

ORDINANCE NO. 2012-_____

AN ORDINANCE OF THE NORTH OGDEN CITY COUNCIL AMENDING SECTION 3, CHAPTER 1, TITLE 6 OF THE NORTH OGDEN CITY CODE REGULATING ANIMAL LICENSING AND PERMITS

WHEREAS: the City Council of the North Ogden City finds that the city can save time and money without affecting the level of service to the community by eliminating the requirement that dog owners obtain a new license tag every year; and

WHEREAS: the City Council finds that it is in the best interest of the city to make this change;

NOW THEREFORE, BE IT ORDAINED that Section 3, Chapter 1 of Title 6 of the North Ogden City Code is amended to read as follows:

6-1-3: ANIMAL LICENSING AND PERMITS:

A. License Required:

1. All dogs over six (6) months of age that reside in the city must be licensed each year. This includes dogs residing in the city that are being kept or used as therapy or service animals as defined in section 6-1-1 of this chapter.
2. All animal licenses issued by the city shall expire on December 31 of each year.
3. All new dogs within the city limits must be licensed.
4. Violation of this subsection A shall be a class C misdemeanor.

B. Fees:

1. The city shall issue animal licenses upon payment of the fees established by the city council by resolution.
2. Whenever a dog owner moves into the city or a person obtains a dog which will reside in the city the owner will be required to license the dog according to the following. If the dog is licensed between January 1 and June 30 a full year fee will be charged. Dogs licensed between July 1 and December 31 a half year fee will be charged. Half year fees apply only to new dogs.
3. The city will allow a reduction in animal license fees for dogs which have been spayed, neutered and microchipped, provided that the credit will not be granted unless the owner of the animal presents a certificate from a veterinarian certifying that the dog has been spayed, neutered or microchipped or other proof acceptable to the city. The city council shall set the amount of the discounts by resolution.

4. All license fees shall be paid at the city offices or another place approved by the city's finance director.
5. No refunds of license fees shall be made for any reason, unless they are approved by the animal control officer.
6. Owners who fail to license their dogs by March 1 of each year shall be subject to a late fee. The amount of the late fee shall be set by resolution of the city council.

C. Application For License:

1. Before obtaining a license for an animal, the owner of the animal shall complete an application for license. The application shall be submitted on forms prepared by the city and shall contain:
 - a. The name, address and telephone number of the owner,
 - b. The number of dogs residing at that address,
 - c. The name, breed, color and sex of each dog residing at that address,
 - d. Whether the dog has been spayed, neutered and/or microchipped, and
 - e. Rabies vaccination expiration date.
2. The applicant shall supply proof that the animal to be licensed has up to date rabies vaccinations.
3. The applicant shall present proof of his or her identity and age at the time he or she submits the application to the city.
4. The city shall not issue animal licenses to persons younger than eighteen (18) years of age, unless that person is an emancipated minor.

D. Tags:

1. Upon payment of the license fee and any other fees or assessments, the city shall issue a license tag to the owner of the animal. ~~The shape and/or color of the tag shall be changed every year and the tag shall have the year of its issuance stamped on it.~~
2. Every owner shall provide each of his or her dogs with a collar to which the tag may be affixed and shall ensure that the dog constantly wears the collar and the tag.
3. If an owner loses the license tag, the city will issue a replacement tag as follows:

- a. The owner shall certify that the tag was lost,
- b. The owner shall present a receipt showing that he or she paid the license fee for that year, and
- c. The owner shall pay a replacement tag fee set by resolution of the city council.

4. Animal license tags are not transferable from one animal to another.

E. Tag Removal Or Transfer Prohibited:

1. It shall be unlawful to deprive a licensed dog of its collar and tag. It shall also be unlawful to place a license tag on an unlicensed dog. Violation of this subsection shall be an infraction.

