

Arizona Revised Statutes

3-1311 . Dogs killing or chasing livestock; liability of owner; classification

- A. If any person discovers a dog killing, wounding or chasing livestock, or discovers a dog under circumstances which show conclusively that it has recently killed or chased livestock, he may pursue and kill the dog.
- B. The owner of a dog is liable for damages caused by the dog chasing livestock. In the case of a dog killing or wounding livestock, the owner of the dog is liable for damages to the owner of the livestock equal to three times the value of the livestock killed or wounded.
- C. An owner of a dog who intentionally or recklessly allows or causes the dog to:
1. Wound or kill livestock owned by another person is guilty of a class 1 misdemeanor.
 2. Chase livestock owned by another person, causing injury to the livestock, is guilty of a class 3 misdemeanor.

11-1001 . Definitions

In section 13-1208 and in this article, unless the context otherwise requires:

1. "Animal" means any animal of a species that is susceptible to rabies, except man.
2. "At large" means being neither confined by an enclosure nor physically restrained by a leash.
3. "County board of health" means the duly constituted board of health of each county.
4. "County enforcement agent" means that person in each county who is responsible for the enforcement of this article and the rules adopted under this article.
5. "County pound" means any establishment authorized by the county board of supervisors for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the county enforcement agent in the performance of his official duties.
6. "Department" means the department of health services.
7. "Impound" means the act of taking or receiving into custody by the county enforcement agent any dog or other animal for the purpose of confinement in a county pound in accordance with the provisions of this article.
8. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.
9. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
10. "Owner" means any person keeping an animal other than livestock for more than six consecutive days.
11. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
12. "Stray dog" means any dog three months of age or older running at large that is not wearing a valid license tag.
13. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian.
14. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
15. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it pens, stalls, cages or kennels for quarantine, observation or boarding.
16. "Vicious animal" means any animal of the order carnivora that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation, or that has been so declared after a hearing before a justice of the peace or a city magistrate.

11-1002 . Powers and duties of the state veterinarian and the Arizona department of agriculture

A. The state veterinarian, employed pursuant to section 3-1211, shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.

B. The Arizona department of agriculture shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

11-1003 . Powers and duties of department of health services

A. The department of health services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

B. The department of health services may require the county enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies.

11-1005 . Powers and duties of board of supervisors

A. Each county board of supervisors may:

1. Designate or employ a county enforcement agent. If such designation or employment is not made, the county sheriff shall be the county enforcement agent, but nothing in this article shall be deemed to prevent the county board of supervisors from designating or employing a county enforcement agent at any time it is deemed necessary or advisable.
2. Provide the county enforcement agent with such personnel and equipment as are necessary to enforce the provisions of this article and the rules adopted under this article.
3. Contract with any city or town to enforce the provisions of any ordinance enacted by such city or town for the control of dogs.
4. For the unincorporated areas of the county, by ordinance, regulate, restrain and prohibit the running at large of dogs, except dogs used for control of livestock or while being used or trained for hunting.
5. For the unincorporated areas of the county, by ordinance, regulate, restrain and prohibit the excessive and unrestrained barking of dogs.
6. Establish either:
 - (a) Criminal penalties not to exceed the penalties for a class 2 misdemeanor for violation of an ordinance adopted pursuant to paragraph 4 or 5.
 - (b) Civil penalties for violations of an ordinance adopted pursuant to paragraph 4 or 5, not to exceed five hundred dollars for each violation.

B. Fines received for violation of an ordinance adopted with a criminal penalty pursuant to subsection A, paragraph 6, subdivision (a) shall be deposited in a special, permanent, nonlapsing and nonreverting county fund to be used solely for the operation of the county enforcement agency.

C. Each county board of supervisors may establish pound fees for impounding and maintaining animals at the county pound or any pound used by the county.

D. The county board of supervisors shall be responsible for declaring a rabies quarantine area within its jurisdiction on a recommendation of the county board of health or the local health department. If a rabies quarantine area is declared, the county board of supervisors shall meet with the county board of health and the county enforcement agent and institute an emergency program for the control of rabies within that area provided that any regulations restricting or involving the movement of livestock within that area shall be developed by the state veterinarian.

11-1006 . Hearing officer; hearing on civil violations; additional remedies

- A. A county board of supervisors that establishes a civil penalty for violating an animal statute or ordinance may appoint one or more hearing officers to hear and determine such cases. The board may appoint a county employee to serve as hearing officer in addition to his other work.
- B. The hearing officer shall hold a hearing on each violation reported by the county enforcement agent. Notice of the hearing shall be served personally on the defendant at least ten days before the hearing. The county enforcement agent shall use a uniform traffic ticket and complaint for civil traffic cases pursuant to the rules of procedure in traffic cases adopted by the supreme court, modified as applicable, in citing persons for violations of ordinances adopted with a civil penalty pursuant to section 11-1005, subsection A, paragraph 6, subdivision (b).
- C. At the hearing the county enforcement agent shall present evidence of the violation and the defendant, or his attorney or other designated representative, shall have an opportunity to present evidence. The county attorney may represent and present evidence for the county enforcement agent.
- D. At the conclusion of the hearing the hearing officer shall determine whether a violation occurred and, if so, impose civil penalties provided for under section 11-1005, subsection A, paragraph 6, subdivision (b). Monies collected for civil penalties shall be deposited in the county general fund. The board of supervisors shall adopt, in the same manner as the animal ordinances, written rules of procedure for the hearings and review of hearings. Final decisions of the hearing officer under this subsection are subject to judicial review under title 12, chapter 7, article 6.
- E. In addition to other remedies provided by law, the board of supervisors, the county attorney, the county enforcement agent or a private individual or other entity that is specially damaged by a violation of an animal statute or ordinance may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent or abate the violation.

11-1007 . Powers and duties of county enforcement agent

- A. The county enforcement agent shall:
 - 1. Enforce the provisions of this article, county ordinances adopted under this article and municipal ordinances which the board of supervisors has contracted to enforce.
 - 2. Issue citations for the violation of the provisions of this article, county ordinances adopted under this article and municipal ordinances which the board of supervisors has contracted to enforce. The procedure for the issuance of notices to appear shall be as provided for peace officers in section 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
- B. The issuance of citations pursuant to this section shall be subject to the provisions of section 13-3899.
- C. The county enforcement agent may designate deputies.

11-1008 . License fees for dogs; issuance of dog tags; exception; violation; classification

- A. The board of supervisors of each county may set a license fee that shall be paid for each dog three months of age or over that is kept, harbored or maintained within the boundaries of the state for at least thirty consecutive days of each calendar year. License fees shall become payable at the discretion of the board of supervisors of each county. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety days to the board of supervisors. A penalty fee of two dollars shall be paid if the license application is made less than one year subsequent to the date on which the dog is required to be licensed under this article. If the license application is made one year or later from the date on which the dog is required to be licensed, an additional penalty fee of ten dollars shall be paid for each subsequent year up to a maximum of twenty-two dollars. This penalty shall not be assessed against applicants who provide

adequate proof that the dog to be licensed has been in their possession in Arizona less than thirty consecutive days.

B. If the board of supervisors adopts a license fee, the board shall provide durable dog tags. Each dog licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of the license and the year in which it expires. The tag shall be attached to a collar or harness that shall be worn by the dog at all times, except as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued on application by the owner and payment of a fee established by the board of supervisors.

C. The board of supervisors may set license fees that are lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall provide adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.

D. All fees and penalties shall be deposited in the rabies control fund pursuant to section 11-1011.

E. Any person who knowingly fails within fifteen days after written notification from the county enforcement agent to obtain a license for a dog required to be licensed, counterfeits an official dog tag, removes such tag from any dog for the purpose of intentional and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a class 2 misdemeanor.

F. Notwithstanding subsection A of this section, the board of supervisors of each county may not charge an individual who has a disability and who uses a service animal as defined in section 11-1024 or an individual who uses a search or rescue dog a license fee for that dog. An applicant for a license for a:

1. Search or rescue dog shall provide adequate proof satisfactory to the enforcement agent that the dog is a search or rescue dog.
2. Service animal shall sign a written statement that the dog is a service animal as defined in section 11-1024. A person who makes a false statement pursuant to this paragraph is guilty of a petty offense, and a fine that shall not exceed fifty dollars. The statement to be signed shall be substantially in the following form:

By signing this document, I declare that the dog to be licensed is a service animal as defined in section 11-1024, Arizona Revised Statutes, and I understand that a person who makes a false statement pursuant to section 11-1008, Arizona Revised Statutes, is guilty of a petty offense, and is subject to a fine that does not exceed fifty dollars.

11-1009 . Kennel permit; fee; denial; inspection; violation; classification

A. A person operating a kennel shall obtain a permit issued by the board of supervisors of the county where the kennel is located except if each individual dog is licensed.

B. The annual fee for the kennel permit is seventy-five dollars or the actual cost of recovery as determined by the board of supervisors.

C. A dog remaining within the kennel is not required to be licensed individually under section 11-1008. A dog leaving the controlled kennel conditions shall be licensed under section 11-1008 except if the dog is only being transported to another kennel that has a permit issued under this section.

D. A person who fails to obtain a kennel permit under this section is subject to a penalty of twenty-five dollars in addition to the annual fee.

E. The county shall deny a kennel permit to any person who has been convicted of a violation of section 13-2910 or 13-2910.01 or any other state, county or municipal animal welfare law, except violations of license and leash laws.

F. A person who operates a kennel that houses fewer than twenty dogs may be subject to an inspection by the county enforcement agent during regular business hours if the county enforcement agent has received a citizen or law enforcement complaint in writing that alleges the person committed an act in violation of section 13-2910 or 13-2910.01. A person who operates a kennel that houses twenty dogs or more shall allow inspections of the kennel by the county enforcement agent as a condition of receiving a kennel permit. This subsection does not apply to any kennel that houses dogs that are being used or trained for hunting.

G. A person who knowingly fails to obtain a kennel permit within thirty days after written notification from the county enforcement agent is guilty of a class 2 misdemeanor.

11-1010 . Anti-rabies vaccination; vaccination and license stations

A. Before a license is issued for any dog, the owner or a veterinarian must present a paper or electronic copy or telefacsimile of the vaccination certificate signed by a veterinarian stating the owner's name and address, and giving the dog's description, date of vaccination, manufacturer and serial number of the vaccine used and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the county enforcement agent within two weeks of the date the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated pursuant to this article.

B. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, the owner of the dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address, and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated pursuant to this article.

C. The county enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

11-1011 . Rabies control fund

A. The board of supervisors shall transmit the monies collected under the provisions of this article to the county treasurer for deposit in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this article and the regulations promulgated thereunder. The county treasurer shall maintain the fund.

B. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

11-1012 . Dogs not permitted at large; wearing licenses

A. Neither a female dog during her breeding or mating season nor a vicious dog shall be permitted at large.

B. In a rabies quarantine area, no dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, secured so that the dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property.

C. Any dog over the age of three months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs that are used for control of livestock, being used or trained for hunting or dogs, being exhibited or trained at a kennel club event or engaged in races approved by the Arizona racing commission, and while the dogs

are being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

D. No person in charge of any dog shall permit such dog in a public park or upon any public school property unless the dog is physically restrained by a leash, enclosed in a car, cage or similar enclosure or being exhibited or trained at a recognized kennel club event, public school or park sponsored event.

11-1013 . Establishment of county pounds; impounding and disposing of dogs and cats; reclaiming impounded dogs and cats; pound fees

A. The board of supervisors in each county may provide or authorize a county pound or pounds or enter into a cooperative agreement with a city, a veterinarian or an Arizona incorporated humane society for the establishment and operation of a county pound.

B. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

C. Each stray dog or any cat impounded shall be kept and maintained at the county pound for a minimum of seventy-two hours or one hundred twenty hours for an animal that is wearing a license, unless claimed or surrendered by its owner. Any person may purchase such a dog or cat on expiration of the impoundment period, if the person pays all pound fees established by the county board of supervisors and complies with the licensing and vaccinating provisions of this article. If such dog or cat is to be used for medical research, no license or vaccination shall be required.

D. Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent provided that the person reclaiming the dog or cat furnishes proof of the person's right to do so and pays all pound fees established by the board of supervisors. Any person purchasing such a dog or cat shall pay all pound fees established by the board of supervisors.

E. If the dog or cat is not reclaimed within the impoundment period, the county enforcement agent shall take possession of and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. The county enforcement agent may destroy impounded sick or injured dogs or cats if destruction is necessary to prevent the dog or cat from suffering or to prevent the spread of disease.

11-1014 . Biting animals; reporting; handling and destruction; exception

A. An unvaccinated dog or cat that bites any person shall be confined and quarantined in a county pound or, on request of and at the expense of the owner, at a veterinary hospital for a period of not less than ten days. The quarantine period shall start on the day of the bite incident. If the day of the bite is not known, the quarantine period shall start on the first day of impoundment. A dog properly vaccinated pursuant to this article that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the county enforcement agent.

B. A dog or cat that is impounded as the result of biting any person shall not be released from the pound to its owner unless one of the following applies:

1. The dog has a current dog license pursuant to section 11-1008 at the time the dog entered the pound.
2. The dog or cat has been previously spayed or neutered before impound or has been spayed or neutered and implanted with a microchip before release from the pound.
3. There is no veterinary facility capable of performing surgical sterilization within a twenty mile radius of the pound.
4. A veterinarian determines that a medical contraindication for surgery exists that reasonably requires postponement of the surgery until the surgery can be performed in a safe and humane manner.
5. The bite occurred in the premises of the owner and the victim is a member of the same household.

6. The owner pays a fifty dollar recovery fee, in addition to any fees or costs otherwise required pursuant to this article.

C. Any domestic animal, other than a dog, a cat or a caged or pet rodent or rabbit, that bites any person shall be confined and quarantined in a county pound or, on the request and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days. Livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona department of agriculture. Caged or pet rodents or rabbits shall not be quarantined or laboratory tested.

D. With the exception of a wild rodent or rabbit, any wild animal that bites any person or directly exposes any person to its saliva may be killed and submitted to the county enforcement agent or the agent's deputies for transport to an appropriate diagnostic laboratory. A wild rodent or rabbit may be submitted for laboratory testing if the animal has bitten a person and either the animal's health or behavior indicates that the animal may have rabies or the bite occurred in an area that contains a rabies epizootic, as determined by the department of health services.

E. If an animal bites any person, the incident shall be reported to the county enforcement agent immediately by any person having direct knowledge.

F. The county enforcement agent may destroy any animal confined and quarantined pursuant to this section before the termination of the minimum confinement period for laboratory examination for rabies if:

1. The animal shows clear clinical signs of rabies.
2. The animal's owner consents to its destruction.

G. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

H. The county enforcement agent shall destroy a vicious animal by order of a justice of the peace or a city magistrate. A justice of the peace or city magistrate may issue an order to destroy a vicious animal after notice to the owner, if any, and the person who was bitten, and a hearing. The justice of the peace or city magistrate may impose additional procedures and processes to protect all parties in the interest of justice, and any decision by the justice of the peace or magistrate may be appealed to the superior court.

I. The owner of a vicious animal shall be responsible for any fees incurred by the enforcement agent for the impounding, sheltering and disposing of the vicious animal.

J. This section does not apply to a dog that is used by any federal, state, county, city or town law enforcement agency and that bites any person if the bite occurs while the dog is under proper law enforcement supervision and the care of a licensed veterinarian, except that the law enforcement agency shall notify the county enforcement agent if the dog exhibits any abnormal behavior and make the dog available for examination at any reasonable time.

11-1014.01. Aggressive dogs; reasonable care requirements; violation; classification; definitions

A. A person who owns or who is responsible for the care of an aggressive dog shall take reasonable care to:

1. Prohibit the dog from escaping to the outside of a residence or an enclosed area, yard or structure.
2. Control the dog in a manner that prevents the dog from biting or attacking a person or domestic animal at all times while the dog is off the owner's or responsible person's property.

B. This section does not apply to any of the following:

1. A dog that is owned by a governmental agency and that is being used in military or police work.
2. A service animal as defined in section 11-1024.

3. A dog that is involved in an otherwise lawful act of hunting, ranching, farming or other agricultural purpose.

C. A violation of subsection A, paragraph 2 of this section is a class 1 misdemeanor. A violation of subsection A, paragraph 1 of this section is a class 3 misdemeanor.

D. For the purposes of this section:

1. "Aggressive dog" means any dog that has bitten a person or domestic animal without provocation or that has a known history of attacking persons or domestic animals without provocation.
2. "Reasonable care" means the degree of care that a person of ordinary prudence would exercise in the same or similar circumstances.

11-1015 . Unlawful interference with county enforcement agent

It is unlawful for any person to interfere with the county enforcement agent in the performance of his duties.

11-1016 . Removing impounded animals

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the county enforcement agent except in accordance with the provisions of this article and the regulations promulgated thereunder.

11-1017 . Unlawful keeping of dogs

It is unlawful for a person to keep, harbor or maintain a dog within the state of Arizona except as provided by the terms of this article.

11-1018 . Exemption of cities, towns and counties

A. The provisions of this article shall not apply to incorporated cities or towns that impose a license fee and vaccination on dogs by ordinance, provided that such ordinance is equal to or more stringent than the provisions of this article.

B. The provisions of this article shall not apply to counties which regulate the running at large of dogs in the unincorporated areas of the county by ordinance provided that such ordinance is equal to or more stringent than the provisions of this article.

11-1019 . Violation; classification

Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a class 2 misdemeanor unless another classification is specifically prescribed in this article.

11-1020 . Dogs; liability

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when such damages were inflicted.

11-1021 . Proper care, maintenance and destruction of impounded animals

A. Any animal impounded in a county, city or town pound shall be given proper and humane care and maintenance.

B. Any animal destroyed while impounded in a county, city or town pound shall be destroyed only by the use of one of the following:

1. Sodium pentobarbital or a derivative of sodium pentobarbital.
2. T-61 euthanasia solution or its generic equivalent.

C. If an animal is destroyed by means specified in subsection B, paragraph 1 or 2 of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to section 3-1213.

D. The governing body of any county, city or town which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections B and C of this section.

11-1022 . Sterilization of impounded dogs and cats; definitions

A. A dog or cat shall not be released for adoption from a county, city or town pound or from an animal shelter unless one of the following applies:

1. The dog or cat has been first surgically spayed or neutered or sterilized by another procedure.
2. There is no veterinary facility capable of performing sterilization within a twenty mile radius of the pound or shelter.
3. A veterinarian determines that a medical contraindication for sterilization exists that reasonably requires postponement of the sterilization until the surgery or another approved sterilization procedure can be performed in a safe and humane manner.

B. If subsection A, paragraph 2 or 3 of this section applies, the adopting party shall sign an agreement to have the dog or cat sterilized by a veterinarian within thirty days or within fifteen days of a veterinarian's determination that sterilization may be performed in a safe and humane manner and shall deposit with the pound or shelter an amount sufficient to ensure that the dog or cat will be sterilized.

C. If the adoption fee includes the cost of sterilization, no deposit is required. The amount of the deposit required by subsection B of this section shall be determined by the pound or shelter to be comparable to the lowest fee charged by veterinarians in the county. The pound or shelter shall refund to the adopting party any monies deposited pursuant to the agreement if within the time provided in the agreement there is presented a written statement signed by a licensed veterinarian that the adopted dog or cat has been sterilized.

D. Any deposit monies that are not refunded under subsection C of this section shall be used only for the following purposes:

1. Sterilization of dogs and cats.
2. Public education to prevent overpopulation of dogs and cats.
3. Costs of confirming that adopted dogs and cats are sterilized.

E. This section does not apply to a county or incorporated city or town that adopts an ordinance or resolution for dog and cat sterilization that exceeds the requirements of this section.

F. A dog or cat shall not be released to its owner from a county, city or town pound or from an animal shelter unless one of the following applies:

1. The dog has a current dog license pursuant to section 11-1008 at the time the dog entered the pound or shelter.
2. The dog or cat has been sterilized and implanted with a microchip for the purposes of identification at the dog or cat owner's expense.
3. There is no veterinary facility capable of performing sterilization within a twenty mile radius of the pound or shelter.
4. A veterinarian determines that a medical contraindication for sterilization exists that reasonably requires postponement of the sterilization until the surgery or another approved sterilization procedure can be performed in a safe and humane manner.
5. The owner pays a fifty dollar recovery fee, in addition to any fees and costs otherwise required pursuant to this article.

G. Before sterilizing an animal pursuant to subsection F, paragraph 2 of this section, an animal shelter shall hold the impounded dog or cat for a minimum of seventy-two hours and make reasonable efforts to locate its owner by inspecting it for microchips, tattoos or other identifying information.

H. For the purposes of this section:

1. "Animal shelter" means a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit corporate organization devoted to the welfare, protection and humane treatment of animals.
2. "Sterilization" means the surgical removal of the reproductive organs of a dog or cat or the use of humane nonsurgical methods and technologies approved by the food and drug administration, the United States department of agriculture or the environmental protection agency to permanently render the animal unable to reproduce.

11-1023 . Unauthorized release of animals; classification; damages

A person who intentionally releases an animal that is lawfully confined for scientific, research, commercial, educational or for public event, display or exhibition purposes without the consent of the owner or custodian of the animal is guilty of a class 6 felony and in addition is liable for all of the following:

1. To the owner of the animal for damages including the costs of restoring the animal to confinement and to its health condition before the release.
2. For damages to real and personal property caused by the released animal.
3. If the release causes the failure of an experiment or loss of market value, for all costs of repeating the experiment and the loss of value, including replacement of the animals, labor and materials.

11-1024 . Service animals; rights of individuals with disabilities; violation; classification; definitions

A. Any person or entity that operates a public place shall not discriminate against individuals with disabilities who use service animals if the work or tasks performed by the service animal are directly related to the individual's disability. Work or tasks include assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks.

B. It is not discriminatory to exclude a service animal from a public place if one or more of the following apply:

1. The animal poses a direct threat to the health or safety of others.
2. The animal fundamentally alters the nature of the public place or the goods, services or activities provided.
3. The animal poses an undue burden.

C. Public places may maintain a general no pets policy if it is not used to exclude service animals and if it does not grant rights to any person to bring the person's pet into a public place that otherwise does not permit pets.

D. A service animal handler is liable for any damage done to a public place by the service animal or service animal in training.

E. Any trainer or individual with a disability may take an animal being trained as a service animal to a public place for purposes of training it to the same extent as provided in subsections A, B and C of this section.

F. A zoo or wild animal park may prohibit a service animal, including a dog guide or service dog, from any area of the zoo or wild animal park where the service animal may come into direct contact with the animals contained in

the zoo or wild animal park. Service animals shall not be excluded from public walkways or sidewalks or from any area that allows for physical barriers between the service animals, dog guides or service dogs and the animals in the zoo or wild animal park. Any zoo or wild animal park that prohibits dog guides and service dogs shall provide without cost adequate facilities for the temporary confinement of dog guides and service dogs. The facilities shall be adequate to accommodate the anticipated attendance of legally blind, deaf or persons with physical disabilities, shall be in an area not accessible to the general public, shall provide water for the dog guides and service dogs and shall otherwise be safe, clean and comfortable. The zoo or wild animal park on request by a legally blind person who is required to leave that person's dog guide or service dog pursuant to this subsection shall provide a sighted escort if the legally blind person is unaccompanied by a sighted person.

G. The driver of a vehicle approaching a legally blind pedestrian who is carrying a cane that is predominately white or metallic in color, who is using a service animal or who is assisted by a sighted person shall yield the right-of-way and take reasonable precautions to avoid injury to the pedestrian and the service animal. The pedestrian has the same rights as any other person whether or not the pedestrian is carrying the cane, using a service animal or being assisted by a sighted person. Drivers shall take the same precautions with respect to pedestrians who have a disability other than blindness and their service animals. A driver who violates this subsection is liable for damages for any injury caused to the pedestrian or the service animal.

H. Any person or entity that violates subsections A through G of this section is guilty of a class 2 misdemeanor.

I. This section is not intended to affect any civil remedies available for a violation of this section.

J. For the purposes of this section:

1. "Direct threat to the health or safety of others" means that a significant risk to the health or safety of others exists and cannot be eliminated by modification of policies, practices or procedures or by the provision of auxiliary aids or services.
2. "Discriminate" means discriminatory actions prescribed in section 41-1492.02 and includes:
 - (a) Refusing to permit an individual with a disability to enter a public place with a service animal or interfering with the individual's right to enter or use the public place.
 - (b) Failing to provide an individual with a disability the same services and access to the same areas of the premises as afforded to others.
 - (c) Attempting to impose a charge, fee or deposit because an individual with a disability is accompanied by a service animal.
 - (d) Requiring an individual with a disability to disclose disability related information. However, a public accommodation may ask if the animal is a service animal being used because of a disability.
 - (e) Requiring provision of identification for the service animal.
3. "Individual with a disability" means an individual who has a physical or mental impairment that substantially limits one or more of the major life activities of the individual.
4. "Public place" means any office or place of business or recreation to which the general public is invited, whether operated by a public or private entity and includes all forms of conveyance, including taxis, tow trucks and ambulances.
5. "Service animal" means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. Service animal does not include other species of animals, whether wild or domestic or trained or untrained.
6. "Wild animal park" means an entity that is open to the public on a regular basis, that is licensed by the United States department of agriculture as an exhibit and that is operating primarily to conserve, propagate and exhibit wild and exotic animals.

11-1025 . Liability for dog bites

A. The owner of a dog which bites a person when the person is in or on a public place or lawfully in or on a private place, including the property of the owner of the dog, is liable for damages suffered by the person bitten, regardless of the former viciousness of the dog or the owner's knowledge of its viciousness.

B. Nothing in this section or in section 11-1020 shall permit the bringing of an action for damages against any governmental agency using a dog in military or police work if the bite occurred while the dog was defending itself from a harassing or provoking act, or assisting an employee of the agency in any of the following:

1. In the apprehension or holding of a suspect where the employee has a reasonable suspicion of the suspect's involvement in criminal activity.
2. In the investigation of a crime or possible crime.
3. In the execution of a warrant.
4. In the defense of a peace officer or another person.

C. Subsection B of this section shall not apply in any case where the victim of the bite was not a party to, nor a participant in, nor suspected to be a party to or a participant in, the act that prompted the use of the dog in the military or police work.

D. Subsection B of this section shall apply only where a governmental agency using a dog in military or police work has adopted a written policy on the necessary and appropriate use of a dog for the police or military work enumerated in subsection B of this section.

11-1026 . Lawful presence on private property defined

A person is lawfully in or on the private property of the owner of a dog within the meaning of this article when an invitee or guest, or when in the performance of a duty imposed upon him by law of the state or United States, or by ordinances of a municipality in which such property is located.

11-1027 . Reasonable provocation as defense

Proof of provocation of the attack by the person injured shall be a defense to the action for damages. The issue of provocation shall be determined by whether a reasonable person would expect that the conduct or circumstances would be likely to provoke a dog.

11-1028. Definitions

In this article, unless the context otherwise requires, the definitions in section 11-1001 apply.

11-1029. Hearing on disposition of vicious animals; forfeiture; exception

A. A peace officer, county enforcement agent or animal control officer who has impounded an animal pursuant to section 11-1014, on a showing of probable cause that the animal is vicious or may be a danger to the safety of any person or other animal, may request a disposition hearing before a justice of the peace or city magistrate to determine whether the animal is vicious. The hearing shall be set within fifteen business days after the request has been filed.

B. The officer or agent who has requested a hearing under subsection A of this section shall serve the order on the owner of the animal either by personal service on the owner or by leaving a copy of the order with a person of suitable discretion at the owner's residence or place of business. Proof of service shall be filed with the court. If the justice of the peace or city magistrate determines that the animal is vicious, the justice of the peace or city magistrate may order that the animal be forfeited to the officer or agent for transfer to a legally incorporated humane society, county animal shelter or approved rescue agency or be humanely destroyed. The owner shall pay impound fees and any other costs for boarding or necessary veterinary care. If the justice of the peace or city magistrate determines that the animal is not vicious, the justice of the peace or city magistrate may order the animal returned to the owner, except that if the owner fails to appear at the hearing, the justice of the peace or

city magistrate may order that the animal be forfeited to the officer or agent for transfer to a legally incorporated humane society, county animal shelter or approved rescue agency and be made available for adoption or humane destruction.

C. This section does not apply to the seizure of an equine pursuant to section 3-1721 or to a city, town or county that adopts or has adopted an ordinance or resolution providing for the forfeiture of a vicious animal if the ordinance or resolution imposes requirements that are equal to or more stringent than this section.

13-2910 . Cruelty to animals; interference with working or service animal; classification; definitions

A. A person commits cruelty to animals if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.
3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
7. Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.
9. Intentionally or knowingly subjects any animal to cruel mistreatment.
10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.
11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
13. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.

B. It is a defense to subsection A of this section if:

1. Any person exposes poison to be taken by a dog that has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed and the poison is removed by the person exposing the poison after the threat to the person or the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".
2. Any person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state, excluding any fur-bearing animals as defined in section 17-101.

C. This section does not prohibit or restrict:

1. The taking of wildlife or other activities permitted by or pursuant to title 17.
2. Activities permitted by or pursuant to title 3.
3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.

D. A peace officer, animal control enforcement agent or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.

E. A person who is convicted of a violation of subsection A, paragraph 6 or 10 of this section is liable as follows:

1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.
2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.
3. To the owner for the owner's contractual losses with the agency.

F. An incorporated city or town or a county may adopt an ordinance with misdemeanor provisions at least as stringent as the misdemeanor provisions of this section, except that any ordinance adopted shall not prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to title 3.

G. A person who violates subsection A, paragraph 1, 2, 3, 4, 5, 6, 7 or 12 of this section is guilty of a class 1 misdemeanor. A person who violates subsection A, paragraph 8, 9, 10, 11 or 13 of this section is guilty of a class 6 felony.

H. For the purposes of this section:

1. "Animal" means a mammal, bird, reptile or amphibian.
2. "Cruel mistreatment" means to torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.
3. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.
4. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
5. "Service animal" means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.
6. "Working animal" means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

13-2910.01. Animal fighting; classification

A. A person commits animal fighting by knowingly:

1. Owning, possessing, keeping or training any animal if the person knows or has reason to know that the animal will engage in an exhibition of fighting with another animal.
2. For amusement or gain, causing any animal to fight with another animal, or causing any animals to injure each other.
3. Permitting any act in violation of paragraph 1 or 2 to be done on any premises under the person's charge or control.

B. This section does not:

1. Prohibit or restrict activities permitted by or pursuant to title 3.
2. Apply to animals that are trained to protect livestock from predation and that engage in actions to protect livestock.

C. Animal fighting is a class 5 felony.

13-2910.02. Presence at animal fight; classification

Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting of animals, or who is present at such exhibition, is guilty of a class 6 felony.

13-2910.03. Cockfighting; classification

(Caution: 1998 Prop. 105 applies)

A. A person commits cockfighting by knowingly:

1. Owning, possessing, keeping or training any cock with the intent that such cock engage in an exhibition of fighting with another cock.
2. For amusement or gain, causing any cock to fight with another cock or causing any cocks to injure each other.
3. Permitting any act in violation of paragraph 1 or 2 to be done on any premises under his charge or control.

B. Cockfighting is a class 5 felony.

C. For purposes of this section and section 13-2910.04, cock means any male chicken, including game fowl except wildlife as defined in Arizona Revised Statutes section 17-101.

13-2910.04. Presence at cockfight; classification

(Caution: 1998 Prop. 105 applies)

Any person who is knowingly present at any place or building where preparations are being made for an exhibition of the fighting of cocks, or is present at such exhibition, is guilty of a class 1 misdemeanor.

13-2910.05. Exempt activities

(Caution: 1998 Prop. 105 applies)

Activity involving the possession, training, exhibition or use of an animal in the otherwise lawful pursuits of hunting, ranching, farming, rodeos, shows and security services shall be exempt from the provisions of sections 13-2910.01, 13-2910.02, 13-2910 .03 and 13-2910.04.

13-2910.06. Defense to cruelty to animals and bird fighting

(Caution: 1998 Prop. 105 applies)

It is a defense to sections 13-2910, 13-2910.01, 13-2910.02, 13-2910.03 and 13-2910 .04 that the activity charged involves the possession, training, exhibition or use of a bird or animal in the otherwise lawful sports of falconry, animal hunting, rodeos, ranching or the training or use of hunting dogs.

City of Apache Junction

CHAPTER 6: ANIMALS

Article

- 6-1. RULES AND REGULATIONS
- 6-2. IMPOUNDING GENERALLY
- 6-3. DOGS
- 6-4. CONTRACTUAL AGREEMENT
- 6-5. CONFINED ANIMALS
- 6-6. KEEPING OF ANIMALS
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ARTICLE 6-1: RULES AND REGULATIONS

Section

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6-1-1 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALTERED. A spayed female or a neutered male.

ANIMAL. Any mammal of a species that is susceptible to rabies, except humans and livestock.

AT LARGE. In any street, alley or other public place or on private property without being attended by the owner or secured by physical restraint such as a leash, chain, or rope, or is otherwise not confined in a secured enclosure.

CAT. A member of the felis catus family.

COLLAR. A band, chain, harness or suitable device worn around the neck of an animal to which a license may be affixed.

COMMERCIAL KENNEL. Any establishment exclusive of one providing dental, medical or surgical care or for quarantine purposes which maintains any dogs over 3 months of age for trade, business, profit or gain.

DOG. A member of the canis familiaris family over the age of 3 months.

EDUCATIONAL INSTITUTION. Any public or private elementary or secondary school, or secondary technical or vocational school.

ENFORCEMENT OFFICER. Any person delegated by the City Manager or his or her designee who is responsible for the enforcement of this chapter and the regulations promulgated thereunder.

EQUINE. Horses, mules, burros and asses.

FOWL. A bird of any kind, domesticated or wild, including poultry.

HOUSEHOLD. All individuals who share the same residence, whether related or unrelated.

IMPOUND. The act of taking or receiving into custody by the Enforcement Officer any animal for the purpose of confinement in an authorized impound facility in accordance with the provisions of this article.

IMPOUND FACILITY. Any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the Enforcement Officer in the performance of his or her official duties.

KENNEL. An enclosed controlled area in which a person keeps, harbors or maintains dogs under controlled conditions.

LIVESTOCK. Bovine, equine, sheep, goats, swine, llamas and ratite.

MANAGER. A person duly authorized by the owner to conduct business, act as an agent or otherwise carry out the legal rights and duties of the owner.

MANURE. Refuse of stables, yards, corrals or barnyards consisting of animal, livestock or fowl excreta with or without litter.

OWNER. Any person over the age of 18 unless legally emancipated owning, possessing, controlling, keeping, maintaining, harboring, or having custody of any animal or claiming any legal interest in such animal. Indicators of ownership also include any license, permit, certificate, registration or other documentation which establishes a legal interest in such animal.

PERSON. Any individual, corporation, partnership, association or other legal entity.

PET SHOPS. Any commercial establishment at which animals, fowl or cold blooded species are kept for sale, groomed or treated for vermin.

POTBELLIED PIG. Only registered purebred miniature Vietnamese potbellied pigs or other similar registered purebred miniature potbellied pigs.

PUBLIC SAFETY DIRECTOR. The person appointed by the City Manager pursuant to Vol. I, Article 3-6 as the department head of the Public Safety Department of the city or his or her appointed designee.

RABIES QUARANTINE AREA. Any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

REGISTERED. As it pertains to Vol. I, Article 6-7, means registration by the North American Potbellied Pig Association.

RESPONSIBLE PERSON. Any person over the age of 18 unless legally emancipated currently exercising authority as delegated by the owner to care for and supervise such animal, or such person who temporarily has the ability to control such animal due to the owner's absence.

SWINE or PIGS. Only those pigs kept, maintained or harbored for a limited period of time in conjunction with 4-H, Future Farmers of America or other similar educational projects of a political subdivision of the state or an educational institution.

UNSANITARY PREMISES. Those premises on which animals, livestock or fowl are kept in a manner that creates insect and rodent breeding, noxious or offensive odors, or any other condition that is offensive to the senses of a reasonable person.

VACCINATION. The administration of an anti-rabies vaccine to animals by a veterinarian, or an authorized impound facility by employees trained by a veterinarian licensed by the State of Arizona.

VETERINARIAN. Any veterinarian licensed to practice in Arizona or any veterinarian employed in Arizona by a governmental agency.

VETERINARY HOSPITAL. Any establishment operated by a veterinarian licensed to practice in Arizona that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A VETERINARY HOSPITAL may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

VICIOUS ANIMAL. Any animal of the carnivore order that has a propensity to attack, to cause injury to or otherwise endanger the safety of human beings or other domesticated or companion animal without provocation, or that has been so declared after a hearing before a justice of the peace, City Magistrate, or Superior Court Judge. Proof of provocation of any animal attacked by the person injured shall be a defense to any action for damages or vicious petition. Provocation shall be measured by whether a reasonable person would expect that the conduct or circumstances would likely encourage an animal to attack. This definition does not apply to dogs utilized by law enforcement officers.

WILD, DANGEROUS OR UNDOMESTICATED ANIMAL.

(1) That which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable

person to be fearful of bodily harm or property damage. Except as specifically listed below, fish in an aquarium are not included in this definition.

(2) Such animals include, but are not limited to the following:

- (a) All poisonous animals including rear-fang snakes;
- (b) Bears (Ursidae);
- (c) Bison (Bison);
- (d) Cheetahs (*Acinonyx jubatus*);
- (e) Constrictor snakes, 6 feet in length or more;
- (f) Coyotes (*Canis latrans*);
- (g) Crocodylians (Crocodylia), 30 inches in length or more;
- (h) Deer (Cervidae): includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;
- (i) Elephants (*Elephas* and *Loxodonta*);
- (j) Game cocks and other fighting birds;
- (k) Hippopotami (Hippopotamidae);
- (l) Hyenas (Hyaenidae);
- (m) Jaguars (*Panthera onca*);
- (n) Leopards (*Panthera pardus*);
- (o) Lions (*Panthera leo*);
- (p) Lynxes (*Lynx*);
- (q) Non-human primates including prosimians, monkeys and apes;
- (r) Piranha fish (Characidae);
- (s) Pumas (*felis concolor*); also known as cougars, mountain lions and panthers;
- (t) Rhinoceroses (*Rhinocero tidae*);
- (u) Sharks (class Chondrichthyes);
- (v) Snow leopards (*Panthera uncia*);
- (w) Tigers (*Panthera tigris*);
- (x) Wolves (*Canis lupus*).

(Ord. 1310, passed 4-15-2008)

6-1-2 DANGEROUS ANIMALS.

(A) It is unlawful to permit any dangerous, vicious animal of any kind to run at large within the city. Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the Director of Public Safety.

(B) Only peace officers or enforcement officers are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

(C) It is unlawful to own, harbor or maintain any animals of the wolf hybrid species, save and except those animals which are licensed and registered with the Animal Control Division as of January 30, 1995. Except for renewals, no wolf hybrid shall be allowed to be licensed after January 30, 1995. Any license issued for a wolf hybrid shall not be allowed to transfer to a new owner.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-1-3 NOISES.

It is unlawful and hereby declared a public nuisance for any person to harbor or keep any animals which habitually bark, howl, yelp, squeal, shriek or make any other sounds which disturb the peace and quiet of the neighborhood, or in such a manner as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by a considerable number of persons.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-1-4 STRAYS; HOUSING.

Any person who keeps or causes to be kept any horses, mules, cattle, burros, goats, sheep or other livestock or poultry shall keep such animals in a pen or similar enclosure to prevent their roaming at large within the corporate limits of the city. Any such livestock or poultry running at large shall be impounded as provided in this chapter. It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-1-5 SWINE PROHIBITED.

It is unlawful to keep any live swine or pigs within the corporate limits of the city except as provided by Vol. I, Article 6-7 and registered purebred miniature Vietnamese potbellied pigs or other similar registered purebred miniature potbellied pigs. Any miniature pigs shall be subject to all other conditions and requirements as set forth in Vol. I, Article 6-7.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-1-6 PET SHOPS.

(A) No sick or injured animal shall be maintained or held or offered for sale on the premises of pet shops.

(B) Animals which are unweaned, under the age of 8 weeks, or so young that their sale would be injurious to them shall not be sold, offered for sale nor given away.

(C) Every person maintaining a pet shop shall cause a notice to be framed and enclosed under glass, and to be posted in such a location as to be legible at all times from the outside containing: the name, address and telephone numbers of persons to be notified in case of emergency at any time who will, at the request of any enforcement officer or other designated authority, respond to the location to assist in any emergency or other situation in which such person's presence is indispensable.

(D) Dogs and cats kept in pet shops shall be caged so that each animal is afforded no less than 20 square feet in area per each dog or cat. Each dog or cat over 3 months of age shall be kept in individual cages and at no time shall there be commingling of animals belonging to different owners.

(E) Premises where animals and birds are kept shall be ventilated to the external air and adequately lighted to provide visibility. The premises shall be properly plumbed and have septic tanks or sewer connected sinks and shall have adequate supply of water readily accessible to the portions of the premises in which the animals or birds are kept. Cages shall be constructed and designed so that their parts are easily cleaned. Floors shall be concrete, tile or similar non-porous material.

(F) The premises, implements, cages, yards, runs and appurtenances shall be kept clean, sanitary, free of animal and bird parasites and droppings, or other health hazards and shall be cleaned and disinfected at least once daily. Flies shall be controlled.

(G) No portion of a pet shop shall be used for human habitation, nor shall food for human consumption be prepared or served in the same room in which animals or birds are kept.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-1-7 COMMERCIAL DOG KENNELS.

(A) Any person who owns, maintains or harbors any dogs over 3 months of age for trade, business, profit or gain must obtain a commercial dog kennel permit.

(B) The commercial dog kennel permit shall be valid for 12 months and will expire on the first anniversary of the permit and shall be delinquent 30 calendar days from the date of expiration. Each subsequent permit that is issued

will be valid for 1 year and will expire on the respective anniversary date. The fee is established in Vol. I, Article 4-3. A late fee, as established in Vol. I, Article 4-3, shall be charged on all delinquent commercial dog kennel permits. No commercial dog kennel permit fee shall be prorated or refunded nor shall the permit be transferable.

(C) All zoning requirements established by the city for commercial business shall be met before a commercial kennel permit can be issued. The owner/manager of any commercial dog kennel shall obtain and have on display a valid city business license.

(D) It shall be the duty of the owner of the kennel to pay the applicable kennel fee on or before the date of establishing a kennel in the city. The kennel fee shall be paid to the Animal Control Division of the Police Department.

(E) The permittee shall operate the kennel so as to eliminate excessive or untimely noise from animals and offensive odors from the kennel. The kennel and grounds shall be maintained in a sanitary condition.

(F) The permittee shall retain the name, address and telephone number of the owner of each boarded dog and the license number of each dog. This register must be exhibited to any enforcement officer upon demand. The permittee shall also have on file proof of rabies vaccination for each dog housed on the premises.

(G) The permittee shall retain the name and address of each person selling, trading or giving any dog to the kennel.

(H) The permittee shall provide an isolation ward for sick or injured dogs, so as not to endanger the health of other dogs or cause exposure to further injury.

(I) The permittee shall notify the owner of a boarded dog when such dog refuses to eat or drink, or when such dog is injured or becomes weak or ill.

(J) Any violations of this chapter and Vol. I, Chapter 8 shall be cause to revoke any commercial dog kennel permit. The permit may be revoked by the Director of the Department of Public Safety after notice and hearing. The notice, hearing and appeal procedures shall be handled in the same manner as similar provisions set forth in Vol. I, § 8-2-10, except that for matters involving this chapter the Animal Control Division shall assume the duties that the City Clerk is responsible for in Vol. I, § 8-2-10.

(K) The Animal Control Division shall, within 30 calendar days before the annual renewal date for the commercial kennel permit, inspect the premises to confirm compliance with provisions of this chapter. In no event shall a renewal be issued unless the inspection is made and all non-compliant matters are corrected before the annual renewal date.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-1-8 PERSONAL DOG KENNELS.

(A) Personal dog kennel permits.

(1) Class 1 permit. A Class 1 permit for a personal dog kennel shall be required for any person who owns, maintains or harbors from 4 to 5 dogs over 3 months of age.

(2) Class 2 permit. A Class 2 permit for a personal dog kennel shall be required for any person who owns, maintains or harbors from 6 to 8 dogs over 3 months of age.

(3) Any person who owns, maintains or harbors 3 or less dogs over 3 months of age are not required to obtain a personal dog kennel permit.

(4) The provisions of CFR Title 9, Volume I, 3.6, relating to animal floor space, shall be considered when granting the above-noted permits.

(5) The permit provisions do not apply to emergency situations where a person or nonprofit entity boards dogs, subject to the following conditions:

- (a) The person boarding dogs will submit a sworn and notarized statement that they are caring for the dogs for a maximum of 30 calendar days per dog.
 - (b) This statement shall contain the name, address, and phone number of the individual or organization who provided the dog to the boarder.
 - (c) No more than 2 dogs will be permitted under this emergency exception.
 - (d) The boarder will provide the Animal Control Division with the final disposition of the animal within the 30-calendar day period for each dog noted on the original statement, as well as the name and contact information of the adopting party. Extensions of the 30-day time limit may be permitted at the discretion of the Animal Control Division, but in no event shall such extension exceed 6 months per animal.
 - (e) The goal of this emergency exception is to protect the animals that are in foster care rather than to punish law abiding pet owners.
- (6) Any service animal maintained and trained in accordance with a recognized 501(c) organization is not to be counted toward the maximum allowed dogs under this section.

(B) Each personal dog kennel permit shall be valid for 12 consecutive months and expire on the first anniversary of the permit and shall become delinquent 30 calendar days from the date of expiration. Each subsequent permit issued will be valid for a 1-year period and expire on the respective anniversary date. The fee is established in Vol. I, Article 4-3. A late fee shall be charged on all delinquent personal dog kennel permits, as established by Vol. I, Article 4-3. No personal dog kennel permit shall be prorated or refunded nor shall the permit be transferable.

(C) All dogs covered by a personal dog kennel permit shall be vaccinated, licensed and spayed or neutered. A dog owner may apply for a waiver of the spay or neuter requirement as long as they obtain a veterinarian's written opinion that such surgery would endanger the safety of the dog, or a certification from a veterinarian determining that the other dogs owned by the owner or those maintained or harbored at the same address are spayed and/or neutered. At the discretion of the Animal Control Division and upon documented proof, the spaying and neutering requirement shall not apply to AKC or CKC dogs.

(D) At no time shall dogs covered under this section be used for trade, business, profit or gain. There shall be no boarding or breeding of dogs covered by this permit. All dogs shall be the exclusive property of the permittee.

(E) The permittee shall operate the personal dog kennel so as to eliminate excessive or untimely noise from animals and offensive odors from the kennel. The kennel and grounds shall be maintained in a sanitary condition. The property covered by this permit shall be surrounded by a fence of sufficient height and strength to confine the dogs. Sufficient height and strength will be determined by an enforcement officer based on the size of the dog being confined.

(F) Any violations of this chapter and Vol. I, Chapter 8 shall be cause to revoke any commercial dog kennel permit. The permit may be revoked by the Director of the Department of Public Safety after notice and hearing. The notice, hearing and appeal procedures shall be handled in the same manner as similar provisions set forth in Vol. I, § 8-2-10, except that for matters involving this chapter, the Animal Control Division shall assume the duties that the City Clerk is responsible for in Vol. I, § 8-2-10.

(G) Any dogs over the allotted number allowed will either be surrendered to the Animal Control Division or to new homes found by the owner within a 36-hour period after the discovery of the excess number of dogs by enforcement officers. The holder of a personal kennel permit shall not be bound by the same requirements governing a commercial dog kennel permit.

(H) The Animal Control Division shall, within 30 calendar days before the annual renewal date for the personal kennel permit, inspect the premises to confirm compliance with provisions of this chapter. In no event shall a renewal be issued unless the inspection is made and all non-compliant matters are corrected before the annual renewal date.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-1-9 VETERINARY HOSPITALS.

(A) The provisions of Vol. I, § 6-1-6(C) through (G) shall apply to veterinary hospitals, as defined in Vol. I, § 6-1-1. In addition, caged areas shall contain no less than 20 square feet per any dog or cat boarded.

(B) Veterinary hospitals and clinics shall keep records for each animal or bird treated, including an accurate description of the animal or bird, the treatment given, including diagnosis, if possible, vaccinations and dates of admission and discharge. Such records shall be made available for inspection by an enforcement officer.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-1-10 WILD ANIMALS.

(A) No person shall harbor, maintain or control a wild, dangerous or undomesticated animal, as defined in Vol. I, §6-1-1, within the city limits.

(B) The provisions of this section shall not apply to any keeping of such wild animals in a bona fide licensed veterinary hospital for treatment, bona fide educational institution, circus, zoo or other event for education or entertainment which has obtained a special permit from the Animal Control Division. The special permit fee, as established in Vol. I, Article 4-3, shall be valid for 12 consecutive months and shall be delinquent on the anniversary of the date of issue each year. A late fee, as established in Vol. I, Article 4-3, shall be charged on all delinquent special permits. No special permit fee shall be prorated or refunded nor shall the permit be transferable. The Animal Control Division shall issue a special permit if it finds:

(1) That the animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or the property of others.

(2) That adequate safeguards are made to prevent unauthorized access to such animal by members of the public.

(3) That the health or well being of the animal is not in any way endangered by the manner of keeping or confinement.

(4) That the keeping of such animal does not constitute a nuisance, as defined in Vol. I, § 6-1-3 pertaining to noisy animals, and is in compliance with all city zoning and business licensing and regulations.

(5) That the keeping of such animal will not create or cause offensive odors or constitute a danger to public health.

(6) That the quarters in which such animal is kept or confined are adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition.

(7) That the applicant for such special permit prove their ability to respond in damages to and including the amount of \$1,000,000 for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the City Attorney a certificate of insurance stating that the applicant is, at the time of application, and will be during the period of such special permit, insured against liability to respond in such damages, or by posting with the City Attorney a surety bond conditioned upon the payment of such damages during the period of such special permit. The certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless 30 calendar days' written notice is first given to the City Attorney. The applicant shall also cause such certificate of insurance to state the "City of Apache Junction" as an additional insured party, a copy of which must be sent to the office of the City Attorney at least 60 days prior to such special event.

(8) Any violation of this chapter shall be cause to revoke the special permit. The permit may be revoked by the Director of the Department of Public Safety after notice and hearing. The notice and hearing shall be governed by the provisions of Vol. I, Chapter 8.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-1-11 CRUELTY AND NEGLECT.

(A) Cruelty. It is unlawful for any person to overdrive, overload, overwork, torture, torment, cruelly beat, mutilate or unlawfully kill an animal, or cause or procure an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, cruelly beaten, mutilated, or killed and whomever, having charge or custody of an animal as owner or otherwise, inflict unnecessary cruelty upon it, cruelly drive or work it when unfit for labor, cruelly abandon it, or knowingly and willfully authorize or permit it to be subjected to unreasonable or unnecessary torture, suffering or cruelty of any kind.

(B) Neglect. The purpose of this division is to guarantee that animals under human custody or control are housed in healthy environments and are provided with proper food, water, shelter, medical care and ventilation. Any person owning or having care, custody or control of any animal shall provide that:

- (1) The animal receives daily, food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good condition. Contamination means anything that is harmful to animals or livestock that could lead to illness or death.
- (2) Potable water is accessible to the animal at all times, either free flowing or in a clean receptacle.
- (3) Except for livestock, all animals have convenient access to natural or artificial shelter throughout the year. Any artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation shall not comply with this section. Any shelter, all bedding and any spaces accessible to the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured, or becoming infested with parasites.
- (4) The animal receives care and medical treatment for debilitating injuries, parasites, and diseases, sufficient to maintain the animal in good health and minimize the suffering or is humanely euthanized to prevent protracted suffering and pain to the animal.
- (5) If the animal is on a tie out, consisting of a chain, leash, wire, cable or similar restraint, it shall be so located as to keep the animal exclusively on the secured premises. Tie outs shall be so located that the animal cannot become entangled with other objects. Collars used to attach an animal to a tie out shall not be of a choke type. The tie out shall not weigh more than 1/8 of the animal's total body weight and shall not be shorter than 3 times the length of animal, measuring from the tip of the nose to the end of the tail.

(C) Abandonment. It is unlawful for a person to drop off or leave an animal on a street, road, highway, in a public place or on private property for more than 24 hours without food, water or shelter.

