

DAVIS COUNTY

ORDINANCE NO. _____

**AN ORDINANCE CREATING SECTION 6.28.080 OF
THE DAVIS COUNTY CODE SALES OF ANIMALS**

WHEREAS, on January _____, 2023, the county legislative body of Davis County, Utah (the “Davis County Legislative Body”), met in a regular meeting, lawful notice of which was provided, to consider, among other things, creating Title 6, Chapter 6.28, Section 6.28.080 of the Davis County, Utah, Code of Ordinances (the “Davis County Code”) regarding Sales of Animals and determined that creating this section of the Davis County Code, as set forth below, is necessary and proper to promote the prosperity and/or to improve the morals, peace, good order, comfort, and/or convenience of Davis County and its inhabitants.

NOW, based upon the foregoing and after careful consideration, the Davis County Legislative Body ordains as follows:

SECTION 1. Section 6.28.080 is created to read as follows:

Chapter 6.28.080 SALE OF ANIMALS

A. Sale of Animals Prohibited on Public Property and at Swap Meets

No animal as defined in Section 6.04.010 shall be sold, given away, or otherwise transferred, on or from any public street, roadway, right-of-way, sidewalk, park, or “swap meet.” A swap meet is defined for the purpose of this section as a place of commercial activity popularly known as a swap meet, farmers market, flea market, or park-and-swap, which is open to the general public and composed of enclosed, semi-enclosed, or outdoor stalls, stands, or spaces rented or leased to persons on a temporary basis for the purpose of display and sale, barter, or exchange of new or used merchandise.

B. Sale of Dogs or Cats and Display of Dogs or Cats Available for Adoption by Pet Shops

1. It shall be unlawful for any pet shop to sell or offer for sale a dog or cat.
2. It shall be unlawful for any pet shop to provide space for the display of adoptable dogs or cats unless all of the following requirements are met:
 - a. Any dog or cat displayed for adoption is displayed by either an animal rescue organization or a public animal shelter;
 - b. No part of any fees associated with the display or adoption of a dog or cat, including but not limited to adoption fees or fees for the provision of space, shall be paid to or received by the host pet shop or to any entity affiliated with or under common ownership with the host pet shop;
 - c. The host pet shop shall not have any ownership interest in any animal displayed for adoption; and

- d. Each dog or cat displayed for adoption shall be adopted for total fees not in excess of \$500.

C. Exceptions

Nothing in this article shall prohibit the sale, gift, or other transfer of ownership of animals at a private residence, animal shelters, county fairs, animal exhibitions or shows, or 4-H activities.

D. Penalties

A violation of this chapter shall be a class C misdemeanor. Each sale, offer for sale, or space utilized to transfer an animal made in violation of this Chapter shall constitute a separate violation.

SECTION 2: This Ordinance shall become effective in accordance with Section 17-53-208(3), Utah Code Annotated (2009), as amended.

Lorene M. Kamalu	_____	Aye	_____	Nay
Randy B. Elliot	_____	Aye	_____	Nay
Bob J. Stevenson	_____	Aye	_____	Nay

[Signatures on the following page]

This Ordinance was duly PASSED and/or APPROVED by the County Legislative Body of Davis County, Utah, on this _____ day of January, 2023, with Commissioners Lorene M. Kamalu, Randy B. Elliott, and Bob J Stevenson, all voting as documented herein above.

DAVIS COUNTY

Lorene M. Kamalu, Chair, Board of
County Commissioners for Davis
County, Utah

ATTEST:

Brian McKenzie, Davis County Clerk/Auditor