

ORDINANCE 18- 12

AN ORDINANCE AMENDING TITLE 3, CHAPTER 1, SECTION 27, SALE OF ANIMALS, OF THE REVISED ORDINANCES OF SANDY CITY, BY ADOPTING REVISIONS THERETO AND ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, the City Council of Sandy City has determined that prohibiting the sale of any dog, cat, or rabbit in any pet shop, retail business, or other commercial establishment located in the City of Sandy, Utah, unless the dog, cat, or rabbit was obtained from a city or county animal shelter or animal control agency, a humane society, or a non-profit rescue organization will protect the public health, safety, and welfare of the City; and

WHEREAS, Section 10-8-84, Utah Code Annotated, authorizes such amendment in order to protect the public health, safety, and welfare of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of Sandy City as follows:

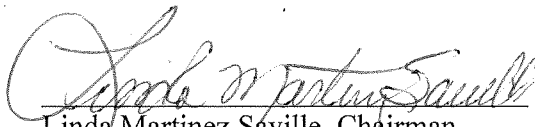
Section. 1. Title 3, Chapter 1, Section 27, of the Revised Ordinances of Sandy City is hereby amended and replaced by the revised copy of Title 3, Chapter 1, Section 27, which is attached hereto as **Exhibit A** and incorporated in this ordinance.

Section 2. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. The provisions of this ordinance shall be severable; and if any provision thereof, or the application of such provision under any circumstance is held invalid or unconstitutional by a court of competent jurisdiction, it shall not affect any other provision of this ordinance, or the application in a different circumstance.

Section 4. This ordinance shall become effective upon publication of a summary thereof.

PASSED AND APPROVED by the Sandy City Council this 1st day of May, 2018.


Linda Martinez Saville, Chairman
Sandy City Council

Ordinance 18- 12

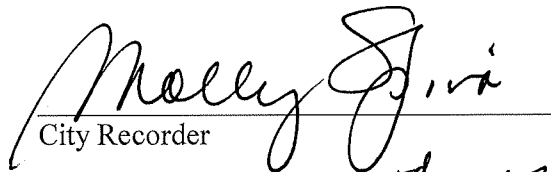
PRESENTED to the Mayor this 3rd day of MAY, 2018.

APPROVED by the Mayor this 3rd day of MAY, 2018.



Kurt Bradburn, Mayor

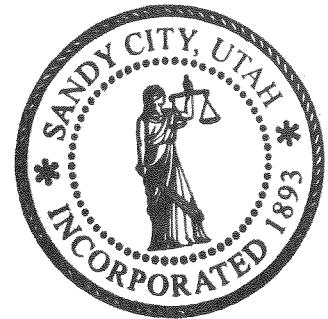
ATTEST:



City Recorder

RECORDED this 3rd day of May, 2018.

SUMMARY PUBLISHED this 5th day of May, 2018.



3-1-27. Sale of Animals.

- (a) It is unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, rent, lease, or sell any live dog, cat, or rabbit in any pet shop, retail business, or other commercial establishment located in the City of Sandy, Utah, unless the dog, cat, or rabbit was obtained from a city or county animal shelter or animal control agency, a humane society, or a non-profit animal rescue organization.
- (b) All pet shops, retail businesses, or other commercial establishments selling, or boarding for the purpose of eventual sale, dogs, cats, or rabbits shall maintain a certificate of source for each of the animals and make it available upon request to animal control officers, law enforcement, code compliance officials, or any other City employee charged with enforcing the provisions of this section.
 - (1) For purposes of this section, a non-profit animal rescue organization is defined as any non-profit corporation that is exempt from taxation under Internal Revenue Code section 501(c)(3), whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats, or rabbits without providing payment or other compensation to a breeder or broker; or any non-profit organization that is not exempt from taxation under internal Revenue Code section 501(c)(3) but is currently an active rescue partner with a City or County shelter or humane society, whose mission is, in whole or in significant part, the rescue and placement of dogs, cats, or rabbits.
 - (2) For purposes of this section, a certificate of source is defined as any document from the source city or county animal shelter or animal control agency, humane society, or non-profit animal rescue organization declaring the source of the dog, cat, or rabbit on the premises of the pet shop, retail business, or other commercial establishment.
- (c) This section shall not apply to the display, offer for sale, delivery, bartering, auction, giving away, transfer, or sale of dogs, cats, or rabbits from the premises on which they were bred and reared.
- (d) Nothing in this section shall prevent the owner, operator, or employees of a pet shop, retail business, or other commercial establishment located in Sandy City from providing space and appropriate care for animals owned by a city or county animal shelter or animal control agency, humane society, or non-profit animal rescue organization and maintaining those animals at the pet shop, retail business, or other commercial establishment for the purpose of public adoption.
- (e) Fowl: It shall be unlawful for any person to sell, offer for sale, barter or give away any fowl under two (2) months of age in any quantity less than six (6). Such animals shall not be artificially dyed or colored. Nothing in this provision shall be construed to prohibit the raising of such fowl by a private individual for his personal use and consumption, provided that he shall maintain proper brooders and other facilities for the care and containment of such animals while they are in his possession.

- (f) Premiums and novelties: It shall be unlawful for any person to offer any live animal as a premium, prize, award, novelty, or incentive to purchasing merchandise or services.
- (g) Pet turtles: It shall be unlawful for any pet shop or other business or person to raise or sell any turtle, tortoise or terrapin under four (4) inches front to back carapace length.
- (h) A violation of this section shall be a class C misdemeanor. Each dog, cat or rabbit sold or offered for sale in violation of this section shall constitute a separate offense.