(D) Violations. Any violation of divisions (A), (B) or (C) shall be a class 1 misdemeanor.
(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, § 6-9-2

ARTICLE 6-2: IMPOUNDING GENERALLY

Section

- 6-2-1 Scope of article
- 6-2-2 Enforcement Officer
- 6-2-3 Impounding of animals at large
- 6-2-4 Notice to owners of impoundment
- 6-2-5 Conditions and duration of impoundment
- 6-2-6 Redemption of impounded animals
- 6-2-7 Unclaimed impounded animals
- 6-2-8 Impounding fees
- 6-2-9 Impeding Enforcement Officer
- 6-2-10 Biting animals; quarantine

6-2-1 SCOPE OF ARTICLE.

The provisions of this article shall apply to the impoundment of all animals.
(Ord. 1310, passed 4-15-2008)

6-2-2 ENFORCEMENT OFFICER.

The Council may contract for enforcement of the provisions of this chapter or the Director of the Department of Public Safety shall appoint an enforcement officer who shall be responsible for enforcement of the provisions of this chapter.

(Ord. 1310, passed 4-15-2008)

6-2-3 IMPOUNDING OF ANIMALS AT LARGE.

It shall be the duty of the Enforcement Officer to impound all animals found at large, or not under the charge, care or control of some person in the street, alleys or other public places, or on vacant or unenclosed lots in the city. The Enforcement Officer shall have the right to enter upon private property when it becomes necessary to do so in order to apprehend any animal that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such animal(s) and shall not include entry into a domicile unless it is at the invitation of the occupant or by way of search warrant or exigent circumstances exist justifying a warrantless entry.

(Ord. 1310, passed 4-15-2008)

6-2-4 NOTICE TO OWNERS OF IMPOUNDMENT.

If the owner of any impounded animal shall be known to the enforcement officer and shall reside or have a known place of business in the city, the enforcement officer shall notify the owner of such animal personally, or by door-hanger notice, or by letter through the post office within 24 hours after such animal has been impounded. The notice shall contain a description of the animal and shall state that unless reclaimed, such animal will be adopted out or destroyed after such animal is left unclaimed for 72 consecutive business hours as set forth under Vol. I, § 6-2-7. If the owner of any impounded animal is not known to the enforcement officer or does not reside or have a known place of business in the city, then no notice needs to be sent. If an animal is suspected to be abandoned, the enforcement officer will leave a 24-hour notice at the location where the animal is last observed, advising any interested person should contact the Animal Control Division or the animal will be removed from the property after such time. Throughout this chapter, the phrase "consecutive business hours" does not include Saturdays, Sundays or city holidays even if the Animal Control Division is open during these days.

(Ord. 1310, passed 4-15-2008)

6-2-5 CONDITIONS AND DURATION OF IMPOUNDMENT.

The enforcement officer shall keep all captured and impounded animals in a safe, convenient and comfortable place and shall feed such animals twice every 24 hours and treat them in a humane manner during the time they are impounded. The duration of impoundment shall not be less than 3 days or 72 consecutive business hours, unless sooner claimed by the owner.

(Ord. 1310, passed 4-15-2008)

6-2-6 REDEMPTION OF IMPOUNDED ANIMALS.

If the owner of any animal shall, within 72 consecutive business hours after such animal has been captured and impounded, apply to the enforcement officer and pay the fees and charges authorized under this chapter, the enforcement officer shall deliver any such animal to the owner.

(Ord. 1310, passed 4-15-2008)

6-2-7 UNCLAIMED IMPOUNDED ANIMALS.

All animals, except livestock, captured and impounded under the provisions of this article which have not been claimed and for which the fees and charges have not been paid to the Animal Control Division by the owner shall, after at least 72 consecutive business hours have passed, be destroyed or disposed of through adoption programs as the city deems appropriate, provided however that any person may purchase such animal upon expiration of the impoundment, if he or she pays all established impound fees and applies for the licensing and vaccination provisions of this chapter. The enforcement officer may destroy impounded, sick or injured animals whenever such destruction is necessary to prevent such an animal from suffering or to prevent the spread of disease.

(Ord. 1310, passed 4-15-2008)

6-2-8 IMPOUNDING FEES.

The Enforcement Officer shall collect from the owner of animals captured and impounded and duly claimed by the owner, before delivering any such animals, such impoundment fee together with fees for care and feeding as established in Vol. I, Article 4-3.

(Ord. 1310, passed 4-15-2008)

6-2-9 IMPEDING ENFORCEMENT OFFICER.

It is unlawful for any person to, in any manner, interfere, intervene, impede, prevent, obstruct or intimidate an enforcement officer in the discharge of his or her duties in capturing or attempting to capture and impound any and all animals which it shall be his or her duty to impound under the provisions of this chapter, or who shall rescue or attempt to rescue any animal so captured or to release any animal so impounded.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, § 6-9-2

6-2-10 BITING ANIMALS; QUARANTINE.

Whenever any animal bites a person, the person so bitten and the owner of the animal shall immediately notify the enforcement officer, who shall quarantine the animal, order the animal held on the owner's premises if the animal meets the home quarantine guidelines, or shall have it impounded for at least 10 calendar days or a longer period if necessary for a complete examination. If it is determined that the animal is infected with rabies or other dangerous, contagious and infectious disease, it shall be the duty of the enforcement officer to destroy such animal in a humane manner. If the animal is surrendered by the owner to the Animal Control Division and the animal is acting aggressively or unpredictably, the animal will be humanely euthanized and its head will be forwarded to the State Department of Health Services for rabies testing. If the animal dies during the period of quarantine or impoundment, its head shall be forwarded to the State Department of Health Services for examination. It is unlawful for a person either to refuse surrender of the animal for quarantine or fail to abide by the home-quarantine provisions of this section. If at the end of the quarantine period, the animal is determined to not be infected with rabies or other dangerous, contagious or infectious diseases, the animal shall be released to its owner.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, § 6-9-2

ARTICLE 6-3: DOGS

Section

- 6-3-1 Licenses and tags generally
- 6-3-2 Rabies vaccination required
- 6-3-3 Running at large
- 6-3-4 Impoundment
- 6-3-5 Hearing on disposition of abused and vicious animals
- 6-3-6 Vicious dogs
- 6-3-7 Owner liability
- 6-3-8 Dogs killing animals, livestock or fowl
- 6-3-9 Dog fecal matter

6-3-1 LICENSES AND TAGS GENERALLY.

(A) License fees, as established in Vol. I, Article 4-3, shall be paid for each dog 3 months of age and older that is kept, possessed, harbored or maintained within the boundaries of the city for at least 30 days of each calendar year. The amount of fees may differentiate between sterilized and unsterilized dogs.

(B) Durable dog tags shall be provided by the city. Each dog licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the city, the number of the license and the year of issue. All dog tags shall expire 1 year from the date of issuance. The tag shall be attached to a collar or harness which shall be worn by the dog at all times except as otherwise provided in this article. Whenever a dog tag is lost, a duplicate shall be issued upon application by the owner and a replacement fee, as established in Vol. I, Article 4-3, shall be charged.

(C) It is unlawful for any person to counterfeit or attempt to counterfeit an official license tag or remove such tag from any dog for the purpose of willful and malicious mischief or place a license tag upon a dog unless the tag was issued to that dog.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-3-2 RABIES VACCINATION REQUIRED.

(A) Before a license is issued for any dog, the owner must present a rabies vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine and date re-vaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement officer on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article.

(B) A dog vaccinated in any other place prior to entry into the city may be licensed in the city provided that at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that place or a veterinarian employed by a governmental agency in that place, stating the owner's name and address and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article.

(C) The city shall make provisions for low-cost vaccinations. The vaccination shall be performed by animal control personnel at the impound facility at a cost to be borne by the owner.

(D) If a dog is impounded and found to be unvaccinated, the enforcement officer is hereby authorized to cause such dog to be vaccinated at the pound at a cost to be borne by the owner. The vaccination shall be performed by animal control personnel or other qualified personnel animal control personnel have delegated such duty to, who shall issue a certificate of vaccination.

(Ord. 1310, passed 4-15-2008)

6-3-3 RUNNING AT LARGE.

(A) No person owning, keeping, possessing, harboring or maintaining any dog shall allow such dog to be at large as defined in Vol. I, § 6-1-1. However, notwithstanding such limitations, a dog is deemed to be not at large under the following circumstances:

(1) While such dog is restrained by a leash, chain, rope or cord of not more than 6 feet in length and of sufficient strength to control action of the dog.

(2) While such dog is used for control of livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission.

(3) While the dog is actively engaged in dog obedience training, accompanied by and under the control of the owner or trainer, provided that the person training the dog has in their possession a dog leash of not more than 6 feet in length and of sufficient strength to control the dog, and further, the dog is actually enrolled in or has graduated from a dog obedience training school which has been approved by the enforcement officer.

(B) The Enforcement Officer shall apprehend and/or impound any dog running at large.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-3-4 IMPOUNDMENT.

(A) If a dog is impounded for any reason and is not already microchipped, the Animal Control Division is hereby authorized to cause such dog to be microchipped at a cost to be borne by the owner. The microchipping shall be performed by Animal Control personnel or other qualified personnel which have been delegated such duty.

(B) Impoundment fees together with fees for care and feeding, as established in Vol. I, Article 4-3, shall be assessed for the impoundment of dogs.

(Ord. 1310, passed 4-15-2008)

6-3-5 HEARING ON DISPOSITION OF ABUSED AND VICIOUS ANIMALS.

A peace officer, city enforcement officer or other officer who has responsibility for animal control in the city who has impounded an animal pursuant to this article on a showing of probable cause that the animal has been cruelly mistreated or cruelly neglected or that the animal is vicious or may be a danger to the safety of any person or other animal, may request, through the City Attorney's office, a disposition hearing before the City Magistrate to determine whether the animal has suffered cruel mistreatment or cruel neglect as defined in A.R.S. § 13-2910 or is vicious as defined in Vol. I, § 6-1-1. The court shall schedule the hearing within 15 business days after the request has been filed. The animal will be held by the Animal Control Division or its designee until the matter has been fully adjudicated by the Municipal Court, and all appellate time periods have expired.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-3-6 VICIOUS DOGS.

It is unlawful for any person to keep, harbor, allow to run at-large, or otherwise have under his or her control any vicious dog or direct or control of any vicious dog. This section shall not apply to zoos, wild animal parks or animal shelters.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, § 6-9-2

6-3-7 OWNER LIABILITY.

(A) Injury to any person or animal or damage to any property, by an animal while at large or under the owner's control, shall be the full responsibility of the animal owner or person responsible for the animal when such damages were inflicted.

(B) The owner of an animal which bites a person who is in or on a public place or lawfully in or on a private place, including the property of the owner of the animal, is liable for damages suffered by the person bitten, regardless of the former viciousness of the animal or the owner's previous knowledge of its viciousness.
(Ord. 1310, passed 4-15-2008)

6-3-8 DOGS KILLING ANIMALS, LIVESTOCK OR FOWL.

(A) If any person discovers a dog killing, wounding or chasing animals, livestock or fowl or discovers a dog under circumstances which show conclusively that it has recently killed animals, livestock or fowl, he or she may pursue, capture and surrender it to the Animal Control Division.

(B) The owner of a dog is liable for damages caused by the killing, wounding or chasing animals, livestock or fowl.
(Ord. 1310, passed 4-15-2008)

6-3-9 DOG FECAL MATTER.

Any person owning, possessing, harboring or having the care, charge, control or custody of any dog shall immediately remove and thereafter dispose of any fecal matter deposited by the dog on public or private property, unless the property owner has given prior approval to use the property for this purpose.
(Ord. 1310, passed 4-15-2008)

ARTICLE 6-4: CONTRACTUAL AGREEMENT

Section

6-4-1 Intergovernmental agreements

6-4-1 INTERGOVERNMENTAL AGREEMENTS.

Notwithstanding any provision of this chapter to the contrary, the Council may contract with other agencies to enforce the provisions of this chapter.
(Ord. 1310, passed 4-15-2008)

ARTICLE 6-5: CONFINED ANIMALS

Section

6-5-1 Confined animals in motor vehicles or other places of endangerment

6-5-2 Impoundment of animals found in motor vehicles

6-5-3 Exceptions

6-5-1 CONFINED ANIMALS IN MOTOR VEHICLES OR OTHER PLACES OF ENDANGERMENT.

No person having charge or custody of an animal, as owner or otherwise, shall place or confine such animal, or allow such animal to be placed or confined or to remain in a motor vehicle or in such a location under such conditions or for such a period of time as may endanger the health or well-being of such animal due to heat or cold, lack of food, drink, adequate ventilation or such other circumstances as may reasonably be expected to cause suffering, disability or death.
(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-5-2 IMPOUNDMENT OF ANIMALS FOUND IN MOTOR VEHICLES.

A peace officer or enforcement officer who finds an animal in a motor vehicle in violation of this article may force entry into the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to an animal shelter or other place of safekeeping and shall, in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing the officer's name, the office and address where the animal may be claimed by the owner thereof. The animal will be surrendered to the owner if the owner claims the animal within 72 business hours from the time the animal was removed from the motor vehicle and shall pay all reasonable charges that have accrued for the maintenance of the animal.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-5-3 EXCEPTIONS.

Nothing in this article shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.

(Ord. 1310, passed 4-15-2008)

ARTICLE 6-6: KEEPING OF ANIMALS

Section

6-6-1 Maintenance of property

6-6-2 Sanitary regulations

6-6-3 Enforcement

6-6-1 MAINTENANCE OF PROPERTY.

(A) No person, firm or corporation shall be permitted to keep or harbor any animal in such a manner that the housing conditions shall cause insect or rodent breeding, obnoxious or offensive odors or those that constitute a public nuisance. An odor constitutes a public nuisance if it interferes with the comfortable enjoyment of life or property by an entire community or neighborhood or by a considerable number of persons.

(B) All corrals, barns, enclosures or other structures used for the purpose of housing, keeping or caring for any animal or animals shall be structurally sound so as to contain such animals safely and securely.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-6-2 SANITARY REGULATIONS.

(A) Manure shall be removed from any yard, corral, barn, enclosure or any other structure used for the purpose of housing, keeping or caring for an animal or livestock as often as necessary to maintain a sanitary premise that will not cause a hazard to the health of an animal or livestock.

(B) Drinking troughs shall contain clean and fresh water and shall be provided with adequate overflow drainage and such drainage shall be controlled so as to prohibit any flow onto adjoining properties or the breeding of mosquitoes or other noxious insects. Livestock must have access to drinking water at all times.

(C) Manure shall not be accumulated in any place or in any manner whereby it may affect a source of drinking water or groundwater.

(D) Spillage and leftovers from animal feedings shall be disposed of in such a manner that insect or rodent breeding or obnoxious odors do not exist.

(E) Manure shall be located on the property on which the animals or livestock generating the manure are kept or harbored so as to prevent the manure from entering onto an adjoining property. Reasonable containment procedures shall take into consideration acts of nature such as rainfall and wind, as well as natural drainage courses and sloping terrain.

(Ord. 1310, passed 4-15-2008)

6-6-3 ENFORCEMENT.

All animals shall be kept or harbored with adequate food, water and care in accordance with the provisions of this chapter. It shall be the duty of the enforcement officer to take into custody any animals which are maintained in such conditions in violation of this code in accordance with the provisions as contained in Vol. I, Article 6-2.

(Ord. 1310, passed 4-15-2008)

ARTICLE 6-7: POTBELLED PIGS

Section

- 6-7-1 Licenses and tags
- 6-7-2 Running at large
- 6-7-3 Impoundment
- 6-7-4 Biting pigs
- 6-7-5 Owner liability
- 6-7-6 Keeping of potbellied pigs
- 6-7-7 Number permitted
- 6-7-8 Commercial breeding prohibited

6-7-1 LICENSES AND TAGS.

(A) A license shall be required, with a fee as established in Vol. I, Article 4-3, for each potbellied pig 4 months of age or over that is kept, harbored or maintained within the boundaries of the city for at least 30 calendar days of each year. The license is valid for 12 months from the month of issue and shall expire if not renewed by the end of each year. A penalty not to exceed \$3 shall be added to the license fee in the event that the application is made subsequent to the date on which the potbellied pig is required to be licensed under the provisions of this article. This penalty shall not be assessed against applicants who furnish adequate proof that the potbellied pig to be licensed has been in their possession less than 30 calendar days or who have resided in the city less than 30 calendar days of each year.

(B) Durable license tags shall be provided by the city. Each potbellied pig licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the city, the number of the license and the year of issue. All license tags shall expire 12 months from the month of issue. The tag shall be attached to a collar or harness which shall be worn by the potbellied pig at all times except as may be otherwise provided in this article. Whenever a license tag is lost, a duplicate tag shall be issued upon application by the owner.

(C) It is unlawful for any person to counterfeit or attempt to counterfeit an official license tag or remove such tag from any potbellied pig for the purpose of willful and malicious mischief or place a license tag upon a potbellied pig unless the tag was issued to that potbellied pig.

(D) Whenever the ownership of a potbellied pig has changed, the new owner must obtain a new license and pay the fees.

(E) The enforcement officer shall apprehend and impound any potbellied pig found without a current valid license tag.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-7-2 RUNNING AT LARGE.

(A) No person owning, keeping, possessing, harboring or maintaining any potbellied pig shall allow such potbellied pig to be at large as defined in Vol. I, § 6-1-1 subject to the permission of the Public Safety Director pursuant to this article.

(B) The enforcement officer shall apprehend and impound any potbellied pig running at large.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-7-3 IMPOUNDMENT.

(A) Impoundment regulations as contained in Vol. I, Article 6-2, except those applied to livestock, shall apply to potbellied pigs.

(B) Impoundment fees together with fees for care and feeding, as established in Vol. I, Article 4-3, shall be assessed for the impoundment of potbellied pigs.
(Ord. 1310, passed 4-15-2008)

6-7-4 BITING PIGS.

(A) Any potbellied pig properly licensed pursuant to this chapter that bites any person may be confined and quarantined at the home of the owner or wherever the potbellied pig is harbored and maintained with the written consent of and in a manner prescribed by the enforcement officer. The potbellied pig shall not be moved or relocated unless the enforcement officer is so notified. The time for quarantine under this division shall be 10 calendar days.

(B) At the completion of the quarantine or impoundment period and prior to the release of the potbellied pig, the potbellied pig shall be examined by a licensed veterinarian and released only if the veterinarian determines that the potbellied pig does not exhibit signs of rabies, infection or any other dangerous, contagious and infectious diseases.

(C) If it is determined that the potbellied pig is infected with rabies or other dangerous, contagious and infectious disease, it shall be the duty of the enforcement officer to destroy such potbellied pig in as humane a manner as reasonably possible. Following such action or if the potbellied pig dies during the period of quarantine or impoundment, its head shall be sent to the Arizona State Department of Health Services or appropriate diagnostic laboratory for examination.
(Ord. 1310, passed 4-15-2008)

6-7-5 OWNER LIABILITY.

(A) Injury to any person or animal or damage to any property by a potbellied pig while at large or under the owner's control shall be the full responsibility of the owner or person responsible for the potbellied pig when such damages were inflicted.

(B) The owner of potbellied pig which bites a person who is in or on a public place or lawfully in or on a private place, including the property of the owner of the potbellied pig, is liable for damages suffered by the person bitten, regardless of the former viciousness of the potbellied pig or the owner's previous knowledge of its viciousness.
(Ord. 1310, passed 4-15-2008)

6-7-6 KEEPING OF POTBELLIED PIGS.

The provisions of Vol. I, Article 6-6 shall be applicable to the keeping of potbellied pigs.
(Ord. 1310, passed 4-15-2008)

6-7-7 NUMBER PERMITTED.

No more than 3 potbellied pigs as defined in this chapter, with each animal weighing no more than 100 pounds, shall be allowed per household. Potbellied pigs kept in this manner shall be considered as pets provided they are not kept for purposes of retail sales or commercial breeding.
(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-7-8 COMMERCIAL BREEDING PROHIBITED.

No potbellied pigs shall be kept for purposes of commercial breeding or retail sales. Any potbellied pig as permitted under this chapter shall be kept only as a pet or as a show animal within the limitations of Vol. I, § 6-7-7.
(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

ARTICLE 6-8: KEEPING OF SWINE FOR SPECIAL PROJECTS

Section

- 6-8-1 Limitations on location and quantity
- 6-8-2 Time limitations
- 6-8-3 Sanitary conditions
- 8-8-4 Registration required
- 6-8-5 Termination of project

6-8-1 LIMITATIONS ON LOCATION AND QUANTITY.

Swine or pigs as defined in this chapter shall be kept on minimum 1-acre lots located only in areas having the General Rural ("GR") zoning designation as defined in Vol. II, § 15.0100. At no time shall the number of swine or pigs exceed 1 per family nor shall the number exceed 1 per parcel or lot.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-8-2 TIME LIMITATIONS.

All swine or pigs permitted under this article shall be considered as part of a terminal market project or other similar educational project subject to the guidelines of a political subdivision of this state or an educational institution. All guidelines shall specify a period of time for termination of the project. All swine and pigs kept in conjunction with an educational project shall be limited to a period of time commencing November 1 and ending on March 31 of the subsequent year in conjunction with the scheduling of the Pinal County Fair. At no other time shall such swine or pigs be permitted to remain on any parcel or lot.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-8-3 SANITARY CONDITIONS.

(A) All swine or pigs kept in accordance with this article shall be fed only manufactured swine feed in pellet form and shall not be fed refuse or garbage.

(B) The area in which such swine or pigs are harbored or maintained shall be kept clean with all manure disposed of properly and on a daily basis. No standing water or mud bog shall be permitted. Water will be provided by means of a manufactured animal activated watering system with an automatic shut-off valve to terminate water flow, such as a lixit system.

(Ord. 1310, passed 4-15-2008) Penalty, see Vol. I, §§ 6-9-1 and 6-9-2

6-8-4 REGISTRATION REQUIRED.

All swine or pigs kept in accordance with this article shall be tagged, photographed and registered with the Animal Control Division.

(Ord. 1310, passed 4-15-2008)

6-8-5 TERMINATION OF PROJECT.

If any swine or pig kept in conjunction with a project as permitted by this article fails, for any reason, to fulfill the requirements as imposed by this article, the animal may be impounded. Any animal not fulfilling the project requirements shall not be returned to the participating owners' residence or to the site at which it was previously harbored.

(Ord. 1310, passed 4-15-2008)

ARTICLE 6-9: VIOLATIONS

Section

- 6-9-1 Civil filings and penalties
- 6-9-2 Criminal filings and penalties

6-9-1 CIVIL FILINGS AND PENALTIES.

Except as otherwise noted, any violation of this chapter shall be handled as a civil offense and shall be tiled in the Municipal Court in the same manner as civil property maintenance violations are handled pursuant to Vol. I, § 9-1-4(D). Appeals shall be handled in the same manner pursuant to Vol. I, § 9-1-4 (E). The fines noted below are the exact fines that a judge shall impose, which shall not be decreased, increased, or exchanged for community restitution or other penalties. The court may impose additional penalties to include court fees, but shall not substitute such fees for the base fines referenced as follows:

- First violation Fine of \$250
 - Second violation of same code provision occurring within 24 months of first violation Fine of \$500
 - Third violation of same code provision occurring within 24 months of first violation Fine of \$750
- (Ord. 1310, passed 4-15-2008)

6-9-2 CRIMINAL FILINGS AND PENALTIES.

A fourth violation of the same code provision in this chapter occurring within 24 months of the first violation shall be filed in the Criminal Division of the Municipal Court as a Class 1 misdemeanor by the City Attorney's office, which minimum fine shall be \$1,000 and a maximum fine of \$2,500, a maximum of 36 months probation, a maximum of 6 months jail time, and other provisions which the court has jurisdiction to impose, such as applicable court-imposed penalties, assessments, and other court or probation fees. However, violations of the following code provisions, whenever committed, single incident or repetitive, shall always be handled as criminal Class 1 misdemeanors with the above-noted minimum Class 1 misdemeanor penalties:

City of Avondale

Chapter 3 - ANIMALS AND FOWL

Articles:

Article I - IN GENERAL

Sections:

3-1 - Dangerous animals.

- (a) It is unlawful for any person to permit any dangerous, vicious animal of any kind to run at large within the city, and such animals shall be immediately impounded by the police department. Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law shall not be conducted without securing a permit from the chief of police. The chief of police shall issue such a permit if the proposed activity will not endanger the public health or safety.
- (b) Members of the police department are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property. (Code 1971, §§ 7-1-1, 7-1-2)

Article II - LIVESTOCK, FOWL, ETC.

Sections:

3-16 - Scope.

The provisions of this article shall not apply to the keeping of small pets which shall include but not be limited to dogs, cats, parrots, canaries and parakeets. The provisions of this article shall apply to the commercial breeding or raising of household pets, except at enclosed pet shops and veterinary hospitals. The provisions of this article shall not apply to the keeping or raising of animals, livestock, fowl, or birds upon public school premises as a school function. (Code 1971, § 7-2-1)

3-17 - Health nuisance prohibited.

The maintaining or keeping of all animals, livestock, fowl or birds within the city as provided in this article shall be allowed only if such animals, livestock, fowl or birds do not cause, create or contribute to or become a health nuisance because of the presence of flies, mosquitoes, insects, vermin, rodent harborage, odors, dust, ponded waters, accumulation of manure, garbage, refuse or other obnoxious or putrescible material or for any other like reason. (Code 1971, § 7-2-5)

3-18 - Swine prohibited.

It shall be unlawful for any person to keep any live swine or pigs in the city. (Code 1971, § 7-2-2)

3-19 - Enclosures generally.

All animals, livestock, fowl or birds shall be kept in an enclosure sufficient and adequate to restrain them from wandering upon property belonging to others. (Code 1971, § 7-2-3)

3-20 - Location restrictions for keeping.

No animal, livestock, fowl or bird shall be maintained, penned or kept within the city within two hundred (200) feet of any residence, dining room, sleeping room or other place of human habitation, or any place of business, church or school, other than that of the owner. (Code 1971, § 7-2-3)

3-21 - Minimum lot size for keeping livestock.

- (a) No horse, cow, sheep, goat, burro, mule or other livestock shall be kept or maintained on any lot or parcel of land within the city unless a minimum of twenty-one thousand seven hundred eighty (21,780) square feet in the area is available for the use of each such animal.
- (b) The city council, upon application, or upon its own motion may relieve any person of the minimum space requirements set forth in subsection (a) hereof. (Code 1971, § 7-2-4; Ord. No. 356, § 1, 10-15-84)

3-22 - Running at large.

It is unlawful to allow or permit any cattle, horses, mules, sheep, rodents, goats, burros or other livestock or poultry to run at large within the city. (Code 1971, § 7-2-6(A))

3-23 - Grazing.

It is unlawful to picket or tie any cattle, horses, mules, sheep, goats, burros or other livestock on any of the streets or alleys of the city for the purpose of grazing or feeding. (Code 1971, § 7-2-6(B))

3-24 - Noises.*

It is unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night. (Code 1971, § 7-2-7)

Cross reference— Noise generally, § 15-11 et seq.

3-25 - Violations.

Any person who fails to comply with the requirements of this chapter, or violates any of its provisions, is guilty of a misdemeanor. (Ord. No. 268, § 1, 11-6-78)

Article III - ANIMAL CONTROL*

Sections:

3-41 - Definitions.

In this article, unless the context otherwise requires:

"Animal" means any animal of a species that is susceptible to rabies, except man.

"At large" means on or off premises of owner and not under control of owner or other persons acting for the owner. Any dog in a suitable enclosure or confined shall not be considered to be running at large.

"Department" means the state department of health services.

"Enforcement agent" means that person in each county who is responsible for the enforcement of this article and the regulations promulgated thereunder.

"Impound" means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this article.

"Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five (5) or more dogs under controlled conditions.

"Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.

"Owner" means any person keeping an animal other than livestock for more than six (6) consecutive days.

"Pound" means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.

"Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

"Rabies vaccination certificate" means a method of recording and duplicating rabies information that is in compliance with the county enforcement agent's licensing system and/or county enforcement agent's

prescribed forms.

"Stray dog" means any dog four (4) months of age or older running at large that is not wearing a valid license tag.

"Vaccination" means the administration of an antirabies vaccine to animals by a veterinarian, or in authorized pounds by employees trained by a veterinarian.

"Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding..

"Vicious animal" means any animal of the order carnivora that has a propensity to bite human beings without provocation, and has been so declared after a hearing before a justice of the peace or a city magistrate.

(Ord. No. 373, § 1, 6-17-85; Ord. No. 418, § 1, 8-25-87)

3-42 - Powers and duties of the state veterinarian and the livestock board.

- (a) The state veterinarian shall designate the type or types of antirabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.
- (b) The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies. (Ord. No. 373, § 1, 6-17-85)

3-43 - Powers and duties of state department of health services.

- (a) The state department of health services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.
- (b) The state department of health services may require the enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies. (Ord. No. 373, § 1, 6-17-85)

3-44 - Powers and duties of enforcement agent.

- (a) The enforcement agent shall:
 - (1) Enforce the provisions of this article; the regulations promulgated thereunder.
 - (2) Issue citations for the violation of the provisions of this article; the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in Arizona Revised Statutes, Section 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
 - (3) Be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state veterinarian.
- (b) The issuance of citations pursuant to this section shall be subject to the provisions of Arizona Revised Statutes, Section 13-3899.
- (c) The enforcement agency may designate deputies. (Ord. No. 373, § 1, 6-17-85)

3-45 - License fees for dogs; issuance of dog tags; records; penalties; classification.

- (a) A license fee shall be paid for each dog four (4) months of age or over that is kept, harbored or maintained within the boundaries of the city for at least thirty (30) consecutive days of each calendar year. The license fee for a dog permanently incapable of procreation shall be seven dollars (\$7.00) per year. The license fee for a dog capable of procreation shall be fifteen dollars (\$15.00) per year. The period for which a license is issued shall be the same as the licensing period established by the county board of supervisors, but shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety (90) days from the date a dog becomes subject to this section or the date any previous license expires. Such fees shall be paid to the county treasurer or his authorized representative. There shall be a penalty fee added to the license fee in the event application is made subsequent to the date on which the dog is required to be licensed under the provisions of this section. The penalty shall equal the penalty established by the county board of supervisors for dogs subject to the jurisdiction of the county.
- (b) Durable dog tags shall be provided. Each dog licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of the license, and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the enforcement agent.
- (c) An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the county enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.
- (d) Any person who fails within fifteen (15) days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, or counterfeits or attempts to counterfeit an official dog tag, or remove such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a class 2 misdemeanor. (Ord. No. 373, § 1, 6-17-85; Ord. No. 399, § 1, 9-15-86; Ord. No. 489, §§ 1, 2, 10-1-90)

3-46 - Kennel permit; fee; violation; classification.

- (a) A person operating a kennel shall obtain a permit issued by the board of supervisors of the county where the kennel is located except if each individual dog is licensed.
- (b) The annual fee for the kennel permit is seventy-five dollars (\$75.00).
- (c) A dog remaining within the kennel is not required to be licensed individually under Arizona Revised Statutes, Section 24-367; a dog leaving the controlled kennel conditions shall be licensed under Arizona Revised Statutes, Section 24-367, except if the dog is only being transported to another kennel which has a permit issued under this section.
- (d) A person who fails to obtain a kennel permit under this section is subject to a penalty of twenty-five dollars (\$25.00) in addition to the annual fee.
- (e) A person who knowingly fails within thirty (30) days after written notification from the county enforcement agent to obtain a kennel permit is guilty of a class 2 misdemeanor. (Ord. No. 373, § 1, 6-17-85)

3-47 - Antirabies vaccination; vaccination and license stations.

- (a) Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated thereunder.
- (b) A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination and type, manufacturer, and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated thereunder.
- (c) The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian. (Ord. No. 373, § 1, 6-17-85)

3-48 - Rabies control fund.

- (a) The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this article in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this article and the regulations promulgated thereunder.
- (b) Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year. (Ord. No. 373, § 1, 6-17-85)

3-49 - Dogs not permitted at large; wearing licenses.

- (a) In a rabies quarantine area, no dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that the dog is confined entirely to the owner's property, or on a leash not to exceed six (6) feet in length and directly under the owner's control when not on the owner's property.
- (b) Any dog over the age of four (4) months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached, provided that they are properly vaccinated, licensed and controlled.
- (c) If any dog is at large on the public streets, public parks or public property, then said dog's owner or custodian is in violation of this article.
- (d) Any person whose dog is at large is in violation of this article. A dog is not at large:
 - (1) If said dog is restrained by a leash, chain, rope, or cord of not more than six (6) feet in length and of sufficient strength to control action of said dog.
 - (2) If said dog is used for control of livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission.

- (3) While said dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer, provided that the person training said dog has in his possession a dog leash of not more than six (6) feet in length and of sufficient strength to control said dog, and, further, that said dog is actually enrolled in or has graduated from a dog obedience training school.
 - (4) If said dog, whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in regulation (d)(1) of this section, or is within a suitable enclosure which actually confines the dog.
- (e) Any dog(s) at large shall be apprehended and impounded by an enforcement agent.
- (1) Said agent shall have the right to enter upon private property when it shall be necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog(s), and shall not include entry into a domicile unless it be at the invitation of the occupant.
 - (2) Said agent may issue a citation(s) to the dog owner or person acting for owner when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in Arizona Revised Statutes, Section 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citation(s) pursuant to this article shall be subject to provisions of Arizona Revised Statutes, Section 13-3899.
 - (3) In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous, vicious, or fierce and a threat to human safety cannot be safely impounded, it may be immediately slain. (Ord. No. 373, § 1, 6-17-85)

3-50 - Establishment of pounds; impounding and disposing of dogs and cats; reclaiming impounded dogs and cats; pound fees.

- (a) Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.
- (b) Each stray dog or any cat impounded shall be kept and maintained at the pound for a minimum of seventy-two (72) hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this article. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or cat is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.
- (c) Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such a dog or cat shall pay all pound fees. (Ord. No. 373, § 1, 6-17-85)

3-51 - Handling of biting animals; responsibility of reporting animal bites.

- (a) An unlicensed or unvaccinated dog or any cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven (7) days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

- (b) Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen (14) days, provided that livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.
- (c) Any wild animal which bites any person may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.
- (d) Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.
- (e) The county enforcement agent may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - (1) Such animal shows clear clinical signs of rabies.
 - (2) The owner of such animal consents to its destruction.
- (f) Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.
- (g) The county enforcement agent shall destroy a vicious animal upon an order of justice of the peace or a city magistrate. A justice of the peace or city magistrate may issue such an order after notice to the owner, if any, and a hearing. (Ord. No. 373, § 1, 6-17-85)

3-52 - Unlawful interference with enforcement agent.

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties. (Ord. No. 373, § 1, 6-17-85)

3-53 - Removing impounded animals.

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this article and the regulations promulgated thereunder. (Ord. No. 373, § 1, 6-17-85)

3-54 - Unlawful keeping of dogs.

It is unlawful for a person to keep, harbor or maintain a dog within the city except as provided by the terms of this article. (Ord. No. 373, § 1, 6-17-85)

3-55 - Violation; classification.

Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a class 2 misdemeanor, and may be subject to imprisonment for a maximum period of four (4) months, or fined a maximum of seven hundred fifty dollars (\$750.00) or both. (Ord. No. 373, § 1, 6-17-85)

3-56 - Dogs; liability.

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when such damages were inflicted. (Ord. No. 373, § 1, 6-17-85)

3-57 - Proper care, maintenance and destruction of impounded animals.

- (a) Any animal impounded in a county, city or town pound shall be given proper and humane care and maintenance.

- (b) Any dog or cat, destroyed while impounded in a county, city or town pound shall be destroyed only by the use of one of the following:
 - (1) Sodium pentobarbital or derivative of sodium pentobarbital, administered by a licensed veterinarian or by personnel trained by a veterinarian; or
 - (2) Nitrogen gas;
 - (3) T-61 Euthanasia solution or its generic equivalent.
- (c) If any animal is destroyed by means specified in subsection (b), paragraph (1) or (3) of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to Arizona Revised Statutes Section 24-153.
- (d) The governing body of any country, city or town which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections (b) and (c) of this section. (Ord. No. 373, § 1, 6-17-85)

15-11 - Noise.*

- (a) Any person who, subject to the provisions of this section, creates any unreasonably loud, disturbing and unnecessary noise within the limits of the city is guilty of a misdemeanor.
- (b) Any person making or causing to be made any noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is guilty of a misdemeanor.
- (c) The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this section, provided, that this enumeration shall not be deemed to be exclusive:
 - (1) Blowing Horns or Signaling Devices. The sounding or blowing of any horn or signal device on any automobile, truck, bus, motorcycle or other vehicle not in motion, except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
 - (2) Radios, Sound Reproduction Devices, and Musical Instruments. The playing of any radio, sound reproduction device or any musical instrument in such a manner or with such volume as to annoy or disturb the quiet, comfort or repose of persons in any hospital, office, retail establishment, dwelling, hotel, or other type of residence, or of any persons in the vicinity.
 - (3) Yelling and Shouting on Streets. Yelling, shouting, hooting, whistling or singing on the public streets at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, office, retail establishment, dwelling, hotel, or other type of residence, or of any persons in the vicinity.
 - (4) Pets. The keeping of any animal, bird or fowl which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity.
 - (5) Use of Vehicles. The use of any automobile, truck, bus, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
 - (6) Blowing Whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work as a warning of fire or danger or upon request of proper city authorities.
 - (7) Exhaust Discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicles or motorboat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

- (8) Noises Near Schools, Hospitals and Churches. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session, or adjacent to any hospital, which unreasonably interferes with the workings or sessions thereof; provided that signs must be displayed in such streets indicating that the same is a school, institution of learning, church, court or hospital.
 - (9) Loading and Unloading Operations. The creation of loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
 - (10) Noises to Attract Attention. The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
 - (11) Loudspeakers or Amplifiers on Vehicles. The use of mechanical loudspeakers or amplifiers on automobiles, trucks, busses, or other moving or standing vehicles for advertising or other purposes.
- (d) None of the terms or prohibitions of this section shall apply to or be enforced against:
- (1) Any vehicle of the city while engaged upon necessary public business.
 - (2) Excavations or repairs of bridges, streets or highways by or on behalf of the city or the state, at night, when the public welfare and convenience renders it impossible to perform such work during the day.
 - (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.
- (e) An action for the violation of this section 15-11 with respect to the acts set forth in subsection (c)(4) shall not be commenced unless at least two (2) unrelated complainants from separate residences and with independent knowledge of the acts have signed a complaint. No person shall be found guilty of a misdemeanor for violating the provisions of this section 15-11 with respect to the acts set forth in subsection (c)(4) unless such complainants have made themselves available to testify in any court proceedings related to the complaint. (Code 1971, § 11-1-33; Ord. 600, 9-18-95; Ord. No. 1384-809, § 1, 8-10-09)

Cross reference— Animal noise, § 3-24.

City of Buckeye

Chapter 6 - ANIMAL REGULATIONS

Article 6-1 - ANIMAL CONTROL

Sections:

Section 6-1-1 - Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section 6-1-1, except where the context clearly indicates a different meaning:

- A. "Animal" means any animal of a species that is susceptible to rabies, except man.
- B. "At large" means on or off premises of owner and not under control of owner or a responsible party. Any animal confined in a suitable enclosure or appropriately and legally restrained shall not be considered to be at large.
- C. "Domestic animal" means an animal kept as a pet and not primarily for economic purposes.
- D. "Enforcement agent" means that person appointed by the city manager, or authorized designee, or by the county pursuant to law, that is responsible for enforcement of the provisions of this article.
- E. "Impound" means the act of taking or receiving into custody by the enforcement agent or police department any dog or other animal for the purpose of confinement.
- F. "Kenel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.
- G. "Livestock" means meat animals, horses, sheep, goats, swine, mules, and asses.
- H. "Owner" means any person keeping an animal other than livestock for more than six (6) consecutive days.
- I. "Pound" means any establishment authorized for the confinement, maintenance, safekeeping, and control of dogs or other animals that come into the custody of the enforcement agent or police department in the performance of his/her official duties.
- J. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- K. "Responsible party" means an owner of an animal or any person acting on behalf of an owner.
- L. "Stray dog" means any dog three (3) months of age or older running at large that is not wearing a valid license tag.
- M. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian.
- N. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
- O. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical, or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages, or kennels for quarantine, observation, or boarding.
- P. "Vicious animal" means any animal of the order carnivora that has a propensity to attack, to cause injury, or to otherwise endanger the safety of human beings or domestic animals without provocation, or that has been so declared after a hearing before a judge.

(Ord. No. 7-11, 6-21-2011; Ord. No. 04-13, § 1, 5-21-2013)

Section 6-1-2 - Powers and Duties of the State Veterinarian and Department of Agriculture

- A. The state veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.

- B. The state department of agriculture shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.
(Ord. No. 7-11, 6-21-2011)

Section 6-1-3 - Powers and Duties of the Department of Health Services

- A. The state department of health services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.
- B. The state department of health services may require the enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies.
(Ord. No. 7-11, 6-21-2011)

Section 6-1-4 - Powers and Duties of Enforcement Agent

- A. The enforcement agent shall:
1. Enforce the provisions of this article.
 2. Issue citations for the violation of the provisions of this chapter and the rules and regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
 3. Be responsible for declaring a rabies quarantine area within area of jurisdiction and for coordination as necessary between the state veterinarian, the state department of agriculture and the state department of health services.
- B. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.
(Ord. No. 7-11, 6-21-2011)

Section 6-1-5 - Unlawful Interference with Enforcement Agent

It is unlawful for any person to interfere with the enforcement agent in the performance of his/her duties.
(Ord. No. 7-11, 6-21-2011)

Section 6-1-6 - Administration of Enforcement

The city manager or authorized designee may enter into a contract with Maricopa County Board of Supervisors to enforce the provisions and perform the requirements of this article.
(Ord. No. 7-11, 6-21-2011)

Section 6-1-7 - Noises

It is unlawful to harbor or keep animals or poultry that disturb the peace by loud noises at any time of the day or night. Farm animals are exempt from this section provided that the location of the farm and farm animals is in the proper zoning district.
(Ord. No. 7-11, 6-21-2011)

Section 6-1-8 - Keeping Livestock and Poultry

It is unlawful to keep or cause to be kept any livestock, including, but not limited to, horses, mules, cattle, burros, goats, sheep, swine, asses, pigs or poultry within the corporate limits of the city except as provided by the city development code. Any livestock or poultry running at large may be impounded by the enforcement agent.
(Ord. No. 7-11, 6-21-2011)

Section 6-1-9 - Unlawful Keeping of Dogs

It is unlawful for a person to keep, harbor, or maintain a dog within the corporate limits of the city except as provided by the terms of this article.

(Ord. No. 7-11, 6-21-2011)

Section 6-1-10 - Dog Licensing Requirements and Fees

Each dog three (3) months of age or over that is kept, harbored or maintained within the corporate limits of the city for at least thirty (30) consecutive days of each calendar year shall be licensed and fees paid pursuant to the requirements of A.R.S. §§ 11-1008 and 11-1010.

(Ord. No. 7-11, 6-21-2011)

Section 6-1-11 - Dogs Not Permitted at Large; Wearing License

- A. No dog(s) shall be permitted to run at large on public or private property. Any responsible party whose dog is at large is in violation of this section. A dog is not at large if:
 - 1. The dog is (a) confined within an enclosure on the responsible party's property, (b) secured so that the dog is confined entirely to the responsible party's property, or (c) restrained by a leash, chain, rope, or cord of not more than six (6) feet in length and of sufficient strength to control action of such dog and directly under the control of the responsible party, when not on the responsible party's property.
 - 2. The dog is used for control of livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the state racing commission.
 - 3. The dog is actively engaged in dog obedience training, accompanied by and under the control of its responsible party or trainer, provided that the responsible party or trainer of said dog has in their possession a dog leash of not more than six (6) feet in length and of sufficient strength to control said dog, and, further, that said dog is actually enrolled in a dog obedience training school.

- B. Any dog over the age of three (3) months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the state racing commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached, provided that they are properly vaccinated, licensed and controlled.

- C. Any dog(s) at large shall be apprehended and impounded by an enforcement agent.
 - 1. The enforcement agent shall have the right to enter upon private property when it shall be necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog(s), and shall not include entry into a domicile unless it be at the invitation of the occupant.
 - 2. The enforcement agent may issue a citation(s) to the responsible party when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citation(s) pursuant to this article shall be subject to provisions of A.R.S. § 13-3899.
 - 3. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous, vicious or fierce and a threat to human safety cannot be safely impounded, it may be immediately slain.

(Ord. No. 7-11, 6-21-2011)

Section 6-1-12 - Handling of Biting Animals; Responsibility for Reporting Animal Bites; Authority to Destroy Animals

- A. An unvaccinated dog or cat that bites any person or domestic animal shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than ten (10) days. The quarantine period shall start on the day of the bite incident. If the day of the bite incident is not known, the quarantine period shall start on the first day of the impoundment. A dog properly vaccinated pursuant to this article that bites any person or domestic animal may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.
 - B. A dog or cat that is impounded as the result of biting any person or domestic animal shall not be released from the pound to its owner unless the provisions of A.R.S. § 11-1014(B) are met.
 - C. Any domestic animal other than a dog, a cat or a caged or pet rodent or rabbit, that bites any person or domestic animal shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen (14) days, provided that livestock shall be confined and quarantined for the fourteen (14) day period in a manner regulated by the state department of agriculture. Caged or pet rodents or rabbits shall not be quarantined or laboratory tested.
 - D. With the exception of a wild rodent or rabbit, any wild animal that bites any person or domestic animal or directly exposes any person or domestic animal to its saliva may be killed and submitted to the enforcement agent for transport to an appropriate diagnostic laboratory. A wild rodent or rabbit may be submitted for laboratory testing if the animal has bitten a person and either the animal's health or behavior indicates that the animal may have rabies or the bite occurred in an area that contains a rabies epizootic, as determined by the state department of health services.
 - E. If an animal bites any person or domestic animal, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.
 - F. The enforcement agent may destroy any animal confined and quarantined pursuant to this section before the termination of the minimum confinement period for laboratory examination for rabies if:
 - 1. The animal shows clear clinical signs of rabies.
 - 2. The animal's owner consents to its destruction.
 - G. Any animal subject to licensing under state law found without a tag identifying its owner shall be deemed unowned.
 - H. The enforcement agent shall destroy a vicious animal by order of a judge. A judge may issue an order to destroy a vicious animal after notice to the owner, if any, and the person who was bitten, and a hearing. A judge may impose additional procedures and processes to protect all parties in the interest of justice, and any decision by a judge may be appealed to the superior court.
 - I. The owner of a vicious animal shall be responsible for any fees incurred by the enforcement agent for the impounding, sheltering and disposing of the vicious animal.
- (Ord. No. 7-11, 6-21-2011; Ord. No. 04-13, § 2, 5-21-2013)

Section 6-1-13 - Vicious or Dangerous Animals

- A. It is unlawful for any person to permit any vicious or dangerous animal of any kind to run at large within the city, and such animals shall be immediately impounded by the enforcement agent or slain as authorized by this article.

- B. Any member of the city police department or the enforcement agent is authorized to kill any vicious animal of any kind when it is necessary for the protection of any person, domestic animal or property. (Ord. No. 7-11, 6-21-2011; Ord. No. 04-13, § 3, 5-21-2013)

Section 6-1-14 - Removing Impounded Animals

It is unlawful for any person to remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this article. (Ord. No. 7-11, 6-21-2011)

Section 6-1-15 - Kennel Permit; Fee; Violation

- A. It is unlawful for a person to operate a kennel within the city without a conditional use permit from the city community development department and a permit issued by the Maricopa County Board of Supervisors except if each individual dog is licensed. The city's fee for the conditional use permit shall be established pursuant to this section.
- B. The city council, by resolution, shall adopt fee schedules for the following services or permit:
1. Conditional use permit from the community development department.
 2. Any impoundment pursuant to the provisions of this Chapter 6
- (Ord. No. 7-11, 6-21-2011)

Section 6-1-16 - Animals; Liability

Injury to any person or domestic animal or damage to any property by an animal while at large shall be the full responsibility of the owner or person or persons responsible for the animal when such damages were inflicted. (Ord. No. 7-11, 6-21-2011; Ord. No. 04-13, § 4, 5-21-2013)

Section 6-1-17 - Violation; Classification

Any person who fails to comply with the requirements of this chapter, or violates any of its provisions, shall be guilty of a class one misdemeanor, and upon conviction thereof shall be punished by a base fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein above described. (Ord. No. 7-11, 6-21-2011)

Section 6-1-17 - Violation; Classification

Any person who fails to comply with the requirements of this chapter, or violates any of its provisions, shall be guilty of a class one misdemeanor, and upon conviction thereof shall be punished by a base fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein above described.

Article 10-1 - GENERAL OFFENSES

Section 10-1-2 - Disturbing and Unnecessary Noise Prohibited

- C. Enumeration of loud, disturbing and unreasonable noises; enumeration not exclusive. The following acts are declared to be loud, disturbing and unreasonable noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
4. Pets. The keeping of any animal, bird, or fowl which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity.

COMMUNITY SERVICES

Section 11-1-7 - Animals

- A. No person shall tie or hitch any animal to any tree or plant in a community services facility or public park.
- B. No person shall walk a dog without a leash (except in a designated area). The owner or person in possession of a domestic animal shall be responsible for removal of any animal solid waste from the community services facility or public park.
- C. No person shall bring into or ride a horse in a community services facility or public park (except on areas designated for equestrian use). No person shall permit his or her horse, donkey or other animal to be unattended or to graze at a community services facility or public park.
- D. No person shall bring an animal into a community services facility; unless such animal is a service animal or approval has been granted by the director or designee.

(Ord. No. 25-09, § 1, 11-17-2009)

Section 11-4-1 - Dog Parks

- A. Hours of use are dawn—10:00 p.m.
- B. Dog park facilities are designed for dogs only. No other animal may use the dog park without the written consent of the director or designee.
- C. Dogs must be licensed and vaccinated.
- D. Dogs may run "off leash" in the designated area only.
- E. Dogs must be leashed during entrance and exit.
- F. Dog park facilities were created for dogs and their owners/handlers. Dog park facilities shall not be used as a playground or facility for children.
- G. Children under 12 must be accompanied by an adult in dog parks.
- H. Small children and infants must be kept under strict supervision and not allowed to run in the area or chase after dogs.
- I. Dogs must be under voice control and their owner/handler must be within the enclosure at all times.
- J. Aggressive dog behavior is not permitted. Dogs must be removed at the first sign of aggression.
- K. No more than 3 dogs per owner/handler shall be allowed in a dog park.
- L. Female dogs in heat are not permitted within a dog park.
- M. Dog owners/handlers must pick up their dog's waste.
- N. Dog owners/handlers must repair damage from digging by their dogs and must remove/dispose of hair after grooming.
- O. Food is not allowed in the dog park facility.

P. No dog 20 pounds or over shall be allowed in a dog park facility designated for smaller dogs. No dog less than 20 pounds shall be allowed in a dog park facility designated for larger dogs.
(Ord. No. 25-09, § 1, 11-17-2009)

Town of Carefree

CHAPTER 5: HEALTH AND SAFETY

Article 5-1 ANIMAL RULES AND REGULATIONS

- 5-1-1 Definitions
- 5-1-2 Dangerous Animals
- 5-1-3 Dogs Not Permitted at Large
- 5-1-4 Noises and Sanitary Requirements
- 5-1-5 Strays
- 5-1-6 Housing
- 5-1-7 Swine
- 5-1-8 Violations and Penalties

Section 5-1-1 Definitions

In this article, unless the context otherwise requires:

- A. "Animal" means any animal of a species that is susceptible to rabies, except man.
- B. "At large" means on or off the premises of the owner and not under the physical control of the owner or other person acting for the owner. A dog shall not be deemed at large for the purposes of this Section if it is restrained by a leash, chain, rope or cord not to exceed six feet in length and of sufficient strength to control the action of the dog, or if the dog is in a suitable enclosure that actually confines the dog.
- C. "County pound" means any establishment authorized by the Maricopa County Board of Supervisors for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent.
- D. "Dog" means a member of the canis familiaris family.
- E. "Enforcement agent" means the town marshal or designee who is responsible for the enforcement of this article and the regulations promulgated thereunder, or any officer of the Maricopa County Animal Control services.
- F. "Impound" means the act of taking or receiving into custody by the enforcement agent any Dog or other animal for the purpose of confinement in a county pound in accordance with the provisions of this article.
- G. "Livestock" means any horses, mules, cattle, burrow, goats, sheep, swine or poultry.
- H. "Owner" means any person keeping an animal other than livestock for more than five consecutive days.
- I. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- J. "Vicious animal" means any animal of the order carnivora that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation or that has been so declared after a hearing before a justice of the peace or a city or town magistrate.