F. Prohibited Acts: The following actions are prohibited:

1. Keeping any animal other than a household pet (as defined in section 6-1-1 of this chapter) within the residential areas of the city unless such animal is a qualifying service or therapy dog as defined in section 6-1-1 of this chapter and obtains and possesses an appropriate permit and business license as described hereunder:
 - a. A permit as described in subsection L, "Other Animal Related Businesses Including Service Dog And Therapy Dog Related Businesses", of this section; and
 - b. A business license as described in title 4, chapter 1 of this code.
 - c. Recognized therapy animal related businesses are limited to use of therapy dogs and may only be kept and/or operated by a professional person who is currently and properly licensed by the Utah division of occupational and professional licensing as a clinical social worker, psychiatrist, medical doctor, marriage and family therapist, physician's assistant, or nurse practitioner. Proof of such current licensing shall be required at the time of application for a permit and for any permit renewal under this subsection.
 - d. Keeping of therapy dogs or therapy dogs in training or operation of a therapy animal related business by any persons who do not meet the above stated professional licensing requirements shall be strictly governed by other animal ordinances contained in this code as they apply generally to animal owners including limits on animal ownership numbers.
2. Keeping "domesticated animals" (as defined in section 6-1-1 of this chapter) outside of the RE-20 and R-1-8(AG) zones of the city.

3. Keeping any dangerous animal in the city, except as permitted in subsection I of this section or subsection 6-1-6A of this chapter.
4. Capturing any "wild animal" (as defined in section 6-1-1 of this chapter) in the city, except that residents may trap wild animals that have become a nuisance under the supervision of an animal control officer.
5. Keeping swine (including potbellied pigs) at any location in the city.
6. Keeping any "wild animal" (as defined in section 6-1-1 of this chapter) in the city.
7. Operating an animal boarding establishment without first obtaining:
 - a. An animal board permit as described in subsection G of this section; and
 - b. A business license as described in title 4, chapter 1 of this code.
8. Keeping, care for, ownership, or possession of three (3) or more dogs over six (6) months of age in the city without a kennel permit as described in subsection H of this section unless otherwise authorized under the exceptions described in subsection F14 or M of this section. Furthermore, it is unlawful at any household address for any person or persons to keep or possess a total of five (5) or more dogs over six (6) months of age including any combination of pets (limited to 2 pets per household address) and any licensed therapy dogs. In the event any person or persons at any household address owns, possesses or keeps any dogs as pets, such pet dogs shall count when calculating the total number of dogs (pet dogs and therapy dogs) that may be permitted at any household or address.
9. Operating a pet shop without first obtaining:
 - a. A pet shop permit as described in subsection I of this section; and
 - b. A business license as described in title 4, chapter 1 of this code.
10. Operating an animal grooming parlor without first obtaining:
 - a. An animal grooming parlor permit as described in subsection J of this section;
and
 - b. A business license as described in title 4, chapter 1 of this code.
11. Operating a riding school or stable without first obtaining:
 - a. A riding school or stable permit as described in subsection K of this section; and
 - b. A business license as described in title 4, chapter 1 of this code.

12. Breeding dogs in a residential area without first obtaining:
 - a. A dog breeder permit as described in subsection L of this section; and
 - b. A business license as described in title 4, chapter 1 of this code if the dogs will be sold for a profit.
13. Operating any other animal related business without obtaining:
 - a. A permit as described in subsection L of this section; and
 - b. A business license as described in title 4, chapter 1 of this code.
14. Keeping, care for, ownership, or possession of a combined total of five (5) or more therapy dogs or therapy dogs in training and dogs kept, cared for, owned or possessed as pets, over six (6) months of age in any zone in the city without a kennel permit as described in subsection H of this section.

