a citation or institute a permit revocation procedure. Written notice may be issued to any domestic fowl owner, keeper or custodian either personally or by mail, if a violation of the code has occurred.

B. In health emergencies declared by the director of the Health Department, including but not limited to an outbreak of Avian Flu, West Nile virus and the like, immediate corrective action may be required, in accordance with applicable Health Department regulations and procedures.

8.12.090 Nuisance and trespass.

It is unlawful for the owner, keeper or custodian of any domestic fowl to permit the animal(s) to trespass on the premises of another or to permit or maintain a nuisance consisting of noise, odor, or other condition, in violation of this ordinance.

8.12.100 Revocation of permit.

A. If violations of this ordinance exist or corrective action has not been taken in a timely manner following notice, a citation may be issued by Animal Services or by the sheriff. Upon issuance of three (3) or more violation citations in a twelve (12) month period to any owner, keeper or custodian of any domestic fowl or related structure, Animal Services shall revoke the domestic fowl permit.

B. Any permittee, within seven (7) days from date of revocation of this permit, as provided in this ordinance, may appeal to the director of the division of Animal Services, who may affirm the revocation or reinstate the permit.

8.12.110 Compliance – Pre-existing structures.

Any person maintaining a pre-existing domestic fowl coop, enclosure, or other structure or facility must be in compliance with the restrictions, construction requirements, minimum

distance requirements, and all other provisions of this chapter before receiving a permit under Section 8.12.030.

SECTION V. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication of the ordinance or a summary thereof in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this ____ day of _____, 2009.

SALT LAKE COUNTY COUNCIL

By _____
Joe Hatch, Chair

ATTEST:

Sherrie Swensen
County Clerk
rt.word.domesticfowlord-gja-04-17-09

ORDINANCE HISTORY

Voting:
Council Member Allen _____
Council Member Bradley _____
Council Member Burdick _____
Council Member Hatch _____
Council Member Horiuchi _____
Council Member Iwamoto _____
Council Member Jensen _____
Council Member Wilde _____
Council Member Wilson _____

Vetoed and dated this ____ day of _____, 2009.

By _____
Mayor Peter Corroon or Designee

(Complete as Applicable)
Veto override: Yes ____ No ____ Date _____
Ordinance published in newspaper: Date _____
Effective date of ordinance: _____

SUMMARY OF

SALT LAKE COUNTY ORDINANCE NO. _____

On the _____ day of _____, 2009, the County Council of Salt Lake County adopted Ordinance No. _____, which enacts Section 8.12, regarding the keeping of domestic fowl in residential neighborhoods, and amends Chapter 8.01, regarding definitions and Section 8.10.020, regarding animal services violations, of Salt Lake County Code of Ordinances, 2001; and permitting the keeping of domestic fowl and establishing structure requirements and setback limitations, adherence to sanitary requirements, abatement and prevention of nuisances related to keeping domestic fowl, establishing a domestic fowl permit and education program, limiting the keeping of domestic fowl to non-commercial purposes; limiting the kinds of domestic fowl that may be kept; providing for ordinance enforcement and for the prevention of nuisance and trespass; and making other related changes.

SALT LAKE COUNTY COUNCIL

ATTEST:

By _____
Joe Hatch, Chair

Sherrie Swensen, County Clerk

Approved as to Form

Deputy District Attorney
Date _____

Voting:
Council Member Allen _____
Council Member Bradley _____
Council Member Burdick _____
Council Member Hatch _____
Council Member Horiuchi _____
Council Member Iwamoto _____
Council Member Jensen _____
Council Member Wilde _____
Council Member Wilson _____

rt.word...domesticfowlord-gja-04-17-09.

A complete copy of Ordinance No. _____ is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2100A, Salt Lake City, Utah.