Section 5-1-2 Dangerous Animals

No person shall keep or harbor any dangerous or vicious animal of any kind within the town, and such animals shall be immediately impounded by the town enforcement agent. Exhibitions or parades of animals which a *referae naturae* maybe conducted only upon securing a permit from the town.

Section 5-1-3 Dogs Not Permitted at Large

A. No person shall allow or cause a dog to be at large within the town boundaries. Each dog shall be confined within an enclosure on the owner's property, or secured so that a dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's physical control when not on the owner's property.

B. No person shall allow or cause a vicious dog, or a dog in a rabies quarantine area to be at large.

C. Any dog at large may be apprehended and impounded by the enforcement agent.

1. Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that is at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include entry into a domicile or enclosure which confines the dog unless it be at the invitation of a person residing thereon.

2. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it maybe slain.

D. The enforcement agent may issue a citation to the dog owner, person acting for the dog owner, custodian, or other person whom said agent may reasonably believe permitted, allowed or caused a dog to be at large.

E. Notwithstanding any other provision of this article, any dog owner, person acting for the dog owner, custodian, or other person who permits, allows or causes a dog to beat large in violation of:

1. Subsection A of this Section is responsible for a civil violation, punishable by a civil sanction not to exceed three hundred dollars.

2. Subsection B of this Section is guilty of a misdemeanor, punishable by a fine of not to exceed two thousand five hundred dollars, by imprisonment for a period not to exceed six months, by a term of probation not to exceed three years, or by any combination of such fine, imprisonment and probation.

Section 5-1-4 Noises and Sanitary Requirements

A. It is unlawful to harbor or keep any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or the making of other noises disturbs the peace of a neighborhood or any two or more persons not residing in the same household, one of which maybe an animal control officer or other law enforcement officer.

B. Any person owning, possessing, harboring or having the care, charge, control or custody of any dog shall immediately remove and thereafter dispose of any fecal matter deposited by the dog on public or private property located within the area bounded by the Town limits of the Town of Carefree, Arizona, unless the property owner has given prior approval to use the property for this purpose. The dog fecal matter shall be immediately placed in a closed or sealed container and thereafter disposed of by depositing said matter in a trash receptacle, sanitary disposal unit or other closed or sealed container. This section shall not apply to handicapped persons accompanied by a dog used for their assistance.

Section 5-1-5 Strays

Any person who keeps or causes to be kept any horses, mules, cattle, burrow, goats, sheep, or other livestock or poultry shall keep such livestock or poultry in a pen or similar enclosure to prevent their roaming at large within the corporate limits of the town. Any such livestock or poultry running at large maybe impounded.

Section 5-1-6 Housing

No person shall cause or allow any stable or place where any animal is or maybe kept to become a threat to the health or safety of any person.

Section 5-1-7 Swine

No person shall keep any live swine or pigs in the town.

Section 5-1-8 Violations and Penalties

Except where otherwise provided, any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this article shall upon admission or judicial determination there-of be responsible for a civil offense and shall be subject to imposition of a civil sanction of up to seven hundred fifty dollars.

Town of Cave Creek

CHAPTER 90: ANIMALS

Section

General Provisions

90.01 Definitions

Regulations

90.10 Vicious animals

90.11 Noisy animals

90.12 Livestock and poultry at large

90.13 Conditions where animals kept

90.14 Dogs

90.15 Unlawful interference with enforcement agent

90.16 Removal of impounded animals prohibited

Administration

90.25 Rabies and animal control services contracts

Statutory reference:

Authority of town over animals, see A.R.S. §§ 9-240(B)(16) and 11-1018

GENERAL PROVISIONS

90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any animal of a species that is susceptible to rabies, except man.

AT LARGE. Being neither confined by an enclosure nor physically restrained by a leash.

DEPARTMENT. The State Department of Health Services.

ENFORCEMENT AGENT. That person in each county who is responsible for the enforcement of this chapter and the rules adopted under this chapter or any other applicable law.

IMPOUND. The act of taking or receiving into custody by the Enforcement Agent any dog or other animal for the purpose of confinement in a pound in accordance with the provisions of this chapter.

KENNEL. An enclosed, controlled area inaccessible to other animals in which a person keeps, harbors, or maintains five or more dogs under controlled conditions.

LIVESTOCK. Neat animals, horses, sheep, goats, swine, mules, and asses.

OWNER. Any person keeping an animal other than livestock for more than six consecutive days.

POUND. Any establishment authorized for the confinement, maintenance, safekeeping, and control of dogs and other animals that come into the custody of the Enforcement Agent in the performance of his or her official duties.

RABIES QUARANTINE AREA. Any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

STRAY DOG. Any dog three months of age or older running at large that is not wearing a valid license tag.

VACCINATION. The administration of an anti-rabies vaccine to animals by a veterinarian.

VETERINARIAN. Unless otherwise indicated, any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.

VETERINARY HOSPITAL. Any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical, or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it pens, stalls, cages, or kennels for quarantine, observation, or boarding.

VICIOUS ANIMAL. Any animal of the order carnivora that has a propensity to attack, to cause injury to, or to otherwise endanger the safety of human beings without provocation or that has been so declared after a hearing before a justice of the peace or a city magistrate.

(A.R.S. § 11-1001) ('87 Code, § 6-2-1) (Am. Ord. O-2003-10, passed 11-17-03)

REGULATIONS

90.10 VICIOUS ANIMALS.

(A) Generally. It is unlawful to permit any vicious animal of any kind to run at large within the town, and such animals shall be immediately impounded by the Town Marshal or other peace officer. Exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the Town Marshal.

('87 Code, § 6-1-1)

(B) Killing vicious animals. The Town Marshal, any peace officer, or the Town Enforcement Agent is authorized to kill any vicious animal of any kind when it is necessary for the protection of any person or property.

(C) Exceptions. The provisions of this section shall not apply to dogs owned or used by a law enforcement agency and which are used in the performance of police work.

(D) Any violation of this section shall constitute a Class 1 misdemeanor, punishable as provided in § 10.99(C).

('87 Code, § 6-1-2) Penalty, see § 10.99

Statutory reference:

Vicious dog attacks, felony offenses, see A.R.S. § 13-1208

90.11 NOISY ANIMALS.

It is unlawful to harbor or keep any animals that unreasonably and continually disturb the peace by loud noises at any time of the day or night, if such noise has been documented.

('87 Code, § 6-1-3) Penalty, see § 10.99

90.12 LIVESTOCK AND POULTRY AT LARGE.

Any person who keeps or causes to be kept any horses, mules, cattle, burros, goats, sheep, or other livestock or poultry shall keep such livestock or poultry fenced to prevent their roaming at large within the corporate limits of the town. Any such livestock or poultry running at large may be impounded by any police officer of the town.

('87 Code, § 6-1-4(A)) Penalty, see § 10.99

90.13 CONDITIONS WHERE ANIMALS KEPT.

It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.

('87 Code, § 6-1-4(B)) Penalty, see § 10.99

90.14 DOGS.

(A) Dogs not permitted at large; wearing license.

(1) Dogs may not be permitted at large in any part of the town. Each dog shall be confined to the owner's property, or when off the owner's property shall be either secured by a leash or directly under the owner's immediate control by voice command and within sight of the owner at all times.

(2) In a rabies quarantine area, no dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that a dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property.

(3) Any dog over the age of three months shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting, or dogs while being exhibited or trained at a kennel club event, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events need not wear a collar or harness with a valid license attached, provided that they are properly vaccinated, licensed, and controlled.

(4) Any dog at large in violation of this division (A) shall be apprehended and impounded by an Enforcement Agent.

(a) Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include entry into a domicile or enclosure which confines a dog unless it be at the invitation of the occupant.

(b) Said agent may issue a citation to the dog owner or person acting for the owner when the dog is at large. The procedure for the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the Enforcement Agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this division (A) shall be subject to provisions of A.R.S. § 13-3899.

(c) In the judgment of the Enforcement Agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain. ('87 Code, § 6-2-9) (Am. Ord. 93-06, passed 2-1-93; Am. Ord. O-2003-10, passed 11-17-03)

(B) Liability. Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when such damages were inflicted. ('87 Code, § 6-2-14) Penalty, see § 10.99

Statutory reference:

Dogs at large, similar provisions, see A.R.S. § 11-1012
Enforcement, see A.R.S. § 11-1007

90.15 UNLAWFUL INTERFERENCE WITH ENFORCEMENT AGENT.

(A) It is unlawful for any person to interfere with the Enforcement Agent in the performance of his or her duties.

(B) Any violation of this section shall constitute a Class 1 misdemeanor, punishable as provided in § 10.99(C). ('87 Code, § 6-2-12) (Am. Ord. O-2005-07, passed 6-20-05) Penalty, see § 10.99

Statutory reference:

Similar provisions, see A.R.S. § 11-1015

90.16 REMOVAL OF IMPOUNDED ANIMALS PROHIBITED.

(A) No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the Enforcement Agent except in accordance with the provisions of this chapter and the regulations promulgated thereunder.

(B) Any violation of this section shall constitute a Class 1 misdemeanor, punishable as provided in § 10.99(C). ('87 Code, § 6-2-13) (Am. Ord. O-2005-07, passed 6-20-05) Penalty, see § 10.99

Statutory reference:

Similar provisions, see A.R.S. § 11-1016

ADMINISTRATION

90.25 RABIES AND ANIMAL CONTROL SERVICES CONTRACTS.

In lieu of establishing a rabies/animal control department, the town may enter into an intergovernmental agreement or contract for the provision of rabies/animal control services.
(`87 Code, Art. 6-3)

Statutory reference:

Contracts with the county and county enforcement, see A.R.S. § 11-1007

City of Chandler

Chapter 14 - ANIMALS

ARTICLE I. - IN GENERAL

14-1. - Definitions.

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

Owner is any person, group of persons or corporation owning, keeping or harboring an animal.

Vicious dog means a dog which has bitten a person, or that has a known propensity to attack or bite human beings. (Ord. No. 201; Ord. No. 329, § 1; Ord. No. 3044, § 2, 11-4-99)

14-2. - Poisonous snakes and reptiles prohibited.

It shall be unlawful within the City to keep any poisonous reptile or poisonous snake. (Ord. No. 274; Ord. No. 3044, § 2, 11-4-99)

14-3. - Consent required to keep animals within two hundred feet of residences; exceptions as to household pets.

No animal or fowl of any kind, except household pets, shall be kept or permitted in the City within a distance of two hundred (200) feet from the residence of any person, except the owner of the animal or fowl, or except the residence of any person who shall sign a written consent that the animals or fowl may be kept within such distance of their residence.

(Ord. No. 274; Ord. No. 3044, § 2, 11-4-99)

14-4. - Exceptions as to veterinary hospitals.

There shall be excepted from the preceding and following sections household pets being cared for by a veterinarian in a regularly established veterinary hospital.

(Ord. No. 274; Ord. No. 3044, § 2, 11-4-99)

14-5. - Keeping pets for sale in business district.

Nothing in sections 14-2 through 14-4 shall prohibit the keeping of pets for sale in a business district properly zoned for such sale.

(Ord. No. 274; Ord. No. 3044, § 2, 11-4-99)

14-6. - Cruelty to animals.

Whenever any person drives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, cruelly kicks or causes or procures an animal to be overdriven, overloaded, overworked, tortured or tormented, deprived of necessary sustenance, cruelly beaten, mutilated or killed, and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, or unnecessarily fails to provide it with proper food, drink, shelter or protection from the weather, shall be guilty of a misdemeanor.

(Ord. No. 1, Tit. 12, § 12; Ord. No. 3044, § 2, 11-4-99)

14-7. - Keeping hogs, donkeys, roosters, etc.

It shall be unlawful for any person to have, herd, or keep any hog, pig, shoat, jack, jenny, burro, donkey or rooster, within the City.

(Ord. No. 1, Tit. 11, § 13; Ord. No. 3044, § 2, 11-4-99)

14-8. - Animals at large.

Any person owning or having under his/her control or charge any animal or fowl who shall permit such animal or fowl to run at large or trespass upon property owned or possessed by another or in or upon any street, alley or other public place shall be guilty of a misdemeanor.

(Ord. No. 1, Tit. 11, § 14; Ord. No. 3044, § 2, 11-4-99)

14-11. - Duty upon injury to animals by motor vehicles.

Any person who knowingly injures a canine, feline or other domestic animal while in operation of a motor vehicle, shall take reasonable steps to locate the owner thereof, and shall render to such injured animal reasonable assistance.

(Ord. No. 201, § 11; Ord. No. 3044, § 2, 11-4-99)

14-12. - Poisoning animals.

Every person who wilfully administers any poison to a cat, dog or domestic animal, the property of another, or exposes any poisonous substance or substances where the same may be available to any child, dog, cat or domestic animal shall be guilty of a misdemeanor.

(Ord. No. 201, § 12; Ord. No. 3044, § 2, 11-4-99)

14-13. - Abandoning animals.

Every owner who shall abandon an animal or shall permit the same to be in any building, inclosure, lane, street, road, highway, acreage or desert area without proper care and attention shall be deemed guilty of a misdemeanor.

(Ord. No. 201, § 13; Ord. No. 3044, § 2, 11-4-99)

14-14. - Enforcement of article.

The provisions of this article shall be enforced by the Chief of Police of the City.

(Ord. No. 201, § 9; Ord. No. 329, § 1; Ord. No. 3044, § 2, 11-4-99)

ARTICLE II. - DOGS

14-15. - Definitions.

In this article, unless the context otherwise requires:

Animal means any animal of a species that is susceptible to rabies, except man.

At large means on or off-premises of owner and not under control of owner or other persons acting for the owner.

Any dog in a suitable enclosure or confined shall not be considered to be running at large.

Custodian means any person keeping, possessing, harboring or maintaining any dog.

Department means the State Department of Health Services.

Enforcement Agent means that person in each County who is responsible for the enforcement of this article and the regulations promulgated thereunder.

Impound means the act of taking or receiving into custody by the Enforcement Agency any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this article.

Kennel means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five (5) or more dogs under controlled conditions.

Livestock means neat animals, horses, sheep, goats, swine, mules and asses.

Owner means any person keeping an animal other than livestock for more than six (6) consecutive days.

Pound means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his/her official duties.

Rabies quarantine area means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

Rabies vaccination certificate means a method of recording and duplicating rabies information that is in compliance with the County Enforcement Agent's licensing system and/or County Enforcement Agent's

prescribed forms.

Stray dog means any dog four (4) months of age or older running at large that is not wearing a valid license tag.

Vaccination means the administration of an anti-rabies vaccine to animals by a veterinarian, or in authorized pounds by employees trained by a veterinarian.

Veterinarian, unless otherwise indicated, means any veterinarian licensed to practice in this State or any veterinarian employed in this State by a governmental agency.

Veterinary hospital means any establishment operated by a veterinarian licensed to practice in this State that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

Vicious animal means any animal other than an animal used by a law enforcement agency, that:

(a) Has a propensity to bite, scratch or otherwise inflict injury on a human being or an animal owned by another person without provocation. One (1) incident of causing injury may be sufficient to establish a propensity; or

(b) Has a propensity to approach human beings without provocation in a menacing or terrorizing manner so as to confine the movement of or instill fear in a reasonable person; and

(c) Is declared vicious after a hearing before a justice of the peace or a City Magistrate.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 1864, § 1, 8-20-87; Ord. No. 3044, § 2, 11-4-99; Ord. No. 3836, § 1, 10-23-06)

14-16. - Powers and duties of the State Veterinarian and Livestock Board.

A. The State Veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination, and the dosage and method of administration of the vaccine.

B. The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.
(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99)

14-17. - Powers and duties of State Department of Health Services.

A. The State Department of Health Services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal, or are showing symptoms suggestive of rabies.

B. The State Department of Health Services may require the enforcement agent to submit a record of all dog licenses issued, and in addition any information deemed necessary to aid in the control of rabies.
(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99)

14-18. - Powers and duties of Enforcement Agent.

A. The Enforcement Agent shall:

1. Enforce the provisions of this article; the regulations promulgated thereunder.

2. Issue citations for the violation of the provisions of this article; the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the Enforcement Agent shall not make an arrest before issuing the notice.

3. Be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared the Enforcement Agent shall meet with the State Veterinarian and Representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within an area. Any regulations restricting or involving movements of livestock within an area shall be subject to approval by the State Veterinarian.

B. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.

C. The Enforcement Agent may designate deputies.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99)

14-19. - License fees for dogs; issuance of dog tags; records; penalties.

A. The County Board of Supervisors shall set an annual license fee which shall be paid for each dog four (4) months of age or over that is kept, harbored, or maintained within the boundaries of the County for at least thirty (30) consecutive days of each calendar year. License fees shall become payable at the discretion of the County Board of Supervisors. The licensing period shall not exceed the period of time for revaccination as designated by the State Veterinarian. License fees shall be paid within ninety (90) days to the County Treasurer or his/her authorized representative. A penalty fee set by the County Board of Supervisors shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this article. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession or in the County less than thirty (30) consecutive days.

B. Durable dog tags shall be provided by the County Board of Supervisors. Each dog licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the County, the number of the license, and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of fee established by the County Board of Supervisors to the County Treasurer or his/her authorized representative.

C. The County Board of Supervisors may set license fees that are lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the County Enforcement Agent that such a dog has been surgically altered to be permanently incapable of procreation.

D. Any person who fails within fifteen (15) days after written notification from the County Enforcement Agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or removes such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a Class 2 misdemeanor.

14-19.1. Kennel permit; fee; violation; classification.

A. A person operating a kennel shall obtain a permit issued by the Board of Supervisors of the County where the kennel is located except if each individual dog is licensed.

B. The annual fee for the kennel permit is seventy-five dollars (\$75.00).

C. A dog remaining within the kennel is not required to be licensed individually under section 4-19. A dog leaving the controlled kennel conditions shall be licensed under section 4-19 except if the dog is only being transported to another kennel which has a permit issued under this section.

D. A person who fails to obtain a kennel permit under this section is subject to a penalty of twenty-five dollars (\$25.00) in addition to the annual fee.

E. A person who knowingly fails within thirty (30) days after written notification from the County Enforcement Agent to obtain a kennel permit is guilty of a Class 2 misdemeanor.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 990, § 1, 8-20-81; Ord. No. 1620, § 1, 5-22-86; Ord. No. 1707, § 1, 10-9-86; Ord. No. 2181, § 1, 9-27-90; Ord. No. 3044, § 2, 11-4-99)

14-20. - Anti-rabies vaccination; vaccination and license stations.

A. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer, and serial number of the vaccine used and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the Enforcement Agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated thereunder.

B. A dog vaccinated in any other State prior to entry into Arizona may be licensed in Arizona; provided, that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that State or a veterinarian employed by a governmental agency in that State, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer, and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated thereunder.

C. The Enforcement Agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99)

14-21. - Rabies control fund.

A. The Enforcement Agent or his/her authorized representative shall place the monies collected by him/her under the provisions of this article in a special fund to be known as the "rabies control fund" to be used for the enforcement of the provisions of this article and the regulations promulgated thereunder.

B. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99)

14-22. - Dogs not permitted at large; wearing licenses.

A. In a rabies quarantine area, no dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that the dog is confined entirely to the owner's property, or on a leash not to exceed six (6) feet in length and directly under the owner's control when not on the owner's property.

B. Any dog over the age of four (4) months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached; provided, that they are properly vaccinated, licensed and controlled.

C. If any dog is at large on the public streets, public parks or public property, then said dog's owner or custodian is in violation of this article.

D. Any custodian of a dog or person whose dog is at large is in violation of this article. A dog is not at large:

1. If said dog is restrained by a leash, chain, rope, or cord not more than six (6) feet in length, and of sufficient strength to control action of said dog.
2. If said dog is used for control of livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event, or while engaged in races approved by the Arizona Racing Commission.
3. While said dog is actively engaged in dog obedience training, accompanied by and under the control of his/her owner or trainer; provided, that the person training said dog has in his/her possession a dog leash

not more than six (6) feet in length and of sufficient strength to control said dog, and, further, that said dog is actually enrolled in or has graduated from a dog obedience training school.

4. If said dog, whether on or off the premises of the owner or custodian, is controlled as provided in paragraph 1. of this subsection, or is within a suitable enclosure which actually confines the dog.

E. Any dog(s) at large shall be apprehended and impounded by an Enforcement Agent.

1. Said agent shall have the right to enter upon private property when it shall be necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog(s), and shall not include entry into a domicile unless it be at the invitation of the occupant.

2. Said agent may issue a citation(s) to the dog owner or person acting for the owner when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citation(s) pursuant to this article shall be subject to provisions of A.R.S. § 13-3899.

3. In the judgment of the Enforcement Agent, if any dog at large or other animal that is dangerous, vicious, or fierce and a threat to human safety that cannot be safely impounded may be immediately slain.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99)

14-23. - Establishment of pounds; impounding and disposing of dogs and cats; reclaiming impounded dogs and cats; pound fees.

A. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

B. Each stray dog or any cat impounded shall be kept and maintained at the pound for a minimum of seventy-two (72) hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this article. If the dog or cat is not claimed within the impoundment period, the Enforcement Agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in an humane manner. If such dog or cat is to be used for medical research, no license or vaccination shall be required. The Enforcement Agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.

C. Any impounded, licensed dog or any cat may be reclaimed by its owner or such owner's agent; provided, that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such a dog or cat shall pay all pound fees.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99)

14-24. - Proper care, maintenance and destruction of impounded animals.

A. Any animal impounded in a County, City or Town pound shall be given proper and humane care and maintenance.

B. Any dog or cat destroyed while impounded in a County, City or Town pound shall be destroyed only by the use of one (1) of the following:

1. Sodium pentobarbital or a derivative of sodium pentobarbital.
2. Nitrogen gas.
3. T-61 euthanasia solution or its generic equivalent.

C. If an animal is destroyed by means specified in subsection B. paragraph 1. or 3. of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the State Veterinarian pursuant to Section 24-153, A.R.S.

D. The governing body of any County, City or Town which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections B. and C. of this section. (Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99)

14-25. - Removing impounded animals.

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent, except in accordance with the provisions of this article and the regulations promulgated thereunder.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99)

14.26. - Vicious animals.

14-26.1 Viciousness determination.

A. Any person, including a County Animal Control Officer, having reasonable grounds to believe an animal is vicious may petition a City Magistrate for a determination that the animal is vicious.

B. Any time after the petition is filed the Court may, if it finds that there are reasonable grounds to believe that the animal poses a risk of injury to any person or to animals owned by others, order that the animal be impounded on such terms as the court deems necessary to protect public safety.

C. After notice to the owner of the animal, the City Magistrate shall conduct a hearing. The hearing shall be informal and open to the public. Oral and documentary evidence may be taken from any interested party and considered in determining whether the animal is vicious. Any owner who fails to appear after notice may be deemed to have waived any right to introduce evidence. The decision shall be based on the preponderance of evidence.

D. A viciousness determination may be conducted in conjunction with and as a part of a criminal proceeding for any violation of this Chapter if viciousness is alleged in the complaint.

E. Any fee for filing a petition or fees for service of hearing notices pursuant to this section may be deferred or waived by the court.

F. Any decision of the City Magistrate may be appealed to the Superior Court.
State Law reference— Vicious animals, A.R.S. § 13-1208.

14-26.2 Disposition of vicious animals.

Upon determining an animal to be vicious, the Court shall enter such orders, as it deems necessary to protect the public. The Court may order, but is not limited to the following:

A. Require the animal to have permanent identification.

B. Require the owner to keep Maricopa Animal Control informed of any change in location or ownership of the animal.

C. That the owner of the vicious animal display in a prominent place on the premises where the animal is kept a sign in three-inch letters, easily readable by the public, using the words "Vicious Animal."

D. That the owner obtain public liability insurance in a single incident amount of at least one hundred thousand dollars (\$100,000.00) for bodily injury or death of any person or for damage to property caused by the vicious animal.

E. That the animal be destroyed.

F. That the animal at all times be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled. Any such confinement must be in a humane manner providing adequate ventilation, water, food and shelter from the elements and not be subject to excessive temperatures. The length and width of the locked pen or kennel must be at least two (2) times the animal's body length and at least three (3) inches taller than the animal's full standing height.

G. That the animal be spayed or neutered.

State Law reference— Destruction of vicious animals, A.R.S. § 11-1014.

14-26.3 Authority of Enforcement Agent to determine an animal to be vicious.

The County Enforcement Agent, upon good cause is hereby authorized to determine an animal to be vicious and to make such orders as the Enforcement Agent deems necessary to protect the public, including but not limited to the orders listed hereinabove in Section 14-26.2, A through H.

A. The County Enforcement Agent shall serve notice of its determination of viciousness and order on the animals' owner or on any person found to be in possession of the animal if the owner cannot be determined.

B. Service shall be accomplished in accordance with Rule 4.1, Arizona Rules of Civil Procedure.

C. The Notice shall give the owner and/or person in possession of the animal or any other interested person thirty (30) days to appeal such determination and order and request a hearing before the Justice of the Peace or City Magistrate.

D. In the event of an appeal, the Justice of the Peace or City Magistrate shall conduct a hearing de novo and treat the matter as a petition filed per Section 14-26.1 herein above.

14-26.4 Handling of biting animals; responsibility for reporting animal bites.

A. An unlicensed or unvaccinated dog or any cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven (7) days. A dog properly licensed and vaccinated pursuant to this article, that bites any person, may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the Enforcement Agent.

B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen (14) days; provided, that livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona Livestock Sanitary Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the Enforcement Agent.

C. Any wild animal which bites any person may be killed and submitted to the Enforcement Agent or his/her deputies for transmission to an appropriate diagnostic laboratory.

D. Whenever an animal bites any person, the incident shall be reported to the Enforcement Agent immediately by any person having direct knowledge.

E. The County Enforcement Agent may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if:

- (1) Such animal shows clear clinical signs of rabies.
- (2) The owner of such animal consents to its destruction.

F. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

G. The County Enforcement Agent shall destroy a vicious animal upon an order of a Justice of the Peace or a City Magistrate. A Justice of the Peace or City Magistrate may issue such an order after notice to the owner, if any, and a hearing.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99; Ord. No. 3044, § 2, 11-4-99; Ord. No. 3836, § 2, 10-23-06)

14-27. - Authority to take control and custody of animals left unattended.

When an animal is left unattended due to the arrest of its owner or person in control of the animal, the County Enforcement Officer is authorized to take control and custody of the animal until the animal is claimed by the owner or owner's agent. Any animal taken into custody subject to this section shall be kept and released in accordance with the provisions of this article and the regulations promulgated thereunder, provided however, an owner shall have a minimum of seven (7) days to claim an animal before the impoundment period is considered to have expired.

(Ord. No. 3836, § 3, 10-23-06)

14-28. - Dogs; liability.

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when such damages were inflicted.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99; Ord. No. 3836, § 4, 10-23-06)

14-29. - Unlawful keeping of dogs.

It is unlawful for a person to keep, harbor or maintain a dog within the City except as provided by the terms of this article.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99; Ord. No. 3836, § 4, 10-23-06)

14-30. - Unlawful interference with Enforcement Agent.

It is unlawful for any person to interfere with the Enforcement Agent in the performance of his/her duties.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99; Ord. No. 3836, § 4, 10-23-06)

14-30. - Violation; classification.

Any person who fails to comply with an order of a City Magistrate regarding a vicious animal or fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a Class 2 misdemeanor, and may be subject to imprisonment for a maximum period of four (4) months, or fined a maximum of seven hundred fifty dollars (\$750.00) or both. Each day a violation continues is a separate offense.

(Ord. No. 784, § 1, 10-23-78; Ord. No. 1620, § 1, 5-22-86; Ord. No. 3044, § 2, 11-4-99; Ord. No. 3836, § 5, 10-23-06)

City of El Mirage

CHAPTER 91: ANIMAL CODE

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GENERAL PROVISIONS

91.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGENT. A person legally authorized to act in the place and stead of an animal owner, an enforcement agent, or law enforcement officer.

ANIMAL. Any creature belonging to the following taxonomic classes (except humans): mamalia, marsupial, ares, reptilia, and/or amphibia.

AT LARGE.

- (1) Being neither confined by an enclosure or physically restrained by a leash while in public; or
- (2) An unleashed animal wandering 15 feet or more from its owner or agent. Livestock and equine pleasure practices are specifically exempted.

CAT. Any animal of the feline genus.

CITY. The City of El Mirage.

COLLAR. A band, harness, or suitable device worn around the neck of an animal to which a license may be affixed.

COUNTY. The County of Maricopa, State of Arizona.

DANGEROUS AND AGGRESSIVE ANIMALS. Any animal that has a propensity to attack, to cause injury, or to otherwise endanger the safety of human beings or other animals without provocation, or that without provocation menaces, threatens, or causes injury to a human or other animal.

DEPARTMENT. The State Department of Health Services.

DOG. Any member of the canine genus.

ENFORCEMENT AGENT. A person designated by the city who is responsible for the enforcement of this chapter and regulations promulgated thereunder.

IMPOUND. The act of taking or receiving into custody by the city or its designee or authorized agent any animal for the purpose of confinement in an authorized pound in accordance with the provisions of this chapter.

KENNEL. An enclosed, controlled area, inaccessible to other animals in which a person keeps, harbors, or maintains four or more dogs under controlled conditions.

LIVESTOCK. Asses, cattle, horses, mules, sheep, goats, swine, poultry, and fowl.

OWNER. Any person keeping an animal other than livestock for more than six consecutive days.

PET SHOP. Any establishment at which are kept for sale any animals generally considered to be household pets.

POULTRY. Chickens, turkeys, domesticated birds, game birds, fowl, water fowl, and exotic birds, including ostriches, rheas, and emus.

POUND. Any establishment authorized by the enforcement agent for the confinement, maintenance, safekeeping, or control of animals that come into the custody of the enforcement agent in the performance of his or her official duties.

RABIES QUARANTINE AREA. Any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to the area.

RABIES VACCINATION CERTIFICATE. A method of recording and duplicating rabies information that is in compliance with the enforcement agent's licensing system or the enforcement agent's prescribed forms.

RODENT. A mammal of the order Rodentia, such as a mouse, squirrel, rat, or beaver characterized by large incisors adapted for gnawing or nibbling.

STRAY DOG. Any dog four months of age or older running at large that is not wearing a valid license tag.

VACCINATION. The administration of an anti-rabies vaccine to animals by a veterinarian, or in authorized pounds by employees trained by a veterinarian.

VETERINARIAN. Any doctor licensed to practice animal medicine in the State of Arizona.

VETERINARY HOSPITAL. Any establishment operated by a veterinarian licensed to practice in Arizona that provides clinical facilities and houses animals or birds for dental, medical, or surgical treatment. A VETERINARY HOSPITAL may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls, cages, or kennels for quarantine, observation, or boarding.

VICIOUS ANIMAL. Any animal that has a propensity to attack, to cause injury, or to otherwise endanger the safety of human beings without provocation, after having been so declared after a hearing before a Justice of the Peace or the Municipal Court Judge.

WILD ANIMAL. Any animal of the ferae naturae or ferae bestiae or species that have not yet been domesticated or are still subject to further domestication.

(Prior Code, § 6-1-1) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007)

91.02 ANIMALS AT LARGE PROHIBITED.

(A) It shall be unlawful for any person to cause, allow, suffer, or permit any animal, fowl, or rodent to be at large at any place in the city at any time.

(B) In a rabies quarantine area, no animals shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property.

(C) Any dog over four months in age shall wear a collar or harness to which is attached a valid license tag. Dogs used for the control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs

while being transported to and from such events need not wear a collar or harness with a valid license tag attached, provided they are properly vaccinated, licensed, and controlled.

D) No person in charge of any animal shall permit the animal in a public park or upon any city or public school property or upon the property of a third party unless the animal is physically restrained by a leash, enclosed in a car, cage, or similar enclosure, or being exhibited or trained at a recognized kennel club event, public school, or city-sponsored event.

(E) Whenever any animal is found at large, the enforcement agent may take one or more of the following actions:

- (1) The dog may be apprehended and impounded.
- (2) The enforcement agent may issue a citation to the dog owner or person acting for the owner when the dog is at large. The procedure for issuance of notice to appear shall be in conformity with A.R.S. § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice to appear. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.

(F) Upon request of the city or county and issuance of an order by a hearing officer, the Justice of the Peace, or the Municipal Court, any animal impounded under this section may be kept or impounded until there is a final disposition of any associated criminal proceeding.

(Prior Code, § 6-1-2) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007) Penalty, see § 91.99

91.03 DANGEROUS AND AGGRESSIVE ANIMALS.

(A) It is unlawful to permit any dangerous, vicious, aggressive, or wild animal of any kind to run at large within the city, and such animals shall be immediately impounded by the enforcement agent.

(B) Any owner of a dangerous and aggressive animal, as defined in this code, shall carry a minimum of \$50,000 of general liability insurance against such unforeseen and/or catastrophic occurrence.

(Prior Code, § 6-1-3) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007) Penalty, see § 91.99

91.04 ANIMALS DISTURBING THE PEACE.

It shall be unlawful to harbor or keep any animals that disturb the peace at any time of the day or night which results in an unreasonable interference with a citizen's right to quiet enjoyment of his or her own premises.

(Prior Code, § 6-1-4) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007) Penalty, see § 91.99

91.05 RESTRICTIONS ON THE KEEPING OF ANIMALS.

(A) No person shall keep within the corporate limits of the city any animal in such a manner as to disturb the peace, health, safety, or welfare of any person residing in the city.

(B) No person shall keep within the corporate limits of the city any animal if the animal shall cause, create, contribute to, or become a health nuisance or health hazard. The presence of flies, mosquitoes, insects, vermin, rodent harborage, odors, dust, ponded water, accumulation of manure, garbage, refuse, or other obnoxious or putrescible material shall constitute prima facie evidence of a health nuisance.

(C) The keeping of all animals within the city shall be subject additionally to the regulations of the State of Arizona and the Maricopa County Board of Health.

(D) The premises upon which animals, livestock, and poultry are kept shall always be sanitary and subject to inspection and regulation by the city's enforcement agent or his or her designee.

- (1) All pens, yards, runs, or other structures wherein any animal is kept shall be of such construction and/or erection so as to be easily cleaned and maintained and shall be kept in good repair.

- (2) Fences which are intended to be used as an enclosure for any animal shall be securely constructed and shall not be allowed to deteriorate or become unsightly.

(Prior Code, § 6-1-5) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007; Ord. 011-09-17, passed 9-22-2011) Penalty, see § 91.99

91.06 ENFORCEMENT AGENTS; POWERS AND DUTIES.

(A) General. The enforcement agent shall:

- (1) Enforce the provisions of this chapter;
- (2) May issue citations for the violations of the provisions of this chapter and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be in accordance with A.R.S. §§ 13-3899, 13-3903, and this code, except that the enforcement agent shall not make an arrest before issuing the notice; and
- (3) Shall be responsible for declaring a rabies quarantine area with the city's jurisdiction. When a quarantine area has been declared by the enforcement agent, the agent shall meet with the State Department of Health, the Game and Fish Department, and/or the State Livestock Board as applicable, to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the State Veterinarian.

(B) Interference. It shall be unlawful to interfere with the enforcement agent in the course of his or her official duties pursuant to this code and A.R.S. § 11-1015.

(C) Lawful presence. An enforcement agent, police officer, or their designee is lawfully in or on the private property of the owner of an animal within the meaning of this chapter when acting as an invitee or licensee, or when in the course of performance of a duty imposed upon him or her by the law of the state, the United States, or of the city.

(D) Wrongful removal. No person may remove or attempt to remove an animal which has been lawfully impounded or which is lawfully in the possession of the enforcement agent except in accordance with the provisions of this chapter and the regulations promulgated thereunder.

(E) Deputization. The enforcement agent may appoint deputies to his or her discretion and in the manner as he or she sees fit.

(F) Animal Control Fund. The enforcement agent or his or her authorized representative shall place fees collected by him or her under the provisions of this chapter in a special fund to be known as the "Animal Control Fund" and these funds shall be used for the enforcement of the provisions of this chapter and the regulations promulgated thereunder.

(G) Accounting and oversight. There shall be an annual review of the account balances, appropriations, expenditures, and revenue sources of all monies relative to the Animal Control Fund. This review shall be prepared by the enforcement agent and shall be presented to the City Manager upon request.

(Prior Code, § 6-1-6) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007)

91.07 ANIMALS KEPT BY OWNERS; VIOLATIONS; RESPONSIBILITY FOR DAMAGES.

(A) Injury or damage to any property by an animal kept by the owner while at large shall be the full responsibility of the owner or person responsible for the animal when the damages occurred.

(B) Injury or damage to any person or animal as defined by this code shall create in the aggrieved party a cause of action for the full amount of damages associated therewith.

(Prior Code, § 6-1-7) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007)

91.08 VICIOUS ANIMALS; DETERMINATION.

(A) Any person having reasonable belief that an animal is vicious may petition the Justice of the Peace or the Municipal Court for a determination that the animal is vicious. The Court may assign the matter to a civil hearing officer within the Court for all proceedings under this section.

- (1) After notice to the owner of the animal in any manner calculated to provide reasonable notice, including but not limited to the Arizona Rules of Civil Procedure, the Justice of the Peace or the Municipal Court shall conduct a hearing on the merits of the instant matter. The hearing shall be open to the public. Any relevant oral and documentary evidence from any interested party may be considered by the Court, whether or not the evidence is admissible under the Arizona Rules of Evidence.
- (2) Any owner who fails to appear after notice pursuant to this section may be deemed to have waived any right to introduce evidence and eventual right of appeal of the final judgment of the court. Further, the Justice of the Peace or Municipal Court shall thereby determine that all of the allegations contained in the petition are deemed admitted as true.
- (3) The decision under this section shall be based upon the standard of a preponderance of the evidence.
- (4) The Justice of the Peace or the Municipal Court may consolidate a viciousness petition with a criminal proceeding arising out of the same violation, provided that viciousness is alleged as an element of the associated criminal complaint.

(B) Upon determining an animal to be vicious, the Justice of the Peace or Municipal Court shall enter such orders as it deems necessary to protect the public. The Justice of the Peace or Municipal Court shall retain continuing jurisdiction over the matter for a period not to exceed three years to ensure that orders are enforced. The Justice of the Peace or Municipal Court may order but is not limited to the following:

- (1) The owner of the vicious animal post one or more signs on the premises where the animal is kept containing letters not less than three inches high and easily readable by the public using the words: "Danger: Vicious Animal";
- (2) The owner obtain public liability insurance in a single incident amount of not less than \$50,000 or other such amount as determined by the Court for bodily injury or death of any person for damage to property caused by the vicious animal;
- (3) The animal be destroyed or removed from the premises;
- (4) The animal at all times be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed or muzzled;
- (5) The animal be spayed, neutered, or tattooed for identification purposes;
- (6) The animal be defanged, declawed, or debarked; and
- (7) The cost of any successful proceedings to declare an animal vicious be assessed against the owner.

(C) Proof of provocation of the attack by the person injured shall be a rebuttable defense to an action to declare an animal dangerous or vicious.

(Prior Code, § 6-1-8) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007)

91.09 HANDLING OF BITING ANIMALS; RESPONSIBILITY FOR REPORTING ANIMAL BITES; AUTHORITY TO DESTROY ANIMALS; KILLING ANIMALS IN LIEU OF IMPOUNDMENT.

(A) Any animal that bites a person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this chapter that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

(B) Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than 14 days provided that livestock shall be confined and quarantined for the 14-day period in a manner regulated by the Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home

of the owner or where it is harbored or maintained, for the required period of time with the consent of and in a manner prescribed by the enforcement agent.

(C) Any wild animal which bites any person may be killed as a matter of public privilege and submitted to the enforcement agent or his or her deputies for transmission to an appropriate diagnostic laboratory.

(D) Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge of such a bite incident.

(E) The enforcement agent may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination of rabies if:

- (1) The animal shows any clear indicator of rabies; or
- (2) The owner of the animal consents to the animal's destruction.

(F) Any animal subject to licensing under this chapter found without a tag identifying its owner shall be deemed unowned.

(G) The enforcement agent shall destroy a vicious animal upon order of a Justice of the Peace or Municipal Court. A Justice of the Peace or Municipal Court may issue such an order in the manner provided for by this chapter or pursuant to the provisions of A.R.S. § 11-7-6.

Statutory reference:

The statute cited in this division does not exist. Issuance of orders, see A.R.S. § 11-1014

(H) Killing certain animals in lieu of impoundment. In the reasonable judgment of an enforcement agent or police officer, if any animal at large is dangerous or fierce and constitutes an immediate threat to human safety that cannot be immediately rectified by impoundment, that animal may be immediately slain by such agent or officer. (Prior Code, § 6-1-9) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007)

IMPOUNDMENT, PERMITS, AND PUBLIC BUILDINGS

91.20 IMPOUNDMENT OF LIVESTOCK, FOWL, AND RODENTS.

(A) The city or its agent or designee may apprehend and impound any livestock, fowl, or rodent that is at large within the city. The city shall have the limited authority to enter upon private property for the purpose of apprehending or impounding the livestock, fowl, or rodent. The entry upon private property shall be reasonable and shall not include entry into a residence or enclosure upon the property unless it is with the consent of the owner or the resident or occupant of the structure. After entry, the city shall take reasonable steps to apprehend and impound the livestock, fowl, or rodent. If any livestock, fowl, or rodent that is at large within the city leaves the city limits during an attempt by the city to impound or apprehend the livestock, fowl, or rodent, the city may take reasonable steps to pursue the livestock, fowl, or rodent for the purpose of impoundment or apprehension of same.

(B) After impoundment at a public facility or a private authorized facility, the city shall make a reasonable effort to contact the owner of the impounded livestock, fowl, or rodent and give the owner a reasonable opportunity to reclaim the impounded animal. The city may request assistance from the Arizona Livestock Department in contacting the owner. It shall be presumed to be a reasonable effort to contact the owner of the brand on the livestock impounded. Prior to releasing any impounded livestock, fowl, or rodent to the owner, the city shall collect from the owner the actual costs and expenses incurred in apprehending and impounding the livestock, fowl, or rodent. The city may release any impounded livestock, fowl, or rodent to the Arizona Livestock Department or Arizona Game and Fish Commission if the appropriate agency agrees to collect the city's actual costs and expenses from the owner prior to releasing the livestock, fowl, or rodent.

(C) If the owner fails within ten days after notice to reclaim any impounded livestock, fowl, or rodent by paying the city's actual costs and expenses of apprehension and impoundment, the city shall post notices in three public places and publish a notice once in a newspaper of general solicitation in the city that the impounded livestock, fowl, or rodent will be sold. The sale shall be conducted in a commercially reasonable manner and with reasonable notice. The proceeds of the sale shall be applied first to paying the city's actual costs and expenses of impoundment, apprehension and sale. The city shall pay the remaining sale proceeds, if any, to the owner of the animal(s) that were sold. Alternatively, the city may release any impounded livestock, fowl, or rodent to the custody of the Arizona Livestock Department, if the Department agrees to pay the city's actual costs and expenses or impoundment and apprehension out of the proceeds of any such sale of livestock, fowl, or rodent. (Prior Code, § 6-2-1) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007)

91.21 ANIMALS IN PUBLIC BUILDINGS, PROHIBITED; EXCEPTIONS, VIOLATIONS.

(A) Except as provided in division (B) of this section, it shall be unlawful for any person to bring into any public building under the control and jurisdiction of the city any animal, fowl, or rodent.

(B) Any legally blind person, deaf person, handicapped person, dog guide trainer, or service dog trainer may make use of a dog guide or service dog while in a public building under the control and jurisdiction of the city. These uses shall be subject to the provisions of A.R.S. § 11-1024.

(Prior Code, § 6-2-2) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007) Penalty, see § 91.99

91.22 DOGS; KENNEL PERMIT REQUIRED.

(A) A person operating a kennel shall obtain a permit issued by the county's Board of Supervisors unless each individual dog is licensed. A dog remaining within the kennel is not required to be licensed individually. A dog leaving the controlled kennel conditions shall be individually licensed unless it is only being transported to another kennel for which a permit has been issued under this section.

(B) A person operating a kennel must obtain a business license from the city, have a zoning clearance from the Community Development Department, and may only operate a kennel subject to applicable zoning restrictions. For purposes of this section, kennel operations shall include any animal which is domesticated by the full blood or in part.

(Prior Code, § 6-2-3) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007) Penalty, see § 91.99

91.23 DOG LICENSE.

It is unlawful to keep a dog that is over the age of four months that is not currently licensed by the county.

(Prior Code, § 6-2-4) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007) Penalty, see § 91.99

91.24 LICENSE FEES.

The annual license fee for all animals shall be set by the county's Board of Supervisors for unincorporated Maricopa County and maintained in accordance with all applicable county and state laws.

(Prior Code, § 6-2-5) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007)

91.25 ESTABLISHMENT OF POUNDS; IMPOUNDING AND DISPOSING OF DOGS AND CATS; RECLAIMING IMPOUNDED DOGS AND CATS; IMPOUND FEES.

(A) All animals impounded under this code shall be given proper care and maintenance.

(B) Each stray animal impounded shall be kept for no less than 72 hours unless claimed by its owner.

(C) Prior to the release of a stray dog or cat from the pound for purchase by any person, the dog or cat shall be surgically spayed or neutered.

(D) The pound may use any unrefunded deposits for any of the purposes provided for in A.R.S. § 11-1022(D).

(E) Any person may purchase an impounded dog or cat upon expiration of the impoundment period, provided that person pays the actual costs and pound fees associated with the animal, and complies with all licensing, vaccinating, and sterilization provisions of this chapter. If a dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession of the unclaimed animal and may place the animal for sale or may dispose of the cat or dog in a humane manner. The enforcement agent may destroy impounded, sick, or injured dogs or cats whenever necessary to prevent the dog or cat from suffering or to prevent the spread of disease.

(F) Any impounded licensed dog or cat may be reclaimed by its owner or the owner's agent provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of same in a humane manner. Any person purchasing such an animal shall pay all pound fees associated with the animal.

(Prior Code, § 6-2-6) (Ord. O07-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007)

91.26 PROPER DESTRUCTION OF IMPOUNDED ANIMALS.

(A) Any dog or cat, except those showing signs of rabies destroyed while impounded in an authorized county, city, or town pound shall be destroyed only by the use of one of the following:

- (1) Sodium pentobarbital or a derivative of sodium pentobarbital;
- (2) Nitrogen gas; or
- (3) T-61 euthanasia solution or its generic equivalent.

(B) If an animal is destroyed by means specified above, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to A.R.S. § 24-153.

(Prior Code, § 6-2-7) (Ord. O07-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007)

Statutory reference:

The statute cited in division (B) has been repealed and renumbered. State procedures, see A.R.S. § 3-1213

91.27 ANIMAL WASTE.

It shall be unlawful for an owner of an animal or any person responsible for the animal to allow that animal to defecate in public or on public property without removing the animal waste.

(Prior Code, § 6-2-8) (Ord. O07-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007) Penalty, see § 91.99

TREATMENT OF ANIMALS

91.40 CONFINEMENT OF ANIMALS IN VEHICLES.

(A) No person having charge, custody, or ownership of an animal and a motor vehicle shall place or confine the animal or allow the animal to be placed, confined, or remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well being of the animal due to heat, lack of food or drink, or other such circumstances as may reasonably be expected to cause suffering, disability, or death of the animal.

(B) When in the judgment of a peace officer, enforcement officer, or firefighter an animal has been placed in danger as described herein, they may take such steps as are reasonable and necessary to enter the vehicle and impound the animal in the manner provided by this chapter.

(Prior Code, § 6-3-1) (Ord. O07-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007) Penalty, see § 91.99

91.41 CRUELTY TO ANIMALS.

A person commits the offense of cruelty to animals if the person:

- (A) Intentionally kills or attempts to kill any animal without first obtaining legal authority, or without necessary public privilege;
- (B) Overworks, overloads, tortures, torments, abandons, administers poison to, cruelly beats, or mutilates an animal or exposes a poison with an intent that it be ingested by an animal;
- (C) Ties, tethers, chains, or restrains an animal, either a pet or livestock, in a manner that is inhumane or detrimental to its welfare. Livestock and animal husbandry practices are specifically exempted;
- (D) Deprives an animal which a person owns, possesses, or acts as an agent for, of adequate food, water, shelter, ventilation, rest, sanitation, grooming, necessary medical attention, and protection from extremes of temperature, all in sufficient quantity and quality so as to meet the needs of the animal;
- (E) Abandoning any animal over whom the person has ownership, charged care, custody, or possession. Abandonment shall mean a person's intent not to supply all of the elements listed in division (D) above;
- (F) Owns, possesses, keeps, or trains an animal engaged in an exhibition of fighting, or permits any such act to be done on premises under his or her charge or control;
- (G) Acts as judge or participates as a spectator at events of animal fighting or bets or wagers on the outcome of the fight;
- (H) Intentionally torments or harasses an animal owned by or engaged by a police department or public agency of the state or its political subdivisions, or interferes with the lawful performance of a police animal;
- (I) Uses a live animal as bait or a lure in a race, game, or contest, or in training animals in a manner inconsistent with state law;
- (J) Keeping, using, owning, or possessing any property, paraphernalia, or animals for the purpose of animal fighting or baiting, giving, or receiving money or wagering money in relation to any animal fighting or baiting or causing an animal to fight, or training an animal to fight other animals;
- (K) Commits theft, conversion, taking, leading away, or secreting of any animal;
- (L) Concealing the identity of any animal for the purpose of making the return of the animal to their owner more difficult, including but not limited to the obscuring, altering, or removing of any collar, tag, license, tattoo, or other identifying device or mark;
- (M) Tripping, felling, or dragging an animal by the legs or tail;
- (N) Causes a risk to the health, peace, or life of an animal for the purposes of entertainment, amusement, sport, or monetary gain; and/or
- (O) Uses any animal as a lure or bait, except for the purposes of fishing or trapping, pursuant to state license. (Prior Code, § 6-3-2) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007) Penalty, see § 91.99

91.42 "SIDEWALK SALES"; UNLICENSED SALES OF ANIMALS.

(A) It shall be unlawful for any person to sell any brood or litter of animals within the confines of the city if the person does not possess a valid business license, the purpose of which declares the licensee's primary occupation to be that of selling animals in the ordinary course of business.

(B) Nothing in this code shall prevent the lawful owner of a brood or litter of animals from transferring ownership of the litter or brood by gift, or by a transaction where there exists no consideration.

(Prior Code, § 6-3-3) (Ord. 007-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007) Penalty, see § 91.99

91.99 PENALTY.

(A) Any person found guilty of violating any provision of this chapter is subject to non-waivable penalties of up to \$2,500 and may be guilty of a Class 1 misdemeanor, and shall be prosecuted for the violation in the manner as provided by law.

(B) Any violation of this chapter is hereby declared to be a nuisance. In addition to any other relief provided by this code, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. The application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction.

(C) (1) A violation of § 91.03(A) is a Class 1 misdemeanor, and shall be accompanied by a non-waivable fine of \$2,500.

(2) A violation of § 91.03(B) is a Class 1 misdemeanor and shall carry a non-waivable fine of \$2,500.

(D) Violation of § 91.04 is a petty offense and shall result in a non-waivable fine of \$100.

(E) Violation of § 91.05 shall be a Class 3 misdemeanor and shall carry a non-waivable fine of \$500.

(F) Violation of § 91.06(B) shall be a Class 1 misdemeanor and shall carry a non-waivable fine of \$2,500.

(G) Violation of § 91.21 shall be a petty offense and carry a non-waivable fine of \$100.

(H) A person who knowingly fails within 30 days after written notification from the enforcement agent to obtain a kennel permit is guilty of a Class 2 misdemeanor which shall carry a non-waivable fine of \$750. The Court shall order the person to obtain the kennel permit, zoning clearance, and business license and pay all applicable fees as a condition of sentencing.