G. Animal Boarding Establishments:

1. It shall be unlawful for any person to operate or maintain an animal boarding establishment unless the person first obtains a regulatory permit from the North Ogden building and zoning department in addition to all other required licenses. The application shall include:
 - a. The name, address and phone number of the person applying for the permit;
 - b. The address of the location where the business will be operated;
 - c. The kinds of animals which the person anticipates boarding;
 - d. The maximum number of each kind of animal which the boarding establishment will be able to house at any one time;
 - e. A copy of the building or site plans for the animal boarding establishment;
 - f. The number of employees the boarding establishment anticipates having.
2. All applications for permits to operate animal boarding establishments shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
3. The city council shall review all applications for permits for animal boarding establishments and shall grant the permit if it finds:

- a. The animal boarding establishment is an appropriate use in the area proposed for the use;
 - b. The facilities (including the number of employees and sanitary facilities) proposed for the animal boarding establishment are sufficient for the number of animals the person is proposing to board;
 - c. The animal boarding establishment is unlikely to become a nuisance.
4. In granting a permit for an animal boarding establishment, the city council may attach conditions to the permit regarding the types of animals which may be boarded at the establishment, the maximum number of animals which may be boarded at any one time and other conditions which the council believes are appropriate for the operation of the particular business.
 5. The city shall have the authority to suspend or revoke the license of any operator of an animal boarding establishment that is operating in violation of its permit, that is mistreating animals, that has failed to provide adequate facilities for the animals in its care, which has become a nuisance or for other good cause.
 6. A permit issued under this section may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the animal boarding facility is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the animal boarding facility to a new location, the permit holder must obtain a new permit for the new location.
 7. Permits issued under this subsection G are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
 8. Nothing in this subsection G shall relieve the operator of an animal boarding establishment from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

H. Kennels:

1. It shall be unlawful for any person to operate or maintain a kennel unless the person first obtains a regulatory permit from the North Ogden building and zoning department, all other required licenses and a conditional use permit as described in the city's zoning ordinance.
2. The application for a kennel permit from the North Ogden building and zoning department shall include:

- a. The name, address and phone number of the person applying for the permit;
 - b. The address of the location where the business will be operated;
 - c. The services (training, boarding and/or letting for hire) which the kennel will offer to its customers;
 - d. The kennel's proposed hours of operation;
 - e. If the kennel will offer boarding services:
 - (1) The maximum number of dogs the kennel will board at any one time; and
 - (2) A plan of the facilities which the kennel will use to board the dogs, which must include a separate cage of reasonable size for each dog and a covered shelter for each dog;
 - f. If the kennel will offer training services:
 - (1) A description of all training services the kennel will offer (such as basic obedience training, attack training, or training for certified aid animals);
 - (2) The maximum number of people and dogs who will be allowed in each class; and
 - (3) A plan of the facility that the operator will use for training classes.
3. All applications for permits to operate kennels shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
4. The city council will review applications to operate a kennel within the city and shall approve the application if it finds that:
- a. The kennel is an appropriate use in the proposed location;
 - b. The kennel's facilities are adequate for the proposed operations; and
 - c. The kennel is unlikely to become a nuisance.
5. In granting a permit to operate a kennel, the city council may set conditions regarding:
- a. The kennel's proposed hours of operation;

- b. If the kennel will offer boarding services, the maximum number of dogs the kennel may board at any one time; and
 - c. If the kennel will offer training services, the maximum number of people and dogs who will be allowed in each class.
6. The city council may suspend or revoke the license of any kennel operator for failing to operate the kennel in compliance with the conditions in the permit, if the kennel becomes a nuisance or for other good cause.
 7. A permit issued under this subsection H may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the kennel is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the kennel to a new location, the permit holder must obtain a new permit for the new location.
 8. Permits issued under this subsection H are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
 9. Nothing in this subsection H shall relieve the operator of a kennel from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

I. Pet Shops:

1. It shall be unlawful for any person to operate or maintain a pet shop unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:
 - a. The name, address and phone number of the person applying for the permit;
 - b. The address of the location where the business will be operated;
 - c. The kinds of animals which will be sold, including the number of animals of each type that the operator anticipates having in the store at any one time;
 - d. The hours of operation of the pet shop;
 - e. A description of the kinds of commercial animals which will be sold at the pet shop; and
 - f. A plan of the pet shop, including plans for complying with all health and sanitary requirements.