(I) Violation of § 91.27 shall be a petty offense and shall carry a non-waivable fine of \$50.

(J) Violation of § 91.40(A) shall be a Class 2 misdemeanor and shall carry a non-waivable fine in the amount of \$750.

(K) A violation of § 91.41 shall be charged either as a misdemeanor or a felony under the provisions of A.R.S. § 13-2910 within the discretion of the City Prosecutor.

(1) Misdemeanor provision. Any violation of § 91.41(A), (B), (D), (F), (G), (H), (J), (M) and/or (N) shall be a Class 1 misdemeanor that carries a non-waivable fine in the amount of \$2,500 and/or a term of imprisonment not to exceed six months. Violations of § 91.41 (C), (E), (I), (K), (L) and/or (O) shall be a Class 1 misdemeanor that carries a non-waivable fine in the amount of \$1,000 and/or a term of imprisonment not to exceed six months.

(2) Recidivist provision. Any offender who is charged with a second and independent occurrence of offense within the meaning of § 91.41 shall at the election of the prosecutor have the charges prosecuted against them as a felony within the meaning of A.R.S. § 13-2910.

(L) Violation of § 91.42(A) shall be a Class 3 misdemeanor and shall carry a non-waivable fine in the amount of \$500.

(Prior Code, §§ 6-1-3(B), 6-1-4, 6-1-5(F), 6-2-2(C), 6-2-3(C), 6-2-8, 6-3-2(P), 6-3-4) (Ord. O07-07-06, passed 7-12-2007; Res. R07-07-17, passed 7-12-2007)

Fort McDowell Yavapai Nation

CHAPTER 12 - ANIMALS AND FOWL

Art. I. In General, §§ 12-1 - 12-20

Art. II. Rabies Control, §§ 12-21 - 12-35

ARTICLE I. IN GENERAL

Sec. 12-1. CRUELTY TO ANIMALS.

Any person who shall torture or cruelly mistreat any animal shall be deemed guilty of an offense and shall be sentenced to imprisonment for a period not to exceed thirty (30) days or to a fine not to exceed thirty dollars (\$30.00), or to both such imprisonment and fine, with costs.

(Secs. 12-3 - 12-20. RESERVED.)

ARTICLE II. RABIES CONTROL

Sec. 12-21. DEFINITIONS.

In this article, unless the context otherwise requires:

Animal means any animal of a species that is susceptible to rabies.

At large means on or off the premises of the owner and not under the control of the owner, or other persons acting for the owner. Any animal in a suitable enclosure shall not be considered to be running at large.

Cat means a little, soft-furred animal of the feline family.

Collar means a band, chain, harness or suitable device of permanent nature worn around the neck of a dog to which a license may be affixed.

Dog means a member of the genus and species *Canis familiaris*.

Enforcement agent means any police officer of the Nation's police department or any person designated, such as a dogcatcher, by the Fort McDowell Yavapai Nation to enforce the rabies control law on the Fort McDowell Yavapai Indian Reservation.

Health service means U.S. Public Health Service, and/or any duly authorized county board of health.

Impound means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in a pound in accordance with provision of this rabies control article.

Law enforcement agency means the Fort McDowell Yavapai Nation police department, and any agency lawfully designated to enforce this article.

Owner means any person owning, keeping, possessing, harboring or maintaining a dog or other animals who normally may transmit rabies.

Pound means any establishment authorized by the enforcement agent for the confinement, maintenance, safekeeping and control of dogs and other animals that come into custody of the enforcement agent in the performance of his official duties.

State board of health means the state board of health of the State of Arizona.

Stray dog means any dog four (4) months of age or older running at large that is not wearing a valid license and vaccination tag.

Vaccination means administration of an approved anti-rabies vaccine to animals by a veterinarian.

Vaccination tag means an official, numbered, dated metal tag attached to the dog by a collar or harness.

Veterinarian means any veterinarian licensed to practice in Arizona or any veterinarian employed in Arizona by a governmental agency.

Vicious dog means any dog that has the propensity to bite human beings without provocation.

Sec. 12-22. VACCINATION AND REPORTS.

Every owner of an animal subject to this article shall, in reference to such animal:

- a. Vaccinate or cause to be vaccinated for rabies every dog over the age of four (4) months and every cat over the age of six (6) months.
- b. Report any evidence of rabies in such dog or cat to the law enforcement agency.
- c. Report any bite by any such animal to the law enforcement agency.

Sec. 12-23. ANTI-RABIES VACCINE; TERM OF VACCINATION.

The type or types of anti-rabies vaccines that may be used for vaccination of dogs or cats, the period of time between vaccination and revaccination shall be in conformity with that designated by the state veterinarian of the State of Arizona.

Sec. 12-24. DOGS TO WEAR COLLAR WITH TAG.

Any dog over four (4) months of age running at large shall wear a collar or harness to which is attached a valid vaccination tag.

Sec. 12-25. COUNTERFEIT OR REMOVAL OF TAG.

Any person who counterfeits or attempts to counterfeit an official vaccination tag, or removes such vaccination tag from any dog for the purpose of willful or malicious mischief or places a vaccination tag upon a dog, unless the vaccination tag was issued for that particular dog, is in violation of this article.

Sec. 12-26. COLLECTION, USAGE AND PURPOSE OF FEES.

- a. The Fort McDowell Yavapai Nation Treasurer or his designated representative shall be responsible for collecting all fees.
- b. The Fort McDowell Yavapai Nation Treasurer or his designated representative shall place the monies collected by him, under the provision of this article in a special fund to be known as the rabies control fund; to be used for the maintenance of the rabies control provisions vaccine, pound, dog food and any other expenses necessary for the operation of the program.
- c. Any unencumbered balance remaining in the rabies control fund at the end of the fiscal year shall be carried into the following fiscal year.

Sec. 12-27. DUMPING OF ANIMALS.

It shall be unlawful to release or dump live animals anywhere within the geographic limits of the Fort McDowell Reservation. Persons performing such acts shall be in violation of this article.

Sec. 12-28. RABIES QUARANTINE AREAS.

- a. Any area in which a state of emergency has been declared to exist by the Maricopa County Board of Health, the Arizona Department of Health Services or the Fort McDowell Yavapai Indian Tribal Council because of the danger of rabies infection shall be a rabies quarantine area.
- b. When a rabies quarantine area has been declared, the president of the Fort McDowell Yavapai Indian Tribal Council, in cooperation with the superintendent of the Yavapai Agency and after consultation with the U.S. Public Health Service shall institute a program for the control of rabies within that area.
- c. No dog shall be permitted at large in a rabies quarantine area. Each dog shall be confined within an enclosure on his owner's property, or securely tied so that the dog is confined entirely to the owner's property, or on a leash

not to exceed five (5) feet in length and directly under the control of an able-bodied person when not on the owner's property.

Sec. 12-29. PROCEDURE FOR DEALING WITH ANIMALS ALLEGED TO HAVE BITTEN A HUMAN.

a. Impoundment; fees. Any dog that bites any person shall be quarantined and impounded or, at the request of and at the expense of the owner, placed in a pound for a period of not less than ten (10) days. The owner of any dog that has bitten a person may voluntarily deliver the dog to the enforcement agent at the pound. There shall be a two dollar (\$2.00) assessment against the owner if the enforcement agent must pick up the dog. If the dog is impounded in the pound for observation as a result of a dog bite incident, there shall be a one dollar (\$1.00) per day charge for board and no other impoundment fees shall be charged.

b. Confinement at home. Notwithstanding the provisions of subsection (a) above, any properly licensed and vaccinated dog that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of, and in a manner prescribed by the enforcement agent.

c. Notification of public health service. Notification of the name and address of any person bitten by an animal must be given to the public health service at the Phoenix Indian Medical Center. Physicians attending dog-bite victims will be responsible for advising the director, Fort McDowell Yavapai Nation, concerning such incidents. The director, Fort McDowell Yavapai Nation, will be responsible for following up on the patient's case. Attending physicians include field clinic physicians during clinic hours, and Fort McDowell Yavapai Nation physicians at all hours.

d. Interference unlawful. It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

e. Unauthorized removal from impoundment unlawful. No person may remove or attempt to remove any animal which has been impounded or which is in the possession of the enforcement agent.

f. Destruction of animal prohibited. No person shall destroy any animal which has bitten a person.

Sec. 12-30. DESTRUCTION OF CERTAIN DOGS.

Any licensed or unlicensed dog which apparently is suffering from serious injuries and is in great pain and probably would not recover, or which has evidence of any infectious disease which is a danger to other dogs or to man, may be destroyed by the enforcement agent or the county health department in as humane a manner as possible after reasonable efforts to notify the owner have been made.

Sec. 12-31. POISONING GENERALLY PROHIBITED; POISONING PROGRAM.

The poisoning of animals by individuals on the Fort McDowell Reservation is a violation of the article. Poisoning of animals to control disease or other health hazards shall be done only when life, health or economy of the residents of the Fort McDowell Yavapai Reservation is endangered and only under the jurisdiction of a law enforcement agency. In the event a program of poisoning animals is undertaken, the law enforcement agency involved shall observe the safety precautions on the label of the product used as well as all other safety requirements of the U.S. Environmental Protection Agency and Indian Health Service Environmental Health Consultant.

Sec. 12-32. RESPONSIBILITY OF ENFORCEMENT AGENCY OR ITS DESIGNATED REPRESENTATIVES.

The law enforcement agency or its designated representative shall:

a. Supervise operation of a dog and cat pound.

b. Collect and impound dogs in conformity with this article.

- c. Notify the health service immediately if any impounded animal, which has bitten a person, becomes sick.
- d. Institute educational programs to acquaint the residents of the community with the rabies control provisions.

Sec. 12-33. RESPONSIBILITY OF THE HEALTH SERVICE.

The health service shall:

- a. Conduct rabies vaccination clinics in designated locations in each community for the purpose of vaccinating dogs and cats at the same intervals as designated by the state veterinarian.
- b. Be responsible for the declaration of any quarantine whose area is solely within the boundaries of the Fort McDowell Yavapai Nation. When a quarantine has been declared, the health service shall meet with the enforcement agent and institute an emergency program for the control of rabies.
- c. Supervise the proper preparation and give technical advice as to the handling of a specimen of a suspected rabid animal being submitted to the state health department laboratory.

Sec. 12-34. CONTROL OF BEHAVIOR OF VICIOUS DOGS.

- a. Determination of vicious dog. Upon formal complaint to the Fort McDowell Yavapai Nation Department of Public Safety by a person bitten by a dog, or where appropriate such person's parent or legal guardian, a hearing shall be held in the Fort McDowell Yavapai Indian Tribal Court to determine the circumstances of such biting. The court shall make a determination as to whether the dog in question is vicious.
- b. Definition of vicious dog. "Vicious dog" is defined as:
 - 1. A dog that has attacked or bitten a person.
 - 2. A dog that has killed or mauled another dog or cat.
 - 3. A dog that cannot be controlled.
 - 4. A dog which by its breeding has a propensity to be violent and a danger to persons.
- c. Vicious dogs not permitted at large. A vicious dog shall not be permitted at large. Vicious dogs shall be confined within an enclosure on the owner's property, or secured so that the dog is confined entirely to the owner's property, or on a leash not to exceed six (6) feet in length and directly under the owner's control when not on the owner's property.
- d. Authority to destroy vicious dogs.
 - 1. The community department of public safety shall destroy a vicious dog upon an order of the Tribal Court. The Tribal Court may issue such an order only after notice to the dog's owner, if any, and a hearing.
 - 2. The community department of public safety, through any of its officers, may destroy a vicious dog, during or just subsequent to an attack upon a person by it if the officer believes with good cause that any attempt to capture and restrain the dog will likely place the officer or any other person at risk of harm.
 - 3. The community department of public safety shall adopt regulations, not inconsistent with this section, setting standards for officers in dealing with vicious dogs.
- e. Liability of owners of vicious dogs. Injury to any person or damage to any property by a vicious dog while at large shall be the full responsibility of the dog owner and the person or persons having responsibility for controlling the dog when such injury or damage was inflicted.
- f. Liability of Fort McDowell Yavapai Nation. Neither the Fort McDowell Yavapai Nation, its officers or employees, shall have any liability resulting from the destruction of a dog pursuant to the terms of this section and any regulation adopted pursuant to it.

Sec. 12-35. VIOLATIONS.

Any person who violates any of the provisions of this article shall be deemed guilty of an offense and shall be sentenced to imprisonment for a period not to exceed thirty (30) days or to a fine not to exceed thirty dollars (\$30.00) or to both such imprisonment and fine with costs.

City of Fountain Hills

Chapter 6 ANIMALS

Articles:

6-1 RULES AND REGULATIONS

6-2 RABIES/ANIMAL CONTROL LEASH LAW

Article 6-1 RULES AND REGULATIONS

Sections:

6-1-1 Dangerous Animals

6-1-2 Killing Dangerous Animals

6-1-3 Noises

6-1-4 Restrictions on Keeping Animals

6-1-5 Swine

6-1-6 Live Animals as Prizes; Inducement

Section 6-1-1 Dangerous Animals

It is unlawful to permit any dangerous, vicious animal of any kind to run at large within the town, and such animals shall be immediately impounded by the county enforcement agent. Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the Town law enforcement agent or such person that he may appoint.

(13-07, Amended, 06/06/2013)

Section 6-1-2 Killing Dangerous Animals

The members of the Town law enforcement agency or the county enforcement agent are authorized to kill any dangerous animal of any kind that cannot be impounded when it is necessary for the protection of any person or property.

(13-07, Amended, 06/06/2013)

Section 6-1-3 Noises

A. It is unlawful to harbor or keep any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or the making of other noises disturbs the peace of a neighborhood or any two or more persons not residing in the same household, one of which may be a member of the Town law enforcement agency or animal control officer.

B. First offense convictions, under this section, shall be sentenced as a petty offense. Second offense convictions, under this section, shall be sentenced as a class 2 misdemeanor. Third and all subsequent convictions under this section shall be sentenced as a class 1 misdemeanor.

(13-07, Amended, 06/06/2013)

Section 6-1-4 Restrictions on Keeping Animals

A. Unless permitted by zoning, it is unlawful to keep or cause to be kept any horses, mules, cattle, burros, goats, sheep, or other livestock, pigeons or poultry within the corporate limits of the town.

B. In addition to the provisions of subsection A, it is unlawful to keep, harbor or maintain more than four household pets in any residence within the town.

C. For the purposes of this section, "household pets" mean any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

Section 6-1-5 Swine

It is unlawful to keep any live swine or pigs in the town.

Section 6-1-6 Live Animals as Prizes; Inducement

A. It is unlawful for any person to give away any live animals, reptiles, fish, fowl and insects as a prize for, or as an inducement to enter, any contest, game or other competition or as an inducement to enter a place of amusement.

B. This section does not apply to pet stores.
(13-07, Added, 06/06/2013)

Article 6-2 RABIES/ANIMAL CONTROL LEASH LAW

Sections:

6-2-1 Definitions

6-2-2 Powers and Duties of the Enforcement Agent

6-2-3 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification

6-2-4 Anti-Rabies Vaccination; Vaccination and License Stations

6-2-5 Dogs Not Permitted at Large; Wearing Licenses

6-2-6 Impounding and Disposing of Dogs and Cats; Pound Fees

6-2-7 Handling of Biting Animals; Responsibility for Reporting Animal Bites

6-2-8 Unlawful Interference with Enforcement Agent; Unlawful Keeping of Dogs

6-2-9 Violation; Classification; Dogs; Liability

Section 6-2-1 Definitions

In this chapter unless the context otherwise requires:

A. "Animal" means any animal of a species that is susceptible to rabies, except man.

B. "At large" means on or off premises of owner and not under control of owner or other person acting for the owner. A dog shall not be deemed at large for the purposes of this section:

1. If it is restrained by a leash, chain, rope or cord of sufficient strength to control the action of the dog;
or
2. If the dog is in a suitable enclosure that actually confines the dog; or
3. While the dog is being trained or used for hunting purposes; or
4. While the dog is being exhibited at a town approved show or other town sponsored event; or
5. While on the dog owner's property, the dog is under the direct and immediate control of the owner.

C. "County pound" means any establishment authorized by the Maricopa County Board of Supervisors for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent.

D. "Department" means the Arizona Department of Health Services.

E. "Dog" means a member of the canis familiaris family.

F. "Enforcement agent" means the town manager or designee who is responsible for the enforcement of this article and the regulations promulgated thereunder.

G. "Impound" means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in a county pound in accordance with the provisions of this article.

H. "Kenel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.

I. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.

J. "Owner" means any person keeping an animal other than livestock for more than six consecutive days.

K. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

L. "Rabies vaccination certificate" means a method of recording and duplicating rabies information that is in compliance with the enforcement agent's licensing system or enforcement agent's prescribed forms.

M. "Stray dog" means any dog three months of age or older running at large that is not wearing a valid license tag.

N. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian.

O. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.

P. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

Q. "Vicious animal" means any animal of the order carnivora that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation or that has been so declared after a hearing before a justice of the peace or a city or town magistrate.

(13-07, Amended, 06/06/2013; 06-08, Amended, 02/02/2006; 03-21, Amended, 12/18/2003)

Section 6-2-2 Powers and Duties of the Enforcement Agent

A. The enforcement agent shall:

1. Enforce the provisions of this article and any regulations promulgated by the council.
2. Issue citations for the violation of the provisions of this article. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13 -3903, except that the enforcement agent shall not make an arrest before issuing the notice.

B. In addition to all powers granted to the state and the county, the local enforcement agent may declare a rabies quarantine area within the town's jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the Arizona Department of Health Services and the game and fish department to implement an emergency program for the control of rabies within that area. Any regulations restricting or involving the movements of livestock within that area shall be subject to approval by the state veterinarian.

C. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.

Section 6-2-3 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification

A. The council shall set an annual license fee, either as part of the Town's annual budget or by separate resolution, which shall be paid for each dog three months of age or over that is kept, harbored or maintained within the boundaries of the town for at least thirty consecutive days of each calendar year. The council may, in its sole discretion, adopt the Maricopa County Animal Care and Control Fee Schedule, in whole or in part, as such schedule may be amended from time to time, to comply with the requirements of this section. Thereafter, the most recent version of the adopted Maricopa County Animal Care and Control Fee Schedule shall be the Town's annual license fee schedule, unless otherwise amended by the council. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. A penalty amount approved by the Council by resolution or as a part of the Town's annual budget shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this article. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession in the town less than thirty consecutive days.

B. Durable dog tags shall be provided by the town. Each dog licensed under the terms of this article shall receive at the time of licensing, such a tag on which shall be inscribed the name of the town, the number of the license and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee established by the council.

C. The council may set license fees that are lower for (i) persons over the age of 65, upon proper proof of age and (ii) dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.

D. Any person who fails within fifteen days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or removes such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a class two misdemeanor.
(09-08, Amended, 07/02/2009; 06-08, Amended, 02/02/2006; 03-21, Amended, 12/18/2003)

Section 6-2-4 Anti-Rabies Vaccination; Vaccination and License Stations

A. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the Fountain Hills Town Code enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article.

B. A dog vaccinated in any other state prior to entry into Arizona may be licensed in the town provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article.

C. The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

Section 6-2-5 Dogs Not Permitted at Large; Wearing Licenses

A. No person shall intentionally, knowingly, recklessly or negligently permit, allow or cause a female dog during her breeding or mating season or a vicious dog to be at large. For the purposes of this subsection only, a female dog during her breeding or mating season or a vicious dog shall be deemed at large if it is not within a suitable enclosure that actually confines the dog, or when such dog is not within a suitable enclosure, if it is not restrained by a leash, chain, rope or cord of sufficient strength to control the action of the dog.

B. No person shall intentionally, knowingly, recklessly or negligently permit, allow or cause a dog in a rabies quarantine area to be at large. While on any owner's property, each dog shall be confined within an enclosure on such property, secured so that the dog is confined entirely to the owner's property, or otherwise under the direct and immediate control of the owner. When not on the owner's property, such dog shall be on a leash not to exceed six feet in length and directly under the owner's control.

C. No person shall intentionally, knowingly, recklessly or negligently permit, allow or cause a dog to be at large within the town boundaries.

D. The owner of any dog over the age of three months shall not permit, allow or cause such dog to be outside of a suitable enclosure that actually confines the dog without a collar or harness to which is attached a valid license tag issued pursuant to this article. Dogs, while being used or trained for hunting or dogs while being exhibited or trained at a town approved event, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

E. Any dog at large may be apprehended and impounded by the enforcement agent.

1. Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that is at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include entry into a domicile or enclosure which confines the dog unless it be at the invitation of a person residing thereon.

2. Said agent may issue a citation to the dog owner, person acting for the dog owner, custodian or other person whom said agent may reasonably believe permitted, allowed or caused the Fountain Hills Town Code dog to be at large.

3. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain.

F. Notwithstanding any other provision of this article, any dog owner, person acting for the dog owner, custodian or other person who permits, allows or causes a dog to be at large in violation of:

1. Subsection A or B of this section is guilty of a class one misdemeanor.

2. Subsection C or D or this section is guilty of a class three misdemeanor.

(03-21, Amended, 12/18/2003)

Section 6-2-6 Impounding and Disposing of Dogs and Cats; Pound Fees

A. That the town has entered into an intergovernmental agreement with the Maricopa County Board of Supervisors to provide for impounding and disposing of dogs and cats at county pounds.

B. That all fees, charges, rules, regulations and procedures shall be as authorized by law and implemented by the rules and regulations of Maricopa County.

Section 6-2-7 Handling of Biting Animals; Responsibility for Reporting Animal Bites

A. An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in a county pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than

seven days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in a county pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days, provided that livestock shall be confined and quarantined for the fourteen day period in a manner regulated by the Arizona livestock board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.

C. Any wild animal which bites any person may be killed and submitted to the enforcement agent for transmission to an appropriate diagnostic laboratory.

D. Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

E. The enforcement agent may destroy any animal confined and quarantined pursuant to this article prior to the termination of the minimum confinement period for laboratory examination for rabies if:

1. Such animal shows clear clinical signs of rabies.
2. The owner of such animal consents to its destruction.

F. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

G. The enforcement agent shall destroy a vicious animal upon an order of a justice of the peace or a town magistrate. A justice of the peace or town magistrate may issue such an order after notice to the owner, if any, and a hearing.

Section 6-2-8 Unlawful Interference with Enforcement Agent; Unlawful Keeping of Dogs

A. It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

B. It is unlawful for a person to keep, harbor or maintain a dog within the town except as provided by the terms of this article.

Section 6-2-9 Violation; Classification; Dogs; Liability

A. Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a class two misdemeanor.

B. Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person responsible for the dog when such damages were inflicted.

City of Gila Bend

CHAPTER 96: ANIMAL CONTROL

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GENERAL PROVISIONS

96.01 DANGEROUS OR DISEASED ANIMALS.

(A) It is unlawful to permit any dangerous or vicious animal or any animal which is sick or which might communicate contagious or infectious diseases of any kind to be exposed in any public place or to run at large within the town.

(B) Exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the Chief of Police.

(C) The members of the Police Department are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

(1996 Code, § 6.04.010) Penalty, see § 96.99

96.02 NOISES.

It is unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

(1996 Code, § 6.04.020) Penalty, see § 96.99

96.03 LIVESTOCK AT LARGE.

Any person who keeps or causes to be kept any horses, mules, swine, goats, sheep or other livestock or poultry shall keep the livestock or poultry in a pen or similar enclosure to prevent their roaming at large within the corporate limits of the town. It is unlawful to allow any livestock or poultry to run at large in any public place in the town and any animal shall be impounded as provided in this chapter. It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.

(1996 Code, § 6.04.030) Penalty, see § 96.99

96.04 SWINE PROHIBITED.

(A) Except as noted in division (B) of this section, it is unlawful to keep any live swine or pigs within the corporate limits of the town.

(B) Live swine or pigs that are being used for educational purposes may be kept only within specially constructed pens that are maintained and supervised by the Vocational Agricultural Department of the Town School District, and only when the pens are constructed in a geographical area approved by the Town Council and all appropriate health agencies. The occupants of any single-family dwelling may keep one pot-bellied pig provided the pig does not weigh more than 125 pounds and is not used for breeding.

(1996 Code, § 6.04.040) (Ord. 90, passed - -; Ord. 99-03, passed - -) Penalty, see § 96.99

96.05 KEEPING OF ANIMALS REGULATED.

(A) Except as noted in division (B) of this section, animals including cattle, horses, sheep and goats or any combination thereof shall be limited to two head for the first acre of land on which they are kept. For each additional head, an additional one-half acre is required. This section is in addition to the prohibition of § 96.04 and shall not be construed to apply to dogs and cats.

(B) These limits may be exceeded by educational facilities, but only upon a special vote of Council. Council may, in this case, specify limits on number of head per acre and other criteria that must be met before an exception is granted. No citizen or organization, except an educational institution, may receive an exception under this section.

(1996 Code, § 6.04.050) (Ord. 90, passed - -1979) Penalty, see § 96.99

96.06 KEEPING OF BEES.

It is unlawful to keep or care for bees or maintain any stands or hives of bees within the corporate limits of the town.

(1996 Code, § 6.04.060) Penalty, see § 96.99

96.07 PUBLIC ASSISTANCE IN APPREHENSION OF LOOSE NUISANCE ANIMALS LIMITED TO DOMESTIC CATS, SKUNKS AND FOXES.

The town enforcement agent shall provide to citizens at a reasonable cost and procedure a humane live-animal trap for the apprehension of the above-mentioned animals (i.e., domestic cats, skunks and foxes). Traps are to be used in a prescribed manner so as not to cause injury or harm. All trapped animals shall be transported to the official county pound for proper care and maintenance as prescribed by law and/or policy.

(1996 Code, § 6.04.070) (Ord. 109, passed - -1982)

DOGS AND RABIES; CONTROL

96.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any animal of a species that is susceptible to rabies, except humans.

AT LARGE. On or off the premises of owner and not under control of owner or other persons acting for the owner. Any dog in a suitable enclosure or confined shall not be considered to be running AT LARGE.

ENFORCEMENT AGENT. The person in each county who is responsible for the enforcement of this chapter and the regulations promulgated thereunder.

DEPARTMENT. The State Department of Health Services.

IMPOUND. The act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this subchapter.

KENNEL. An enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.

LIVESTOCK. Neat animals, horses, sheep, goats, swine, mules and asses.

OWNER. Any person keeping an animal other than livestock for more than six consecutive days.

POUND. Any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his or her official duties.

RABIES QUARANTINE AREA. Any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

RABIES VACCINATION CERTIFICATE. A method of recording and duplicating rabies information that is in compliance with the county enforcement agent's licensing system and/or county enforcement agent's prescribed forms.

STRAY DOG. Any dog four months of age or older running at large that is not wearing a valid license tag.

VACCINATION. The administration of an anti-rabies vaccine to animals by a veterinarian, or in authorized pounds by employees trained by a veterinarian.

VETERINARIAN. Unless otherwise indicated, means any veterinarian licensed to practice in the state or any veterinarian employed in the state by a governmental agency.

VETERINARY HOSPITAL. Any establishment operated by a veterinarian licensed to practice in the state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A VETERINARY HOSPITAL may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls, cages or kennels for quarantine observation or boarding.

VICIOUS ANIMAL. Any animal of the order carnivora that has a propensity to bite human beings without provocation, and has been so declared after a hearing before a Justice of the Peace or a Town Magistrate. (1996 Code, § 6.08.010) (Ord. 85-04-002, passed - -; Ord. 87-07-004, passed - -; Ord. 87-07-005, passed - -)

96.21 POWERS AND DUTIES OF THE STATE VETERINARIAN AND THE LIVESTOCK BOARD.

(A) The State Veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.

(B) The State Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

(1996 Code, § 6.08.020) (Ord. 85-04-002, passed - -)

96.22 POWERS AND DUTIES OF STATE DEPARTMENT OF HEALTH SERVICES.

(A) The State Department of Health Services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

(B) The State Department of Health Services may require the enforcement agent to submit a record of all dog licenses issued and, in addition, any information deemed necessary to aid in the control of rabies.

(1996 Code, § 6.08.030) (Ord. 85-04-002, passed - -)

96.23 POWERS AND DUTIES OF ENFORCEMENT AGENT.

(A) The enforcement agent shall:

(1) Enforce the provisions of this chapter; the regulations promulgated thereunder;

(2) Issue citations for the violation of the provisions of this chapter; the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903; except that, the enforcement agent shall not make an arrest before issuing the notice;

(3) Be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the State Veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the State Veterinarian.

(B) The issuance or citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.

(C) The enforcement agent may designate deputies.

(1996 Code, § 6.08.040) (Ord. 85-04-002, passed - -)

96.24 LICENSE FEES FOR DOGS; ISSUANCE OF DOG TAGS; PENALTIES.

(A) The Town Council shall set an annual license fee which shall be paid for each dog four months of age or over that is kept, harbored or maintained within the boundaries of the town for at least 30 consecutive days of each calendar year. License fees shall become payable at the discretion of Town Council. The licensing period shall not exceed the period of time for revaccination as designated by the State Veterinarian. License fees shall be paid within 90 days. A penalty not to exceed \$3 shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this chapter. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than 30 consecutive days.

(B) (1) Durable dog tags shall be provided. Each dog licensed under the terms of this subchapter shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of the license and the date on which it expires.

(2) The tag shall be attached to a collar or harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this chapter.

(3) Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the enforcement agent.

(C) License fees may be lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that the dog has been surgically altered to be permanently incapable to procreate.

(D) Any person who fails within 15 days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, or counterfeits or attempts to counterfeit an official dog tag, or removes the tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a Class 2 misdemeanor.

(1996 Code, § 6.08.050) (Ord. 85-04-002, passed - -) Penalty, see § 96.99

96.25 KENNEL PERMIT; FEE; VIOLATION; PENALTY.

(A) A person operating a kennel shall obtain a permit issued by the Board of Supervisors of the county where the kennel is located, except if each individual dog is licensed.

(B) The annual fee for the kennel permit is an amount as set from time to time by resolution of the Town Council.

(C) A dog remaining within the kennel is not required to be licensed individually under A.R.S. § 11-1008. A dog leaving the controlled kennel conditions shall be licensed under A.R.S. § 11-1008, except if the dog is only being transported to another kennel which has a permit issued under this section.

(D) A person who fails to obtain a kennel permit under this section is subject to a penalty of an amount as set from time to time by resolution of the Town Council in addition to the annual fee.

(E) A person who knowingly fails within 30 days after written notification from the county enforcement agent to obtain a kennel permit is guilty of a Class 2 misdemeanor.

(1996 Code, § 6.08.060) (Ord. 85-04-002, passed - -; Ord. 98-17, passed - -)

96.26 ANTI-RABIES VACCINATION; VACCINATION AND LICENSE STATIONS.

(A) Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine used and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this chapter.

(B) A dog vaccinated in any other state prior to entry into the state may be licensed in the state; provided that, at the time of licensing, the owner of the dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this chapter and the regulations promulgated thereunder.

(C) The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

(1996 Code, § 6.08.070) (Ord. 85-04-002, passed - -)

96.27 RABIES CONTROL FUND.

(A) The enforcement agent or authorized representative shall place the moneys collected by him or her under the provisions of this chapter in a special fund to be known as the Rabies Control Fund to be used for the enforcement of the provisions of this chapter and the regulations promulgated thereunder.

(B) Any unencumbered balance remaining in the Rabies Control Fund at the end of the fiscal year shall be carried into the following fiscal year.

(1996 Code, § 6.08.080) (Ord. 85-04-002, passed - -)

96.28 DOG NOT PERMITTED AT LARGE.

(A) Neither a female dog during her breeding or mating season, nor a vicious dog, shall be permitted at large.

(B) In a rabies quarantine area, no dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that a dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property.

(C) Any dog over the age of four months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the State Racing Commission, and the dogs, while being transported to and from the events, need not wear a collar or harness with a valid license attached; provided that, they are properly vaccinated, licensed and controlled.

(D) If any dog is at large on the public streets, public parks or public property, then the dog's owner or custodian is in violation of this chapter.

(E) Any dog(s) at large shall be apprehended and impounded by an enforcement agent.

(1) The agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. The entrance upon private property shall be in reasonable pursuit of the dog(s) and shall not include entry into a domicile or enclosure which confines a dog unless it is at the invitation of the occupant.

(2) The agent may issue a citation(s) to the dog owner or person acting for the owner when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citation(s) pursuant to this chapter shall be subject to provisions of A.R.S. § 13-3899.

(3) In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain.

(1996 Code, § 6.08.090) (Ord. 85-04-002, passed - -) Penalty, see § 96.99

96.29 ESTABLISHMENT OF POUNDS; IMPOUNDING AND DISPOSING OF DOGS AND CATS; RECLAIMING IMPOUNDED DOGS AND CATS; POUND FEES.

(A) Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

(B) Each stray dog or any cat impounded shall be kept and maintained at the pound for a minimum of 72 hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period; provided, the person pays all pound fees and complies with the licensing and vaccinating provisions of this chapter. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If the dog or cat is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded sick or injured dogs or cats whenever the destruction is necessary to prevent the dog or cat from suffering or to prevent the spread of disease.

(C) Any impounded licensed dog or any cat may be reclaimed by its owner or the owner's agent; provided that, the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing the dog or cat shall pay all the pound fees.

(1996 Code, § 6.08.100) (Ord. 85-04-002, passed - -)

96.30 HANDLING OF BITING ANIMALS; RESPONSIBILITY FOR REPORTING ANIMAL BITES; AUTHORITY TO DESTROY ANIMALS.

(A) An unlicensed or unvaccinated dog or any cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this chapter that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

(B) Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than 14 days; provided that, livestock shall be confined and quarantined for the 14-day period in a manner regulated by the State Livestock Board. If the animal is a caged rodent it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.

(C) Any wild animal which bites any person may be killed and submitted to the enforcement agent or deputies for transmission to an appropriate diagnostic laboratory.

(D) Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

(E) The county enforcement agent may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if:

- (1) The animal shows clear clinical signs of rabies; and
- (2) The owner of the animal consents to its destruction.

(F) Any animal subject to licensing under this subchapter found without a tag identifying its owner shall be deemed unowned.

(G) The county enforcement agent shall destroy a vicious animal upon an order of a Justice of the Peace or a Town Magistrate. A Justice of the Peace or Town Magistrate may issue an order after notice to the owner, if any, and a hearing.

(1996 Code, § 6.08.110) (Ord. 85-04-002, passed - -)

96.31 UNLAWFUL INTERFERENCE WITH ENFORCEMENT AGENT.

It is unlawful for any person to interfere with the enforcement agent in the performance of his or her duties.

(1996 Code, § 6.08.120) (Ord. 85-04-002, passed - -) Penalty, see § 96.99

96.32 REMOVING IMPOUNDED ANIMALS.

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent, except in accordance with the provisions of this chapter and the regulations promulgated hereunder.

(1996 Code, § 6.08.130) (Ord. 85-04-002, passed - -) Penalty, see § 96.99

96.33 UNLAWFUL KEEPING OF DOGS.

It is unlawful for a person to keep, harbor or maintain a dog within the town, except as provided by the terms of this chapter.

(1996 Code, § 6.08.140) (Ord. 85-04-002, passed - -) Penalty, see § 96.99

96.34 DOGS; LIABILITY.

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when the damages were inflicted.

(1996 Code, § 6.08.150) (Ord. 85-04-002, passed - -)

96.35 PROPER CARE, MAINTENANCE AND DESTRUCTION OF IMPOUNDED ANIMALS.

(A) Any animal impounded in a county, city or town pound shall be given proper and humane care and maintenance.

(B) Any dog or cat impounded in a county, city or town pound shall be destroyed only by the use of the one of the following:

- (1) Sodium pentobarbital or a derivative of sodium pentobarbital;
- (2) Nitrogen gas; or
- (3) T-61 euthanasia solution or its generic equivalent.

(C) If an animal is destroyed by means specified in divisions (B)(1) or (3) of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the State Veterinarian, pursuant to A.R.S. § 11-1013(E).

(D) The governing body of any county, city or town which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in divisions (B) and (C) of this section.

(1996 Code, § 6.08.160) (Ord. 85-04-002, passed - -)

96.36 FEE SCHEDULE.

Rabies/Animal Control Fee Schedule

Adoptions

- Cats \$10
- Dogs under four months \$15
- Other animals subject to adoption Market value

Board fees

- Cats \$2
- Dogs per day and wild and exotic animals \$3

Dog license

- Dogs capable of procreation \$15
- Dogs permanently incapable of procreation \$7
- Dog rabies vaccination Not set by county
- Duplicate tag \$1
- Penalty exceptions \$3
- Penalty for late registration \$3
- Transfer of ownership \$1

Impound fees

- All other animals \$15
- Dogs \$25

Small animal trap \$25

Tick dip \$5

(Ord. 85-04-002, passed - -; Ord. 86-09-005, passed - -; Res. 90-09-023, passed - -)

IMPOUNDMENT

96.50 SCOPE.

The provisions of this subchapter shall apply to the impoundment of any and all animals, except dogs. The provisions of §§ 96.20 through 96.36 apply to the impoundment of dogs.
(1996 Code, § 6.12.010)

96.51 POUNDMASTER.

(A) The Police Chief is constituted Poundmaster for the town.

(B) The Poundmaster shall have the right, subject to the approval of the Council, to appoint deputy Poundmasters as he or she may deem necessary for the proper carrying on and performance of the work and duties of the Poundmaster, and any deputy so appointed is empowered to perform any of the duties of the Poundmaster set forth in this subchapter.
(1996 Code, § 6.12.020)

96.52 IMPOUNDING OF ANIMALS AT LARGE.

It shall be the duty of the Poundmaster and deputies to impound all animals found at large, or not under the charge, care or control of some person in the streets, alleys or other public places or vacant or unenclosed lots in the town.
(1996 Code, § 6.12.030)

96.53 NOTICE TO OWNERS OF IMPOUNDMENT.

If the owner of any impounded animal shall be known to the Poundmaster and shall reside or have a known place of business in the town, the Poundmaster shall notify the owner of the animal personally or by letter through the post office within 24 hours after the animal has been taken up and impounded. The notice shall contain a description of the animal and shall state that unless reclaimed, the animal will be sold at public auction to the highest bidder at the time and place specified in the notice. Copies of the notice shall be posted at the place of impoundment and at the town hall.
(1996 Code, § 6.12.040)

96.54 REPORT OF IMPOUNDED ANIMALS.

The Poundmaster shall, within 24 hours after taking up and impounding any animal make a report to the Clerk stating the kind of animal and describing it by color, marks or brands or otherwise and when the animal was taken up and impounded.
(1996 Code, § 6.12.050)

96.55 CONDITIONS AND DURATION OF IMPOUNDMENT.

The Poundmaster shall keep all animals taken up and impounded by him or her or his or her deputies in a safe, convenient and comfortable place within or conveniently near the town limits and shall feed the animals at least once every 24 hours and treat them in a humane manner during the time they are impounded. The duration of impoundment shall not be less than five days, unless sooner claimed by the owner.
(1996 Code, § 6.12.060)

96.56 REDEMPTION OF IMPOUNDED ANIMALS.

If the owner of any animal shall, within five days after the animal has been taken up and impounded, apply to the Poundmaster and pay the fees and charges provided by this chapter, the Poundmaster shall deliver any animal to the owner.
(1996 Code, § 6.12.070)

96.57 SALE OF UNREDEEMED ANIMALS.

All animals, taken up and impounded under the provisions of this chapter which have not been claimed and for which the fees and charges have not been paid to the Poundmaster by the owner within five days, shall at the time provided in the notice of sale be sold by the Poundmaster at public auction at the place of impoundment to the highest cash bidder. The Poundmaster shall immediately pay to the Clerk the proceeds of the sale of any animal, which proceeds, after deducting therefrom the fees and charges, shall be paid to the owner of the animal if he or she appears and claims the same within 30 days after the sale, and if not, then the proceeds shall be paid into the General Fund of the town. The Poundmaster shall execute a bill of sale over his or her official signature in favor of the purchaser of the animal and upon payment of the amount bid shall deliver the bill of sale to the purchaser. (1996 Code, § 6.12.080)

96.58 IMPOUNDING FEES.

The Poundmaster shall collect from the owner of animals taken up and impounded and duly claimed by the owner, before delivering any animals, a sum of \$10 for every animal so taken up, and additionally a sum of \$1 for the care, watering and feeding of any impounded animal. All fees collected shall be transmitted by the Poundmaster to the Clerk who shall deposit the fees into the General Fund of the town. (1996 Code, § 6.12.090)

96.59 IMPEDING POUNDMASTER.

It is unlawful for any person to, in any manner, intervene, impede, prevent, obstruct or intimidate the Poundmaster or any of the deputies in the discharge of their duties in taking up or attempting to take up and impound any and all animals which it shall be their duty to impound under the provisions of this title, or who shall rescue or attempt to rescue any animal so taken up or to release any animal so impounded. (1996 Code, § 6.12.100) Penalty, see § 96.99

96.99 PENALTY.

Any person who fails to comply with the requirements of this chapter, or violates any of its provisions, is guilty of a Class 2 misdemeanor, and may be subject to imprisonment for a maximum period of four months, or fined a maximum of \$750, or both. (1996 Code, § 6.08.150) (Ord. 85-04-002, passed - -)

City of Gilbert

Chapter 6 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 6-1. - Animal cruelty.

- (a) A person commits animal cruelty if the person does any of the following:
- (1) Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
 - (2) Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.
 - (3) Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
 - (4) Recklessly subjects any animal to cruel mistreatment.
 - (5) Intentionally, knowingly or recklessly kills or attempts to kill any animal under the custody or control of another person without either legal privilege or consent of the owner.
 - (6) Recklessly interferes with, strikes, kills or harms a working or service animal without either legal privilege or consent of the owner.
 - (7) Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
 - (8) Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.
 - (9) Strikes any domestic animal with a vehicle resulting in injury to the animal, and leaves the scene without rendering aid and assistance in the care of such animal, if such action can be taken with reasonable safety. For purposes of this section, "domestic animal" shall mean an animal usually domiciled with or cared for by humans, such as a cat, dog, horse or cattle.
 - (10) Intentionally or knowingly poisons or attempts to poison any domestic animal. For purposes of this section, "poison" or "attempt to poison" includes the act of placing food, water, or lure of another sort which contains poison or contains health threatening foreign objects, such as glass or metal, in a locaton where any animal may be attracted to it.
 - (11) Intentionally, knowingly or recklessly uses a baited trap or mechanical device to capture an animal, causing it injury or death.
- (b) It is a defense to subsection (a) above if:
- (1) To protect himself or his livestock or poultry, a person does the following:
 - a. Exposes poison to be taken by a dog that has killed or wounded livestock or by predatory animals on premises owned, leased or controlled by the person; and
 - b. The treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed; and
 - c. The poison is removed after the threat to the person or the person's livestock or poultry has ceased to exist.
 - d. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".
 - (2) A person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling rodents as otherwise allowed by the laws of the state.
- (c) It is not a defense to subsection (a) above if:
- (1) The animal was trespassing on property owned or controlled by the person alleged to have violated this section.

- (2) The animal was not restrained in compliance with any leash law, including section 6-60.
 - (3) The person alleged to have violated this section did not know that the animal was under the custody or control of another person.
- (d) This section does not prohibit or restrict:
- (1) The taking of wildlife or other activities permitted by or pursuant to A.R.S. tit. 17.
 - (2) Activities permitted by or pursuant to A.R.S. tit. 3.
 - (3) Activities regulated by the Arizona Game and Fish Department or the Arizona Department of Agriculture.
 - (4) Any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock.
- (e) A person who violates subsection (a) herein is guilty of a class 1 misdemeanor.
- (f) A person convicted of violating subsection (a) herein, shall be required by the court to make restitution to the owner of the animal in the full amount of the owner's economic loss, unless the convicted person is the owner.
- (1) The full amount of economic loss shall include, but not be limited to, the cost of veterinary care, boarding, and necropsy; the value of the animal; cost of a replacement animal; cost of training a replacement animal; and
 - (2) In the case of a working or service animal, any additional costs incurred to replace the services of the working or service animal while the animal remains unavailable to its owner.
- (g) Upon conviction of a violation of sections 6-1 and 6-3, involving an animal that is under the convicted person's custody or control, the court shall order the victimized animal forfeited to the town and the animal may then be placed up for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home, or humanely destroyed. For purposes of forfeiture, a conviction may result from a verdict or plea, including a no contest plea. All right, title and interest to the animal is deemed to have vested in the town on the commission of the act or omission giving rise to the conviction. The court shall order the convicted person to make restitution to the town for the town's reasonable costs incurred in housing, care, feeding and treatment of the animal from the time of seizure or impoundment to the time of conviction.
- (j) For the purposes of this article:
- (1) Animal means a mammal, bird, reptile or amphibian.
 - (2) Cruel mistreatment means to torture or otherwise inflict unnecessary serious physical injury upon an animal or to kill an animal in a manner that causes protracted suffering to the animal.
 - (3) Cruel neglect means to fail to provide an animal with necessary food, water or shelter.
 - (4) Handler means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
 - (5) Service animal means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.
 - (6) Working animal means a horse or dog used by a law enforcement agency, specially trained for law enforcement work and is under the control of a handler.

(Code 1984, § 13-1-3(A); Ord. No. 1557, § I, 4-27-04; Ord. No. 2228, § I, 5-12-09; Ord. No. 2415, § I, 1-17-13)

Sec. 6-2. - Noisy animals.

It is unlawful to keep or harbor any animal which by frequent, habitual or continued noise shall cause an annoyance or inconvenience to a neighbor or to people passing to and from upon the public streets or sidewalks.

No summons and complaint shall be issued nor shall there be a conviction for violation of this section unless there are at least two complaining witnesses from separate households who shall have signed such complaint and shall have testified at trial. Any person found responsible for violating this section shall be subject the civil sanctions and habitual offender provisions set forth in section 1-5 of this Code.

(Code 1984, § 13-1-5; Ord. No. 1363, § I.2., 8-21-01; Ord. No. 1557, § I, 4-27-04; Ord. No. 2124, § I, 2-26-08)

Editor's note— Ord. No. 1557, § I, adopted April 27, 2004, deleted the provisions of former § 6-2, which pertained to injured animals, and derived from Code 1984, § 13-1-3(B). Said ordinance also redesignated former § 6-3 as § 6-2.

Sec. 6-3. - Authority to remove, impound and forfeit animals; cost of care.

- (a) A peace officer, enforcement agent or county animal control officer is hereby authorized and empowered to seize and impound any animal as follows:
 - (1) On process issued pursuant to the provisions of A.R.S. tit. 13, including a search warrant.
 - (2) If the peace officer, enforcement agent or county animal control officer has reasonable grounds to believe that a violation of section 6-1 has occurred.
 - (3) If the peace officer, enforcement agent or animal control officer has reasonable grounds to believe any of the following:
 - a. That an animal is in distress caused by mistreatment, lack of food or water, restraint, restriction of movement, confinement, lack of sufficient exercise space, constrictive gear, injury, illness, physical impairment or parasites; or
 - b. That an animal's well-being is threatened by a dangerous condition or circumstance;
 - c. That seizure is necessary to protect the health or safety of the animal or the health and safety of other animals;
 - d. That an animal is vicious or destructive and may be a danger to the safety of any person or other animal.
- (b) Nothing in this section shall be construed to prohibit the attorney for the state, after seizure of an animal by a peace officer, enforcement agent or animal control officer, from taking possession of and keeping the animal when the attorney deems the animal to be of evidentiary value in any criminal prosecution relating to the condition of the animal. If the attorney for the state intends to take possession of and retain an animal as evidence in any criminal prosecution, the attorney shall promptly provide written notice to the police department.
- (c) The town may contract with any person, agency or shelter, including volunteers, to house, care for and treat an animal that has been seized and impounded pursuant to the provisions of this section.
- (d) The owner or keeper of an animal properly seized under this section is liable for the cost of housing, caring for and treating the animal. Unless the seizure or impoundment of an animal is for evidentiary purposes, supported by a written notice of intent as required by subsection (b), or the court determines at a post-seizure hearing that the seizure or impoundment was not justified, the owner or keeper shall post with the court a bond in the form of cash or a surety's undertaking to defray some of the costs of housing of, caring for and treating the animal. The bond shall be in the amount of \$25.00 per animal. The owner or keeper shall post the bond within ten days of the date of the notice provided under section 6-4. If the owner or keeper fails to post the bond within the specified time, the owner or keeper shall be deemed to have abandoned the animal. The animal may then be placed for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely destroyed.
- (e) Upon forfeiture of an animal, the court shall forfeit the bond to pay the expenses incurred in the housing of, caring for and treating the animal. If the bond exceeds the expenses, the court shall exonerate the bond amount and order the security returned to the owner or keeper only to the extent the bond exceeds

the expenses incurred in the housing of, caring for and treatment of the animal. The court shall order the bond exonerated and the security returned to the owner or keeper if at the conclusion of the case the animal is not forfeited under this chapter.

(Ord. No. 2228, § I, 5-12-09; Ord. No. 2415, § I, 1-17-13)

Sec. 6-4. - Post-seizure hearings.

- (a) The burden of proof in the seizure hearing pursuant to this article shall be by a preponderance of the evidence. The formal rules of evidence shall not apply and reliable hearsay shall be admissible. The court shall order the animal to be forfeited to the town to be placed for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely destroyed if the court finds from a preponderance of the evidence that a violation of section 6-1 or 6-3 has occurred or if the court finds that the animal will suffer needlessly if humane destruction is delayed.
- (b) Whenever a peace officer, enforcement agent or animal control officer seizes or impounds an animal based on a reasonable belief that a violation of section 6-1 or 6-3 has occurred or that prompt action is required to protect the health or safety of the animal or the health and safety of other animals, the owner or keeper of the animal may request a post-seizure hearing to determine the validity of the seizure or impoundment or both. The post-seizure hearing shall be commenced as follows:
 - (1) If the owner is known, the owner may sign a statement permanently relinquishing ownership of the animal to the peace officer or enforcement agent. The statement shall indicate that the animal will be either placed for adoption, through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely destroyed according to law.
 - (2) If the owner's or keeper's whereabouts cannot be determined, the notice shall be mailed to the owner or keeper's last known address by registered or certified mail, return receipt requested.
 - (3) The police department or town prosecutor, within 48 hours, excluding weekends and town holidays, of the seizure or impoundment, shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice of the seizure or impoundment, or both, to the owner or keeper, if known or ascertainable after reasonable investigation. The notice shall include the following:
 - a. The name, business address and telephone number of the person providing the notice.
 - b. A description of the animal seized, including identification upon the animal if any.
 - c. The authority and purpose for the seizure, or impoundment, including the time, place and circumstances under which the animal was seized.
 - d. A statement that, in order to receive a post-seizure hearing, the owner or person authorized to keep the animal, or his or her agent, shall request the hearing by signing and returning to the court an enclosed declaration of ownership or right to keep the animal within ten days, including weekends and town holidays, of the date of the notice. The declaration must be returned by personal delivery or by mail. The declaration will be deemed received at the time it is personally served or, if mailed, upon receipt.
 - e. A statement that the owner or keeper is responsible for the cost of housing, caring for and treating the animal that was properly seized and impounded.
 - f. A statement that the owner is required to post a bond with the court to defray the expenses of housing, caring for and treating the animal that has been properly seized and impounded.
 - g. A warning that if the owner or keeper fails to post the bond within ten days of the seizure, including weekends and holidays, the animal will be deemed abandoned and will be placed for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely euthanized according to law.

- h. A warning that if the owner or keeper fails to appear at the hearing, the court shall order the animal forfeited to the town to be placed for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely destroyed according to law.
 - i. A warning that this civil hearing is separate and distinct from any animal cruelty prosecution, that anything the person testifies to at the hearing may be used against them in the criminal prosecution, that they are not entitled to a public defender, that if they wish to be represented by an attorney at the seizure hearing they must retain an attorney and that no continuances of the hearing will be granted to secure an attorney.
- (4) The court shall conduct the post-seizure hearing within 15 days of the court's receipt of the request, excluding weekends and town holidays.
- (5) Failure of the owner or keeper, or the owner's or keeper's agent, to request or to attend a scheduled hearing shall result in a forfeiture of any right to a post-seizure hearing and the animal shall be abandoned and will be either placed up for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely destroyed according to law.
- a. In the event of the acquittal or final discharge without a conviction of a person who was charged under this article, or a determination that the animal is not vicious, the court shall, upon demand, direct the release of seized or impounded animals that have not been forfeited upon a showing of proof of ownership. Any questions regarding ownership shall be determined in a separate hearing by the court and the court shall hear testimony from any persons who may assist in determining ownership of the animal. If the owner is determined to be unknown or the owner is prohibited or unable to retain possession of the animal for any reason, the court shall order the animal released for placement with Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely euthanized according to law. This subsection shall not be construed to cause the release of an animal seized or impounded pursuant to any other local, state or federal law or regulation.
 - b. It is unlawful for a person to fail to produce the animal at the time of the hearing if the animal was not initially seized, make arrangements with and allow the police department to view the animal upon request, or provide verification that the animal has been humanely destroyed.

(Ord. No. 2228, § I, 5-12-09; Ord. No. 2415, § I, 1-17-13)

Sec. 6-5. - Enforcement; nonpreclusion of other enforcement action; appeal.

- (a) Any peace officer, enforcement agent or county animal control officer is hereby authorized and empowered to enforce the provisions of this article and to issue citations for the violations thereof.
- (b) It shall be unlawful for any person(s) to interfere with any officer authorized to enforce this chapter in the performance of his duties, or to release any animal duly seized and/or impounded and any person guilty of such act shall be guilty of a class 1 misdemeanor.
- (c) Use of the civil procedures and remedies provided for in this article shall neither require nor preclude other enforcement action on the same facts, including a criminal prosecution of the owner. The civil procedures and remedies provided for in this chapter are remedial and not punitive and are not precluded by an acquittal or conviction in a criminal proceeding.
- (d) Appeal by either party of the decision of the court shall be by way of special action to the superior court on the record of the hearing. The court, at the hearing, shall issue an order that includes written findings of fact and conclusions of law. If either party claims the record to be incomplete or lost and the court who

conducted the hearing so certifies, a new hearing shall be conducted before that court. The owner must post a bond equivalent to 60 days of impoundment costs in order to perfect the owner's appeal. Notice of the amount due shall be given to the owner by the court at the time of the seizure hearing if forfeiture is ordered. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than five days after the decision.

- (e) Unless good cause is shown, the owner shall be liable for all veterinary, impound and board fees resulting from the animal's impoundment until a final decision by the court, including the pendency of an appeal. The owner shall not be responsible for any fees if the owner prevails at the hearing or ultimately on appeal.

(Ord. No. 2228, § I, 5-12-09)

Sec. 6-6. - Disposition of animals.

Any animal forfeited, abandoned, ownerless or unclaimed, and any other animal to be permanently disposed of by the town shall be placed for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely destroyed.

(Ord. No. 2228, § I, 5-12-09)

ARTICLE II. - DOGS AND CATS; ANIMAL CONTROL

DIVISION 1. - GENERALLY

Sec. 6-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any animal of a species that is susceptible to rabies, except man.

At large means being neither confined by an enclosure, nor physically restrained by a leash.

Department means the state department of health services.

Enforcement agent means that person who is responsible for the enforcement of this article and the regulations promulgated under this article.

Impound means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this article.

Kennel means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.

Owner means any person keeping an animal, other than livestock, for more than six consecutive days.

Pound means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.

Rabies quarantine area means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

Rabies vaccination certificate means a method of recording and duplicating rabies information that is in compliance with the county enforcement agent's licensing system and/or county enforcement agent's prescribed forms.

Stray dog means any dog three months of age or older running at large that is not wearing a valid license tag.

Vaccination means the administration of an antirabies vaccine to animals by a veterinarian.

Veterinarian means, unless otherwise indicated, any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.

Veterinary hospital means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls,

cages or kennels for quarantine, observation or boarding.

Vicious animal means any animal of the order carnivora that has a propensity to bite human beings without provocation, and has been so declared after a hearing before a justice of the peace or a town magistrate.

(Code 1984, § 3-2-1; Ord. No. 1557, § I, 4-27-04; Ord. No. 1622, § I, 2-1-05)

Cross reference— Definitions generally, § 1-2.

State Law reference— Similar provisions, A.R.S. § 11-1001 et seq.

Sec. 6-32. - Penalty for violation of article.

Any person violating any of the provisions of this article shall be punished as provided in section 1-5.

(Code 1984, § 13-2-11)

Sec. 6-33. - Enforcement agent—Duties and responsibilities.

(a) The enforcement agent shall:

- (1) Enforce the provisions of this article, or the regulations promulgated under this article.
- (2) Issue citations for the violation of the provisions of this article, or the regulations promulgated under this article. The procedure for the issuance of notices to appeal shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
- (3) Be responsible for declaring a rabies quarantine area within the area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state veterinarian.

(b) The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.

(c) The enforcement agent may designate deputies.

(Code 1984, § 13-2-2(C))

State Law reference— Similar provisions, A.R.S. § 11-1007.

Sec. 6-34. - Same—Interference with.

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

(Code 1984, § 13-2-10(A))

State Law reference— Similar provisions, A.R.S. § 11-1015.

Sec. 6-35. - Handling of biting animals; reporting.

(a) Confinement and quarantine of unlicensed, unvaccinated dogs and cats. An unlicensed or unvaccinated dog or any cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog, properly licensed and vaccinated pursuant to this article, that bites any person may be confined and quarantined at the home of the owner, or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

(b) Confinement and quarantine of other animals. Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, a veterinary hospital for a period of not less than 14 days; provided, however, that livestock

shall be confined and quarantined for the 14-day period in a manner regulated by the state department of agriculture. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner, or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.

- (c) Disposition and testing of remains of wild animals. Any wild animal which bites any person may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.
- (d) Reporting. Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.
- (e) Destruction of animal prior to expiration of minimum confinement period. The enforcement agent may destroy any animal confined and quarantined pursuant to this article prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - (1) Such animal shows clear clinical signs of rabies as determined by a licensed veterinarian.
 - (2) The owner of such animal consents to its destruction.
- (f) Designation of untagged animals. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.
- (g) Destruction of vicious animals upon order. The county enforcement agent shall destroy a vicious animal upon an order of a justice of the peace or a town magistrate. A justice of the peace or town magistrate may issue an order after notice to the owner, if any, and a hearing.
- (h) Exception. This section does not apply to a dog that is used by any federal, state, county, city or town law enforcement agency and that bites any person if the bite occurs while the dog is under proper law enforcement supervision and the care of a licensed veterinarian, except that the law enforcement agency shall notify the county enforcement agent if the dog exhibits any abnormal behavior and make the dog available for examination at any reasonable time.

(Code 1984, § 13-2-9; Ord. No. 2415, § I, 1-17-13)
State Law reference— Similar provisions, A.R.S. § 11-1014.

DIVISION 2. - DOGS

Sec. 6-56. - Keeping, harboring or maintaining.

It is unlawful for a person to keep, harbor or maintain a dog within the town except as provided by the terms of this article.

(Code 1984, § 13-2-10(C))
State Law reference— Similar provisions, A.R.S. § 11-1017.

Sec. 6-59. - Antirabies vaccination required.

- (a) Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used, and the date the revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated under this article.

- (b) A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona, provided that at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated under this article.
- (c) The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

(Code 1984, § 13-2-5)

State Law reference— Similar provisions, A.R.S. § 11-1010.

Sec. 6-60. - Running at large.

- (a) Prohibited; exceptions. No dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that the dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property. A dog is not at large:
 - (1) If the dog is restrained by a leash, chain, rope or cord of not more than six feet in length and of sufficient strength to control the action of the dog.
 - (2) If the dog is used for control of livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the state racing commission.
 - (3) While the dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or persons acting for the owner or trainer; provided, however, that the person training the dog has in his possession a dog leash of not more than six feet in length and of sufficient strength to control the dog and, further, that the dog is actually enrolled or has graduated from a dog obedience training school.
 - (4) If the dog is in a designated off-leash area in a dog park.
- (b) Collar and harness with tag required; exceptions. Any dog over the age of three months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the state racing commission, and such dogs, while being transported to and from such events, need not wear a collar or harness with a valid license attached; provided, however that they are properly vaccinated, licensed and controlled.
- (c) Owner's responsibility; violation. If any dog is unrestrained on the public streets, public parks or public property, then the dog's owner or custodian is in violation of this article unless the dog is in a designated off-leash area in a dog park.

(Code 1984, § 13-2-7; Ord. No. 1557, § I, 4-27-04; Ord. No. 2415, § I, 1-17-13; Ord. No. 2526, § I, 3-5-15)

State Law reference— Dogs at large, A.R.S. § 11-1012.

Sec. 6-61. - Liability of owners.

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the owner or person responsible for the dog when such damages were inflicted.

(Code 1984, § 13-2-12)

State Law reference— Similar provisions, A.R.S. § 11-1020.

Sec. 6-62. - Disposal of fecal matter.

Any person owning, possessing, harboring or having the care, charge, control or custody of any dog shall immediately remove and thereafter dispose of any fecal matter deposited by said dog on public or private property, unless the property owner has given prior approval to use said property for this purpose. For the purpose of this section, dog fecal matter shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposing of it by depositing said matter in a trash receptacle, sanitary disposal unit or other closed or sealed container. This section shall not apply to disabled individuals who, due to their disability, are unable to comply.

(Ord. No. 1007, § I, 11-19-96)

DIVISION 3. - RABIES CONTROL

Sec. 6-81. - Administration of antirabies vaccine; handling and disposition of rabid livestock.

- (a) The state veterinarian shall designate the types of antirabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.
- (b) The state department of agriculture shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

(Code 1984, § 13-2-2(A))

State Law reference— Similar provisions, A.R.S. § 11-1002.

Sec. 6-82. - Role of state department of health services.

- (a) The state department of health services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal, or are showing symptoms suggestive of rabies.
- (b) The state department of health services may require the enforcement agent to submit a record of all dog licenses issued and, in addition, any information deemed necessary to aid in the control of rabies.

(Code 1984, § 13-2-2(B))

State Law reference— Similar provisions, A.R.S. § 11-1003.

DIVISION 4. - IMPOUNDMENT

Sec. 6-101. - Dogs at large.

Any dog at large shall be apprehended and impounded by the enforcement agent, as follows:

- (1) The enforcement agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include entry into a domicile or enclosure which confines a dog unless it be at invitation of the person who owns the dog.
- (2) The enforcement agent may issue a citation to the dog owner or person acting for the owner when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this article shall be subject to provisions of A.R.S. § 13-3899.

- (3) In the judgment of the enforcement agent, any dog at large or other animal that is dangerous or fierce and a threat to human safety, that cannot be safely impounded, may be slain.

(Code 1984, § 13-2-8(A))

Sec. 6-102. - Stray dogs and cats.

Any stray dogs shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

(Code 1984, § 13-2-8(B))

Sec. 6-103. - Purchase of impounded dogs or cats.

Each stray dog or any cat impounded shall be kept and maintained at the pound for a minimum of 72 hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this article. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or cat is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.

(Code 1984, § 13-2-8(C))

Sec. 6-104. - Reclamation by owner.

Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent, provided that the person reclaiming the dog or cat furnishes proof of the right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner pursuant to section 6-105. Any person purchasing such a dog or cat shall pay all pound fees.

(Code 1984, § 13-2-8(D))

Sec. 6-105. - Proper care, maintenance and destruction of impounded animals.

- (a) Any animal impounded in a county, city or town pound shall be given proper humane care and maintenance.
- (b) Any dog or cat destroyed while impounded in a county, city or town pound shall be destroyed only by the use of the following:
- (1) Sodium pentobarbital or derivative of sodium pentobarbital;
 - (2) Nitrogen gas; or
 - (3) T-61 euthanasia solution or its generic equivalent.
- (c) The governing body of any county, city or town which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections (b) and (c) of this section.

(Code 1984, § 13-2-8(E))

State Law reference— Impoundment of dogs, A.R.S. §§ 11-1014, 11-1021.

Sec. 6-106. - Removing impounded animals.

No person may remove or attempt to remove any animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this article and the regulations promulgated under this article.

(Code 1984, § 13-2-10(B))

State Law reference— Similar provisions, A.R.S. § 11-1016.

ARTICLE III. - LIVESTOCK AND NONDOMESTIC ANIMALS

Sec. 6-126. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

At large means off the premises of the owner or custodian of the animal or fowl, and not under the immediate control of the owner or custodian.

Exotic animal means camel, emu, llama, ostriche, Vietnamese pot-bellied pig, and other unusual animal or animal not commonly considered to be domestic.

Fancy pigeon means a banded pigeon which, through selective breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club, or the Rare Breeds Pigeon Club, or a similar national or state organization. Examples are Fantails, Pouters and Trumpeters.

Fowl means chicken, duck, turkey, pigeon, macaw, parrot, peacock, and other large bird.

Large livestock animal means cattle, ox, horse, mule, and donkey.

Livestock animal means cattle, ox, horse, mule, donkey, sheep and goat.

Loft means the structures for the keeping and housing of pigeons permitted by this article.

Officer means the code enforcement officer of the town.

Racing pigeon means a banded pigeon which, through selective breeding, has developed the distinctive physical and mental characteristics as to enable it to return home after having been released from a considerable distance, and which is accepted as such by the American Racing Pigeon Union, Inc. or the International Federation of Racing Pigeon Fanciers, or a similar national or state organization. Such pigeons are commonly known as racing homer, homing pigeon or carrier pigeon.

Reptile means snake, lizard, turtle, alligator, crocodile, and tortoise.

Rodent means any animal that is a member of the order rodentia, including rabbit and hare.

Small livestock animal means sheep, goat and pot-bellied pig.

Sporting pigeon means a banded pigeon which, through selective breeding, has developed the ability to fly in a distinctive manner, such as aerial acrobatics or endurance flying. Examples are rollers, tumblers and tipplers.

(Code 1984, § 13-1-1; Ord. No. 1622, § I, 2-1-05)

Cross reference— Definitions generally, § 1-2.

Sec. 6-127. - Keeping of animals; restrictions.

- (a) Conditions generally. It is lawful for any person to keep fowl, rodents, registered pigeons, exotic animals or livestock within the town, but only in the manner and upon the conditions set forth in this article and in the Town of Gilbert Zoning Code.
- (b) Exotic animals. Exotic animals shall be considered to be small livestock animals or livestock animals dependent upon their size and impact to the surrounding area.
- (c) Registered pigeons. An owner of registered pigeons is allowed to keep an additional 100 birds above the number permitted pursuant to section 2.107 of the zoning code as long as the animals are kept subject to the following conditions:
 - (1) The owner of the pigeons must be a member in good standing of an organized pigeon club or a local club which has rules that will help preserve the peace and quiet of the neighborhood.

- (2) All pigeons shall be banded and must be confined to a proper loft except for limited periods necessary for exercise, training and competition. Pigeons shall not be released for flying which have been fed within the previous four hours. At no time will pigeons be allowed to remain at large or free except when under an owner's control, and at no time shall pigeons be allowed to perch or linger on the buildings or property of others.
- (3) The construction and location of a loft shall not conflict with requirements of any building code or zoning code of the town, and all spacing and setbacks will apply.
- (4) All droppings and waste shall be removed from the loft or enclosures as often as required with a minimum of two claddings per week. All lofts and enclosures must also be maintained and treated to prevent odors and/or disease.
- (5) The number of birds shall be determined by mature birds which are defined as of at least six months of age.
- (d) Suitability of enclosures; animals not permitted at large. All fowl, registered pigeons, exotic animals, rodents, livestock animals, or small livestock animals shall be kept in suitable enclosures and shall not be permitted to run at large.
- (e) Poisonous reptiles, alligators, crocodiles and swine. No poisonous reptiles, alligators, crocodiles, or swine (except Vietnamese pot-bellied pigs which are classified as exotic animals) shall be kept within the town limits.
- (f) Smells and odors; complaints. It shall be unlawful to keep registered pigeons, exotic animals, rodents, livestock animals, or small livestock animals in a residential area under conditions that permit an offensive, disagreeable or noxious smell or odor to arise therefrom. Upon complaint of any inhabitant of the town residing within 200 feet of the place where such animal is kept and such odor arises, and upon confirmation by the enforcement agent, said animal(s) shall be removed and the keeping of such animals shall no longer be permitted at that location.

(Code 1984, § 13-1-3; Ord. No. 1622, § I, 2-1-05)

Sec. 6-128. - Sanitation requirements.

- (a) Fowl, registered pigeons and rodents. Sanitation requirements for fowl, registered pigeons and rodents are as follows:
 - (1) The droppings of fowl, registered pigeons or rodents shall be removed from the enclosure at least twice weekly.
 - (2) Adequate flytight containers approved by the officer shall be provided for the storage of fowl, registered pigeon or rodent excrement unless the droppings are removed from the premises twice weekly.
 - (3) Water and feed troughs shall be provided.
 - (4) Feeding vegetable or meat waste or garbage shall be exclusively in containers or on an impervious platform.
- (b) Livestock. Sanitation requirements for livestock shall be as follows:
 - (1) Manure shall be completely removed from stables, stable yards and other animal enclosures at least twice weekly.
 - (2) Adequate flytight containers approved by the officer shall be provided for the storage of manure unless it is completely removed from the premises at least twice weekly.
 - (3) Mound storage of animal droppings or manure will be permitted only on an impervious slab with adequate provisions to prevent migration of fly larva into the surrounding soil.
 - (4) Drinking troughs or tanks shall be provided with adequate overflow drainage to prevent saturation of the surrounding soil.

- (5) Feeding shall require adequate containers or feed troughs of such size, kind and number as to eliminate scatter and unsanitary surroundings. It is unlawful to feed at random upon the surface of the ground.
- (6) Spillage and leftovers from animal feeding, including grains, hay or vegetable food must be either removed or otherwise disposed of in such manner as to prevent fly propagation or the creation of odors.

(Code 1984, § 13-1-4)

City of Glendale

Chapter 6 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal: Any animal of a species that is susceptible to rabies, except man.

At large: Off premises of owner or custodian and not under leash restraining control of owner or persons acting for the owner. Any animal in a suitable enclosure or confined shall not be considered to be running at large.

Attack: A violent or aggressive physical contact or violent or aggressive behavior that confines the movement of a person.

Custodian: Any person keeping, possessing, harboring or maintaining any animal.

Enforcement Agent: That person who is responsible for the enforcement of this chapter and the regulations promulgated thereunder.

Pound: Any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.

Department: The state department of health services.

Impound: The act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this chapter.

Kennel: An enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five (5) or more dogs under controlled conditions.

Livestock: Neat animals, horses, sheep, goats, swine, mules and asses.

Owner: Any person keeping an animal other than livestock for more than six (6) consecutive days.

Rabies quarantine area: Any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

Rabies vaccination certificate: A method of recording and duplicating vaccination information that is in compliance with the county enforcement agency licensing system and uses county enforcement agency prescribed forms.

Stray dog: Any dog four (4) months of age or older running at large that is not wearing a valid license tag.

Vaccination: The administration of an anti-rabies vaccine to animals by a veterinarian, or in any authorized pound by employees trained by a veterinarian.

Veterinarian: Any veterinarian licensed to practice in Arizona or any veterinarian employed in Arizona by a governmental agency.

Veterinary hospital: Any establishment operated by a veterinarian licensed to practice in the state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

Vicious animal: A vicious animal is:

- (1) Any animal that has attacked without reasonable provocation, caused injury or otherwise endangered the safety of human beings or other domestic animals; or
- (2) Any animal that approaches people in a "vicious or terrorizing manner"; or
- (3) Any animal in the care of a custodian or owned primarily or in part for the purpose of animal fighting or any animal trained for fighting.

Vicious or terrorizing manner: A vicious or terrorizing manner is displayed by an animal when it exhibits conduct which includes, but is not limited to, growling, showing teeth, snapping, biting, charging, circling, cornering a person or creating a reasonable fear of imminent attack.

(Code 1963, § 5-1; Ord. No. 1045, § 2, 10-10-78; Ord. No. 1453, § 1, 10-14-86; Ord. No. 1541, § 2, 4-24-88; Ord. No. 2454, § 1, 7-26-05)

State Law reference— Similar provisions, A.R.S. 24-361.

Sec. 6-2. - Statutes incorporation by reference.

Sections 24-362, Powers and duties of the state veterinarian and the livestock sanitary board; 24-363, Powers and duties of department of health services; 24-368, Anti-rabies vaccination—Vaccination and license stations; 24-374, Removing impounded animals; 24-375, Unlawful keeping of dogs; and 24-378, Dogs—Liability; Arizona Revised Statutes are hereby incorporated by reference into this chapter as if such sections were fully set forth herein.

(Code 1963, § 5-10; Ord. No. 1045, § 2, 10-10-78)

Sec. 6-3. - Powers and duties of enforcement agent.

- (a) The enforcement agent shall:
 - (1) Enforce the provisions of this article and any regulations promulgated hereunder.
 - (2) Issue citations for the violation of the provisions of this article, and any regulations promulgated hereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in Arizona Revised Statutes section 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
 - (3) Be responsible for declaring a rabies quarantine area within his area of jurisdiction. When a quarantine area has been declared the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies within area. Any regulations restricting or involving movements of livestock within area shall be subject to approval by the state veterinarian.
- (b) The issuance of citations pursuant to this section shall be subject to the provisions of Arizona Revised Statutes section 13-3899.
- (c) The enforcement agent may designate deputies.

(Code 1963, § 5-2; Ord. No. 1045, § 2, 10-10-78; Ord. No. 1051, § 1, 10-24-78; Ord. No. 1453, § 3, 10-14-86; Ord. No. 1541, § 3, 5-24-88)

State Law reference— Powers and duties of county enforcement agent, A.R.S. § 24-366.

Sec. 6-4. - Dog licenses and tags.

- (a) A license fee in the amount established by resolution shall be paid for each dog four (4) months of age or over that is kept, harbored or maintained within the boundaries of the city for at least thirty (30) consecutive days of each calendar year. License fees shall become payable at the discretion of city council. The license shall be valid for a period which shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety (90) days. A penalty in the amount established by resolution shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this chapter. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty (30) consecutive days.
- (b) Durable dog tags shall be provided. Each dog licensed under the terms of this chapter shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of the license, and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this chapter.

Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the enforcement agent.

- (c) License fees may be lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.
- (d) Any person who fails within fifteen (15) days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, or counterfeits or attempts to counterfeit an official dog tag, or remove such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a misdemeanor.

(Code 1963, § 5-3; Ord. No. 1045, § 2, 10-10-78; Ord. No. 1051, § 2, 10-24-78; Ord. No. 1178, § 1, 8-25-81; Ord. No. 1453, § 3, 10-14-86)

State Law reference— Dog licenses, A.R.S. § 24-367.

Sec. 6-4.1. - Kennel permit; fee; violation; classification.

- (a) A person operating a kennel shall obtain a permit issued by the board of supervisors of the county where the kennel is located except if each individual dog is licensed.
- (b) The annual fee for the kennel permit is seventy-five dollars (\$75.00).
- (c) A dog remaining within the kennel is not required to be licensed individually under Arizona Revised Statutes section 24-367. A dog leaving the controlled kennel conditions shall be licensed under Arizona Revised Statutes section 24-367 except if the dog is only being transported to another kennel which has a permit issued under this section.
- (d) A person who fails to obtain a kennel permit under this section is subject to a penalty of twenty-five dollars (\$25.00) in addition to the annual fee.
- (e) A person who knowingly fails within thirty (30) days after written notification from the county enforcement agent to obtain a kennel permit is guilty of a misdemeanor.

(Ord. No. 1453, § 2, 10-14-86)

Sec. 6-5. - Rabies control fund.

- (a) The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this chapter in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this chapter and the regulations promulgated hereunder.
- (b) Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

(Code 1963, § 5-4; Ord. No. 1045, § 2, 10-10-78)

State Law reference— Similar provisions, A.R.S. § 24-369.

Sec. 6-6. - Dogs not permitted at large; wearing licenses.

- (a) In a rabies quarantine area, no dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that the dog is confined entirely to the owner's

property, or on a leash not to exceed six (6) feet in length and directly under the owner's control when not on the owner's property.

- (b) Any dog over the age of four (4) months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the state racing commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.
- (c) If any dog is at large on the public streets, public parks or other public property, said dog's owner or custodian is in violation of this chapter.
- (d) Any person whose dog is at large is in violation of this chapter. A dog is not considered at large:
 - (1) If it is restrained by a leash, chain, rope, or cord of not more than six (6) feet in length and of sufficient strength to control action of said dog.
 - (2) If it is used for control of livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the state racing commission.
 - (3) While it is actively engaged in dog obedience training, training for hunting or training at kennel club events and accompanied by and under the control of its owner or a trainer, provided that the person training the dog has in his possession a dog leash of not more than six (6) feet in length and of sufficient strength to control the dog.
 - (4) If it is within an enclosure which actually confines the dog.
- (e) Dogs at large shall be apprehended and impounded by an enforcement agent. The agent shall have the right to enter upon private property when it be necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog, and shall not include entry into a domicile or enclosure which confines a dog unless it be at the invitation of the occupant. The agent may issue a citation to the dog owner or person acting for the dog owner when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in Arizona Revised Statutes section 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this chapter shall be subject to provisions of Arizona Revised Statutes section 13-3899. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous, vicious, or fierce and a threat to human safety cannot be safely impounded, such animal may be immediately slain.

(Code 1963, § 5-5; Ord. No. 1045, § 2, 10-10-78; Ord. No. 1051, § 1, 10-24-78; Ord. No. 1453, § 3, 10-14-86; Ord. No. 1541, § 4, 5-24-88)

State Law reference— Dogs at large, A.R.S. § 24-370.

Sec. 6-7. - Impoundment of dogs and cats.

- (a) Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.
- (b) Each stray dog or any cat impounded shall be kept and maintained at the pound for a minimum of seventy-two (72) hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this chapter. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or cat is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded sick

or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.

- (c) Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such a dog or cat shall pay all pound fees.

(Code 1963, § 5-6; Ord. No. 1045, § 2, 10-10-78; Ord. No. 1541, § 5, 5-24-88)

State Law reference— County dog pounds, etc., A.R.S. § 24-371.

Sec. 6-8. - Handling of biting animals; responsibility for reporting animal bites.

- (a) An unlicensed dog or unvaccinated dog or any vaccinated or unvaccinated cat that bites any person shall be confined and quarantined in a county pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven (7) days. A dog properly licensed and vaccinated pursuant to this chapter, that bites any person, may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the county enforcement agent.
- (b) Any animal other than a dog or cat that bites any person shall be confined and quarantined in a county pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen (14) days, provided that livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the livestock board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the county enforcement agent.
- (c) Any wild animal which bites any person may be killed and submitted to the county enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.
- (d) Whenever an animal bites any person, the incident shall be reported to the county enforcement agent immediately by any person having direct knowledge.
- (e) Any animal confined and quarantined pursuant to this section may be destroyed by the enforcement agent prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - (1) Such animal shows clear clinical signs of rabies.
 - (2) The owner of such animal consents to its destruction. Any animal subject to licensing under this chapter found without a tag identifying its owner shall be deemed unowned.
- (f) Any animal subject to licensing under this chapter found without a tag identifying its owner shall be deemed unowned.

(Code 1963, § 5-7; Ord. No. 1045, § 2, 10-10-78; Ord. No. 1453, § 3, 10-14-86; Ord. No. 1541, § 6, 5-24-88)

State Law reference— Animal bites, A.R.S. § 24-372.

Sec. 6-9. - Proper care, maintenance and destruction of impounded animals.

- (a) Any animal impounded shall be given proper and humane care and maintenance.
- (b) Any animal destroyed while impounded in an authorized pound shall be destroyed only by the use of:

- (1) Sodium pentobarbital or a derivative thereof; or
- (2) Nitrogen gas; or
- (3) T-61 euthanasia solution or its generic equivalent.

- (c) If an animal is destroyed by means specified in subsection (b), paragraph (1) or (3), of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to Arizona Revised Statutes section 24-153. The governing body which operates an authorized pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsection (b) and (c) of this section.

(Code 1963, § 5-8; Ord. No. 1045, § 2, 10-10-78; Ord. No. 1453, § 3, 10-14-86; Ord. No. 1541, § 7, 5-24-88)
State Law reference— Similar provisions, A.R.S. § 24-381.

Sec. 6-10. - Unlawful interference with county enforcement agent.

It is unlawful for any person to interfere with the county enforcement agent in the performance of his duties.

(Ord. No. 1045, § 2(5-9), 10-10-78)
State Law reference— Similar provisions, A.R.S. § 24-373.

ARTICLE II. - VICIOUS ANIMALS

Sec. 6-20. - Responsible ownership.

It shall be unlawful for the owner or custodian of any animal to fail to comply with the requirements and conditions of this chapter.

(Ord. No. 1541, § 8, 5-24-88)

Sec. 6-21. - Seizure of animal.

- (a) Without a court order, a law enforcement agent, animal control officer or a peace officer may seize and impound an animal for a period of no more than seventy-two (72) hours based on a written allegation stating probable cause to believe the animal is vicious. Notice of the probable cause statement and the seizure or impoundment shall be delivered or left at the last known address of the reasonably presumed owner or custodian of the animal by the seizing officer. The notice shall state: (1) The animal will be released within seventy-two (72) hours of the seizure unless a petition alleging viciousness is filed with the city court; and (2) A written request for hearing may be filed with city court challenging such seizure. Notice shall be by at least one of the following methods:
- (1) Personal service of notification to the presumed owner or custodian; or
 - (2) Personal service of notification to a person of suitable age and discretion at the last known address of the presumed owner or custodian.
- (b) The animal shall be released at the expiration of the seventy-two (72) hours unless a petition requesting that the animal be declared vicious is filed with the city court.
- (c) The court may, upon ex parte petition of any person, a city official or an affected citizen, order impoundment of an animal continued or order an animal seized and impounded. The petition shall state facts showing probable cause to believe that the animal is vicious. Notice of such impoundment shall be provided by one of the methods in section 6-21(a).

(Ord. No. 2454, § 2, 7-26-05)
Editor's note— Ord. No. 2454, § 2, adopted July 26, 2005, repealed the former § 6-21, and enacted a new § 6-21 as set out herein. The former § 6-21 pertained to determination of a vicious dog and derived from Ord. No. 1541, § 8, adopted May 24, 1988; Ord. No. 1680, § 1, adopted April 23, 1991.

Sec. 6-22. - Hearing on allegation of vicious animal.

- (a) A hearing shall be set within ten (10) days upon receipt of the petition requesting the viciousness determination. Notice shall be provided as indicated in section 6-21(a).
- (b) The person filing the petition has the burden of presenting evidence to the court that the animal is vicious.

(Ord. No. 2454, § 2, 7-26-05)

Editor's note— Ord. No. 2454, § 2, adopted July 26, 2005, repealed the former § 6-22, and enacted a new § 6-22 as set out herein. The former § 6-22 pertained to control of a vicious dog and derived from Ord. No. 1541, § 8, adopted May 24, 1988; Ord. No. 1680, § 2, adopted April 23, 1991.

Sec. 6-23. - Sanctions.

- (a) If a court determines by a preponderance of the evidence presented that an animal is vicious, one or more of the following sanctions may be imposed:
 - (1) Leash and muzzle. A court may order that the animal be securely tethered to a responsible adult by a leash no longer than six (6) feet in length. No person shall permit a vicious animal to be kept on a chain, rope or other type of leash outside confinement unless a responsible adult is in physical control of the leash. Such animals may not be leashed to any inanimate objects when not confined. Additionally, all vicious animals on a leash outside of confinement must be muzzled by a commercial device sufficient to prevent the opening of its mouth to an extent sufficient to bite any persons or other animals.
 - (2) Confinement. A court may order that a vicious animal be securely confined indoors or in an enclosed and locked pen, as defined below, except if the court has allowed the animal to be free of the pen when leashed and muzzled.
 - a. All structures used to confine vicious animals must be locked with a key or combination lock when such animals are within the structure. Such pen or structure must have secure sides and a secure top attached to the sides. This structure must have a secure top and bottom or floor attached to the sides of the pen. If there is no secure floor, the sides of the pen must be embedded in the ground no less than two (2) feet.
 - b. No pen wall may be part of a perimeter fence.
 - c. All structures erected to house vicious animals must comply with all zoning and building regulations of the city. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition and any other condition that provides for humane care.
 - (3) Microchip. An animal declared vicious may be required to have an electronic microchip implanted to identify the animal. The owner or custodian of the animal is required to pay for the microchip and its installation.
 - (4) Signs. All owners or custodians of vicious animals within the city may be required to display, in a prominent place on their premises, a sign in three-inch letters which is easily readable by the public using the words "vicious animal". In addition, a similar sign is required to be posted on the pen of such animal.
 - (5) Modification of the animal. The owner or custodian of the animal declared vicious may be required to have the animal modified. The cost of such modification shall be the responsibility of the owner or custodian. Modification of the animal includes but is not limited to:
 - a. Declawing;
 - b. Spaying; or
 - c. Neutering.
 - (6) Insurance and indemnification. An owner or custodian of the animal declared vicious may be required to maintain insurance or indemnification as specified by the court.

- (7) Reimbursement of costs. The owner or custodian of the animal declared vicious may be required to pay all of the expenses of an impounded animal. If reimbursement of costs is ordered, the animal shall not be released until the expenses are paid. If such expenses are not paid within thirty (30) days of the court order, any ownership or custodial interest in the animal is terminated. The impoundment agency shall give written notice of the termination of ownership or custodianship to the last known address of the owner or custodian.
- (8) Non compliance with court orders. The court may order that:
 - a. Any ownership or custodial interest in the animal be terminated if compliance with court orders does not occur thirty (30) days of any court order.
 - b. A vicious animal be destroyed. Notice of the destruction order shall be given to the owner or custodian of the animal at the last known address. The notice shall advise the owner or custodian that the animal will be destroyed if a notice of appeal is not received by the date specified in the appeal rules. If the animal is not impounded when the destruction is ordered, the animal shall be seized and impounded. No animal shall be destroyed until the appeal time has expired to challenge the viciousness determination. No animal shall be destroyed while an appeal is pending. The court shall notify the impoundment agency on the status of any appeal.
- (9) Destruction. A vicious animal may be ordered destroyed. Notice of the destruction order shall be given to the owner or custodian of the animal at the last known address. The notice shall advise the owner or custodian that the animal will be destroyed if a notice of appeal is not received by the date specified in the appeal rules. If the animal is not impounded when the destruction is ordered, the animal shall be seized and impounded. No animal shall be destroyed until the appeal time has expired to challenge the viciousness determination. No animal shall be destroyed while an appeal is pending. The court shall notify the impoundment agency on the status of any appeal.
 - (b) Notification to Maricopa County Animal Control. The court shall require the owner or custodian of the animal declared vicious to report any permanent change of location and/or ownership of the animal to Maricopa County Animal Control.

(Ord. No. 2454, § 2, 7-26-05)

Editor's note— Ord. No. 2454, § 2, adopted July 26, 2005, repealed the former § 6-23, and enacted a new § 6-23 as set out herein. The former § 6-23 pertained to appeal process and derived from Ord. No. 1541, § 8, adopted May 24, 1988.

Sec. 6-24. - Penalties.

The purpose of complying with these requirements for an animal declared vicious is to prevent attacks, injuries or deaths by mandating the use of control methods.

- (1) Any person violating or permitting the violation of any provision of this article shall upon conviction in city court be fined a sum not less than two hundred fifty dollars (\$250.00) and not more than two thousand five hundred dollars (\$2,500.00). In addition to the fine imposed, the court:
 - a. May impose any other penalties specified in section 1-7 of this Code; and
 - b. May order the vicious animal destroyed; and
 - c. May order the owner or custodian to pay all expenses, including shelter, food, handling, and veterinary care, of the animal necessitated by the enforcement of this article.
 - d. The animal held in impoundment for a maximum of thirty (30) days or until the owner or custodian complies with the court order. If, at the end of thirty (30) days, the owner or custodian has failed to comply with the court order, the animal shall be ordered destroyed. Notice shall be by at least one of the methods as indicated in section 6-21(a).
 - e. The animal may be ordered destroyed. In addition, the court may order the owner or custodian to pay all expenses, including shelter, food, handling and veterinary care, necessitated by the enforcement of this article.

- (2) Any vicious animal that kills a human being, dog, cat or other animal is in violation of this article and the animal may be destroyed.
- (3) In the event that the owner or custodian of the vicious animal is a minor, the parent or guardian in physical control of such minor at the time of the acts giving rise to the determination of viciousness shall be liable:
 - a. For all injuries and property damage sustained by any person, dog, cat or other animal caused without reasonable provocation by said vicious animal; and
 - b. All violations of this chapter.

(Ord. No. 2454, § 2, 7-26-05)

Editor's note— Ord. No. 2454, § 2, adopted July 26, 2005, repealed the former § 6-24, and enacted a new § 6-24 as set out herein. The former § 6-24 pertained to similar subject matter and derived from Ord. No. 1541, § 8, adopted May 24, 1988; Ord. No. 1680, § 3, adopted April 23, 1991.

Sec. 6-25. - Exemption.

This article shall not apply to any animal used by a law enforcement agency and trained to assist in carrying out law enforcement duties.

(Ord. No. 2454, § 2, 7-26-05)

Editor's note— Ord. No. 2454, § 2, adopted July 26, 2005, repealed the former § 6-25, and enacted a new § 6-25 as set out herein. The former § 6-25 pertained to similar subject matter and derived from Ord. No. 1541, § 8, adopted May 24, 1988.

Cross reference— Police dogs, § 26-23.

City of Goodyear

CHAPTER 7: Animals

Article

- 7-1. RULES AND REGULATIONS
- 7-2. RABIES/ANIMAL CONTROL LEASH LAW
- 7-3. REPEALED
- 7-4. ANIMALS AT LARGE

ARTICLE 7-1

Rules and Regulations

Section

- 7-1-1 Dangerous animals
- 7-1-2 Killing dangerous animals
- 7-1-3 Noises
- 7-1-4 Restrictions on keeping animals

Cross-reference:

Sexual assault of an animal, see § 11-1-22

7-1-1 DANGEROUS ANIMALS.

It is unlawful to permit any dangerous, vicious animal of any kind to run at large within the city, and such animals shall be immediately impounded by the enforcement agent. Exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the Chief of Police or such person that he or she may appoint.

(Prior Code, § 7-1-1) Penalty, see Art. 1-8

7-1-2 KILLING DANGEROUS ANIMALS.

The members of the Police Department or the enforcement agent are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

(Prior Code, § 7-1-2)

7-1-3 NOISES.

It is unlawful to harbor or keep any animals or fowl that disturb the peace by loud noises at any time of the day or night.

(Prior Code, § 7-1-3) Penalty, see Art. 1-8

7-1-4 RESTRICTIONS ON KEEPING ANIMALS.

(A) Unless permitted by this code or the zoning regulations of the city, it is unlawful to keep or cause to be kept any horses, mules, cattle, burros, goats, sheep, swine or pigs or livestock, pigeons or poultry within the corporate limits of the city.

(B) Household pets, as defined in Article 7-2 of this chapter, and service animals, as defined by federal and state law, may be kept in the City, but it shall be unlawful to keep, harbor or maintain more than four household pets, to include no more than one potbellied pig (not to exceed 100 pounds) on any residential property within the City.

(C) The maintaining or keeping of all animals within the city in accordance with this code and applicable regulations shall be allowed only as long as they do not cause, create or contribute to or become a public or private nuisance due to noise any time of the day or night, the presence of flies, mosquitos, insects, vermin, rodent harborage, odors, dust, ponded water, accumulation of manure, garbage, refuse or other obnoxious or putrescible material or for any other like reason.

(D) Manure and droppings shall be removed from yards, pens, stables, cages and other enclosures at least twice weekly and shall be removed from the premises at least twice each week or more frequently as dictated by customary husbandlike health and sanitary conditions due to weather and other circumstances. For the purposes of this provision, PREMISES means the lot or parcel of ground upon which the yard, pen, stable, cage or other enclosure is located. Spillage and leftovers from animal feedings shall be disposed of in the same manner as the aforesaid manure and droppings.

(E) An owner or handler of a household pet, which is required to be leashed or harnessed, shall be required to remove any droppings or feces at the time of discharge when said animal is on public or private property other than that of such owner or handler which such household pet is leashed or harnessed.

(F) All enclosures or other structures used for the purpose of housing, keeping or caring for any animal shall be structurally sound so as to contain such animals safely and securely.

(Prior Code, § 7-1-4) (Am. Ord. 92-470, passed 9-22-1992; Am. Ord. 12-1260, passed 6-11-2012; Am. Ord. 13-1287, passed 8-19-2013) Penalty, see Art. 1-8

ARTICLE 7-2 Rabies/Animal Control Leash Law

Section

- 7-2-1 Definitions
- 7-2-2 Powers and duties of the State Veterinarian and the Livestock Board
- 7-2-3 Powers and duties of State Department of Health Services
- 7-2-4 Powers and duties of Enforcement Agent
- 7-2-5 License fees for dogs; tags; records; penalties; classification
- 7-2-6 Anti rabies vaccination; vaccination and license stations
- 7-2-7 Kennel permit; fee; violation
- 7-2-8 Rabies Control Fund
- 7-2-9 Dogs not permitted at large; wearing license
- 7-2-10 Establishment of pounds; impounding and disposing of dogs and cats; reclaiming impounded dogs and cats; pound fees
- 7-2-11 Handling of biting animals; responsibility for reporting animal bites
- 7-2-12 Unlawful interference with enforcement agent
- 7-2-13 Removing impounded animals
- 7-2-14 Unlawful keeping of dogs
- 7-2-15 Violation; classification
- 7-2-16 Dogs; liability
- 7-2-17 Proper care, maintenance and destruction of impounded animals

7-2-1 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any animal of a species that is susceptible to rabies, except man.

AT LARGE On or off premises of the owner and not under control of the owner or other person acting for the owner. Any dog in a suitable enclosure or confined shall not be considered to be running at large.

DEPARTMENT. The State Department of Health Services.

ENFORCEMENT AGENT. That person in each county who is responsible for the enforcement of this article and the regulations promulgated thereunder.

HOUSEHOLD PETS. Those dogs, cats and potbellied pigs which are commonly kept as pets and whose primary value is personal enjoyment which shall not be raised for breeding or commercial purposes and which shall be limited to species whose presence in the neighborhood does not arouse unusual community interest or curiosity sufficient to attract the community residents to a specific neighborhood.

IMPOUND. The act of taking or receiving into custody by the enforcement agent any dog or other animal for the

purpose of confinement in an authorized pound in accordance with the provisions of this article.

KENNEL. An enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.

LIVESTOCK. Neat animals, horses, sheep, goats, swine, mules and asses.

OWNER. Any person keeping an animal other than livestock for more than six consecutive days.

POUND. Any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his or her official duties.

RABIES QUARANTINE AREA. Any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

RABIES VACCINATION CERTIFICATE. A method of recording and duplicating rabies information that is in compliance with the county enforcement agent's licensing system and/or county enforcement agent's prescribed forms.

STRAY DOG. Any dog four months of age or older running at large that is not wearing a valid license tag.

VACCINATION. The administration of an anti rabies vaccine to animals by a veterinarian or in authorized pounds by employees trained by a veterinarian.

VETERINARIAN. Unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.

VETERINARY HOSPITAL. Any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

VICIOUS ANIMAL. Any animal of the order carnivora that has a propensity to bite human beings without provocation and has been so declared after a hearing before a justice of the peace or a city magistrate. (Prior Code, § 7-2-1) (Am. Ord. 12-1260, passed 6-11-2012)

7-2-2 POWERS AND DUTIES OF THE STATE VETERINARIAN AND THE LIVESTOCK BOARD.

(A) The state veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.

(B) The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies. (Prior code, § 7-2-2)

7-2-3 POWERS AND DUTIES OF STATE DEPARTMENT OF HEALTH SERVICES.

(A) The State Department of Health Services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

(B) The State Department of Health Services may require the enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies. (Prior Code, § 7-2-3)

7-2-4 POWERS AND DUTIES OF ENFORCEMENT AGENT.

(A) The enforcement agent shall:

- (1) Enforce the provisions of this article and the regulations promulgated thereunder;
- (2) Issue citations for the violation of the provisions of this article and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice;

(3) Be responsible for declaring a rabies quarantine area within the area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state veterinarian.

(B) The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.

(C) The enforcement agent may designate deputies.
(Prior Code, § 7-2-4)

7-2-5 LICENSE FEES FOR DOGS; TAGS; RECORDS; PENALTIES; CLASSIFICATION.

All persons who keep or harbor or maintain a dog or dogs within the boundaries of the City of Goodyear shall comply with all Maricopa County licensing, tags, reporting and records requirements for dogs as provided in Title 11, Chapter 7, Article 6 of the Arizona Revised Statutes and as amended.
(Prior Code, § 7-2-5) (Am. Ord. 13-1287, passed 8-19-2013)

7-2-6 ANTI-RABIES VACCINATION; VACCINATION AND LICENSE STATIONS.

(A) Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine used and date revaccination is due.

A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated thereunder.

(B) A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona, provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in the state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated thereunder.

(C) The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.
(Prior Code, § 7-2-6)

7-2-7 KENNEL PERMIT; FEE; VIOLATION.

(A) A person operating a kennel shall obtain a permit issued by the Board of Supervisors of the county where the kennel is located except if each individual dog is licensed.

(B) The annual fee for the kennel permit shall be set by the Maricopa County Board of Supervisors.

(C) A dog remaining within the kennel is not required to be licensed individually under A.R.S. § 11-1008. A dog leaving the controlled kennel conditions shall be licensed under A.R.S. § 11-1008, except if the dog is only being transported to another kennel which has a permit issued under this section.

(D) A person who fails to obtain a kennel permit under this section is subject to a penalty of \$25 dollars in addition to the annual fee.

(E) A person who knowingly fails within 30 days after written notification from the county enforcement agent to obtain a kennel permit is guilty of a class 2 misdemeanor.

(Prior Code, § 7-2-7)

7-2-8 RABIES CONTROL FUND.

(A) The enforcement agent or his or her authorized representative shall place the monies collected by him or her under the provisions of this article in a special fund to be known as the Rabies Control Fund to be used for the enforcement of the provisions of this article and the regulations promulgated thereunder.

(B) Any unencumbered balance remaining in the Rabies Control Fund at the end of a fiscal year shall be carried over into the following fiscal year.

(Prior Code, § 7-2-8)

7-2-9 DOGS NOT PERMITTED AT LARGE; WEARING LICENSE.

(A) In a rabies quarantine area, no dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, secured so that a dog is confined entirely to the owner's property or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property.

(B) Any dog over the age of four months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting, dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

(C) If any dog is at large on the public streets, public parks or public property, then said dog's owner or custodian is in violation of this article.

(D) Any person whose dog is at large is in violation of this article. A dog is not at large if:

- (1) The dog is restrained by a leash, chain, rope or cord of not more than six feet in length and of sufficient strength to control action of said dog;
- (2) The dog is used for control of livestock, while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission;
- (3) While the dog is actively engaged in dog obedience training, accompanied by and under the control of his or her owner or trainer, provided that the person training said dog has in his or her possession a dog leash of not more than six feet in length and of sufficient strength to control said dog, and further, that said dog is actually enrolled in or has graduated from a dog obedience training school;
- (4) The dog, whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in subsection (1) or is within a suitable enclosure which actually confines the dog.

(E) Any dog at large shall be apprehended and impounded by an enforcement agent.

(1) The agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include entry into a domicile unless it be at the invitation of the occupant.

(2) The agent may issue a citation to the dog owner when the dog is at large. The procedure for the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this article shall be subject to the provisions of A.R.S. § 13-3899.

(3) In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be immediately slain.

(Prior Code, § 7-2-9)

7-2-10 ESTABLISHMENT OF POUNDS; IMPOUNDING AND DISPOSING OF DOGS AND CATS; RECLAIMING IMPOUNDED DOGS AND CATS; POUND FEES.

(A) Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

(B) Each stray dog or any cat impounded shall be kept and maintained at the pound for a minimum of 72 hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this article. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or cat is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.

(C) Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent, provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such dog or cat shall pay all pound fees.

(Prior Code, § 7-2-10)

7-2-11 HANDLING OF BITING ANIMALS; RESPONSIBILITY FOR REPORTING ANIMAL BITES.

(A) An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

(B) Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than 14 days, provided that livestock shall be confined and quarantined for the 14 day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.

(C) Any wild animal which bites any person may be killed and submitted to the enforcement agent or his or her deputies for transmission to an appropriate diagnostic laboratory.

(D) Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

(E) The county enforcement agent may destroy any animal confined and quarantined pursuant to this article prior to the termination of the minimum confinement period for laboratory examination for rabies if:

- (1) Such animal shows clear clinical signs of rabies;
- (2) The owner of such animal consents to its destruction.

(F) Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

(G) The county enforcement agent shall destroy a vicious animal upon an order of a justice of the peace or a city magistrate. A justice of the peace or city magistrate may issue such an order after notice to the owner, if any, and a hearing.

(Prior Code, § 7-2-11)

7-2-12 UNLAWFUL INTERFERENCE WITH ENFORCEMENT AGENT.

It is unlawful for any person to interfere with the enforcement agent in the performance of his or her duties.

(Prior Code, § 7-2-12) Penalty, see Art. 1-8

7-2-13 REMOVING IMPOUNDED ANIMALS.

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this article and the regulations promulgated thereunder.

(Prior Code, § 7-2-13)

7-2-14 UNLAWFUL KEEPING OF DOGS.

It is unlawful for a person to keep, harbor or maintain a dog within the city except as provided by the terms of this article.

(Prior Code, § 7-2-14) Penalty, see Art. 1-8

7-2-15 VIOLATION; CLASSIFICATION.

Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a misdemeanor.

(Prior Code, § 7-2-15) Penalty, see Art. 1-8

7-2-16 DOGS; LIABILITY.

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog's owner or person or persons responsible for the dog when such damages were inflicted.

(Prior Code, § 7-2-16)

7-2-17 PROPER CARE, MAINTENANCE AND DESTRUCTION OF IMPOUNDED ANIMALS.

(A) Any animal impounded in a county or city pound shall be given proper and humane care and maintenance.

(B) Any dog or cat destroyed while impounded in a county or city pound shall be destroyed only by the use of one of the following:

- (1) Sodium pentobarbital or a derivative of sodium pentobarbital;
- (2) Nitrogen gas;
- (3) T 61 Euthanasia solution or its generic equivalent.

(C) If an animal is destroyed by means specified in (B)(1) or (3) of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to A.R.S. § 3-1213.

(D) The governing body of any county or city which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections (B) and (C) of this section.

(Prior Code, § 7-2-17)

ARTICLE 7-4 Animals at Large

Section

- 7-4-1 Definitions
- 7-4-2 Animals prohibited at large
- 7-4-3 Disposition of animals at large
- 7-4-4 Penalties
- 7-4-5 Exception

7-4-1 DEFINITIONS.

For purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ANIMAL means and includes any species or crossbreeding of livestock, fowl, swine, exotic animal, primate, reptile or rodent or other similar animal including dogs.

AT LARGE means any animal which is:

- (1) on any public land or land belonging to a person other than the owner of the animal while not restrained and under the immediate control of the owner or other person acting for the owner by means of a leash, chain or other physical restraint of sufficient strength to control the animal while off the premises of its owner; or
- (2) left unattended in a motor vehicle or the bed of a pickup truck and is not tethered or confined in a manner sufficient to prevent the animal from exiting the vehicle of its own volition or posing a risk to passersby.

Exception: Dogs are not considered to be at large when inside the fenced enclosure of the City of Goodyear designated off leash dog areas and parks.

CATTLE means any cow, bull and/or steer.

DAMAGE means any physical or visual impairment of any surface and/or property and/or physical injury to any person.

EXOTIC ANIMAL means and includes any species or crossbreeding of llama, alpaca, camel, lion, tiger, bear, bobcat, fox, or other similar animal.

FOWL means and includes any species or crossbreeding of chickens, turkeys, ostriches, emus, peacocks, ducks, geese, guineas, pigeons, pheasants or bird.

LIVESTOCK means and includes any species or crossbreeding of cattle, horse, mule, donkey, burro, antelope, deer, bison, swine, sheep, goat, zebra, bovine or other similar farm or ranch animal, excluding dogs.

OWNER means any person that has possession of, custody, control, owns, keeps, harbors, maintains or is responsible for an animal, livestock, or fowl.