2. All applications for permits to operate pet shops shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
3. The city council shall review all applications for pet shop permits and shall grant the permit if it finds that:
 - a. The pet shop is an appropriate use in the location proposed;
 - b. The facilities are adequate for the proposed pet shop;
 - c. The pet shop is unlikely to become a nuisance.
4. In granting a permit to operate a pet shop, the city council may set conditions regarding:
 - a. The pet shop's proposed hours of operation;
 - b. The number of each type of animal which the pet shop may have at any given time;
 - c. The kinds of commercial animals which may be sold in the pet shop; and
 - d. The facilities to be used to ensure that the pet shop does not become a health hazard.
5. The city council may suspend or revoke the license of any pet shop operator for failing to operate the pet shop in compliance with the conditions in the permit, if the pet shop becomes a nuisance, if the pet shop becomes a health hazard, or for other good cause.
6. A permit issued under this subsection I may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the pet shop is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the pet shop to a new location, the permit holder must obtain a new permit for the new location.
7. Permits issued under this subsection I are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
8. Nothing in this subsection I shall relieve the operator of a pet shop from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

J. Animal Grooming Parlors:

1. It shall be unlawful for any person to operate or maintain an animal grooming parlor unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:
 - a. The name, address and phone number of the person applying for the permit;
 - b. The address of the location where the business will be operated;
 - c. The kinds of animals which will be groomed in the animal grooming parlor;
 - d. The number of grooming stations the applicant anticipates including in the parlor;
 - e. The hours of operation of the grooming parlor;
 - f. The applicant's plans for complying with all health and sanitary requirements.
2. All applications for permits to operate animal grooming parlors shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
3. The city council shall review all applications for animal grooming parlor permits and shall grant the permit if it finds that:
 - a. The animal grooming parlor is an appropriate use in the location proposed;
 - b. The facilities are adequate for the proposed animal grooming parlor; and
 - c. The animal grooming parlor is unlikely to become a nuisance.
4. In granting a permit to operate an animal grooming parlor, the city council may set conditions regarding:
 - a. The grooming parlor's proposed hours of operation; and
 - b. The facilities to be used to ensure that the animal grooming parlor does not become a health hazard.
5. The city council may suspend or revoke the license of any animal grooming parlor operator for failing to operate the grooming parlor in compliance with the conditions in the permit, if the grooming parlor becomes a nuisance or a health hazard, or for other good cause.
6. A permit issued under this subsection J may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the grooming parlor is transferred to another owner, the new owner must apply for a

new permit. If the permit holder desires to move the grooming parlor to a new location, the permit holder must obtain a new permit for the new location.

7. Permits issued under this subsection J are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
8. Nothing in this subsection J shall relieve the operator of an animal grooming parlor from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

K. Riding Schools Or Stables:

1. It shall be unlawful for any person to operate or maintain a riding school or stable, unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:
 - a. The name, address and phone number of the person applying for the permit;
 - b. The address of the location where the business will be operated;
 - c. The number of horses the applicant anticipates keeping at the riding school or stable;
 - d. The kinds of classes and other services that the applicant anticipates offering through the riding school or stable;
 - e. A plan of the riding school or stable, including the stables where the horses will be housed; and
 - f. The hours of operation of the riding school or stable.
2. All applications for permits to operate riding schools and stables shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
3. The city council shall review all applications for riding school or stable permits and shall grant the permit if it finds that:
 - a. The riding school or stable is an appropriate use in the location proposed;
 - b. The facilities are adequate for the proposed riding school or stable; and
 - c. The proposed riding school or stable is unlikely to become a nuisance.

4. In granting a permit to operate a riding school or stable, the city council may set conditions regarding:
 - a. The riding school or stable's proposed hours of operation;
 - b. The number of horses the riding school or stable may keep on the property;
 - c. The number of people who may be permitted in any single class; and
 - d. The facilities to be used to ensure that the riding school or stable does not become a health hazard.
 5. The city council may suspend or revoke the license of any riding school or stable operator for failing to operate the riding school or stable in compliance with the conditions in the permit, if the riding school or stable becomes a nuisance or a health hazard, or for other good cause.
 6. A permit issued under this subsection K may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the riding school or stable is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the riding school or stable to a new location, the permit holder must obtain a new permit for the new location.
 7. Permits issued under this subsection K are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
 8. Nothing in this subsection K shall relieve the operator of a riding school or stable from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.
- L. Other Animal Related Businesses Including Service Dog And Therapy Dog Related Businesses:
1. It shall be unlawful for any person to operate or maintain any business involving the keeping or use of live animals unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:
 - a. The name, address and phone number of the person applying for the permit;
 - b. The address of the location where the business will be operated;
 - c. The nature of the business;

- d. The kinds of classes and services that the applicant anticipates offering through the business;
 - e. The number and types of animals that the business will use and the ways in which the animals will be used in the business;
 - f. A plan of the business showing the facilities for keeping the animals; and
 - g. The hours of operation of the business.
 - h. In the case of a therapy animal related business, a copy of the required professional licensing certificate of the applicant.
2. All applications for permits to operate animal related businesses shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning departments.
3. The city council shall review all applications for animal related business permits and shall grant the permit if it finds that:
- a. The animal related business is an appropriate use in the location proposed;
 - b. The facilities are adequate for the proposed animal related business; and
 - c. The proposed business is unlikely to become a nuisance.
4. In granting a permit to operate an animal related business, the city council may set conditions regarding:
- a. The animal related business's proposed hours of operation;
 - b. The number and type of animals the animal related business may keep on the property. In the case of an animal therapy business, such limit shall be four (4) dogs or less;
 - c. The facilities to be used to ensure that the animal related business does not become a health hazard.
5. The city council may suspend or revoke the license of any animal related business operator for failing to operate the business in compliance with the conditions in the permit, if the business becomes a nuisance or a health hazard, in the case of a therapy related animal business, for expiration, withdrawal, revocation, or suspension of the applicant's required professional licensing and for other good cause.

6. A permit issued under this subsection L may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the animal related business is transferred to another owner, the new owner must apply for a new permit and comply with all requirements of this section. If the permit holder desires to move the business to a new location, the permit holder must obtain a new permit for the new location.
 7. Permits issued under this subsection L are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications for general animal related businesses unless the permit holder has significantly changed his operations. However, the city council must consider renewal applications for any therapy animal related business.
 8. Nothing in this subsection L shall relieve the operator of a general animal related business from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations except that owners of service animal related businesses may be authorized to operate such business in any zone.
- M. Exemptions: Research facilities where bona fide medical or related research is conducted, humane shelters and other animal facilities established by state or local government agencies or which are licensed under federal law shall be exempt from the licensing and permit requirements of this section.
- N. Inspections: All establishments required to obtain permits under this section shall be subject to periodic inspections by the animal control supervisor or his delegate. The inspector shall make a report of each inspection. The inspector shall give a copy of the inspection to the holder of the permit and shall file the original report with the city. Inspection reports shall be public documents.
- O. Suspension Or Revocation Of Permits Or Licenses:
1. A permit or license issued under this section may be suspended or revoked or a permit application rejected for any one or more of the following grounds:
 - a. Falsification of facts in any permit or license application or in the case of a service animal related business, suspension, expiration, termination or withdrawal of the applicant's required professional licensing;
 - b. Violation of any of the provisions of this chapter or any other law or regulation governing the keeping of the permitted or licensed animals, including, but not limited to, noise laws, nuisance laws, building codes, or zoning ordinances;
 - c. Conviction on a charge of cruelty to animals or mistreatment of animals, regardless of whether the animals involved in the charge are the same animals permitted or licensed;