PERSON means any individual, firm, association, partnership, corporation, or other legal entity.

PRIMATE means and includes any species or crossbreeding of any placental mammal of the order Primates, including lemurs, lorises, monkeys, and apes, but excluding humans.

PROPERTY means anything tangible, whether public or private, real or personal, which has value.

REPTILE means and includes any species or crossbreeding of snakes, lizards, alligators or crocodiles.

RODENT means and includes any species or crossbreeding of rat, rabbits, chinchillas and other similar mammals.

SWINE means and includes any species or crossbreeding of pigs, hogs, potbellied pigs or any member of the Suidae Family.

WORKING ANIMAL means an animal specifically trained or inherently designed to assist in maintaining and working livestock, or providing assistance to any person with a disability, or providing a service to a governmental agency or private rescue and tracking organization. This does not include guard dogs for personal property.

(Ord. 11-1247, passed 10-24-2011)

7-4-2 ANIMALS PROHIBITED AT LARGE.

(A) It is unlawful for any person to turn loose, abandon, allow, permit, cause, enable or fail to prevent any animal to be or remain at large within the City.

(B) It is unlawful for any person to tether or tie any animal in such a manner that it may go upon or into any street or public place, or upon the property owned or possessed by another.

(C) It shall be a defense to subsections (A) and (B) of this section that consent of the affected property owner(s) was obtained prior to the animal being at large or if the animal was a working animal and in the performance of their assigned tasks.

(D) Presumptions:

(1) A rebuttable presumption of ownership exists for animals that bear the recorded brand or earmark of the person as shown by a certified copy of the record as provided in A.R.S. § 3-1261 as amended; or

(2) A rebuttable presumption of ownership exists with respect to each adult resident of the premises upon which animals are kept, maintained, harbored, controlled, cared for or possessed on the date of the violation; or

(3) A rebuttable presumption of ownership exists if the person temporarily or permanently provides food or shelter to the animal.

(Ord. 11-1247, passed 10-24-2011)

7-4-3 DISPOSITION OF ANIMALS AT LARGE.

Animals found in violation of this article may be impounded and disposed of as provided by law.

(Ord. 11-1247, passed 10-24-2011)

7-4-4 PENALTIES.

(A) Violations of any provisions of this article are subject to all criminal and civil penalties available as provided in Article 1-8 and Chapter 18 in Goodyear City Code.

(B) In addition to the penalties provided in Article 1-8 and Chapter 18, the court shall have the authority to order restitution for any and all damages, costs, impoundment, losses and/or expenses resulting from or related to the animal being at large, unless otherwise prohibited by law.

(Ord. 11-1247, passed 10-24-2011)

7-4-5 EXCEPTION.

(A) This article does not apply to cattle found south of Patterson Rd. in the City of Goodyear.

(B) Any penalties imposed pursuant to this article relating to livestock at large shall not apply to lands that are annexed or incorporated into the City for two years after annexation or incorporation.

(Ord. 11-1247, passed 10-24-2011)

Town of Guadalupe

ARTICLE 6-1 RULES AND REGULATIONS

- 6-1-1 Dangerous Animals
- 6-1-2 Killing Dangerous Animals
- 6-1-3 Noises
- 6-1-4 Strays; Housing
- 6-1-5 Swine
- 6-1-6 Biting Animals

Section 6-1-1 Dangerous Animals

It is unlawful to permit any dangerous, vicious animal of any kind to run at large within the town, and such animals shall be immediately impounded by the police department. Exhibitions or parades of animals, other than domestic pets, may be conducted only upon securing a permit from the town marshal.

Section 6-1-2 Killing Dangerous Animals

The members of the police department are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

Section 6-1-3 Noises

It is unlawful to harbor or keep any animals that disturb the peace by loud noises at any time of the day or night.

Section 6-1-4 Strays; Housing

Any person who keeps or causes to be kept any horses, mules, cattle, burros, goats, sheep or other livestock or poultry shall keep such livestock or poultry in a pen or similar enclosure to prevent their roaming at large within the corporate limits of the town. Any such livestock or poultry running at large may be impounded by the police department. It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.

Section 6-1-5 Swine

It is unlawful to keep any live swine or pigs in the town.

Section 6-1-6 Biting Animals

Whenever any animal, except a dog, bites a person, the person so bitten and the owner of the animal shall immediately notify the enforcement agent, who shall cause an examination of the animal to be made by a duly licensed physician or a duly licensed veterinarian, and shall order the animal held on the owner's premises or shall have it impounded as long as necessary for a complete examination. If it is determined that the animal is infected with rabies or other dangerous, contagious and infectious disease, it shall be the duty of the enforcement agent to destroy such animal in as humane a manner as is reasonably possible. If at the end of the quarantine or impoundment, a veterinarian is convinced that the animal is free from such disease, the animal shall be released. If the animal dies during the period of quarantine or impoundment, its head shall be sent to the laboratory at the department of health services of examination.

ARTICLE 6-2 DOGS

- 6-2-1 Definitions
- 6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board
- 6-2-3 Powers and Duties of State Department of Health Services
- 6-2-4 Powers and Duties of Enforcement Agent
- 6-2-5 License Fees for Dogs; Issuance of dog tags; Classification
- 6-2-6 Kennel Permit; Fee; Violation; Classification
- 6-2-7 Anti-Rabies Vaccination; Vaccination and License Stations
- 6-2-8 Rabies Control Fund
- 6-2-9 Dogs Not Permitted at Large; Wearing License
- 6-2-10 Establishment of Pounds; Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees
- 6-2-11 Handling of Biting Animals; Responsibility for Reporting; Authority to Destroy Animals
- 6-2-11.01 Vicious Dogs
- 6-2-12 Unlawful Interference with Enforcement Agent
- 6-2-13 Removing Impounded Animals
- 6-2-14 Unlawful Keeping of Dogs
- 6-2-14.01 Disposal of Fecal Matter
- 6-2-15 Violation; Classification
- 6-2-16 Dogs; Liability
- 6-2-17 Proper Care, maintenance and Destruction of Impounded Animals

Section 6-2-1 Definitions

In this chapter unless the context otherwise requires:

- A. "Animal" means any animal of a species that is susceptible to rabies, except man.
- B. "At large" means on or off premises of the owner and not under control of the owner or other person acting for the owner. Any dog in a suitable enclosure or confined shall not be considered to be running at large.
- C. "Custodian" means any person keeping, possessing, harboring or maintaining any dog.
- D. "Department" means the state department of health services.
- E. "Enforcement agent" means that person in each county who is responsible for the enforcement of this chapter and the regulations promulgated thereunder.
- F. "Impound" means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this chapter.
- G. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintained five or more dogs under controlled conditions.
- H. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
- I. "Owner" means any person keeping an animal other than livestock for more than six consecutive days.
- J. "Pound" means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.
- K. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- L. "Stray dog" means any dog three months of age or older running at large that is not wearing a valid license tag.
- M. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian or in authorized pounds by employees trained by a veterinarian.
- N. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a government agency.
- O. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

P. "Vicious animal" means any animal of the order carnivore that has a propensity to bite human beings without provocation and has been so declared after a hearing before a justice of the peace or a town magistrate.

Q. "Vicious dog" means:

1. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
2. Any dog which because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance; or
3. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
4. Any dog owned or in the custody of a custodian primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or
5. Any pit bull terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

Section 6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board

- A. The state veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination or animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.
- B. The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

Section 6-2-3 Powers and Duties of State Department of Health Services

- A. The state department of health services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.
- B. The state department of health services may require the enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies.

Section 6-2-4 Powers and Duties of Enforcement Agent

- A. The enforcement agent shall:
 1. Enforce the provisions of this article and the regulations promulgated thereunder.
 2. Issue citations for the violation of the provisions of this article and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in Section 13-3903, A.R.S. except that the enforcement agent shall not make an arrest before issuing the notice.
 3. Be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state veterinarian.
- B. The issuance of citations pursuant to this section shall be subject to the provisions of Section 13-3899, A.R.S.

- C. The enforcement agent may designate deputies.

Section 6-2-5 License Fees for Dogs; Issuance of dog tags; Classification

- A. The board of supervisors of each county may set a license fee which shall be paid for each dog three months of age or over that is kept, harbored or maintained within the boundaries of the state for at least thirty consecutive days of each calendar year. License fees shall become payable at the discretion of the board of supervisors of each county. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. Licensee fees shall be paid within ninety days to the board of supervisors. A penalty fee of two dollars shall be paid if the license application is made less than one year subsequent to the date on which the dog is required to be licensed under this article. If the license application is made one year or later from the date on which the dog is required to be licensed, an additional penalty fee of ten dollars shall be paid for each subsequent year up to a maximum of twenty-two dollars. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty consecutive days.
- B. Durable dog tags shall be provided. Each dog licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of license and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the enforcement agent.
- C. License fees may be lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.
- D. Any person who falls within fifteen days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or removes such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a class 2 misdemeanor.

Section 6-2-6 Kennel Permit; Fee; Violation; Classification

- A. A person operating a kennel shall obtain a permit issued by the board of supervisors of the county where the kennel is located except if each individual dog is licensed.
- B. The annual fee for the kennel permit is seventy-five dollars.
- C. A dog remaining within the kennel is not required to be licensed individually under Section 24-367, A.R.S. A dog leaving the controlled kennel conditions shall be licensed under Section 24-367, A.R.S. except if the dog is only being transported to another kennel which has a permit issued under this section.
- D. A dog who fails to obtain a kennel permit under this section is subjected to a penalty of twenty-five dollars in addition to the annual fee.
- E. A person who knowingly falls within thirty days after written notification from the county enforcement agent at obtain a kennel permit is guilty of a class 2 misdemeanor.

Section 6-2-7 Anti-Rabies Vaccination; Vaccination and License Stations

- A. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination,

and type, manufacturer and serial number of the vaccine used, and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated thereunder.

- B. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by a government agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated thereunder.
- C. The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

Section 6-2-8 Rabies Control Fund

- A. The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this article in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this article and the regulations promulgated thereunder.
- B. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

Section 6-2-9 Dogs Not Permitted at Large; Wearing License

- A. No dog shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, secured so that the dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's physical control when on the owner's property.
- B. Any dog over the age of three months on or off the premises of owner and not under physical control of the owner or persons acting for the owner, or any dog not in a suitable enclosure which actually confined the dog, shall wear a collar or harness to which is attached a valid license tag. Any dog over the age of three months on the premises of the owner and either confined or under physical control of the owner or persons acting for the owner need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and in compliance with all sections of this ordinance. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club even or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.
- C. If any dog is at large on the public property, then said dog's owner or person acting for the owner is in violation of this ordinance.
- D. If any dog is at large on the public park or school property, then said dog's owner or persons acting for the owner is in violation of this ordinance.
- E. If any female dog during her breeding or mating season or any vicious dog at large, then said dog's owner or persons acting for the owner is in violation of this ordinance.
- F. Any owner or persons acting for the owner who allows a dog to run at large shall be considered in violation of this ordinance unless one of the following four exceptions applies:

1. A dog is not at large if said dog is restrained by a leash, chain, rope or cord of not more than six (6) feet in length and of sufficient strength to control action of said dog.
 2. If said dog is used for control of livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission.
 3. While said dog is actively engaged in a dog obedience training class and accompanied by and under the control of his owner or persons acting for the owner or trainer as specified in section (j) below.
 4. If said dog, whether on or off the premises of the owner or persons acting for the owner, is controlled as provided in regulations (f)(1) of this ordinance, or is within a suitable enclosure which actually confines the dog.
- G. The owner or persons acting for the owner of a dog is responsible for the acts and conduct of the dog at all times when the dog is in a public park. All dogs three months of age or older in or upon the premises of a public park must be currently licensed and shall wear a collar and durable valid lines tag as provided by this ordinance.
- H. The owner or persons acting for the owner of a dog must restrain and control the dog at all times when in a public park by securing the dog with a leash of not more than six feet, except when the dog is in an enclosed area within the park, which has been designated by the (county/municipality) as a dog exercise area.
- I. At all times when a dog is off leash in a designated dog exercise area as provided in paragraph (h) above, the dog must be accompanied by and under the control of the owner or persons acting for the owner. Additionally, the owner or persons acting for the owner must at all times, have a leash of not more than six feet in length in his or her possession.
- J. At all times when a dog is off leash and participation in a dog show, exhibition or obedience class as provided in section (f) above:
1. The dog must be accompanied by and under the control of its owner or person acting for the owner or trainer or handler, who must at all times have a leash in his or her possession; and
 2. The owner or persons acting for the owner, trainer or handler or authorized representative of a club or organization to whom a permit has been issued, shall have the permit on their person at all times and shall present the permit for inspection upon request, to any police officer, authorized member of the public parks staff or the enforcement agent.
- K. Any dog at large shall be apprehended and impounded by the Enforcement Agent.
1. Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include entry into a domicile or enclosure which confines a dog unless it be at the invitation of the occupant.
 2. Said agent may issue a citation(s) to the dog owner or persons acting for the owner when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in ARS. Section 13-3903, except the county enforcement agent shall not make an arrest before issuing the notice. The issuance of citation(s) pursuant to this ordinance shall be subject to provision of ARS, Section 13-3899.
 3. In the judgment of the Enforcement Agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain.

Section 6-2-10 Establishment of Pounds; Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees

- A. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.
- B. Each stray dog or any cat impounded shall be kept and maintained at the pound for a minimum of seventy-two hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccination provisions of this article. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or cat is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.
- C. Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent, provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such dog or cat shall pay all pound fees.

Section 6-2-11 Handling of Biting Animals; Responsibility for Reporting; Authority to Destroy Animals

- A. An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog property licensed and vaccinated pursuant to this article that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.
- B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a periods of not less than fourteen days, provided that livestock shall be confined and quarantined for the fourteen day period in a manner regulated by the Arizona Livestock board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.
- C. Any wild animal which bites any person may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.
- D. Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.
- E. The county enforcement agent may destroy any animal confined and quarantined pursuant to this article prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - 1. Such animal shows clear clinical signs of rabies.
 - 2. The owner of such animal consents to its destruction.
- F. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

- G. The county enforcement agent shall destroy a vicious animal upon an order of a justice of the peace or a town magistrate. A justice of the peace or town magistrate may issue such an order after notice to the owner, if any, and a hearing.

Section 6-2-11.01 Vicious Dogs

- A. A vicious dog is “unconfined” if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner or custodian of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot deep. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.
- B. Confinement – Owners and custodians of vicious dogs shall not allow their dog, or dogs, to be unconfined.
- C. Leash and Muzzle – Owner and custodians of vicious dogs shall not permit their dog or dogs to go beyond the premises of the property upon which the dog is confined unless the dog is securely muzzled and restrained by a chain leash and under the immediate physical restraint of an adult. The muzzle shall be made in a manner not to injure the dog or restrict its breathing, but shall prevent it from biting.
- D. Signs – Owners and custodians of a vicious dog or dogs shall display in a prominent place on the premises where the dog is confined a visible warning sign indicating that there is a vicious dog on the premises. A second such sign shall be posted on the pen or kennel or the animal.
- E. Dog Fighting – No person shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or other animals.
- F. Insurance – Owners of vicious dogs must, within 90 days of the enactment of this Ordinance, provide proof to the Town Clerk of public liability insurance in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by his or her vicious dog.

Section 6-2-12 Unlawful Interference with Enforcement Agent

It is unlawful for a person to interfere with the enforcement agent in the performance of his duties.

Section 6-2-13 Removing Impounded Animals

It is unlawful for a person to keep, harbor or maintain a dog within the town except as provided by the terms of this article.

Section 6-2-14 Unlawful keeping of Dogs and vicious dogs

It is unlawful for a person to keep, harbor or maintain a dog or vicious dog within the town except as provided by the terms of this article.

Section 6-2-14.01 Disposal of Fecal Matter

It is unlawful for any person owning, possessing, harboring or having the care, charge, control or custody of a dog to fail to immediately remove and thereafter properly dispose of any fecal matter deposited by said animal in any park or any public property including but not limited to streets, sidewalks, right of way, Town buildings, and parking lots. All such fecal matter shall be disposed of by immediately placing it in a closed or sealed container and thereafter depositing it into a trash receptacle, sanitary disposal unit or other closed and sealed container. This section shall not apply to blind persons or disabled persons accompanied by a service dog used for their assistance.

Section 6-2-15 Violation; Classification

Any person who fails to comply with the requirements of this article, or who violates any of its provisions, is guilty of a class 2 misdemeanor except as to the provisions of the Section 6-2-11.01. Persons who violate, or fail to comply with the provisions of, Section 6-2-11.01 shall be guilty of a Class 1 Misdemeanor.

Section 6-2-16 Dogs; Liability

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog's owner or person responsible for the dog when such damages were inflicted.

Section 6-2-17 Proper Care, Maintenance and Destruction of Impounded Animals

- A. Any animal impounded in a county, city or town pound shall be given proper and humane care and maintenance.
- B. Any dog or cat destroyed while impounded in a county, city or town pound shall be destroyed only by the use of one of the following:
 - 1. Sodium pentobarbital or a derivative of sodium pentobarbital.
 - 2. Nitrogen gas.
 - 3. T-61 Euthanasia solution or its generic equivalent.
- C. If any animal is destroyed by means specified in subsection B, paragraphs 1 or 3 of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to Section 24-153, A.R.S
- D. The governing body of any county, city or town which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections B and C of this section.

City of Litchfield Park

Chapter 6 ANIMALS

Articles:

6-1 Rules and Regulations

6-2 Rabies/Animal Control Leash Law

Article 6-1 Rules and Regulations

Sections:

6-1-1 Dangerous Animals

6-1-2 Killing Dangerous Animals

6-1-3 Noises

6-1-4 Restrictions on Keeping Animals

6-1-5 Swine

6-1-6 Disposal of Fecal Matter

Section 6-1-1 Dangerous Animals

It is unlawful to permit any dangerous, vicious animal of any kind to run at large within the city, and such animals shall be immediately impounded by the enforcement agent. Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the chief of police or such person that he may appoint.

Section 6-1-2 Killing Dangerous Animals

The members of the police department or the enforcement agent are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

Section 6-1-3 Noises

It is unlawful to harbor or keep any animals or fowl that disturb the peace by loud noises at any time of the day or night.

Section 6-1-4 Restrictions on Keeping Animals

It is unlawful to keep or cause to be kept any horses, mules, cattle, burros, goats, sheep or other livestock, pigeons or poultry within the corporate limits of the city unless existing at the time of adoption of this code or as may be approved as part of a subdivision plan approved subsequent to this code.

Section 6-1-5 Swine

It is unlawful to keep any live swine or pigs in the city.

Section 6-1-6 Disposal of Fecal Matter

It is unlawful for any person owning, possessing, harboring or having the care charge, control or custody of dogs to fail to immediately remove and thereafter dispose of any fecal matter deposited by said animal in any park or on any public property. All such fecal matter shall be immediately removed by placing said matter in a closed or sealed container and thereafter disposing of it by depositing said matter in a trash receptacle, sanitary disposal unit or other closed or sealed container. This section shall not apply to blind persons accompanied by a dog used for their assistance.

Article 6-2 Rabies/Animal Control Leash Law

Sections:

6-2-1 Definitions

- 6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board
- 6-2-3 Powers and Duties of State Department of Health Services
- 6-2-4 Powers and Duties of Enforcement Agent
- 6-2-5 License Fees for Dogs; Tags; Records; Penalties; Classification
- 6-2-6 Anti-Rabies Vaccination; Vaccination and License Stations
- 6-2-7 Kennel Permit; Fee; Violation
- 6-2-8 Dogs Not Permitted At Large; Wearing License
- 6-2-9 Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees
- 6-2-10 Handling of Biting Animals; Responsibility for Reporting Animal Bites
- 6-2-11 Unlawful Interference with Enforcement Agent
- 6-2-12 Removing Impounded Animals
- 6-2-13 Unlawful Keeping of Dogs
- 6-2-14 Violation; Classification
- 6-2-15 Dogs; Liability
- 6-2-16 Proper Care, Maintenance and Destruction of Impounded Animals
- 6-2-17 Violation; Penalty

Section 6-2-1 Definitions

In this article, unless the context otherwise requires:

- A. “Animal” means any animal of a species that is susceptible to rabies, except man.
- B. “At large” means on or off premises of the owner and not under control of the owner or other person acting for the owner. Any dog in a suitable enclosure or confined shall not be considered to be running at large.
- C. “Department” means the state Department of Health Services.
- D. “Enforcement agent” means that person designated by the city council who is responsible for the enforcement of this article and the regulations promulgated thereunder.
- E. “Impound” means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this article.
- F. “Kennel” means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.
- G. “Livestock” means neat animals, horses, sheep, goats, swine, mules and asses.
- H. “Owner” means any person keeping an animal other than livestock for more than six consecutive days.
- I. “Pound” means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.
- J. “Rabies quarantine area” means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- K. “Rabies vaccination certificate” means a method of recording and duplicating rabies information that is in compliance with the county enforcement agent’s licensing system and/or county enforcement agent’s prescribed forms.
- L. “Stray dog” means any dog three months of age or older running at large that is not wearing a valid license tag.
- M. “Vaccination” means the administration of an anti-rabies vaccine to animals by a veterinarian or in authorized pounds by employees trained by a veterinarian.
- N. “Veterinarian,” unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
- O. “Veterinary hospital” means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.
- P. “Vicious animal” means any animal of the order Carnivora that has a propensity to bite human beings without provocation and has been so declared after a hearing before a justice of the peace or a city magistrate.

(Ord. 04-89 § 1)

Section 6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board

A. The state veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.

B. The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

Section 6-2-3 Powers and Duties of State Department of Health Services

A. The state Department of Health Services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

B. The state Department of Health Services may require the enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies.

Section 6-2-4 Powers and Duties of Enforcement Agent

A. The enforcement agent shall:

1. Enforce the provisions of this article and the regulations promulgated thereunder.
2. Issue citations for the violation of the provisions of this article and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903 except that the enforcement agent shall not make an arrest before issuing the notice.
3. Be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state veterinarian.

B. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.

C. The enforcement agent may designate deputies.

Section 6-2-5 License Fees for Dogs; Tags; Records; Penalties; Classification

A. Each dog three months of age or over that is kept, harbored or maintained within the boundaries of the city for at least thirty consecutive days of each calendar year shall be licensed. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian.

B. Durable dog tags shall be provided by the owner. Each dog licensed under the terms of this article shall be required to wear a tag on which shall be inscribed the name of the county and the number of the license. The tag shall be attached to a collar or harness which shall be worn by the dog at all times. Whenever a dog tag is lost, a duplicate tag shall be obtained by the owner.

C. Any person who fails within fifteen days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or removes such tag from any dog for the purpose of willful and malicious mischief, or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a Class 2 misdemeanor.

D. The board of supervisors of Maricopa County may set a license fee which shall be paid for each dog three months of age or over that is kept, harbored or maintained within the boundaries of the state for at least thirty consecutive days of the calendar year. License fees shall all become payable at the discretion of the board of

supervisors of each county. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety days to the board of supervisors. A penalty fee of two dollars shall be paid if the license application is made less than one year subsequent to the date on which the dog is required to be licensed under this article. If the license application is made one year or later from the date on which the dog is required to be licensed, an additional penalty fee of ten dollars shall be paid for each subsequent year up to a maximum of twenty-two dollars. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession in Arizona less than thirty consecutive days. (Ord. 04-89 § 1)

Section 6-2-6 Anti-Rabies Vaccination; Vaccination and License Stations

A. All dog owners shall maintain a current rabies vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used, and date revaccination is due. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated thereunder.

B. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona; provided, that at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in the state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated thereunder.

Section 6-2-7 Kennel Permit; Fee; Violation

A. A person operating a kennel shall obtain a permit issued by the board of supervisors of the county where the kennel is located.

B. The annual fee for the kennel permit is seventy-five dollars.

C. A dog remaining within the kennel is not required to be licensed individually under A.R.S. § 24-367. A dog leaving the controlled kennel conditions shall be licensed under A.R.S. § 24-367. except if the dog is only being transported to another kennel which has a permit issued under this section.

D. A person who fails to obtain a kennel permit under this section is subject to a penalty of twenty-five dollars in addition to the annual fee.

E. A person who knowingly fails within thirty days after written notification from the county enforcement agent to obtain a kennel permit is guilty of a Class II misdemeanor.

Section 6-2-8 Dogs Not Permitted At Large; Wearing License

A. No dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that a dog is confined entirely to the owner's property, or sufficient to restrain an animal and directly under the owner's or custodian's control when not on the owner's property.

B. Any dog over the age of three months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting, or dogs while being exhibited or trained at a kennel club event, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached; provided, that they are properly vaccinated, licensed and controlled.

C. If any dog is at large on the public streets, public parks or public property, then said dog's owner or custodian is in violation of this article.

D. If any female dog during her breeding or mating season or any vicious dog is at large, then said dog's owner or persons acting for the owner is in violation of this article.

E. Any person whose dog is at large is in violation of this article. A dog is not at large if:

1. Said dog is restrained by a leash, chain, rope or cord of not more than six feet in length and of sufficient strength to control action of said dog.
2. Said dog is used for control of livestock, or while being used or trained for hunting, or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission.
3. While said dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer; provided, that the person training said dog has in his possession a dog leash of not more than six feet in length and of sufficient strength to control said dog; and further, that said dog is actually enrolled in or has graduated from a dog obedience training school.
4. Said dog whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in subsection (E)(1) of this section or is within a suitable enclosure which actually confines the dog.

F. Any dog at large shall be apprehended and impounded by an enforcement agent.

1. Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include entry into a domicile unless it be at the invitation of the occupant.
2. Said agent may issue a citation to the dog owner when the dog is at large. The procedure for the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903 except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this article shall be subject to provisions of A.R.S. § 13-3899.
3. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be immediately slain.

G. The owner or persons acting for the owner of a dog must restrain and control the dog at all times when in a public park by securing the dog with a leash or not more than six feet, except when the dog is in an enclosed area within the park, which has been designated by the city as a dog exercise area.

H. At all times when a dog is off leash in a designated dog exercise area as provided in subsection (G) of this section, the dog must be accompanied by and under the control of the owner or persons acting for the owner. Additionally, the owner or persons acting for the owner must at all times have a leash of not more than six feet in length in his or her possession. (Ord. 04-89 § 1)

Section 6-2-9 Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees

A. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

B. Each stray dog or cat impounded shall be kept and maintained at the pound for a minimum of seventy-two hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this article. If the dog or cat is not claimed within the impoundment period, the impound facility shall take possession. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.

C. Any impounded licensed dog or cat may be reclaimed by its owner or such owner's agent; provided, that the person reclaiming the dog or cat furnishes proof of ownership and pays all impound fees.

Section 6-2-10 Handling of Biting Animals; Responsibility for Reporting Animal Bites

A. An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than ten days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days; provided, that livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona livestock board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.

C. Any wild animal which bites any person may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.

D. Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

E. The designated enforcement agent may destroy any animal confined and quarantined pursuant to this article prior to the termination of the minimum confinement period for laboratory examination for rabies if:

1. Such animal shows clear clinical signs of rabies.
2. The owner of such animal consents to its destruction.

F. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

G. The county enforcement agent shall destroy a vicious animal upon an order of a justice of the peace or a city magistrate. A justice of the peace or city magistrate may issue such an order after notice to the owner, if any, and a hearing.

Section 6-2-11 Unlawful Interference with Enforcement Agent

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

Section 6-2-12 Removing Impounded Animals

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this article and the regulations promulgated thereunder.

Section 6-2-13 Unlawful Keeping of Dogs

It is unlawful for a person to keep, harbor or maintain a dog within the city except as provided by the terms of this article.

Section 6-2-14 Violation; Classification

Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a misdemeanor.

Section 6-2-15 Dogs; Liability

A. Injury to any person by a dog or damage or destruction by a dog to any public or private property other than property of the owner or person in control of such dog shall be the full responsibility of the dog's owner or person in control of the dog when such injury or damages were inflicted.

B. The owner or person in control of a dog shall immediately remove all feces deposited by such dog on public or private property not owned by the owner or person in control of the dog and shall dispose of same in a sanitary manner. (Ord. 07-125 § 1)

Section 6-2-16 Proper Care, Maintenance and Destruction of Impounded Animals

A. Any animal impounded in a county or city pound shall be given proper and humane care and maintenance.

B. Any dog or cat destroyed while impounded in a county or city pound shall be destroyed only by the use of one of the following:

1. Sodium pentobarbital or a derivative of sodium pentobarbital.
2. Nitrogen gas.
3. T-61 Euthanasia solution or its generic equivalent.

C. If an animal is destroyed by means specified in subsection (B)(1) or (3) of this section, it shall be done in accordance with procedures established by the state veterinarian pursuant to A.R.S. § 24-153.

D. The governing body of any county or city which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections (B) and (C) of this section.

Section 6-2-17 Violation; Penalty

A. Any person found guilty of violating any provision of Sections 6-2-1, 6-2-5 or 6-2-8 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed two thousand five hundred dollars or by imprisonment for a period not to exceed six months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

B. Any person found in violation of any provision of Section 6-2-15 shall be responsible for a civil violation, punishable by a fine as set forth in Article 1-8 of the city code. Each day that a violation continues shall be a separate offense punishable as herein described. (Ord. 07-125 § 4; Ord. 04-89 § 4)

Section 10-1-3 Noise

A. Loud and Unnecessary Noise. It is unlawful for any person to create, assist in creating, permit, continue or permit the continuance of any unreasonably loud, disturbing or unnecessary noise in the city such as produces annoyance, inconvenience, discomfort or hurt to any person, or to the enjoyment of property or comfort of any person, or affects the health, safety or morale of the public. The following, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but any enumeration herein shall not be deemed to be exclusive:

1. The playing, or permitting to be played, of any music or musical instrument or instruments whether played by individuals, orchestra, radio, phonograph, music box or other mechanical device or means in such a loud or unusual manner as to be offensive to the senses, or so as to disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence.
2. The use of any vehicle, engine or motor of whatever size, stationary or moving, instrument, device or thing, in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.

3. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort and repose of any person in the vicinity.
4. The playing, operation or use of any device known as a sound truck, loudspeaker or sound amplifier, radio or phonograph with loudspeaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the city to operate any such vehicle so equipped.

Maricopa County

MARICOPA COUNTY ORDINANCE NO. 6 REGULATION OF BARKING DOGS

It shall be unlawful for any person having custody or control of a dog in any unincorporated area of Maricopa County to permit that dog to bark excessively. For purpose of this Ordinance, a bark, yowl, yip or any other noise made naturally by a dog shall be deemed to be a bark.

Upon receiving a complaint about a barking dog, the County Enforcement Agent shall investigate the circumstances and recommend a mediator to resolve any dispute between any person violating this ordinance and any aggrieved person. The recommendation of the County Enforcement Agent shall be in addition to, and shall not preclude, any other remedy provided by law.

MARICOPA COUNTY ORDINANCE NO. 13 RABIES/ANIMAL CONTROL

SECTION 1. DEFINITIONS

In this ordinance, unless the context otherwise requires, the following apply:

- a. "Animal" means any animal of a species that is susceptible to rabies, except man.
- b. "At large" means on or off premises of owner and not under control of owner or other persons acting for the owner. Any dog in a suitable enclosure which actually confines the dog shall not be considered to be running at large.
- c. "County enforcement agent" means that person in Maricopa County who is responsible for the enforcement of this ordinance and the regulations promulgated thereunder.
- d. "County pound" means any establishment authorized by the County Board of Supervisors for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the county enforcement agent in the performance of his official duties.
- e. "Department" means the Arizona Department of Health Services.
- f. "Impound" means the act of taking or receiving into custody by the county enforcement agent any dog or other animal for the purpose of confinement in a county pound in accordance with the provisions of this ordinance.
- g. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.
- h. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
- i. "Owner" means any person keeping an animal other than livestock for more than six consecutive days.
- j. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- k. "Stray dog" means any dog four months of age or older running at large that is not wearing a valid license tag.
- l. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian, or in county pounds by employees trained by a veterinarian.
- m. "Rabies Vaccination Certificate" means a method of recording and duplicating rabies information that is in compliance with the County enforcement agent's licensing system and/or County enforcement agent's prescribed forms.
- n. "Veterinarian" unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
- o. "Veterinary Hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical, or surgical treatment. A veterinary hospital may have adjacent to it, or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.
- p. "Vicious animal" means any animal of the order carnivora that has a propensity to bite human beings without provocation, and has been so declared after a hearing before a justice of the peace or city magistrate.

SECTION 2. POWERS AND DUTIES

Powers and duties of the State Veterinarian and the Livestock Board:

- a. The State Veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.
- b. The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

Powers and duties of Arizona Department of Health Services

- a. The Arizona Department of Health Services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.
- b. The Arizona Department of Health Services may require the County enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aide in the control of rabies.

Powers and duties of the Maricopa County Board of Supervisors

- a. The Maricopa County Board of Supervisors may designate or employ a county enforcement agent. If such designation or employment is not made within ten days after the effective date of this ordinance, the county sheriff shall be the county enforcement agent, but nothing in this ordinance shall be deemed to prevent the County Board of Supervisors from designating or employing a county enforcement agent at any time it is deemed necessary or advisable.
- b. The Maricopa County Board of Supervisors may provide the county enforcement agent with such personnel and equipment as is necessary to enforce the provisions of this ordinance and the regulations promulgated thereunder.
- c. The Maricopa County Board of Supervisors may contract with any city or town to enforce the provisions of any ordinance enacted by such city or town for the control of dogs.
- d. The Maricopa County Board of Supervisors, for the unincorporated areas of the county, by ordinance regulate, restrain and prohibit the running at large of dogs, except dogs used for control of livestock or while being used or trained for hunting.
- e. The Maricopa County Board of Supervisors may provide criminal penalties not to exceed the penalties for a Class 2 misdemeanor for violation of an ordinance adopted pursuant to Paragraph 4. Fines received for such violation shall be deposited in a special, permanent, nonlapsing and nonreverting County fund to be used for the operation of the County Pound.
- f. The Maricopa County Board of Supervisors may establish pound fees for impounding and maintaining animals at the county pound or any pound used by the County.

Powers and duties of the Maricopa County Enforcement Agent

- a. The Maricopa County Enforcement Agent shall enforce the provisions of this ordinance, the regulations promulgated thereunder and municipal ordinances which the Board of Supervisors has contracted to enforce.
- b. The Maricopa County Enforcement Agent shall issue citations for the violation of the provisions of this ordinance, the regulations promulgated thereunder and municipal ordinances which the County Board of

Supervisors has contracted to enforce. The procedure for the issuance of notices to appear shall be as provided for peace officers in Arizona Revised Statutes (ARS), Section 13-3903, except that the County Enforcement Agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this section shall be subject to the provisions of ARS, Section 13-3899.

c. The Maricopa County Enforcement Agent shall be responsible for declaring a rabies quarantine area within his or her area of jurisdiction. When a quarantine area has been declared, the County Enforcement Agent shall meet with the state veterinarian and representatives from the Arizona Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within that area. Any regulations restricting or involving the movements of livestock within that area shall be subject to approval by the state veterinarian.

d. The Maricopa County Enforcement Agent may designate deputies.

SECTION 3. LICENSE FEES FOR DOGS, ISSUANCE OF DOG TAGS, RECORDS, PENALTIES, CLASSIFICATION

a. The County Board of Supervisors shall set an annual license fee which shall be paid for each dog four months of age or over that is kept, harbored or maintained within the boundaries of the county for at least thirty consecutive days of each calendar year. License fees shall become payable at the discretion of the County Board of Supervisors. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid with ninety days to the County Treasurer or his authorized representative. A penalty as established by the Board of Supervisors shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this ordinance. This penalty shall not be assessed against applicants that furnish adequate proof that the dog to be licensed has been in their possession in the county less than thirty consecutive days.

b. Durable dog tags shall be provided by the County Board of Supervisors. Each dog licensed under the terms of this ordinance shall receive, at the time of registration, a tag on which shall be inscribed with the name of the County and the number of the license. The tag shall be attached to a collar or harness which shall be worn by the dog at all times, except as otherwise provided in this ordinance. Whenever a dog tag is lost, a replacement tag shall be issued upon application by the owner and payment of fee established by the County Board of Supervisors to the County Treasurer or his/her authorized representative.

c. The County Board of Supervisors may set license fees that are lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the County enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.

SECTION 4. KENNEL PERMIT, FEE, VIOLATION, CLASSIFICATION

a. A person operating a kennel shall obtain a permit issued by the County Board of Supervisors where the kennel is located except if each individual dog is licensed.

b. The annual fee for the kennel permit is seventy-five dollars.

c. A dog remaining within the kennel is not required to be licensed individually under ARS, Section 24-367. A dog leaving the controlled kennel conditions shall be licensed under ARS, Section 24-367 except if the dog is only being transported to another kennel which has a permit issued under this section.

d. A person who fails to obtain a kennel permit under this section is subject to a penalty of twenty-five dollars in addition to the annual fee.

e. A person who knowingly fails to obtain a kennel permit within thirty days after written notification from the county enforcement agent is guilty of a Class 2 misdemeanor.

SECTION 5. ANTIRABIES VACCINATION, VACCINATION AND LICENSE STATIONS

a. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer, and serial number of the vaccine used and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the county enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this ordinance and the regulations promulgated thereunder.

b. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Maricopa County provided that at the time of licensing the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer, and serial number of vaccine used. The vaccination must be in conformity with the provisions of this ordinance and the regulations promulgated thereunder.

c. The County enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

SECTION 6. RABIES CONTROL FUND

a. The County Treasurer or his authorized representative shall place the monies collected by him under the provisions of this ordinance in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this ordinance and the regulations promulgated thereunder.

b. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

SECTION 7. DOGS NOT PERMITTED AT LARGE, WEARING LICENSES

a. Within the unincorporated areas of Maricopa County, no dog shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that the dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property.

b. Any dog over the age of four months on or off the premises of owner and not under control of the owner or other persons acting for the owner, or any dog not in a suitable enclosure which actually confines the dog, shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

c. If any dog is at large on the public streets, public parks or public property, then said dog's owner or custodian is in violation of this ordinance.

d. Any person whose dog is at large is in violation of this ordinance. A dog is not at large,
(1) If said dog is restrained by a leash, chain, rope, or cord of not more than six (6) feet in length and of sufficient strength to control action of said dog.

(2) If said dog is used for control of livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission.

(3) While said dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer, provided that the person training said dog has in his possession a dog leash of not more than six feet in length and of sufficient strength to control said dog, and, further, that said dog is actually enrolled in or has graduated from a dog obedience training school.

(4) If said dog whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in regulation 7(D)(l) of this ordinance, or is within a suitable enclosure which actually confines the dog.

e. Any dog at large shall be apprehended and impounded by a County

Enforcement Agent.

(1) Said agent shall have the right to enter upon private property when it be necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include entry into a domicile or enclosure which confines a dog unless it be at the invitation of the occupant.

(2) Said agent may issue a citation(s) to the dog owner or person acting for the owner when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in ARS, Section 13-3903, except the county enforcement agent shall not make an arrest before issuing the notice. The issuance of citation(s) pursuant to this ordinance shall be subject to provisions of ARS, Section 13-3899.

(3) In the judgment of the County Enforcement Agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain.

SECTION 8. ESTABLISHMENT OF COUNTY POUNDS, IMPOUNDING AND DISPOSING OF DOGS AND CATS, RECLAIMING IMPOUNDED DOGS AND CATS, POUND FEES

a. The County Board of Supervisors shall provide or authorize a County pound or pounds or enter into a cooperative agreement with a city, a veterinarian or an Arizona incorporated humane society for the establishment and operation of a county pound.

b. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

c. Each stray dog or any cat impounded shall be kept and maintained at the County Pound for a minimum of seventy-two hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all pound fees established by the County Board of Supervisors and complies with the licensing and vaccinating provisions of this ordinance. If the dog or cat is not claimed within the impoundment period, the Enforcement Agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or cat is to be used for medical research, no license or vaccination shall be required. The County Enforcement Agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.

d. Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees established by the County Board of Supervisors.

e. If the dog or cat is not reclaimed within the impoundment period, the county enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner pursuant to SECTION 13. Any person purchasing such a dog or cat shall pay all pound fees established by the County Board of Supervisors.

SECTION 9. HANDLING OF BITING ANIMALS, RESPONSIBILITY FOR REPORTING ANIMAL BITES

a. An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in a county pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this ordinance, that bites any person, may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the county enforcement agent.

b. Any animal other than a dog or cat that bites any person shall be confined and quarantined in a county pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days, provided that Livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the county enforcement agent.

c. Any wild animal which bites any person may be killed and submitted to the county enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.

d. Whenever an animal bites any person, the incident shall be reported to the county enforcement agent immediately by any person having direct knowledge.

e. The county enforcement agent may destroy any animal confined and quarantined pursuant to this ordinance prior to the termination of the minimum confinement period for laboratory examination for rabies if

- (1) Such animal shows clear clinical signs of rabies.
- (2) The owner of such animal consents to its destruction.

f. Any animal subject to licensing under this ordinance found without a tag identifying its owner shall be deemed unowned.

g. The county enforcement agent shall destroy a vicious animal upon an order of a justice of the peace or a city magistrate. A Justice of the Peace or city magistrate may issue such an order after notice to the owner, if any, and a hearing.

SECTION 10. REMOVING IMPOUNDED ANIMALS

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the county enforcement agent except in accordance with the provisions of this ordinance and the regulations promulgated thereunder.

SECTION 11. UNLAWFUL INTERFERENCE WITH COUNTY ENFORCEMENT AGENT, UNLAWFUL KEEPING OF DOGS

a. It is unlawful for any person to interfere with the county enforcement agent in the performance of his duties.

b. It is unlawful for a person to keep, harbor or maintain a dog within the County of Maricopa except as provided by the terms of this ordinance.

SECTION 12. VIOLATION, CLASSIFICATION; DOGS, LIABILITY

- a. Any person who fails to comply with the requirements of this ordinance, or violates any of its provisions, is guilty of a class 2 misdemeanor, and may be subject to imprisonment for a maximum period of four months, or fined a maximum of \$750.00, or both.
- b. Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when such damages were inflicted.

SECTION 13. PROPER CARE, MAINTENANCE AND DESTRUCTION OF IMPOUNDED ANIMALS

- a. Any animal impounded in a county, city or town pound shall be given proper and humane care and maintenance.
- b. Any dog or cat destroyed while impounded in a county, or town pound shall be destroyed only by the use of one of the following:
 - (1) Sodium pentobarbital or a derivative of sodium pentobarbital.
 - (2) Nitrogen gas.
 - (3) T-61 Euthanasia Solution or its generic equivalent.
- c. If an animal is destroyed by means specified in sub-section b, Paragraph 1 or 3 of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to ARS, Section 24-153.
- d. The governing body of any county, city or town which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections b and c of this section.

SECTION 14. EXEMPTION OF CITIES AND TOWNS

The provisions of this ordinance shall apply only to unincorporated areas of Maricopa County.

City of Mesa

CHAPTER 4 ANIMAL CONTROL ORDINANCE WITH LEASH LAW (4845)

SECTION:

- 6-4-1: DEFINITIONS
- 6-4-2: POWERS AND DUTIES OF ENFORCEMENT AGENT
- 6-4-3: LICENSE FEES FOR DOGS; ISSUANCE OF DOG TAGS; RECORDS; PENALTIES
- 6-4-4: KENNEL PERMIT; FEE; VIOLATION; CLASSIFICATION
- 6-4-5: ANTI-RABIES VACCINATION; VACCINATION AND LICENSE STATIONS
- 6-4-6: RABIES CONTROL FUND
- 6-4-7: DOGS NOT PERMITTED AT LARGE; WEARING LICENSES
- 6-4-8: IMPOUNDING AND DISPOSING OF DOGS AND CATS; RECLAIMING IMPOUNDED DOGS AND CATS; POUND FEES
- 6-4-9: HANDLING OF BITING ANIMALS; RESPONSIBILITY FOR REPORTING ANIMAL BITES; AUTHORITY TO DESTROY ANIMALS
- 6-4-10: UNLAWFUL INTERFERENCE WITH ENFORCEMENT AGENT
- 6-4-11: REMOVING IMPOUNDED ANIMALS
- 6-4-12: UNLAWFUL KEEPING OF DOGS
- 6-4-13: DOGS; LIABILITY
- 6-4-14: PROPER CARE, MAINTENANCE, AND DESTRUCTION OF IMPOUNDED ANIMALS
- 6-4-15: RESPONSIBILITY
- 6-4-16: DETERMINATION OF A VICIOUS DOG
- 6-4-17: CONTROL OF A VICIOUS DOG
- 6-4-18: PENALTIES
- 6-4-19: POLICE DOGS

6-4-1: DEFINITIONS:

As used in this Chapter, unless the context otherwise indicates, the following terms shall have the meanings herein ascribed to them.

ANIMAL: Any animal of a species that is susceptible to rabies, except man.

AT LARGE: On or off premises of owner and not under control of owner or other persons acting for the owner. Any dog in a suitable enclosure which actually confines the dog shall not be considered to be running at large.

ATTACK: A violent or aggressive physical contact or violent or aggressive behavior that confines the movement of a person or domestic animal. An attack on a domestic animal must include biting or an attempt to bite.

DEPARTMENT: The State Department of Health Services.

ENFORCEMENT AGENT: That person or persons designated by the City who is responsible for the enforcement of this Chapter and any regulations promulgated thereunder.

IMPOUND: The act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this Chapter.

KENNEL: An enclosed controlled area, inaccessible to other animals, in which a person keeps, harbors, or maintains five (5) or more dogs under controlled conditions.

OWNER: Any person or legal entity having a possessory property right in an animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them.

POUND: Any establishment authorized for the confinement, maintenance, safekeeping, and control of dogs and other animals that come into custody of the enforcement agent in the performance of official duties.

RABIES QUARANTINE AREA: Any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

RABIES VACCINATION CERTIFICATE: A method of recording and duplicating rabies information that is in compliance with the County enforcement agent's licensing system and/or County enforcement agent's prescribed

forms.

STRAY DOG: Any dog four (4) months of age or older running at large that is not wearing a valid license tag.

VACCINATION: The administration of an anti-rabies vaccine to animals by a veterinarian or in authorized pounds by employees properly trained by a veterinarian.

VETERINARIAN: Unless otherwise indicated, veterinarian means licensed to practice in this State or any veterinarian employed in this State by a governmental agency.

VETERINARY HOSPITAL: Any establishment operated by a veterinarian licensed to practice in this State that provides clinical facilities and houses animals or birds for dental, medical, or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it pens, stalls, cages, or kennels for quarantine, observation, or boarding.

VICIOUS ANIMAL: Any animal, excluding a dog, of the order Carnivore that has a propensity to bite human beings without provocation and has been so declared after a hearing before a Justice of the Peace or City Magistrate.

VICIOUS DOG: Any dog, except one assisting a peace officer engaged in law enforcement duties, which:

- (A) When unprovoked, in a vicious or terrorizing manner approaches any person or domestic animal in an apparent attitude of attack upon the streets, sidewalks, or any public or private grounds or places; or
- (B) The owner thereof knows, or should reasonably know, possesses a propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals; or
- (C) Bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private property; or
- (D) Is owned or harbored primarily or in part for the purpose of dog fighting; or any dog trained for dog fighting.

Notwithstanding the definition of a vicious dog above, no dog may be declared vicious if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, had entered upon the premises of another without license, invitation, or other right.

6-4-2: POWERS AND DUTIES OF ENFORCEMENT AGENT:

- (A) The enforcement agent shall:
 - 1. Enforce the provisions of this Chapter and the regulations promulgated thereunder.
 - 2. Issue citations for the violation of the provisions of this Chapter and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
 - 3. Be responsible for declaring a rabies quarantine area within an area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the State veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within an area. Any regulations restricting or involving movements of livestock within an area shall be subject to approval by the State veterinarian.
- (B) The issuance of citations pursuant to this Section shall be subject to the provisions of A.R.S. 13-3899.
- (C) The enforcement agent may designate deputies.

6-4-3: LICENSE FEES FOR DOGS; ISSUANCE OF DOG TAGS; RECORDS; PENALTIES:

- (A) A license fee shall be paid for each dog four (4) months of age or over that is kept, harbored, or maintained within the boundaries of the City for at least thirty (30) consecutive days of the calendar year. The license fee shall be established and collected by the Maricopa County Animal Control Services with

approval by the Maricopa County Board of Supervisors. An applicant for a license for a dog claimed to be incapable of procreation shall furnish a proof-of-surgical-sterilization certificate signed by a licensed veterinarian as proof that the dog has been surgically altered to be permanently incapable of procreation. License fees shall be paid within ninety (90) days. A penalty not to exceed four dollars (\$4.00) shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this Chapter. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty (30) consecutive days.

- (B) Each dog licensed under the terms of this Chapter shall receive at the time of the licensing such a tag on which shall be inscribed the name of the county, the number of the license, and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this Chapter. Whenever a dog is lost, a duplicate tag shall be issued upon application by the owner and a payment of one dollar (\$1.00) to the enforcement agent.
- (C) Any person who fails within fifteen (15) days after written notification from the enforcement agent to obtain a license for a dog required to be licensed; counterfeits or attempts to counterfeit an official dog tag; removes such tag from any dog for the purpose of willful and malicious mischief; or places a dog tag upon a dog, unless the tag was issued for that particular dog, is guilty of a misdemeanor.

6-4-4: KENNEL PERMIT; FEE; VIOLATION; CLASSIFICATION:

- (A) A person operating a kennel shall obtain a permit issued by the Board of Supervisors of the county where the kennel is located, except if each individual dog is licensed.
- (B) The annual fee for the kennel permit is seventy-five dollars (\$75.00).
- (C) A dog remaining within the kennel is not required to be licensed individually. A dog leaving the controlled kennel conditions shall be licensed, except if the dog is only being transported to another kennel which has a permit issued under this Section.
- (D) A person who fails to obtain a kennel permit under this Section is subject to a penalty of twenty-five dollars (\$25.00) in addition to the annual fee.
- (E) A person who knowingly fails within thirty (30) days after written notification from the enforcement agent to obtain a kennel permit is guilty of a misdemeanor.

6-4-5: ANTI-RABIES VACCINATION; VACCINATION AND LICENSE STATIONS:

- (A) Before a license is issued to any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description; date of vaccination; type, manufacturer, and serial number of the vaccine used; and the date re-vaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this Chapter and the regulations promulgated thereunder.
- (B) A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by the governmental agency in that state, stating the owner's name and address and giving the dog's description; date of vaccination; and type,

manufacturer, and the serial number of the vaccine used. The vaccination must be in conformity with the provisions of this Chapter and the regulations promulgated thereunder.

- (C) The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

6-4-6: RABIES CONTROL FUND:

- (A) The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this Chapter in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this Chapter and the regulations promulgated thereunder.
- (B) Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

6-4-7: DOGS NOT PERMITTED AT LARGE; WEARING LICENSES:

- (A) In a rabies quarantine area, no dog shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property or secured so that the dog is confined entirely to the owner's property or on a leash not to exceed six feet (6') in length and directly under the owner's control when not on the owner's property.
- (B) Any dog over the age of four (4) months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for the control of livestock or while being used or trained for hunting, dogs while being exhibited or trained at kennel club events, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed, and controlled.
- (C) If any dog is at large on the public streets, public parks, or public property, then said dog's owner or custodian is in violation of this Chapter.
- (D) Any person whose dog is at large is in violation of this Chapter. A dog is not at large:
 1. If said dog is restrained by a leash, chain, rope, or cord of not more than six feet (6') in length of sufficient strength to control the actions of said dog or is confined entirely to the owner's property by adequate fence or other method.
 2. If said dog is used to control livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission.
 3. While said dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer, provided that the person training said dog has in his possession a dog leash of not more than six feet (6') in length and of sufficient strength to control said dog; and further, that said dog is actually enrolled in or has graduated from a dog obedience training school.
 4. If said dog, whether on or off the premises of the owner or person acting for the owner, is controlled as provided in Subsection (D)1 of this Section or within a suitable enclosure which actually confines the dog.
- (E) Any dog(s) at large shall be apprehended and impounded by an enforcement agent.
 1. Said agent shall have the right to enter upon private property when it becomes necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog(s) and not include entry into a domicile or enclosure which confines a dog unless it is at the invitation of the occupant.