- d. Other good cause determined by the city council.
2. If an inspection of the premises of any person holding a permit or license under this section reveals a violation of this chapter, the person conducting the inspection shall notify the permit or license holder of the violations by leaving a copy of the inspection report or other written notice with the permit or license holder. If the permit or license holder is not available, the person conducting the inspection may leave the notice with any responsible person over sixteen (16) years of age at the facility. If no responsible person is available, the inspector may serve the notice on the permit or license holder by sending the notice by certified mail to the last known address of the permit or license holder. The written notice shall:
 - a. Describe the specific nature of the violations the inspector found;
 - b. Establish a specific and reasonable period of time for the permit or license holder or the operator of the facility to correct the violations; and
 - c. State that failure to comply with the notice and the terms of this chapter may result in revocation or suspension of the permit or license.
 3. If the permit or license holder fails to correct the violations in the time specified in the notice, the inspector shall notify the permit or license holder of the city's intention to revoke or suspend the license or permit. The notice shall:
 - a. Give the date, time and place that the city council will consider the matter. The time of the hearing shall be no less than fourteen (14) days from the date of the notice;
 - b. Inform the permit or license holder of his or her right to be present at the hearing;
 - c. Inform the permit or license holder that if he or she does not appear at the hearing, the city may revoke or suspend the permit or license in the permit or license holder's absence;
 - d. Inform the permit or license holder of his or her right to be represented by counsel at the hearing;
 - e. Inform the permit or license holder of his or her right to question witnesses presented by the city; and
 - f. Inform the permit or license holder of his or her right to call witnesses and present other evidence on his or her own behalf during the hearing.
 4. At the time and place set for the hearing, the city council shall hold a hearing on whether the permit or license should be suspended or revoked. The city may present witnesses and evidence on the issue and the permit or license holder shall

also have an opportunity to present witnesses and evidence. At the close of the hearing, the city council shall vote on whether to suspend or revoke the license and the majority vote of the council shall be controlling.

5. If the council votes to suspend the permit or license, it shall set a minimum time of the suspension, which shall be at least six (6) months, and the council shall order that the license may not be reinstated until the specified time has run and all of the violations have been corrected.
6. A person whose permit or license has been revoked may not reapply for a new license or permit for at least two (2) years.
7. Notwithstanding the procedures for suspension or revocation above, the animal control supervisor or animal control officer may, without warning or a hearing, suspend any permit or license issued under this chapter if he finds that the condition of the premises of the permit or license holder constitute a substantial and immediate threat to the health, welfare or safety of the residents of the city.
 - a. If the animal control supervisor or animal control officer suspends any permit or license under this subsection O7:
 - (1) The animal control supervisor or animal control officer shall impound the animals and take other steps to mitigate the threat; and
 - (2) The city council shall review the action as soon as practicable and the permit or license holder shall be given notice of the hearing.
 - b. If the city council finds that the animal control supervisor's actions were justified, it shall:
 - (1) Order that the permit or license holder pay all costs of impounding the animals;
 - (2) Order that the permit or license holder pay all remediation costs incurred by the city;
 - (3) Order that the animals either:
 - (A) Continue to be impounded until the permit or license holder's premises comply with the provisions of this chapter and any other applicable law, including health and building codes;
 - (B) Be abated; or
 - (C) Be made available for sale or adoption to third parties.

P. Litter Animals:

1. Notwithstanding the other provisions of this chapter, the owner of a household pet kept in a residential zone which delivers a litter may sell or give away the litter animals under the following conditions:
 - a. The owner shall have three (3) months to dispose of all of the litter animals which exceed the number of animals the owner may lawfully keep.
 - b. The owner may sell the litter animals or give them away.
 - c. The owner may use reasonable methods to advertise the availability of the litter animals, provided that no advertising method may result in a violation of the city's sign or zoning ordinances.
2. No person shall use the provisions of this subsection P to avoid obtaining a business license or a regulatory license described in this section.
 - a. A person shall be presumed to be using this subsection P to avoid obtaining a business or regulatory license if he sells or gives away more than two (2) litters in a single year.

This Ordinance shall take effect upon the first publication and filing of a copy thereof in the office of the City Recorder.

DATED this _____ day of _____, 2012.

BY THE CITY COUNCIL:

Richard G. Harris, Mayor

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Bailey:	___	___
Council Member Bigler:	___	___
Council Member Fawson:	___	___
Council Member Hulme:	___	___
Council Member Stoker:	___	___
(In event of a tie vote of the Council):		
Mayor Harris:	___	___

ATTEST:

S. Annette Spendlove
City Recorder