2. Said agent may issue citation(s) to the dog owner or the person acting for the owner when the dog is at large. The procedure of the issuance of notice to appear shall be provided for peace officers in A.R.S. 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citation(s) pursuant to this Chapter shall be subject to the provisions of A.R.S. 13-3899. (1980)
3. In the judgement of the enforcement agent, if any dog at large or any other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain. (1980)

6-4-8: IMPOUNDING AND DISPOSING OF DOGS AND CATS; RECLAIMING IMPOUNDED DOGS AND CATS; POUND FEES:

- (A) Any stray dog or cat shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.
- (B) Each stray dog or cat impounded shall be kept and maintained at the pound for a minimum of seventy-two (72) hours unless claimed by the owner. Any person may purchase such dog or cat upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of the Chapter. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or cat is used for medical research, no license or vaccination is required. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.
- (C) Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent, provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impound period, the enforcement agent shall take possession and may place the dog or cat for sale or dispose of the dog or cat in a humane manner. Any person purchasing such a dog or cat shall pay all pound fees.

6-4-9: HANDLING OF BITING ANIMALS; RESPONSIBILITY FOR REPORTING ANIMAL BITES; AUTHORITY TO DESTROY ANIMALS:

- (A) An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than ten (10) days. A dog properly licensed and vaccinated pursuant to this Chapter that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.
- (B) Any animal, other than a dog or cat, that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen (14) days, provided that livestock shall be confined and quarantined for the fourteen- (14-) day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained for the required period of time with the consent of and in a manner prescribed by the enforcement agent.
- (C) Any wild animal which bites any person may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.
- (D) Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

- (E) The enforcement agent may destroy any animal confined and quarantined pursuant to this prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 1. The animal shows clear clinical signs of rabies.
 2. The owner of such animal consents to its destruction.
- (F) Any animal subject to licensing under this Chapter found without a tag identifying its owner shall be deemed unowned.
- (G) The enforcement agent shall destroy a vicious animal, except a dog found to be vicious under Section 6-4-16, upon an order of a Justice of the Peace or a City Magistrate. A Justice of the Peace or City Magistrate may issue such an order after notice to the owner, if any, and a hearing.

6-4-10: UNLAWFUL INTERFERENCE WITH ENFORCEMENT AGENT:

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

6-4-11: REMOVING IMPOUNDED ANIMALS:

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this Chapter and the regulations promulgated thereunder.

6-4-12: UNLAWFUL KEEPING OF DOGS:

It is unlawful for a person to keep, harbor, or maintain a dog within the City except as provided by the terms of this Chapter.

6-4-13: DOGS; LIABILITY:

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when such damages were inflicted.

6-4-14: PROPER CARE, MAINTENANCE, AND DESTRUCTION OF IMPOUNDED ANIMALS:

- (A) Any animal impounded in a county, city, or town pound shall be given proper and humane care and maintenance.
- (B) Any dog or cat destroyed while impounded in a county, city, or town pound shall be destroyed only by the use of one of the following:
 1. Sodium pentobarbital or a derivative of sodium pentobarbital.
 2. Nitrogen gas.
 3. T-61 euthanasia solution or its generic equivalent.
- (C) If an animal is destroyed by means specified in Subsection (B)1 or 3 of this Section, it shall be done by a licensed veterinarian or in accordance with procedures established by the State veterinarian pursuant to A.R.S. 24-153.

6-4-15: RESPONSIBILITY:

An owner whose dog fits the definition of a vicious dog in Section 6-4-1 must comply with this ordinance, register the dog with the Police Chief or his designee, confine and control the dog in accordance with Section 6-4-17, and post warning signs.

6-4-16: DETERMINATION OF A VICIOUS DOG:

- (A) In the event that the Police Chief or his designee has reasonable grounds to believe that a dog may be vicious, a hearing may be convened. Dog owners are guaranteed due process hearings in the initial

determination and in the completion of any appeal process with regard to said determination that their animal is a vicious dog as defined by this ordinance.

- (B) Written notice informing the owner of the charged viciousness and of the hearing shall be served by the Police Chief or his designee pursuant to the Rules of Civil Procedure. A hearing date shall be held not later than ten (10) calendar days from the date notice was served to the owner.
- (C) Hearing Officer. The due process hearing will be conducted by a City Magistrate or Hearing Officer. The City Magistrate or Hearing Officer will make findings of fact and conclusions of law. The City Magistrate or Hearing Officer shall provide the owner with a written copy of the findings.
- (D) The hearing shall be informal and shall be open to the public. At the hearing, both oral and documentary evidence may be taken from any interested person and considered in determining whether the dog is vicious. Any owner who fails to appear after notice is given without obtaining a continuance from the appointed Hearing Officer or City Magistrate may be deemed to have waived any right to introduce evidence or object to any order made by the City Magistrate or Hearing Officer. The City Magistrate or Hearing Officer's decision shall be based on the preponderance of evidence.
- (E) Notice. If the animal is deemed to be a vicious dog, the City Magistrate or Hearing Officer will advise the owner of the decision at the hearing or send a registered letter advising the owner of such within ten (10) days.
- (F) In the event that the enforcement agent or law enforcement officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the enforcement agent or law enforcement officer may require the seizing and impoundment of the dog pending the hearing.

6-4-17: CONTROL OF A VICIOUS DOG:

Once a dog is declared vicious, the following steps will be required to continue ownership of such an animal:

- (A) Immediate steps that must be completed within one (1) calendar day upon completion of notification of a determination of viciousness:
 - 1. Leash and muzzle. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six feet (6') in length. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside confinement unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all vicious dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals. Any kennel or pen must meet the requirements of Section 6-4-17(B)1.
 - 2. Confinement Indoors. No vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition.
- (B) Reporting Requirements. The following types of information must be reported by the owner of the dog to the Police Chief or his designee within ten (10) calendar days of occurrence:
 - 1. Death of dog. A written notice from a veterinarian confirming the death of the dog must be provided to the Police Chief or his designee.
 - 2. Yearly renewal of liability insurance.
 - 3. The new address of a registered vicious dog owner should the owner move within the City limits.
 - 4. The new address of a registered vicious dog that has been moved permanently outside the City limits.
- (C) A time schedule for completion of the following steps is to be set by the Hearing Officer, but in no case will it be longer than thirty (30) calendar days from the date of the City Magistrate or Hearing Officer's decision.

1. Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides.
 - (a) All structures used to confine vicious dogs must be locked when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet (2').
 - (b) The pen or kennel may not share common fencing with the area of perimeter fence.
 - (c) All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition and any other condition that provides for humane care.
2. Registration. A declared vicious dog shall not only be routinely licensed yearly but shall also be permanently registered as a vicious dog with the Mesa Police Department.
3. Signs. All owners of vicious dogs within the City shall display in a prominent place on their premises a sign in three-inch (3") letters, easily readable by the public, using the words "Vicious Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.
4. Insurance. All owners of vicious dogs must obtain public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000) for bodily injury to or death of any person or persons or for damage to property or animals owned by any persons resulting from the ownership of a dog. All owners must provide proof of insurance and effective dates to the Police Chief or his designee. Cancellation of liability insurance by the dog's owner is allowed only in the event that the dog dies. The owner of a dog must notify the Police Chief or his designee within ten (10) days if insurance coverage is cancelled by the insurance carrier and provide proof that substitute insurance coverage has been obtained.
5. Failure to Comply. The purpose of complying with these guidelines for a dog declared vicious is to prevent attacks, injuries, or deaths by mandating the use of control methods. Owners have the opportunity to keep their dogs if this article is complied with.
 - (a) It shall be unlawful for the owner of a vicious dog registered in the City of Mesa to fail to comply with the requirements and conditions set forth in this ordinance. Any dog determined to be a vicious dog pursuant to Section 6-4-15 or Section 6-4-16 that is found to be in violation of this ordinance shall be subject to immediate seizure and impoundment and may be destroyed upon order of a City Magistrate.
 - (b) Any dog that has been determined to be a vicious dog pursuant to Section 6-4-15 or Section 6-4-16 that injures or kills a human being or a domestic animal and is in violation of this ordinance shall be destroyed.

6-4-18: PENALTIES:

- (A) Any owner of a dog that has been declared vicious pursuant to Section 6-4-15 or Section 6-4-16 who violates or permits the violation of any provision of this article shall, upon conviction in the City of Mesa Court, be fined a sum of not less than two hundred fifty dollars (\$250.00) and not more than two thousand five hundred dollars (\$2,500.00) or by imprisonment not to exceed six (6) months, or by both fine and imprisonment.
- (B) In addition, the Court may order the vicious dog impounded and destroyed.
- (C) The Court may order any person who violates this article to pay all expenses related to the impounding of the vicious dog, including shelter, food, handling, and veterinary care, to the City.
- (D) The Court may also order any person who violates this article to pay restitution to any victim or victims whose person or animal was injured or killed or property damaged.

(E) In the event that the owner of the vicious dog is a minor, the parent or guardian in physical control of such minor at the time of the acts giving rise to the determination of viciousness shall be liable: (1) for all injuries and property damage sustained by a person or domestic animal caused by an unprovoked attack by said vicious dog; and (2) all violations of this Chapter.

6-4-19: POLICE DOGS:

Dogs utilized by the Mesa Police Department are exempt from the requirements of this ordinance.

City of Paradise Valley

CHAPTER 7 ANIMAL CONTROL

Article 7-1 DEFINITIONS

Article 7-2 UNLAWFUL ACTS

- 7-2-1 Cruelty
- 7-2-2 Dangerous Animals
- 7-2-3 Animal Noises
- 7-2-4 Strays
- 7-2-5 Diseased Animals
- 7-2-6 Feeding Wild Coyotes
- 7-2-7 Control of Animals
- 7-2-8 Unlawful Keeping of Dogs
- 7-2-9 Destruction of Property
- 7-2-10 Dogs Not Permitted at Large
- 7-2-11 Unlawful Interference with Enforcement Agent
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Article 7-3 LICENSE AND VACCINATION

- 7-3-1 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification
- 7-3-2 Anti-rabies Vaccination; Vaccination and License Stations

Article 7-4 POUND

- 7-4-1 Impounding
- 7-4-2 Impounding and Disposing of Animals; Reclaiming Impounded Animals; Pound Fees
- 7-4-3 Dangerous and Fierce Animals
- 7-4-4 Stray Dogs
- 7-4-5 Proper Care, Maintenance and Destruction of Impounded Animals
- 7-4-6 Removing Impounded Animals

Article 7-5 RABIES CONTROL

- 7-5-1 Handling of Biting Animals; Responsibility for Reporting Animal Bites; Authority to Destroy Animals

Article 7-6 ENFORCEMENT AGENT

- 7-6-1 Powers and Duties of Enforcement Agent
- 7-6-2 Dogs at Large; Enter Private Property

Article 7-7 KENNELS, LIABILITY, DANGEROUS ANIMALS, CLASSIFICATION

- 7-7-1 Kennel Permit; Fee; Violation; Classification
- 7-7-2 Dogs; Liability
- 7-7-3 Killing Dangerous Animals
- 7-7-4 Repealed

Article 7-8 VIOLATIONS, NUISANCE AND ENFORCEMENT

CHAPTER 7 ANIMAL CONTROL

Article 7-1 DEFINITIONS

1. "Animal" means any species of mammalia which is susceptible to rabies, except man. Fowl, including but not limited to any species of bird or fowl, are included in the definition of "animal".
2. "At large" means off the premises of owner and not under the immediate control of owner or other person physically capable of restraining the animal.
3. "Department" means the State Department of Health Services.
4. "Enforcement agent" means the Chief of Police.
5. "Impound" means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this Article.
6. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors, or maintains five or more dogs.
7. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
8. "Owner" or "responsible party" means any person keeping an animal other than livestock for more than six consecutive days.
9. "Pound" means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.
- 9.a. "Rabies Vaccination Certificate" means a method of recording and duplicating rabies information that is in compliance with the County enforcement agent's licensing system and/or County enforcement agent's prescribed forms.
10. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
11. "Stray dog" means any dog four months of age or older running at large that is not wearing a valid license tag.
12. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian, or in authorized pounds by employees trained by a veterinarian.
13. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
14. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it, or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.
15. "Vicious animal" means any animal of the order carnivora that has a propensity to attack human beings without provocation, and has been so declared after a hearing before a justice of the peace or a Town Magistrate.

Article 7-2 UNLAWFUL ACTS

- 7-2-1 Cruelty
- 7-2-2 Dangerous Animals
- 7-2-3 Animal Noises
- 7-2-4 Strays
- 7-2-5 Diseased Animals
- 7-2-6 Feeding Wild Coyotes
- 7-2-7 Control of Animals
- 7-2-8 Unlawful Keeping of Dogs
- 7-2-9 Destruction of Property
- 7-2-10 Dogs Not Permitted at Large
- 7-2-11 Unlawful Interference with Enforcement Agent
- 7-2-12 Removal of Feces
- 7-2-13 Fowl Not Permitted at Large

Section 7-2-1 Cruelty

It is unlawful for any person to treat any animal cruelly. It is unlawful to beat, underfeed, overload, or abandon any animal.

Section 7-2-2 Dangerous Animals

It is unlawful to exhibit or parade animals which are ferae naturae.

Section 7-2-3 Animal Noises

A. It is unlawful and a public nuisance to own, harbor or keep any animal which disturbs the peace, comfort or repose of others, or makes disturbing noises, including but not limited to, frequent, loud, habitual or repeated howling, barking, whining or other utterances, which cause unreasonable annoyance, disturbance or discomfort to others or neighbors in proximity to the premises where the animal is owned, kept or harbored.

B. A criminal violation of this section shall not be established except upon the testimony of not less than three (3) competent witnesses as to the facts constituting the violation.

Section 7-2-4 Strays

It is unlawful to permit cattle, horses, mules, swine, sheep, goats, or other livestock, or poultry to run at large; any such animal running at large in the Town shall be impounded. It is unlawful to picket or tie any animal in the right-of-ways of the Town for the purpose of grazing or feeding.

Section 7-2-5 Diseased Animals

It is unlawful to allow any domestic animal afflicted with a contagious or infectious disease to be exposed in any public place. The enforcement agent shall arrange disposition of any diseased animal and such treatment of affected premises so as to prevent the communication and spread of the contagion or infection, except in cases where the State Health Officer or State Veterinarian is empowered to act.

Section 7-2-6 Feeding Wild Coyotes

It is unlawful to feed wild coyotes.

Section 7-2-7 Control of Animals

It is unlawful for the owner of an animal which has bitten a person, or which is dangerous or vicious, to allow the animal off the premises of the owner.

Section 7-2-8 Unlawful Keeping of Dogs

It is unlawful for a person to keep, harbor or maintain a dog within the Town except as provided by the terms of this ordinance.

Section 7-2-9 Destruction of Property

It is unlawful for the owner of an animal to allow the animal to destroy or impair any property belonging to someone other than the owner. The enforcement agent or his delegate is authorized to determine, upon the complaint of any person, whether the owner of an animal is in violation of this section and upon making a determination the enforcement agent or his delegate must proceed as provided in Section 7-4-1.

Section 7-2-10 Dogs Not Permitted at Large

It is unlawful to allow a dog to run at large on public streets, in public parks, on school property, on public property, on private property other than the property of its owner, or on any combination of property. A dog is not at large if:

A. It is restrained by a leash, chain, rope or cord of not more than six feet in length and of sufficient strength to control the dog.

B. It is used for control of livestock, or while being used or trained for hunting, or being exhibited at or trained for, a kennel club event or while engaged in races approved by the Arizona Racing Commission.

C. It is actively engaged in dog obedience training, accompanied by and under the control of an owner or trainer, provided that the person training the dog has in possession a dog leash of not more than six feet in length and of sufficient strength to control the dog, and further, that the dog is actually enrolled in or has graduated from a dog obedience training school; the person accompanying the dog must show any peace officer documentary evidence of attendance or training.

D. It is within a suitable enclosure which confines the dog.

Section 7-2-11 Unlawful Interference With Enforcement Agent

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

Section 7-2-12 Removal of Feces

It is unlawful for any person to fail to provide for the sanitary removal of feces defecated by a dog or cat owned or controlled by that person.

Section 7-2-13 Fowl Not Permitted at Large

It is unlawful to allow fowl to be at large in the Town.

Article 7-3 LICENSE AND VACCINATION

7-3-1 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification

7-3-2 Anti-rabies Vaccination; Vaccination and License Stations

Section 7-3-1 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification

A. Each dog four months of age or over that is kept, harbored or maintained within the boundaries of the Town for at least thirty consecutive days of each calendar year must be licensed by the county, pursuant to A.R.S. 24-367. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. The fee shall be the amount set by resolution. A penalty not to exceed four dollars shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this ordinance. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty consecutive days.

B. Durable dog tags shall be provided. Each dog licensed under the terms of this ordinance shall receive, at the time of licensing, a tag on which shall be inscribed the name of the county, the number of the license, and the date on which it expires. The tag must be attached to a collar or harness which must be worn by the dog at all times, except dogs used for control of livestock, or while being exhibited at or trained for a kennel club event, or dogs while engaged in races approved by the Arizona Racing Commission. Such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee.

C. The County Board of Supervisors may set license fees that are lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the county enforcement agent that such a dog has been surgically altered to be permanently incapable of procreation.

D. Any person who fails within fifteen days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, or counterfeits or attempts to counterfeit an official dog tag, or remove such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a Class 2 misdemeanor.

Section 7-3-2 Anti-rabies Vaccination; Vaccination and License Stations

A. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer, and serial number of the vaccine used and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this ordinance and the regulations promulgated hereunder.

B. The county enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

Article 7-4 POUND

7-4-1 Impounding

7-4-2 Impounding and Disposing of Animals; Reclaiming Impounded Animals; Pound Fees

7-4-3 Dangerous and Fierce Animals

7-4-4 Stray Dogs

7-4-5 Proper Care, Maintenance and Destruction of Impounded Animals

7-4-6 Removing Impounded Animals

Section 7-4-1 Impounding

The enforcement agent or his delegate is authorized to determine whether an animal is in violation of this Chapter; if the animal is in violation of the provisions of this chapter, the enforcement agent or his delegate must cause the animal to be impounded in a suitable place, including either the Maricopa County Dog Pound by arrangement with the County, or a private veterinary hospital by arrangement with the veterinarian, at the expense of the owner of the animal. The period of the impoundment for the first offense shall be five days and for each succeeding offense an additional five days. The owner, if known, must be notified of such impoundment.

Section 7-4-2 Impounding and Disposing of Animals; Reclaiming Impounded Animals; Pound Fees

A. All animals impounded shall be given proper care and maintenance. Each animal impounded shall be kept and maintained at the pound for a minimum of seventy-two hours unless claimed by its owner. If an animal is not claimed within the impoundment period, the enforcement agent shall take possession and may place the animal for sale or may dispose of the animal in a humane manner. Any person may purchase such an animal upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this ordinance. If such animal is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded sick or injured animals whenever such destruction is necessary to prevent such animal from suffering or to prevent the spread of disease.

B. Any impounded animal may be reclaimed by its owner or such owner's agent provided that the person reclaiming the animal furnishes proof of right to do so and pays all pound fees. If the animal is not reclaimed within the impoundment period, the Maricopa County enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the animal in a humane manner. Any person purchasing such an animal shall pay all pound fees.

Section 7-4-3 Dangerous and Fierce Animals

In the judgment of the enforcement agent, if any dog at large or other dangerous or fierce animal, or one that is a threat to human safety cannot be safely impounded, it may be immediately slain.

Section 7-4-4 Stray Dogs

Any stray dog shall be impounded.

Section 7-4-5 Proper Care, Maintenance and Destruction of Impounded Animals

- A. All impounded animals shall be given proper and humane care and maintenance.
- B. Any dog or cat, destroyed while impounded in a county, city or Town pound, shall be destroyed only by the use of one of the following:
 - (1) Sodiumpentobarbital or a derivative of sodiumpentobarbital,
 - (2) T-61 Euthanasia solution or its generic equivalent.
- C. If an animal is destroyed it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to Section 24-153 of Arizona Revised Statutes.

Section 7-4-6 Removing Impounded Animals

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this ordinance.

Article 7-5 RABIES CONTROL

7-5-1 Handling of Biting Animals; Responsibility for Reporting Animal Bites; Authority to Destroy Animals

Section 7-5-1 Handling of Biting Animals; Responsibility for Reporting Animal Bites; Authority to Destroy Animals

- A. An unlicensed or unvaccinated dog or a cat that bites any person must be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this ordinance, that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.
- B. Any animal other than a dog or cat that bites any person must be confined and quarantined in a pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days, provided that livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.
- C. Any wild animal that bites any person may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.
- D. Whenever an animal bites any person, the incident must be reported to the enforcement agent immediately by any person having direct knowledge.
- E. The county enforcement agent may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - 1. Such animal shows clear clinical signs of rabies, or

2. The owner of such animal consents to its destruction.

F. Any animal subject to licensing under this Article found without a tag identifying its owners shall be deemed unowned.

G. The enforcement agent shall destroy a vicious animal upon an order of a Justice of the Peace or a Town Magistrate. A Justice of the Peace or Town Magistrate may issue such an order after notice to the owner, if any, and a hearing.

Article 7-6 ENFORCEMENT AGENT

7-6-1 Powers and Duties of Enforcement Agent

7-6-2 Dogs at Large; Enter Private Property

Section 7-6-1 Powers and Duties of Enforcement Agent

A. The enforcement agent shall:

1. Enforce the provisions of this ordinance.
2. Issue citations for the violation of the provisions of this ordinance. The procedure for the issuance of notices to appear shall be as provided for peace officers in Arizona Revised Statutes 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. 13-3899.
3. Be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within said area. Any regulations restricting or involving movements of livestock within said area shall be subject to approval by the state veterinarian.

B. The enforcement agent may designate deputies.

Section 7-6-2 Dogs at Large; Enter Private Property

Any dog at large shall be apprehended and impounded by an enforcement agent.

A. The agent has the right to enter upon private property when necessary to apprehend any dog that has been running at large. Entrance upon private property shall be in reasonable pursuit of the dog and shall not include entry into a domicile unless invited by the occupant.

B. An agent may issue a citation to the dog owner when the dog is at large. The procedure for the issuance of notice to appear shall be as provided for peace officers in Section 13-3903, A.R.S. except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this Article shall be subject to provisions of Section 13-3899, A.R.S.

Article 7-7 KENNELS, LIABILITY, DANGEROUS ANIMALS, CLASSIFICATION

7-7-1 Kennel Permit; Fee; Violation; Classification

7-7-2 Dogs; Liability

7-7-3 Killing Dangerous Animals

7-7-4 Repealed

Section 7-7-1 Kennel Permit; Fee; Violation; Classification

- A. A person operating a kennel must obtain a permit issued by the Board of Supervisors of Maricopa County unless each individual dog is licensed.
- B. The annual fee for the kennel permit shall be set by resolution.
- C. A dog remaining within the kennel is not required to be licensed individually. A dog leaving the controlled kennel conditions shall be licensed except if the dog is only being transported to another kennel which has a permit issued by the Board of Supervisors of Maricopa County.
- D. A person who fails to obtain a kennel permit under this section is subject to a penalty of twenty-five dollars in addition to the annual fee.
- E. A person who knowingly fails within thirty days after written notification from the county enforcement agent to obtain a kennel permit is guilty of a Class 2 misdemeanor.

Section 7-7-2 Dogs; Liability

The owner of a dog is responsible for all injuries to persons or property, or both, caused by the dog at large.

Section 7-7-3 Killing Dangerous Animals

The members of the police department are authorized to kill any dangerous animal when it is necessary for the protection of any person or property.

Article 7-8 VIOLATIONS, NUISANCE AND ENFORCEMENT

- A. Violations of this chapter are in addition to any other violation enumerated within the Town Codes and ordinances and state law and in no way limits the civil or criminal penalties, actions or abatement procedures which may be taken by the Town for any violation of this chapter.
- B. Violations of this chapter may be prosecuted by citation for civil sanctions, with a maximum sanction not to exceed two hundred fifty dollars (\$250.00), or by criminal complaint punishable in accordance with the general penalties of § 1-9-2 of this Code.
- C. A violation of this chapter is also declared to be a public nuisance which may be abated as provided in Article 8-5 of this Code or in any other manner authorized by law.
- D. In addition to any other sanction or penalty authorized by law or ordinance for civil or criminal prosecution of violations herein the court may issue an order which includes but is not limited to any of the sanctions and remedies in Subsection E of this section to the extent authorized by law, in addition to issuing an order permitting the Town to abate the condition giving rise to the violation, with the reasonable costs of any such abatement the responsibility of the person found responsible or guilty of the violation.
- E. As a part of any order issued pursuant to this chapter, a court, or officer pursuant to Article 8-5 of this Code, shall have the authority to order the following remedies to the extent such order is within powers authorized by law:
 - 1. Obedience training for the animal (s) in question;
 - 2. Muzzling of an animal while on or off the property of the owner;
 - 3. Confinement of an animal indoors;
 - 4. Confinement of an animal in a secure enclosure;
 - 5. Reduction of the number of animals kept at any one location;

6. Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty;
7. Sterilization of an animal;
8. Ban on keeping other animals in the Town;
9. Placement of warning sign(s) in prominent place(s) on premises where an animal is kept, as directed in the order, easily readable by the public;
10. Acquisition of liability insurance to protect against damage to persons or property;
11. Destruction of an animal;
12. Spaying, neutering, defanging, declawing, testing or quarantine of an animal;
13. Mediation or arbitration with the expenses borne as specified in the order;
14. Any other measure or sanction designed to eliminate a violation, prevent future violations or protect the health and safety of the public.

F. A civil citation issued hereunder will be substantially in the same form as the Arizona traffic citation form currently in use, processed in accordance with the Arizona rules of court for civil traffic violation cases.

City of Peoria

CHAPTER 4 – ANIMALS

Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any animal of a species that is susceptible to rabies, except man.

At large means

(i) Being neither confined by an enclosure nor physically restrained by a leash.

(ii) The presence at any place in the city of any livestock on public or private property except for public or private property that is owned, leased or otherwise lawfully controlled by the owner of the livestock, or by a person acting with the consent of the owner of the livestock. Notwithstanding the foregoing livestock that is being driven or ridden on a street or other right of way by the owner of the livestock or by another person having immediate and direct control of the livestock is not at large.

Collar means a band, chain, harness, or suitable device worn around the neck of an animal to which a license may be affixed.

Department means the state department of health services.

Dog means any member of the canis familiaris family.

Enforcement agent means a person designated by the city who is responsible for the enforcement of this chapter and regulations promulgated hereunder.

Impound means the act of taking or receiving into custody by the city or its designee any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this chapter.

Kennel means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five (5) or more dogs under controlled conditions.

Livestock means asses, cattle, horses, mules, sheep, goats and swine, except wild pigs.

Mammal means any animal except fowl or reptiles.

Owner means any person keeping an animal other than livestock for more than six (6) consecutive days.

Pet shop means any establishment at which are kept for sale any animals generally considered to be household pets.

Poultry means chickens, turkeys, domesticated birds, game birds, fowl, waterfowl and exotic birds, including but not limited to ostriches.

Pound means any establishment authorized by the enforcement agent for the confinement, maintenance, safekeeping and control of animals that come into the custody of the enforcement agent in the performance of his official duties.

Rabies quarantine area means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to the area.

Rabies vaccination certificate means a method of recording and duplicating rabies information that is in compliance with the enforcement agent's licensing system or the enforcement agent's prescribed forms.

Rodent means a mammal of the order rodentia, such as a mouse, squirrel, rat or beaver, characterized by large incisors adapted for gnawing or nibbling.

Stray dog means any dog four (4) months of age or older running at large that is not wearing a valid license tag.

Vaccination means the administration of an anti-rabies vaccine to animals by a veterinarian, or in authorized pounds by employees trained by a veterinarian.

Veterinarian means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.

Veterinary hospital means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

Vicious animal means any animal of the order carnivora that has a propensity to attack, to cause injury to or to

otherwise endanger the safety of human beings without provocation, or that has been so declared after a hearing before a justice of the peace or the municipal court.

(Code 1977, § 7-1-1; Ord. No. 87-31, § 1, 7 -14-8 7)

(Ord. No. 96-31, 6/4/96, Amended)

(Ord. No. 97-111, 11/18/97, Amended)

Cross reference(s) -- Definitions and rules of construction generally, § 1-2.

State law reference(s) -- Similar provisions, A.R.S. § 11-1001.

State law reference(s) -- Livestock, A.R.S. § 3-1201.

Sec. 4-2. Powers and duties of enforcement agent.

(a) The enforcement agent:

(1) Shall enforce the provisions of this chapter.

(2) May issue citations for the violations of the provision of this chapter; the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided in Arizona revised statutes, sections 13-3899, 13-3903 and this code, except that the enforcement agent shall not make an arrest before issuing the notice.

(3) Shall be responsible for declaring a rabies quarantine areas within area of jurisdiction. When a quarantine areas has been declared the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies within area. Any regulations restricting or involving movements of livestock within area shall be subject to approval by the state veterinarian

(Code 1977, § 7-1-8(A)(1), (C))

(Ord. No. 96-31, 6/4/96, Amended)

Sec. 4-3. Confinement of animals in motor vehicles; responsibility of persons; authorization for peace officer or enforcement agent to enter vehicle.

(a) No person having charge, custody or ownership of an animal, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering disability or death.

(b) No person having dominion or control over a motor vehicle shall place or confine an animal or allow an animal to be placed or confined in a motor vehicle under such conditions or for such period of time as may endanger the health or well being of such animal due to heat, lack of food or drink or such other circumstances as may be reasonably expected to cause suffering, disability or death.

(c) When in the judgment of a peace officer, an animal has been placed or confined in a motor vehicle under such conditions and for such period of time that constitutes a violation of this section and is likely to result in the death of the animal and the owner or person having control over the motor vehicle is not available, the peace officer may take such steps as reasonably necessary to enter the vehicle and impound the animal in the manner provided by this chapter.

(Code 1977, § 7-1-8(A)(2), (B))

(Ord. No. 96-31, 6/4/96, Repealed)

(Ord. No. 96-31, 6/4/96, Enacted)

Sec. 4-4. License and impound fees.

(a) The annual license fee shall be that set by the County Board of Supervisors for unincorporated Maricopa County which shall be paid for each Dog four months of age or over that is kept, harbored or maintained within the boundaries of the City for at least thirty (30) consecutive days of each calendar year. License fees shall be payable in the same manner as imposed by the County Board of Supervisors for unincorporated Maricopa County. The licensing period shall not exceed the period of time for revaccination as designated by the State veterinarian. License fees shall be paid within ninety days to the County Treasurer or its authorized representatives. A penalty fee set by the County Board of Supervisors shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this ordinance. This penalty shall not be assessed against the applicants who furnish adequate proof that the dog to be licensed has been in their possession or in the City less than thirty consecutive days.

(b) Durable dog tags shall be provided by the County each dog licensed under the terms of this chapter shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of the license, and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this chapter. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and the payment of a fee to the County.

(c) The County Board of Supervisors may provide license fees that are lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the County that such a dog has been surgically altered to permanently incapable of procreation.

(d) Any person who fails within fifteen days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or removed such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a class two misdemeanor.

(Code 1977, § 7-1-6)

(Ord. No. 90-39, 8/28/90)

(Ord. No. 96-31, 6/4/96, enacted (b),(d) and (g) and renumbered to conform)

(Ord. No. 97-103, 10/21/97, repealed (b), (d) and (g) and renumbered to conform)

Sec. 4-5. Rabies quarantine.

The enforcement agent shall be responsible for declaring a rabies quarantine area. When a quarantine has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies. Regulations restricting or involving movements of livestock within an area shall be subject to approval by the state veterinarian.

(Code 1977, § 7-1-8(A)(3))

State law reference(s) -- Similar provisions, A.R.S. § 11-1014.

Sec. 4-6. Interference with enforcement agent.

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

(Code 1977, § 7-1-4)

State law reference(s) -- Similar provisions, A.R.S. § 11-1015.

Sec. 4-7. Dogs, unlawful keeping and maintaining, taking into public buildings, prohibited, exceptions, violations.

- (a) It is unlawful to keep, harbor or maintain a dog within the city except as provided by the terms of this chapter.
- (b) Except as provided in subsection (c) of this section, it shall be unlawful for any person to bring into any public building under the control and jurisdiction of the City any animal, fowl, or rodent.
- (c) Any legally blind person, deaf person, physically handicapped person, dog guide trainer, or service dog trainer may make use of a dog guide or service dog while in a public building under the control and jurisdiction of the City. Such use shall be subject to the provisions of A.R.S. § 11-1024.

(Code 1977, § 7-1-16)

State law reference(s) -- Similar provisions, A.R.S. § 11-1017.

(Ord. 01-175, 11/20/01, Amended)

Sec. 4-8. General restrictions on keeping of animals.

- (a) It shall be unlawful to keep any animal in such a manner so as to disturb the peace, comfort or health of any person residing within the city. Any person violating any provisions of this chapter shall be guilty of a class one misdemeanor. Alternatively, the city may enforce this chapter by imposing civil penalties not to exceed the maximum fine of \$2,500.00 for a class one misdemeanor.
- (b) It shall be unlawful to keep any animal in such condition that any offensive, disagreeable or noxious smell or odor shall arise there from to the injury, annoyance or inconvenience of any inhabitant of the neighborhood thereof.
- (c) The keeping of all animals within the city is subject to all pertinent regulations of the city, county and the state.
- (e) The premises upon which animals, livestock and poultry are kept shall always be sanitary and subject to inspection and regulation by the enforcement agent. (Code 1977, § 7-1-2(A) -- (D), (G) -- (I))

(Ord. No. 96-31, 6/4/96, Amended)

(Ord. No. 97-103, 10/21/97, Amended)

Sec. 4-9. Specific restrictions on keeping of animals

- (a) It is unlawful to keep any poisonous, dangerous or carnivorous wild animals or reptiles without first having registered such animal with the City. The City Manager or his designee may issue guidelines for the registration and safe keeping of such animals. The registration list, owners name and address and type of animal shall be deemed to be a public record subject to disclosure. Registration shall be done at the Police Department or such other location as designed by the City Manager. It shall be a class one (1) misdemeanor to violate the provisions of this section or any guideline issued by the City Manager pertaining to the registration and safekeeping of animals.
- (b) The maintaining and keeping of all animals, livestock and poultry within the city shall be allowed only so long as they not cause, create, contribute to or become a public nuisance due to noise, the presence of flies, mosquitoes, insects, vermin, rodent harborage, odors, dust, ponded water, accumulation of manure, garbage, refuse or other obnoxious or put rescible material, or for any other like reason. For purposes of this subsection, public nuisance is defined as maintaining any of the conditions described above to the extent that one or more adjacent property owners are restricted in the use of their property due to the existence of the Public Nuisance. Manure and droppings shall be removed from enclosures at least twice weekly and shall be removed from the premises at least once each week. In this subsection ``premises" means the lot or parcel of ground upon which an enclosure is located. This subsection does not apply to areas zoned for agriculture.

(c) Except in areas zoned for agriculture, no swine shall be kept within the city limits. Swine must be kept at least one thousand (1,000) feet away from any adjoining residence.

(d) Mammals, excepting dogs and cats confined or kept in an enclosure of less than five hundred (500) square feet shall be forty (40) feet or more from any adjoining residence. No more than two (2) mammals, Excepting dogs and cats but including livestock shall be kept upon the first twenty thousand (20,000) square feet of land. For each additional mammal, an additional twenty thousand (20,000) square feet of land is required.

(e) Any person owning, keeping, possessing or harboring any dog or wild animal shall promptly remove and dispose of all feces left by the dog or wild animal on any public property, public park or public right of way. The City or political subdivision shall post notice of this requirement only at the entrances of public parks. No such notice is required for other public property or right of way.

(Code 1977, § 7-1-3)

(Ord. No. 96-31, 6/4/96, Amended)

(Ord. No. 01-175, 11/20/01, Amended)

Sec. 4-10. Exceptions to restrictions on keeping mammals.

Sections 4-8 through 4-9 shall not apply in areas properly zoned for agriculture to the keeping of rodents, household pets, livestock, licensed kennels, pet shops and veterinary hospitals.

(Code 1977, § 7-1-2(E))

(Ord. No. 96-31, 6/4/96, Amended)

Sec. 4-11. Handling of biting animals; responsibility for reporting animal bites; authority to destroy animals.

(a) Any dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven (7) days. A dog properly licensed and vaccinated pursuant to this chapter, that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

(b) Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen (14) days, provided that livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the state livestock board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.

(c) Any wild animal which bites any person may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.

(d) Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

(e) The enforcement agent may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if:

(1) The animal shows clear clinical signs of rabies.

(2) The owner of the animal consents to its destruction. Any animal subject to licensing under this chapter found without a tag identifying its owner shall be deemed unowned.

(g) The enforcement agent shall destroy a vicious animal up on an order of a justice of the peace or the municipal court. A justice of the peace or the municipal court may issue such an order in the manner provided for by this chapter or pursuant to the provisions of Title 11, Chapter 7, Article 6, Arizona Revised Statutes.

(Code 1977, § 7-1-14)

(Ord. No. 96-31, 6/4/96, Amended)

State law reference(s) -- Similar provisions, A.R.S. § 11-1014.

Sec. 4-12. Killing certain animals in lieu of impoundment.

In the judgment of the enforcement agent if any dog at large or other animal that is dangerous or fierce and a threat to human safety that cannot be safely impounded, it may be immediately slain.

(Code 1977, § 7-1-12(E)(3))

Sec. 4-13. Removing impounded animals.

No person may remove or attempt to remove an animal which has been impounded or which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this chapter and the regulations promulgated thereunder.

State law reference(s) -- Similar provisions, A.R.S. § 11-1016.

(Code 1977, § 7-1-15)

Sec. 4-14. Proper care, maintenance and destruction of impounded animals.

(a) Any animal impounded in a county, city or town pound shall be given proper and humane care and maintenance.

(b) Any dog or cat, except those showing signs of rabies destroyed while impounded in an authorized county, city or town pound shall be destroyed only by the use of one (1) of the following:

- (1) Sodium pentobarbital or a derivative of sodium pentobarbital.
- (2) Nitrogen gas.
- (3) T-61 euthanasia solution or its generic equivalent.

(c) If an animal is destroyed by means specified in subsection (b)(1) or (b)(3) of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to A.R.S. § 24-153.

(Code 1977, § 7-1-19)

State law reference(s) -- Similar provisions, A.R.S. § 11-1021.

Sec. 4-15. Vicious Animals; determination

(a) Any person having reasonable belief that an animal is vicious may petition a justice of the peace or the municipal court for a determination that the animal is vicious. The municipal court may assign the matter to a civil hearing officer within the court for all proceedings under this section.

(b) After notice to the owner of the animal in any manner calculated to provide reasonable notice, including but not limited to those in the Arizona Rules of Civil Procedure, the justice of the peace or the municipal court shall conduct a hearing. The hearing shall be informal and open to the public. Any relevant oral and documentary evidence from any interested may be considered by the court, whether or not admissible under the Arizona Rules of Evidence.

- (1) Any owner who fails to appear after notice pursuant to this section may be deemed to have waived any right to introduce evidence and the justice of the peace or the municipal court shall determine that all of the allegations contained in the petition are admitted.
- (2) The decision shall be based on the preponderance of the evidence.

(c) The justice of the peace or the municipal court may consolidate a viciousness petition with a criminal proceeding arising out of the same violation, provided that viciousness is alleged in the criminal complaint.

(Ord. No. 96-31, 6/4/96, Enacted)

Sec. 4-16. Vicious animals; orders, enforcement.

(a) Upon determining an animal to be vicious, the justice of the peace or municipal court shall enter such orders as it deems necessary to protect the public. The justice of the peace or municipal court shall retain continuing jurisdiction over the matter for a period not to exceed three years to ensure that the orders are enforced. The justice of the peace or municipal court may order but is not limited to the following:

- (1) That the owner of the vicious animal post one or more signs on the premises where the animal is kept a sign in letters not less than three inches, easily readable by the public using the words "Danger: Vicious Animal"
- (2) That the owner obtain public liability insurance in a single incident amount of not less than fifty thousand (\$50,000.00) dollars or such other amount as determined by the court for bodily injury or death of any person for damage to property caused by the vicious animal.
- (3) That the animal be destroyed or removed from the premises.
- (4) That the animal at all times be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed or muzzled.
- (5) That the animal be spayed, neutered or tattooed for identification purposes.
- (6) That the animal be defanged, declawed or debarked.
- (7) That the cost of the proceedings to declare the animal vicious be assessed against the owner.

(Ord. No. 96-31, 6/4/96, Enacted)

(Ord. No. 97-103, 10/21/97, Amended)

Sec. 4-31. Establishment of pounds; impounding and disposing of dogs and cats; reclaiming impounded dogs and cats; pound fees.

(a) Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

(b) Each stray dog or any cat impounded shall be kept and maintained at the pound for a minimum of seventy -two (72) hours unless claimed by its owner.

(c) Prior to release of a stray dog or cat from the pound for purchase by any person, the dog or cat shall be:

- (1) surgically spayed or neutered.
- (2) the purchasing party signs an agreement with the pound to have the dog or cat spayed or neutered within thirty days after purchase or before the dog or cat is sexually mature and deposits with the pound the amount determined by the pound to be sufficient to assure sterilization. Upon presentation of a statement by a veterinarian that the dog or cat has been spayed or neutered, the deposit shall be refunded.

(d) The pound may use any unrefunded deposits for any of the purposes provided in A.R.S. §11-1022.C.

(e) Any person may purchase an impounded dog or cat upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing, vaccinating, and sterilization provisions of this chapter. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and

may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If the dog or cat is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded, sick or injured dogs or cats whenever necessary to prevent the dog or cat from suffering or to prevent the spread of disease.

(c) Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such a dog or cat shall pay all pound fees.

(Code 1977, § 7-1-13)

(Ord. No. 96-31, 6/4/96, Amended)

State law reference(s) - - Similar provisions, A.R.S. § 11-1013.

Sec. 4-32. Dog license.

It is unlawful to keep a dog that is over the age of four (4) months that is not currently licensed by the county.

(Code 1977, § 7-1-2(F))

(Ord. No. 96-31, 6/4/96, Amended)

(Ord. No. 97-103, 10/21/97, Amended)

State law reference(s) - - Licensing of dogs, A.R.S. § 11-1008.

Sec. 4-33. Dogs; kennel permit required.

(a) A person operating a kennel shall obtain a permit issued by the county board of supervisors unless each individual dog is licensed. A dog remaining within the kennel is not required to be licensed individually. A dog leaving the controlled kennel conditions shall be individually licensed unless it is only being transported to another kennel for which a permit has been issued under this section.

(b) A person operating a kennel must obtain a business license from the City and have a zoning clearance from the Community Development Department. For purposes of this section, kennel operations include any animal which whether domesticated full blood or in part.

(c) A person who knowingly fails within thirty (30) days after written notification from the enforcement agent to obtain a kennel permit is guilty of a misdemeanor. The Court shall order the person to obtain the required kennel permit, zoning clearance and business license and pay all applicable fees as a condition of sentence.

(Code 1977, § 7-1-9)

State law reference(s) - - Similar provisions, A.R.S. § 11-1009.

(Ord. 01-175, 11/20/01, Amended)

Sec. 4-34. Dogs, animals not permitted at large; wearing licenses.

(a) Neither a female dog during her breeding or mating season, nor a wild animal, nor a vicious dog shall be permitted at large.

(b) In a rabies quarantine area, no dogs, or wild animals for which a permit has been issued by the city, shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that the dog is confined entirely to the owner's property, or on a leash not to exceed six (6) feet in length and directly under the owner's control when not on the owner's property.

(c) Any dog over the age of four (4) months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the Arizona racing commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

(d) No person in charge of any dog, or a wild animal, shall permit such dog, or wild animal, in a public park or upon any city or public school property or upon the property of a third party, unless the dog is physically restrained by a leash, enclosed in a car, cage or similar enclosure, or being exhibited or trained at a recognized kennel club event, public school or city sponsored event.

(e) Whenever any dog is found at large, the enforcement officer may take one or more of the following actions:

(1) The dog may be apprehended and impounded. The enforcement agent shall have the right to enter upon private property when it is necessary to apprehend any dog or wild animal that has been running at large. Entrance upon private property shall be in reasonable pursuit of a dog and shall not include entry into a domicile or enclosure which confines a dog except at the invitation of the occupant.

(2) The enforcement agent may issue a citation to the dog owner or person acting for the owner when the dog is at large. In lieu of issuing a citation, a report may be submitted to the office of the city attorney requesting criminal prosecution.

(3) In the judgment of the enforcement agent or a peace officer, any dog at large or other animal that is dangerous, vicious or fierce and a threat to human safety that cannot be safely impounded may be immediately slain. All animals slain under this section shall be diagnosed for rabies prior to release to the owner and or disposal. Public records will be maintained by the city for each slaying incident, including the results of the rabies diagnosis on the animal.

(f) Upon request of the City or County and issuance of an order by a hearing officer, justice of the peace or the municipal court, any dog or other animal impounded under this section may be kept or impounded until there is a final disposition of any criminal complaint or civil citation filed under this chapter. The City or County may direct that any dog be kept impounded until payment in full of any civil sanctions or fines imposed by a hearing officer, justice of the peace or the municipal court under this chapter.

(g) A violation of this section shall be punished by a minimum fine of not less than fifty (\$50.00) dollars, which shall not be waived or suspended.

(Code 1977, § 7-1-12)

(Ord. No. 96-31, 6/4/96, Amended)

(Ord. No. 97-103, 10/21/97, Amended (f))

(Ord. No. 01-175, 11/20/01, Amended)

State law reference(s) - - Dogs at large, A.R.S. § 11-1012.

Sec. 4-35. Dogs; wild animals kept by owners; violations; responsibility for damages.

(a) A violation of this chapter shall be punished by a fine of not less than fifty (\$50.00) dollars which shall not be waived or suspended.

(b) Injury to any person or damage to any property by a dog or wild animal kept by the owner while at large shall be the full responsibility of the dog or wild animal kept by the owner or person responsible for the dog or wild animal kept by the owner when such damages were inflicted.

(Code 1977, § 7-1-18)

(Ord. No. 96-31, 6/4/96, Amended)

(Ord. 01-175, 11/20/01, Amended)

State law reference(s) - - Similar provisions, A.R.S. § 11-1025.

Sec. 4-36. Lawful presence on private property defined.

A person is lawfully in or on the private property of the owner of the dog within the meaning of this chapter when an invitee or guest, or when in performance of a duty imposed upon him by the law of the state or of the United States, or by ordinances of the city.

(Ord. No. 96-31, 6/4/96, Enacted)

Sec. 4-37. Provocation as a defense.

Proof of provocation of the attack by the person injured shall be a rebuttable defense to an action to declare an animal dangerous or vicious.

(Ord. No. 96-31, 6/4/96, Enacted)

Sec. 4-41. Animals at large; prohibited.

(a) It shall be unlawful for any person to cause, allow, suffer or permit any animal, fowl or rodent to be at large at any place in the city at any time.

(b) The owner of every animal, fowl or rodent or person having control over an animal, fowl or rodent shall at all times control such animal fowl or rodent in such a manner that it is not at large at any place in the City.

(Ord. No. 97-111, 11/18/97, enacted)

Sec. 4-42. Livestock, fowl, rodents; impounding and summary sale.

(a) The City or its agent or designee may apprehend and impound any livestock, fowl or rodent that is at large within the city. The city shall have the limited authority to enter upon private property for the purpose of apprehending or impounding such livestock, fowl or rodent. Such entry upon private property shall be reasonable and shall not include the entry into a residence or enclosure upon the property unless it is with the consent of the owner or the occupant of the residence or the enclosure. After entry the city shall take reasonable steps to apprehend and impound such livestock, fowl or rodent. If any livestock, fowl or rodent that is at large within the city leaves the city limits during an attempt by the city to impound or apprehend the livestock, fowl or rodent, the city may take reasonable steps to pursue the livestock, fowl or rodent for the purpose of impounding or apprehending it.

(b) After impoundment at a city facility or a private facility, the city shall make a reasonable effort to contact the owner of the impounded livestock, fowl or rodent and give the owner a reasonable opportunity to reclaim the impounded livestock, fowl or rodent. The City may request assistance from the Arizona Livestock Department in contacting the owner. It shall be presumed to be a reasonable effort to contact the owner of the brand on the livestock impounded. Prior to releasing any impounded livestock, fowl or rodent to the owner, the city shall collect from such owner the actual costs and expenses incurred by the city in apprehending and impounding the livestock, fowl or rodent. The city may release any impounded livestock, fowl or rodent to the custody of the Arizona Livestock Department or the Arizona Game and Fish Commission if the appropriate agency agrees to collect the city's actual costs and expenses from the owner prior to releasing the livestock, fowl or rodent.

(c) If the owner fails within Ten (10) days after notice to reclaim any impounded livestock, fowl or rodent by paying the city's actual costs and expenses of apprehension and impoundment, the City shall post notices in three public places and publish a notice once in a newspaper of general circulation in the city that the impounded livestock, fowl or rodent will be sold. The sale shall be conducted in a reasonable manner. The proceeds of such sale shall be applied first to paying the city's actual costs and expenses of impoundment, apprehension and sale. The city shall pay the remaining sale proceeds, if any to the owner of the livestock, fowl or rodent that was sold. Alternatively,

the city may release any impounded livestock, fowl or rodent to the custody of the Arizona Livestock Department, if the Livestock Department agrees to pay the city's actual costs and expenses of impoundment and apprehension out of the proceeds of any sale of such livestock, fowl or rodent.

(Ord. No. 97-111, 11/18/97, enacted)

State law reference(s) -- Livestock, A.R.S. § 3-1201.

City of Phoenix

Chapter 8 ANIMALS

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1 Cross reference—Animals on airport property, § 4-14; nuisances and noise, § 23-11 et seq.; offenses against public health, § 23-44 et seq.; disposal of animal waste, § 27-8; zoning, ch. 41.

State Law reference—General authority relative to animals, A.R.S. §§ 9-499.01, 9-240(B)(16); animal control generally, A.R.S. § 11-1001 et seq.

ARTICLE I. IN GENERAL

8-1 Definitions.

The following definitions shall apply to this chapter:

Adjoining lot or parcel of land means any lot or parcel of land which in any way and at any point abuts, adjoins or otherwise meets the property line of another lot or parcel of land and includes a lot or parcel of land which is divided by a dedicated alley and which but for the alley would be abutting, adjoining or otherwise meeting the property line of another lot or parcel of land.

Animal means any animal of a species that is susceptible to rabies, except man.

Animal shelter means any establishment maintained by the Maricopa County Board of Supervisors or the City of Phoenix for the confinement and maintenance of dogs and other animals that come into the custody of the County or City in the performance of its official duties together with any establishment maintained by a nonprofit organization for the relief of suffering of dogs and other animals provided that such establishment maintains facilities under the supervision of a licensed veterinarian for the confinement, maintenance, safekeeping and control of dogs and other animals that come into its custody.

At large means being neither confined by an enclosure nor physically restrained by a leash, whether on or off premises of the owner or custodian.

Cat means a member of the Felis catus family. +1

Collar means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.

Department means the State Department of Health Services.

Director means the Director of the City of Phoenix Parks and Recreation Department or designee.

Dog means a member of the Canis familiaris family.

Dog park means a fenced area designated by the Parks Board or Director as a location where dogs are permitted to be off leash without meeting the requirements of Section 8-14(D)(5).

Enforcement agent means that person designated by the City who is responsible for the enforcement of this chapter and the regulations promulgated thereunder.

Humane officer means the enforcement agent or his designated deputy.

Impound means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this chapter.

Kennel means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.

Livestock means meat animals, horses, sheep, goats, swine, mules and asses.

Occupant means any person who is at least eighteen years of age and who has a present legal right to immediate possession of a residence or lot or parcel of land.

Owner means any person owning, keeping, possessing, harboring or maintaining an animal other than livestock for more than six consecutive days.

Pet dealer means a person who owns or operates a pet shop. +1

Pet shop means any establishment at which are kept for sale any animals generally considered to be household pets, but excluding kennels or livery stables.

Pound means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.

Rabies vaccination certificate means a method of recording and duplicating rabies information that is in compliance with the County enforcement agent's licensing system and/or County enforcement agent's prescribed forms.

Stray dog means any dog three months of age or older running at large that is not wearing a valid license tag.

Veterinarian, unless otherwise indicated, means any veterinarian licensed to practice in this State or any

veterinarian employed in this State by a governmental agency.

Veterinary hospital means any establishment operated by a veterinarian licensed to practice in the State of Arizona that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

Vicious animal means any animal other than an animal used by a law enforcement agency, that:

- (a) Has a propensity to bite, scratch or otherwise inflict injury on a human being without provocation. One incident of causing injury may be sufficient to establish a propensity; or
- (b) Has a propensity to approach human beings without provocation in a menacing or terrorizing manner so as to confine the movement of or instill fear in a reasonable person; and
- (c) Is declared vicious after a hearing before a justice of the peace or a City magistrate.

(Code 1962, § 8-1; Ord. No. G-1367, § 1; Ord. No. G-1872, § 1; Ord. No. G-1909, § 1; Ord. No. G-2932, § 1; Ord. No. G-3091, § 1; Ord. No. G-3224, § 1; Ord. No. G-4578, § 1, passed 2-11-2004, eff. 2-11-2004; Ord. No. G-4988, § 1, adopted 10-3-2007, eff. 11-2-2007; new style in use as of 8-1-2011)

Date of Addition/Revision/Deletion - Section 8-1

+1 Addition on 12-18-2013 by Ordinance No. G-5873, eff. 1-17-2014

Cross reference—Definitions and rules of construction generally, § 1-2.

8-2 Barking or howling dogs.

A. No person shall keep a dog within the City limits which is in the habit of barking or howling or disturbing the peace and quiet of any person within the City.

B. A person who violates this section is guilty of a Class 1 misdemeanor, however, the City Prosecutor may authorize the filing of certain cases or classes of cases as civil violations unless the person has previously been found responsible or guilty of violating this section.

C. A person found responsible for a civil violation of this section is subject to a sanction of not less than one hundred fifty dollars nor more than two thousand five hundred dollars.

D. In addition to any other penalty authorized by law, a person found guilty of a criminal violation of this section shall pay a fine of not less than one hundred fifty dollars.

(Code 1962, § 8-2; Ord. No. G-4762, § 1, adopted 12-14-2005, eff. 1-13-2006)

Cross reference—Nuisances and noise, § 23-11 et seq.

8-3 Animal cruelty.

A. A person commits animal cruelty if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
2. Intentionally, knowingly or recklessly fails to provide medical care and treatment necessary to prevent unreasonable suffering to any animal under the person's custody or control. *1
3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills or attempts to kill any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with, strikes, kills or harms a working or service animal without either legal privilege or consent of the owner.
7. Strikes an animal with a vehicle resulting in injury to the animal, and leaves the scene without rendering aid and assistance in the care of such animal if such action can be taken with reasonable safety.

For the purposes of this subsection, animal means any animal of a species that is susceptible to rabies, except man.

8. Intentionally or knowingly poisons or attempts to poison any animal. Attempt to poison includes the act of placing food, water, or lure of another sort which contains poison or contains health threatening foreign objects, such as glass or metal, in a location where any animal may be attracted to it. For the purposes of this subsection, animal means any animal of a species that is susceptible to rabies, except man.

9. Intentionally, knowingly or recklessly making use of a baited trap for the purpose of trapping an animal, or making use of any mechanical device to capture an animal in such a manner so as to cause its death or injury, or causing a pet to be kept for a period in excess of 24 hours from its owner without making an attempt to return the pet to its owner, to a proper governmental authority, or to a recognized humane organization for purposes of return to its owner. Nothing contained in this paragraph shall be construed to prohibit governmental agencies or recognized animal humane groups or any entity licensed to perform such function from engaging in trapping and capturing of animals for the welfare of those animals.

B. It is a defense to subsection A of this section if:

1. Any person exposes poison to be taken by a dog which has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, and the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed, and the poison is removed by the person exposing the poison after the threat to the person, or the person's livestock or poultry, has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice which is posted shall be readable at a distance of 50 feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning."

2. Any person uses poisons, baited trap or a mechanical device in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling rodents as otherwise allowed by the laws of the State.

C. It is not a defense to subsection A of this section if:

1. The animal was trespassing on property owned or controlled by the person alleged to have violated this section.
2. The animal was not restrained in compliance with any leash law, including Section 8-14.
3. The person alleged to have violated this section did not know that the animal was under the custody or control of another person.

D. This section does not prohibit or restrict:

1. The taking of wildlife or other activities permitted by or pursuant to Title 17, Arizona Revised Statutes.
2. Activities permitted by or pursuant to Title 3, Arizona Revised Statutes.
3. Activities regulated by the Arizona Game and Fish Department or the Arizona Department of Agriculture.

E. A person who violates subsection A of this section is guilty of a Class 1 misdemeanor.

F. In addition to any other penalties allowed by law, if a person convicted of violating subsection A.1, 2, 3 or 4 of this section owns, possesses, keeps, harbors or maintains ten or more animals, the Court shall require the person to undergo a Court-approved psychological evaluation prior to sentencing. +1

G. If a person convicted under this section is placed on probation, the Court may: +1

1. Order the person to complete counseling at the person's expense. +1
2. Order the person to submit to reasonable periodic property inspections by law enforcement. +1
3. Prohibit the person from owning, possessing, keeping, harboring or maintaining any animals. +1

H. If a person is convicted of a violation of subsection A of this section, the Court shall require the convicted person to make restitution to the owner of the animal in the full amount of the owner's economic loss, unless the convicted person and the owner are the same. The full amount of economic loss shall include, but not be limited to, the costs of veterinary care, boarding, and necropsy; value of the animal; costs of a replacement animal; costs of training a replacement animal; and, in the case of a working or service animal, any additional costs incurred to replace the services of the working or service animal while the animal remains unavailable to its owner. *1

I. Upon conviction of any person under subsection A.1, 2, 3 or 4 of this section for cruelty to an animal that is under the person's custody or control, the Court shall order the animal that was subjected to animal cruelty forfeited to the City and disposed of as authorized in this chapter. For purposes of forfeiture, a conviction may result from a verdict or plea including a no contest plea. All right, title and interest to the animal is deemed to have vested in the City on the commission of the act or omission under this section giving rise to the forfeiture. The Court also shall order the convicted person to make restitution to the City or to any person, agency, or volunteer who has contracted with the City to care for an animal that is seized and impounded pursuant to this or other provisions of this section for the cost of care for the animal incurred from the time of seizure or impoundment to the time of conviction. *1

J. No owner's interest in an animal may be forfeited under this section if the owner establishes all of the following: *1

1. The owner acquired the interest before or during the conduct giving rise to forfeiture.
2. The owner did not empower any person whose act or omission gives rise to forfeiture with legal or equitable power to convey the interest, as to a bona fide purchaser for value, and the owner was not married to any such person or if married to such person, held the property as separate property.
3. The owner did not know and could not reasonably have known of the act or omission or that it was likely to occur.

Further, no owner's interest in an animal may be forfeited under this section if the owner establishes all of the following:

1. The owner acquired the interest after the conduct giving rise to forfeiture.
2. The owner is a bona fide purchaser for value not knowingly taking part in an illegal transaction.
3. The owner was at the time of purchase and at all times after the purchase and before the filing of a criminal proceeding under this section relating to the animal, reasonably without notice of the act or omission giving rise to forfeiture and reasonably without cause to believe that the animal was subject to forfeiture.

K. In this section, unless the context otherwise requires: *1

1. Animal means a mammal, bird, reptile or amphibian, but excludes rodents, which may be controlled as otherwise allowed by the law of the State of Arizona. The exclusion of rodents from the definition of animal shall not apply to rodents classified as fur-bearing animals as defined in Section 17-101, Arizona Revised Statutes, or to any particular rodent known by the person alleged to have violated this section to be kept as a pet or any rodent clearly marked and denominated as being a pet, such as rodents wearing collars or harnesses.
2. Cost of care means any expense related to the care and treatment of a seized or forfeited animal, including but not limited to housing, feeding, and veterinary care.
3. Cruel mistreatment means to torture or otherwise inflict unnecessary serious physical injury upon an animal, or to kill an animal in a manner that causes unreasonable suffering to the animal. *1
4. Cruel neglect means to fail to provide an animal with necessary food that is appropriate for the species and fit for consumption, water that is suitable for drinking or shelter suitable for weather conditions. *1
5. Handler means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.

6. Owner means a person who has an interest in an animal, whether legal or equitable. A person who holds an animal for the benefit of or as an agent for another is not an owner. An owner with power to convey an animal binds other owners, and a spouse binds his or her spouse, by his or her act or omission.
7. Service animal means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.
8. Working animal means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

(Ord. No. G-4388, § 3, passed 10-3-2001, eff. 12-1-2001; Ord. No. G-5445, § 1, adopted 10-21-2009, eff. 11-20-2009; new style in use as of 8-1-2011)

Date of Addition/Revision/Deletion - Section 8-3

+1 Addition on 6-5-2013 by Ordinance No. G-5810, eff. 7-5-2013

*1 Revision on 6-5-2013 by Ordinance No. G-5810, eff. 7-5-2013

8-3.01 Seizure of animals subjected to cruelty; cost of care.

- A. An animal subject to forfeiture under Section 8-3 may be seized:
 1. By a Peace Officer on process issued pursuant to the provisions of title 13, Arizona Revised Statutes, including a search warrant.
 2. By a Peace Officer upon reasonable grounds to believe that very prompt action is required to protect the health or safety of the animal or the health or safety of other animals. When a Peace Officer determines that prompt action is required under this paragraph, the officer shall immediately seize the animal and the Police Department and the Court shall comply with the postseizure hearing requirements of Section 8-3.02A.
- B. In all cases where there is not a prior judicial determination of probable cause and the need for immediate seizure is not present as provided in paragraph A(2) above, the Police Department shall provide the owner or keeper of the animal with the opportunity for a hearing pursuant to Section 8-3.02B. prior to any seizure or impoundment of the animal.
- C. Nothing in this section shall be construed to prohibit the City, after seizure of an animal by a Peace Officer, from taking possession of and keeping the animal when the City deems the animal to be of evidentiary value in any criminal prosecution relating to the condition of the animal. If the City intends to take possession of and retain an animal as evidence in any criminal prosecution, the City shall promptly provide written notice to the Police Department.
- D. The City may contract with any person or agency, including volunteers, to care for an animal that is seized and impounded for evidentiary purposes or pursuant to other provisions of this section.
- E. The City shall be responsible for the cost of care incurred for a seized or impounded animal, if any of the following occur:
 1. The City causes the animal to be seized or held for evidentiary purposes.
 2. The Court determines in a postseizure hearing held under Section 8-3.02, that the seizing officer did not have reasonable grounds to believe very prompt action, including seizure of the animal, was required to protect the health or safety of the animal or the health or safety of other animals.
 3. The owner's interest in the animal is not forfeited pursuant to Section 8-3 or 8-3.03
- F. Except as provided in subsection E, the owner of an animal properly seized and impounded under this section is liable for the cost of care for the animal. Unless the seizure or impoundment of an animal is for evidentiary purposes, supported by a written notice of intent as required by subsection C, or the Court determines at a postseizure hearing that the seizure or impoundment was not justified, the owner shall post with the Court a bond in the form of cash or a surety's undertaking to defray some of the cost of care for the animal. The bond shall be in

the amount of five hundred dollars per animal seized or impounded. The owner shall post the bond within ten days of the date of the notice provided under Section 8-3.02A.(1) or within five days after the conclusion of the preseizure or postseizure hearing, whichever is later, excluding weekends and City holidays. If the owner fails to post the bond within the specified time, the owner shall be deemed to have abandoned the animal. The City may dispose of the abandoned animal as authorized in this Ordinance.

G. Upon forfeiture of an animal, the Court shall forfeit the bond to pay the cost of care incurred for the animal. If the bond exceeds cost of care, the Court shall exonerate the bond amount and order the security returned to the owner only to the extent the bond exceeds the cost of care incurred for the animal. If at the conclusion of the case, the animal is not forfeited under Section 8-3 or 8-3.03 the Court shall order the bond exonerated and the security returned to the owner minus cost of care incurred for the animal.

(Ord. No. G-4388, § 3, passed 10-3-2001, eff. 12-1-2001; Ord. No. G-4417, § 1, passed 3-20-2002, eff. 3-20-2002; Ord. No. G-5445, § 1, adopted 10-21-2009, eff. 11-20-2009)

8-3.02 Preseizure and postseizure hearings.

A. Whenever a Peace Officer under Section 8-3.01(A)(2) seizes or impounds an animal based on a reasonable belief that very prompt action is required to protect the health or safety of the animal or the health or safety of other animals, the owner or keeper of the animal, may request a postseizure hearing to determine the validity of the seizure or impoundment, or both. The postseizure hearing shall be commenced as follows.

1. The Police Department or the City, prior to the commencement of any criminal proceedings authorized under Section 8-3 and within forty-eight hours, excluding weekends and City holidays, of the seizure or impoundment, shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice of the seizure or impoundment, or both, to the owner or keeper, if known or ascertainable after reasonable investigation. The notice shall include all of the following:
 - a. The name, business address, and telephone number of the person providing the notice.
 - b. A description of the animal seized, including any identification upon the animal.
 - c. The authority and purpose for the seizure, or impoundment, including the time, place, and circumstances under which the animal was seized.
 - d. A statement that, in order to receive a postseizure hearing, the owner or person authorized to keep the animal, or his or her agent, shall request the hearing by signing and returning to the court an enclosed declaration of ownership or right to keep the animal within ten days, including weekends and City holidays, of the date of the notice. The declaration may be returned by personal delivery or by mail. The declaration will be deemed received at the time it is personally served or, if mailed, upon receipt.
 - e. A statement that the owner is responsible for the cost of care for an animal that was properly seized and impounded to protect the health or safety of the animal or the health or safety of other animals.
 - f. A statement that the owner is required to post a bond with the court to defray the cost of care for an animal that has been properly seized and impounded to protect the health or safety of the animal or the health or safety of other animals.
 - g. A warning that if the owner fails to post the bond within ten days of the seizure or five days after the conclusion of the postseizure hearing, whichever is later, excluding weekends and City holidays, the animal will be deemed abandoned and disposed of by the City.
2. The Court shall conduct the postseizure hearing within forty-eight hours of the Court's receipt of the request, excluding weekends and City holidays.
3. Failure of the owner or keeper, or the owner's or keeper's agent, to request or to attend a scheduled hearing shall result in a forfeiture of any right to a postseizure hearing.

B. Where there is not a prior judicial determination of probable cause and the need for immediate seizure under Section 8-3.01 is not present, the owner or keeper of an animal may request a hearing prior to any seizure or impoundment of the animal. The owner or keeper shall produce the animal at the time of the hearing unless, prior

to the hearing, the owner or keeper has made arrangements with the Police Department to view the animal upon request of the Police Department, or unless the owner or keeper can provide verification that the animal has been humanely destroyed by a licensed veterinarian, Animal Control Agency or Animal Welfare Organization. The pre-seizure hearing shall be commenced as follows.

1. The Police Department or the City Prosecutor, prior to the commencement of any criminal proceedings authorized under Section 8-3, shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice to the owner or keeper, if known or ascertainable after reasonable investigation, stating the grounds for believing the animal should be seized to protect the health or safety of the animal or the health or safety of other animals. The notice shall include all of the following:
 - a. The name, business address, and telephone number of the person providing the notice.
 - b. A description of the animal to be seized, including any identification upon the animal.
 - c. The authority and purpose for the possible seizure or impoundment.
 - d. A statement that, in order to receive a pre-seizure hearing, the owner or person authorized to keep the animal, or the owner's or keeper's agent, shall request the hearing by signing and returning to the court an enclosed declaration of ownership or right to keep the animal within two days, excluding weekends and City holidays, of the date of the notice.
 - e. A statement that the owner is responsible for the cost of care for an animal that is properly seized and impounded to protect the health or safety of the animal or the health or safety of other animals.
 - f. A statement that the owner is required to post with the court a bond to defray the cost of care for an animal that has been properly seized and impounded to protect the health or safety of the animal or the health or safety of other animals.
 - g. A warning that if the owner fails to post the bond within five days of the seizure, excluding weekends and City holidays, the animal will be deemed abandoned and disposed of by the City.
2. The Court shall conduct the pre-seizure hearing within forty-eight hours of the Court's receipt of the request, excluding weekends and City holidays.
3. Failure of the owner or keeper, or the owner's or keeper's agent, to request or to attend a scheduled hearing shall result in a forfeiture of any right to a pre-seizure hearing.
4. The court, after the hearing, may affirm or deny the owner's or keeper's right to custody of the animal and, if reasonable grounds are established, may order the seizure or impoundment of the animal for care and treatment.

C. In the event of an acquittal or final discharge without conviction of a person who was charged under Section 8-3 or animals have not been forfeited pursuant to 8-3.03, the Court shall, upon demand, direct the release of seized or impounded animals that have not been forfeited upon a showing of proof of ownership. Any questions regarding ownership shall be determined in a separate hearing by the Court and the Court shall hear testimony from any persons who may assist the Court in determining ownership of the animal. If the owner is determined to be unknown or the owner is prohibited or unable to retain possession of the animal for any reason, the Court shall order the animal released to the appropriate public agency for lawful disposition. This subsection shall not be construed to cause the release of an animal seized or impounded pursuant to any other local, State or Federal law or regulation. The Court shall, upon demand, forfeit the bond to pay the cost of care incurred for the animal. If the bond amount exceeds cost of care, the Court shall exonerate the bond amount and order the security returned to the owner only to the extent the bond exceeds the cost of care incurred for the animal.

D. A person who violates subsection B by failing to produce the animal at the time of the hearing, make arrangements with and allow the Police Department to view the animal upon request, or provide verification that the animal has been humanely destroyed is guilty of a Class 1 misdemeanor.

(Ord. No. G-4388, § 3, passed 10-3-2001, eff. 12-1-2001; Ord. No. G-4417, § 2, passed 3-20-2002, eff. 3-20-2002; Ord. No. G-5445, § 1, adopted 10-21-2009, eff. 11-20-2009)

8-3.03 Disposition of seized or impounded animals.

A. A Peace Officer who has seized or impounded an animal pursuant to Section 8-3.01 or 8-3.02, on a showing of probable cause that the animal has been cruelly mistreated or cruelly neglected, may request a disposition hearing before a City Magistrate to determine whether the animal has suffered cruel mistreatment or cruel neglect as defined in this section. The hearing shall be set within fifteen business days after the request has been filed.

B. The Peace Officer who has requested a hearing under subsection A of this section shall cause a notice to be affixed to a conspicuous place at the owner's residence. If the owner fails to appear at the hearing or if the City Magistrate determines by a preponderance of the evidence that the animal has been cruelly mistreated or cruelly neglected, the City Magistrate may order the animal forfeited to the officer or any person or agency, including volunteers, contracted with the City to care for an animal that is seized and impounded pursuant to other provisions of this section, or humanely destroyed. The owner shall pay cost of care. The hearing shall be recorded.

C. The procedures and remedies provided for in this section shall neither require nor preclude other enforcement action on the same facts, including a criminal prosecution of the owner. The procedures and remedies provided for in this chapter are remedial and not punitive and are not precluded by an acquittal or conviction in a criminal proceeding. This section shall not be construed as precluding the destruction of any animal if destruction is otherwise authorized by law, nor shall anything in this section be construed as precluding the spaying or neutering of any animal. If any provision of this section is in conflict with any other provisions of this Code, the provisions of this section shall be controlling.

D. Appeal by either party of the decision of the City Magistrate shall be by way of special action to the Superior Court on the record of the hearing. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than five days after the decision, excluding weekends and City holidays.

(Ord. No. G-5445, § 1, adopted 10-21-2009, eff. 11-20-2009)

8-3.04 Home slaughter of livestock.1

A. It shall be unlawful for any person to kill livestock for the purpose of human or animal consumption on any residential lot or parcel of land.

B. The provisions of subsection A of this section shall not apply to single-family residential lots or parcels of land with an area of ten thousand square feet or more.

C. When not otherwise prohibited, the killing of livestock shall be conducted in a humane manner in accordance with A.R.S. § 3-2016.

(Ord. No. G-4020, § 1, passed 6-11-1997, eff. 7-11-1997; Ord. No. G-4388, § 2, passed 10-3-2001, eff. 12-1-2001)

1 Editor's note—Ord. No. G-5445, § 1, adopted Oct. 21, 2009, effective Nov. 20, 2009, added a new Section 8-3.03. Inasmuch as there already exists a Section 8-3.03, the existing Sections 8-3.03 and 8-3.04 have been renumbered to Section 8-3.04 and Section 8-3.05 to facilitate the incorporation of the new Section 8-3.03. An ordinance will be passed at a later date to correct the section numbering.

8-3.05 Equine tripping or diving.1

A. Any person who commits equine tripping or diving is guilty of a Class One misdemeanor. *1

B. For purposes of this Section;

1. Equine means a horse, pony, mule, donkey or hinny.

2. Tripping means intentionally or knowingly, for the purpose of entertainment or sport, causing an equine to lose its balance or fall, by use of a wire, pole, stick, rope or any other object or by any other means.
3. Diving means intentionally or knowingly, for the purpose of entertainment, demonstration or exploitation, causing an equine to plunge into a body of water. +1

C. Penalty:

1. A person convicted of subsection A of this section is guilty of a Class One misdemeanor punishable by jail for a term of not less than 48 consecutive hours and a fine of not less than \$1,000.
2. Upon a second conviction, a person convicted of subsection A of this section is guilty of a Class One misdemeanor punishable by jail for a term of not less than 30 consecutive days and a fine of not less than \$2,000.
3. Upon a third conviction, a person convicted of subsection A of this section is guilty of a Class One misdemeanor punishable by jail for a term of not less than 90 consecutive days and a fine of not less than \$2,000.

(Ord. No. G-5274, § 1, 11-12-2008, eff. 12-12-2008; new style in use as of 8-1-2011)

Date of Addition/Revision/Deletion - Section 8-3.05

+1 Addition on 4-18-2012 by Ordinance No. G-5697, eff. 5-18-2012

*1 Revision on 4-18-2012 by Ordinance No. G-5697, eff. 5-18-2012

1 Editor's note—Ord. No. G-5445, § 1, adopted Oct. 21, 2009, effective Nov. 20, 2009, added a new Section 8-3.03. Inasmuch as there already exists a Section 8-3.03, the existing Sections 8-3.03 and 8-3.04 have been renumbered to Section 8-3.04 and 8-3.05 to facilitate the incorporation of the new Section 8-3.03. An ordinance will be passed at a later date to correct the section numbering.

8-3.06 Prohibition on sale of dogs or cats. +1

- A. No pet shop or pet dealer shall display, sell, deliver, offer for sale, barter, auction, give away, broker or otherwise transfer or dispose of a dog or cat except for a dog or cat obtained from:
1. An animal shelter;
 2. A private, nonprofit humane society or nonprofit animal rescue organization; or
 3. An animal shelter, nonprofit humane society or nonprofit animal rescue organization that operates out of or in connection with a pet shop.
- B. All pet shops and pet dealers shall maintain records, for a period of one year from the date of acquisition, listing the source of all dogs or cats under their ownership, custody or control. Records shall be immediately available, upon request, to law enforcement, code compliance officials, and any other City employees charged with enforcing the provisions of this section.
- C. This section does not apply to:
1. A person or establishment, other than a pet shop or pet dealer, which displays, sells, delivers, offers for sale, barter, auctions, gives away, brokers or otherwise transfers or disposes of only dogs and cats that were bred and reared on the premises of the person or establishment;
 2. An animal shelter;
 3. A private, nonprofit humane society or nonprofit animal rescue organization; or
 4. An animal shelter, nonprofit humane society or nonprofit animal rescue organization that operates out of or in connection with a pet shop.
- D. Nothing in this section shall prevent a pet shop or pet dealer from providing space and appropriate care for animals owned by an animal shelter, nonprofit humane society or nonprofit animal rescue agency and maintained at a pet shop for the purpose of adopting those animals to the public.

Date of Addition/Revision/Deletion - Section 8-3.06

+1 Addition on 12-18-2013 by Ordinance No. G-5873, eff. 1-17-2014

8-3.07 Live animals as prizes or inducements. +1

No person shall use any live animal, reptile, fish, amphibian, bird or insect as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement.

Date of Addition/Revision/Deletion - Section 8-3.07

+1 Addition on 12-18-2013 by Ordinance No. G-5873, eff. 1-17-2014

8-4 Selling, dyeing, or coloring baby chickens, ducklings or young rabbits.

It shall be unlawful for any person to sell, offer for sale, barter or give away baby chickens or ducklings under five weeks of age or rabbits under two months of age in less than one dozen lots as premiums, novelties, prizes, pets or toys, or to color, dye, stain or otherwise change the natural color of baby chickens or duckling or rabbits, or to bring or transport the same into the City; provided, that this section shall not be construed to prohibit the sale or display of baby chickens or ducklings or rabbits in proper facilities that comply with the provisions of the Sanitary Code or other rules and regulations of the Board of Health by breeders and those engaged in the business of selling for commercial breeding and raising purposes.

(Code 1962, § 8-5)

ARTICLE II. KEEPING AND MAINTAINING

8-5 Manner of keeping generally.

A. It is unlawful for any person to keep or maintain any animal or bird in the City in a manner likely to disturb the peace, comfort or health of any person residing within the City.

B. A person who violates this section is guilty of a Class 1 misdemeanor, however, the City Prosecutor may authorize the filing of certain cases or classes of cases as civil violations unless the person previously has been found responsible or guilty of violating this section.

C. A person found responsible for a civil violation of this section is subject to a sanction of not less than one hundred fifty dollars and not more than two thousand five hundred dollars.

D. In addition to any other penalty authorized by law, a person found guilty of a criminal violation of this section shall pay a fine of not less than one hundred fifty dollars.

(Code 1962, § 8-6; Ord. No. G-1367, § 1; Ord. No. G-4776, § 1, adopted 2-8-2006, eff. 3-10-2006)

8-5 Manner of keeping generally.

A. It is unlawful for any person to keep or maintain any animal or bird in the City in a manner likely to disturb the peace, comfort or health of any person residing within the City.

B. A person who violates this section is guilty of a Class 1 misdemeanor, however, the City Prosecutor may authorize the filing of certain cases or classes of cases as civil violations unless the person previously has been found responsible or guilty of violating this section.

C. A person found responsible for a civil violation of this section is subject to a sanction of not less than one hundred fifty dollars and not more than two thousand five hundred dollars.

D. In addition to any other penalty authorized by law, a person found guilty of a criminal violation of this section shall pay a fine of not less than one hundred fifty dollars.

(Code 1962, § 8-6; Ord. No. G-1367, § 1; Ord. No. G-4776, § 1, adopted 2-8-2006, eff. 3-10-2006)

8-6 Reptiles or wild animals.

No person shall keep or maintain any poisonous reptiles or dangerous carnivorous wild animals without first having registered such animals or reptiles with the Director of the Police Department, who may prescribe regulations to insure the safe penning or caging of such animals or reptiles.

(Code 1962, § 8-7; Ord. No. G-5444, § 3, adopted 10-21-2009, eff. 11-20-2009)

8-7 Poultry and rodents.

(a) Except as otherwise provided in this article, it is hereby declared to be a nuisance and it shall be unlawful for any person to keep rodents or poultry within the City. No poultry or rodents shall be kept in an enclosure within eighty feet of any residence within the City. Poultry may be kept within eighty feet of a residence if written permission consenting to the keeping of poultry less than eighty feet from a residence is first obtained from each lawful occupant and each lawful owner of such residence. Poultry shall not be kept in the front yard area of any lot or parcel within the City. Poultry and rodents shall be kept in an enclosure so constructed as to prevent such poultry and rodents from wandering upon property belonging to others.

(b) No more than twenty head of poultry nor more than twenty-five head of rodents nor more than twenty-five head comprising a combination of rodents and poultry shall be kept upon the first one-half acre or less. An additional one-half acre shall be required for each additional twenty head of poultry or for each additional twenty-five head of rodents or for each additional twenty-five head comprising a combination of poultry and rodents. For areas larger than two and one-half acres the number of poultry or rodents shall not be limited.

(c) No male poultry shall be kept within the City limits except such male poultry as are incapable of making vocal noises which disturb the peace, comfort or health of any person residing within the City.

(d) All such enclosures shall be kept in such condition that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any inhabitant of the neighborhood thereof.

(Code 1962, § 8-8; Ord. No. G-1207, § 1; Ord. No. G-1367, § 1)

8-7.01 Unlawful keeping of pigeons; classification.

A. It is unlawful for a person to keep pigeons within the City.

B. Subsection A does not apply to a person who keeps pigeons if all of the following apply:

1. The pigeons are kept in an enclosure that is not located in the front yard area of the property on which the pigeons are kept.
2. The enclosure has not less than one square foot of floor space for each mature pigeon kept or housed in the enclosure.
3. The enclosure is in compliance with applicable provisions of the Zoning and Building Codes.
4. The person feeds and waters the pigeons within the confines of the enclosure and does not provide food and water for pigeons outside of the enclosure.
5. The enclosure is kept in such condition that no smell or odor arises from the enclosure to the injury, annoyance or inconvenience of a reasonable person of ordinary sensitivities.

C. A person who violates this section is guilty of a Class 1 misdemeanor, however, the City Prosecutor may authorize the filing of certain cases or classes of cases as civil violations unless the person previously has been found responsible or guilty of violating this section.

D. A person found responsible for a civil violation of this section is subject to a sanction of not less than one hundred fifty dollars and not more than two thousand five hundred dollars.

E. In addition to any other penalty authorized by law, a person found guilty of a criminal violation of this section shall pay a fine of not less than one hundred fifty dollars.

*F. For the purposes of this section:

1. Enclosure means a pen, cage, loft, coop, aviary, shed, or any other fully enclosed structure or area where pigeons are kept or housed and confined.
2. Mature pigeon means a pigeon aged thirty days or older.
3. Pigeon means any bird of the family columbidae and species columba livia, commonly known as the rock dove, homing pigeon or carrier pigeon.

(Ord. No. G-4776, § 2, adopted 2-8-2006, eff. 3-10-2006)

*Editor's note—Ord. No. G-4776, adopted Feb. 8, 2006, effective Mar. 10, 2006, added said subsection numbered as 8-7.01D. Inasmuch as there already existed a subsection 8-7.01D, and to maintain alphabetical sequence, at the direction of the City Attorneys' Office said subsection was renumbered as subsection 8-7.01F.

8-8 Regulations for keeping within City.

(a) The maintaining or keeping of all animals within the City shall be allowed as stated above only so long as they do not cause, create or contribute to or become a health nuisance due to noise, the presence of flies, mosquitoes, insects, vermin, rodent harborage, odors, dust, ponded water, accumulation of manure, garbage, refuse or other obnoxious or putrescible material, or for any other like reason. Manure and droppings shall be removed from pens, stables, yards, cages, and other enclosures at least twice weekly and shall be removed from the premises at least twice each week. For the purposes of this provision "premises" means the lot or parcel of ground upon which the pen, stable, yard, cage or other enclosure is located.

(b) No swine shall be kept within the City limits, except purebred miniature Vietnamese potbelly pigs and other similar purebred miniature pigs. Miniature pigs shall not exceed one hundred twenty-five pounds. No more than three miniature pigs shall be allowed per household. This ordinance shall not apply to or affect any prosecutions filed prior to the effective date of this ordinance.

(c) Except as otherwise provided in this chapter, the keeping of all animals within the City shall be subject to all pertinent regulations of the State of Arizona and the Maricopa County Board of Health.

(d) No person owning, keeping, possessing, harboring or maintaining any animal, as defined in section 8-1, shall allow such animal to run at large.

(e) The premises upon which fowl, rodents, cattle, horses, sheep or goats are kept shall always be sanitary and subject to inspection and regulation by the City Health Officer.

(f) Keeping of bees.

- (1) It shall be unlawful for any person to keep bees on any lot or parcel of land consisting of less than six thousand square feet in area without first having obtained written permission, subject to the provisions of section 8-9, consenting to the keeping of bees on such lot or parcel from all of the lawful occupants and the lawful owners of adjoining lots or parcels of land, as defined in section 8-1, which are located in the immediate vicinity of the property where on the bees are kept.

(2) It shall be unlawful for any person to keep or maintain more than one hive or colony of bees for each one thousand seven hundred square feet of area within any lot or parcel of land upon which bees are kept or maintained.

(3) No hive or colony of bees shall be kept or maintained within five feet of any boundary line of the lot or parcel upon which the bees are kept.

(4) Any person keeping or maintaining bees within the City shall provide a constant and easily accessible supply of water of sufficient quantity to meet the needs of all bees being maintained.

(Code 1962, § 8-9; Ord. No. G-1063, § 1; Ord. No. G-1367, § 1; Ord. No. G-1482, § 1; Ord. No. G-3399, § 1; Ord. No. G-5558, § 1, adopted 10-20-2010, eff. 11-19-2010)

8-9 Written permission; revocation.

A. Written permission as provided in Section 8-7, subsection A, and Section 8-10, subsection B, shall be signed by the occupant or owner so consenting and is effective when it is filed with the Director of the Neighborhood Services Department or the Director's designee and expires five years from its effective date.

B. Except as otherwise provided in subsection C, written permission is irrevocable by the occupant or owner so consenting for a period of five years from its effective date.

C. Written permission is revoked for the purpose of complying with the exceptions of Section 8-7, subsection A, and Section 8-10, subsection B, under any of the following circumstances:

1. A lawful occupant who has given written permission gives up legal possession of the residence or property covered under section 8-7, subsection A, or Section 8-10, subsection B.
2. A lawful owner of property who has given written permission is divested of all interest in the property by the recordation with the Maricopa County Recorder of transfer of legal ownership.
3. A lawful owner or lawful occupant of property who has given written permission files a signed revocation of written permission with the Director of the Neighborhood Services Department or the Director's designee prior to the filing of the written permission.

(Code 1962, § 8-10; Ord. No. G-1367, § 1; Ord. No. G-4705, § 1, adopted 6-8-2005, eff. 7-8-2005)

8-10 Minimum area limitation; nuisance.

(a) Except as otherwise provided in this section, it is hereby declared to be a nuisance and it shall be unlawful for any person to keep any animal, as defined in section 8-1 of this chapter, within the City on any lot or parcel of land consisting of less than ten thousand square feet in area.

(b) Poultry may be kept on a lot or parcel of land within the City consisting of an area less than ten thousand square feet if written permission consenting to the keeping of poultry on such lot or parcel is first obtained from all of the lawful occupants and the lawful owners of adjoining lots or parcels of land, as defined in section 8-1, which are located in the immediate vicinity of the property where on the poultry is kept.

(c) The provisions of subsections (a) and (b) above shall not apply to the keeping of:

- (1) Small household pets to include, but not be limited to, dogs and cats; or
- (2) Animals for commercial purposes where such use is established as a lawful use under the Zoning Ordinance of the City of Phoenix.

(Code 1962, § 8-10.1; Ord. No. G-1367, § 1)

ARTICLE III. DOGS AND VICIOUS ANIMALS

8-11 Powers and duties of enforcement agent.

- A. The enforcement agent:
1. Shall enforce the provisions of this article; [and] the regulations promulgated thereunder.
 2. May issue citations for the violation of the provisions of this chapter; [and] the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
 3. Shall be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared the enforcement agent shall meet with the State Veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within area. Any regulations restricting or involving movements of livestock within area shall be subject to approval by the State Veterinarian.
- B. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899, A.R.S. § 13-3903 or Local Rules of Practice, Phoenix Municipal Court.
- C. The enforcement agent may designate deputies.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2; Ord. No. G-3224, § 2; Ord. No. G-3832, § 1)

8-11 Powers and duties of enforcement agent.

- A. The enforcement agent:
1. Shall enforce the provisions of this article; [and] the regulations promulgated thereunder.
 2. May issue citations for the violation of the provisions of this chapter; [and] the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
 3. Shall be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared the enforcement agent shall meet with the State Veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within area. Any regulations restricting or involving movements of livestock within area shall be subject to approval by the State Veterinarian.
- B. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899, A.R.S. § 13-3903 or Local Rules of Practice, Phoenix Municipal Court.
- C. The enforcement agent may designate deputies.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2; Ord. No. G-3224, § 2; Ord. No. G-3832, § 1)

8-12 License fees for dogs; classification of fees; issuance of dog tags; records; penalties.

- A. Except as otherwise provided in this subsection, the owner shall pay an annual license fee of sixteen dollars for each altered dog and forty dollars for each unaltered dog that is three months of age or over and that is kept, harbored or maintained within the boundaries of the City for at least thirty consecutive days of each calendar year. An owner who is at least sixty-five years of age, upon furnishing adequate proof of age, shall pay a discounted license fee of six dollars for each altered dog that is three months of age or over and that is kept, harbored or maintained within the boundaries of the City for at least thirty consecutive days of each calendar year, provided that the discounted license fee is available to not more than two altered dogs per household. The licensing period

shall not exceed the period of time for revaccination as designated by the State Veterinarian. The license fee shall be due when each such dog reaches the age of three months, and on the anniversary date of the original license for each year thereafter, and the license fee shall be paid within ninety days to the enforcement agent or his authorized representative. A penalty fee of two dollars for each altered dog and four dollars for each unaltered dog shall be added to the license fee in the event that application is made less than one year subsequent to the date on which the dog is required to be licensed under the provisions of this article. If the license application is made one year or later but less than two years from the date on which the dog is required to be licensed, a penalty fee of two dollars for each altered dog and four dollars for each unaltered dog shall be added to the license fee. If the license application is made two years or later from the date on which the dog is required to be licensed, a penalty fee of two dollars for each altered dog and four dollars for each unaltered [unaltered] dog shall be added to the license fee. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty consecutive days prior to the date for requirement of licensing herein.

B. Durable dog tags shall be provided. Each dog licensed under the terms of this ordinance shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the County, the number of the license, and the year in which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times, except as otherwise provided in this ordinance. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee of four dollars to the enforcement agent.

C. Whenever the ownership of a dog has been changed, the new owner must secure a transfer of license to such owner. A transfer fee of four dollars shall be charged to transfer any license.

D. The City Council may provide for lower license fees for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.

E. Any person who fails within fifteen days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, or counterfeits or attempts to counterfeit an official dog tag, or remove such tag from any dog for the purpose of intentional and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a Class 2 misdemeanor.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2253, § 1; Ord. No. G-2932, § 2; Ord. No. G-3362, § 1; Ord. No. G-3846, § 1; Ord. No. G-4578, § 2, passed 2-11-2004, eff. 2-11-2004; Ord. No. G-4756, § 1, adopted 11-30-2005, eff. 12-30-2005; Ord. No. G-4910, § 1, adopted 5-30-2007, eff. 6-29-2007)

8-12.01 County kennel permit.

No language in this chapter shall be construed to prohibit Maricopa County from enforcing the provisions of A.R.S. § 24-367.01 [A.R.S. § 11-1009] (Kennel permit; fee; violation; classification) within the City.

(Ord. No. G-2932, § 3)

8-13 Rabies control fund.

A. The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this ordinance in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this ordinance and the regulations promulgated thereunder.

B. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3)

8-14 Dogs not permitted at large; wearing licenses; penalties.

- A. No dog shall be permitted at large. Each dog shall be confined within an enclosure on the owner's or custodian's property, secured so that the dog is confined entirely to the owner's or custodian's property, or on a leash not to exceed six feet in length and directly under the owner's or custodian's control when not on the owner's or custodian's property. The provisions of this subsection shall not apply to a park, or an area within a park, that is designated by the Director or the Parks and Recreation Board as a dog park. Nothing in this section shall prevent the Director or the Parks and Recreation Board from prohibiting dogs or unrestrained dogs in a particular park, preserve or area under its jurisdiction, or any part thereof.
- B. Any dog over the age of three months which is off the owner's or custodian's property shall wear a collar or harness to which is attached a valid license tag. Dogs that are used for control of livestock, being used or trained for hunting or dogs, being exhibited or trained at a kennel club event or engaged in races approved by the Arizona Racing Commission, and while the dogs are being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.
- C. Any owner, custodian, or other person acting for the owner allowing his or her dog to be at large is in violation of this Section.
- D. A dog is not at large if:
1. The dog is restrained by a leash, chain, rope or cord of not more than six feet in length and of sufficient strength to control the dog. For the purposes of this paragraph, an electronic collar does not satisfy the requirement that the dog be restrained by a leash, chain, rope or cord.
 2. The dog is being used for control of livestock or being exhibited or trained at a kennel club event or at an organized dog sport event approved by the City Manager or the City Manager's authorized representative, or is engaged in races approved by the Arizona Racing Commission.
 3. The dog, whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in Paragraph (1) of this subsection, or is within a suitable enclosure which actually confines the dog.
 4. The dog is a working animal under the control of a handler. For purposes of this Paragraph (4):
 - a. Working animal means a dog that is used by or at the direction of a Law Enforcement Agency, or that is specifically trained or is being trained for law enforcement or search and rescue work, and that is under the control of a handler.
 - b. Handler means a Peace Officer who has successfully completed a course of training or who is being trained in a course prescribed by a Law Enforcement Agency and who is using a working animal under the direction of a Law Enforcement Agency.
 5. The dog is in a city park where dogs or off-leash dogs have been permitted and all of the following apply:
 - a. The dog is demonstrably under control of the person training the dog.
 - b. The dog is at the time actively participating in training.
 - c. The dog has a dog sport performance title certificate that is from a nationally recognized dog sport organization, or a canine good citizen title from the American Kennel Club or the American Mixed Breed Obedience Registration, that is in the possession of the person training the dog and that is produced for inspection immediately upon the request of a Peace Officer, Enforcement Agent or Park Ranger.
 - d. For purposes of this Paragraph 5:
 - i. Demonstrably under control means that the person training the dog has a leash for the dog in the person's possession, that the dog is within sight and voice range of such person and that the dog does not, without regard to circumstances or distractions:
 - (aa) Charge, chase, or otherwise display aggression toward any person or behave toward any person in a manner that a reasonable person would find harassing or disturbing;
 - (bb) Charge, chase, or otherwise display aggression toward any animal;

- (cc) Chase, harass, or disturb wildlife; or
- (dd) Fail to return by a direct route to and stay with the person training the dog promptly upon command by such person.

A dog is not demonstrably under control unless the person training the dog exercises sufficient auditory or visual commands or cues at all times to keep the dog within the requirements of this definition, and such person has all other dogs in the park that are within the person's custody or control restrained as provided in Subsection D, Paragraph 1 of this Section or actually confined within a suitable enclosure.

ii. Training means educating and instructing a dog that is being trained for any nationally recognized dog sport, including, but not limited to, conformation, obedience, rally obedience, free style obedience, agility, hunting or field trials, tracking, herding, service animal training, flyball, scent hurdling, lure coursing, or earthdog, but specifically excluding protection or security work.

E. When any dog is found at large, the enforcement officer may take the following actions:

1. The dog may be apprehended and impounded. The enforcement agent shall have the right to enter upon private property when necessary to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog, and shall not include entry into a domicile or enclosure which confines a dog except at the invitation of the occupant or owner.
2. In addition to impoundment, the enforcement agent may issue a citation(s) to the dog owner or person acting for the owner when the dog is at large. The procedure for the issuance of criminal complaints shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of civil complaints shall be as provided in Local Rule 2, Local Rules of Practice, Phoenix Municipal Court. The issuance of misdemeanor citation(s) pursuant to this ordinance shall be subject to provisions of A.R.S. § 13-3899. In lieu of issuing a citation a report may be submitted to the County Attorney or City Prosecutor.
3. In the judgment of the enforcement agent and field supervisor, any dog at large or other animal that is dangerous, vicious, or fierce and a threat to human safety that cannot be safely impounded may be immediately slain. All animal control officers who may be called upon to slay a vicious animal as described above will receive periodic training in the firearm used for this purpose in a manner mutually agreed upon by the City and the enforcement agent. All vicious animals slain will be diagnosed for rabies prior to disposal. Public records will be maintained by the enforcement agent for each vicious animal slaying incident, including the result of the rabies diagnosis performed on the animal.
4. Any dog impounded under this section may be kept impounded until there is a final disposition of any criminal complaint or payment in full of all civil sanctions imposed arising from the alleged violation of this section, provided that the criminal or civil complaint is filed within thirty days of the alleged violation.

F. Penalties.

1. Any dog owner, custodian, or other person acting for the owner or custodian who fails to comply with subsection A or B of this section is guilty of a Class 1 misdemeanor.
2. Any dog owner, custodian, or other person acting for the owner or custodian who fails to comply with Subsection C but who is otherwise in compliance with Subsection B is responsible for a civil violation subject to a civil sanction not to exceed two hundred fifty dollars.
3. A second misdemeanor violation of this section within twenty-four months shall be punishable by a fine of not less than one hundred dollars.
4. A third or subsequent misdemeanor violation of this section within twenty-four months shall be punishable by a fine of not less than five hundred dollars.
5. Any misdemeanor violation of this section when the dog has previously been determined to be vicious pursuant to Section 8-16.01 shall be punishable by a fine of not less than five hundred dollars and imprisonment for a term of not less than five days.

6. In no case shall a person convicted of a misdemeanor violation of this section be eligible for suspension or commutation of sentence unless such person is placed on probation with the condition that the minimum fine be paid and term of imprisonment be served.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2; Ord. No. G-3224, § 2; Ord. No. G-3832, § 2; Ord. No. G-4578, § 3, passed 2-11-2004, eff. 2-11-2004; Ord. No. G-4988, § 2, adopted 10-3-2007, eff. 11-2-2007)
State law reference—Dogs at large, A.R.S. § 11-1012; penalty for ordinance violations, A.R.S. §§ 9-499.01, 9-240(B)(28).

8-15 Establishment of pounds; impounding and disposing of dogs and cats; reclaiming impounded dogs and cats; pound fees.

A. All stray dogs shall be impounded. All dogs and other animals impounded shall be given proper care and maintenance.

B. Each stray dog or any other animal impounded shall be kept and maintained at the pound for a minimum of seventy-two hours unless claimed by its owner. Any person may purchase such a dog or animal upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this ordinance. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or animal is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded sick or injured dogs or other animals whenever such destruction is necessary to prevent such dog or animal from suffering or to prevent the spread of disease.

C. Any impounded licensed dog or any other animal may be reclaimed by its owner or such owner's agent provided that the person reclaiming the dog or animal furnished proof of right to do so and pays all pound fees. If the dog or animal is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or animal for sale or may dispose of the dog or animal in a humane manner. Any person purchasing such a dog or animal shall pay all pound fees.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2)
State law reference—Impoundment of dogs, A.R.S. § 11-1013.

8-16 Handling of biting animals; responsibility for reporting animal bites; authority to destroy animals.

A. Any dog or cat that bites any person shall be confined and quarantined in a County pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in a County pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days, provided that livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.

C. Any wild animal which bites any person may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.

D. Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

E. The County enforcement agent may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if:

- (1) Such animal shows clear clinical signs of rabies.
- (2) The owner of such animal consents to its destruction. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unknown.

F. Any animal quarantined under the provisions of this section may be impounded and kept beyond the quarantine period pending the resolution of any criminal complaint or petition filed pursuant to section 8-16.01 arising out of or connected with the biting incident, provided that such complaint or petition is filed within thirty days of the biting incident.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2; Ord. No. G-3224, § 2)
State law reference—Biting animals, A.R.S. § 11-1014.

8-16.01 Viciousness determination.

A. Any person having reasonable grounds to believe an animal is vicious may petition a justice of the peace or a City magistrate for a determination that the animal is vicious.

B. Any time after the petition is filed the court may, if it finds that there are reasonable grounds to believe that the animal poses a risk of injury to any person, order that the animal be impounded on such terms as the court deems necessary to protect public safety.

C. After notice to the owner of the animal, the justice of the peace or City magistrate shall conduct a hearing. The hearing shall be informal and open to the public. Oral and documentary evidence may be taken from any interested party and considered in determining whether the animal is vicious. Any owner who fails to appear after notice may be deemed to have waived any right to introduce evidence. The decision shall be based on the preponderance of evidence.

D. A viciousness determination may be conducted in conjunction with and as a part of a criminal proceeding for any violation of this chapter if viciousness is alleged in the complaint.

E. Any fee for filing a petition or fees for service of hearing notices pursuant to this section may be deferred or waived by the court.

(Ord. No. G-3224, § 2; Ord. No. G-4051, § 1, passed 10-22-1997, eff. 11-21-1997)
State law reference—Vicious animals, A.R.S. § 13-1208.

8-16.02 Disposition of vicious animals.

A. Upon determining an animal to be vicious, the court shall enter such orders as it deems necessary to protect the public. The court may order, but is not limited to the following:

- (1) That the owner of the vicious animal display in a prominent place on the premises where the animal is kept a sign in three-inch letters, easily readable by the public, using the words "Vicious Animal."
- (2) That the owner obtain public liability insurance in a single incident amount of at least one hundred thousand dollars for bodily injury or death of any person or for damage to property caused by the vicious animal.
- (3) That the animal be destroyed.
- (4) That the animal at all times be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled.
- (5) That the animal be spayed or neutered.
- (6) That the animal be defanged or declawed.

(Ord. No. G-3224, § 2)

State law reference—Destruction of vicious animals, A.R.S. § 11-1014.

8-17 Proper care, maintenance and destruction of impounded animals.

A. Any impounded animal shall be given proper and humane care and maintenance.

B. Any dog or cat destroyed while impounded in an authorized pound shall be destroyed only by the use of one of the following:

1. Sodium pentobarbital or a derivative of sodium pentobarbital.
2. Nitrogen gas.
3. T-61 euthanasia solution or its generic equivalent.

C. The governing body which operates an authorized pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsection B. If an animal is destroyed by means specified in subsection B, paragraph 1 or 3, of this section, it shall be done by a licensed veterinarian or pursuant to A.R.S. § 3-1213.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2)

State law reference—Similar provisions, A.R.S. § 11-1021.

8-18 Unlawful interference with enforcement agent.

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3)

State law reference—Similar provisions, A.R.S. § 11-1015.

8-19 Incorporation by reference.

A.R.S. § 11-1002 (powers and duties of the State Veterinarian and the Arizona Department of Agriculture), A.R.S. § 11-1003 (powers and duties of Department of Health Services), A.R.S. § 11-1010 (anti-rabies vaccination—vaccination and license stations), A.R.S. § 11-1016 (removing impounded animals), A.R.S. § 11-1017 (unlawful keeping of dogs), and A.R.S. § 11-1020 (dogs; liability) be and same are hereby incorporated by reference into this ordinance as if such sections were fully set forth herein.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2)

8-20 Penalties.

Unless otherwise provided by law, any owner or other person who violates any provisions of this article shall be guilty of a Class 1 misdemeanor.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2; Ord. No. G-3224, § 2)

ARTICLE IV. CONFINEMENT OF ANIMALS IN MOTOR VEHICLES¹

8-21 Confining animals.

No person having charge or custody of an animal, as owner or otherwise, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability or death.

(Ord. No. G-1222, § 1)

1 Cross reference—Vehicles and traffic, ch. 36.
State Law reference—Cruelty to animals, A.R.S. § 13-2910.

8-22 Responsibility of motor vehicle owner.

No person having dominion or control over a motor vehicle, as owner or otherwise, shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability, or death.

(Ord. No. G-1222, § 1)

8-23 Exceptions.

Nothing in this article shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.

(Ord. No. G-1222, § 1)

8-24 Authority of peace officer or humane officer.

A peace officer or a humane officer who finds an animal in a motor vehicle in violation of this article may break and enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to an animal shelter or other place of safekeeping and shall in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner thereof. The animal will be surrendered to the owner if the owner claims the animal within ten days from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal. If the owner fails to claim the animal within five days after its removal from the motor vehicle, the person or animal shelter having custody of the animal will make reasonable effort to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon payment of the reasonable maintenance charges. In the event the owner cannot be contacted, or expresses no interest in reclaiming the animal within five days after contact or efforts to contact, the person or animal shelter having custody of the animal may dispose of the animal in any reasonably humane manner.

(Ord. No. G-1222, § 1)

City of Queen Creek

CHAPTER 6 ANIMALS

ARTICLE 6-1 GENERAL

- 6-1-1 Noises
- 6-1-2 Housing

Section 6-1-1 Noises

It is unlawful to harbor or keep any animals that disturb the peace by unreasonable odors or by loud noises at any time of the day or night.

Section 6-1-2 Housing

It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.

ARTICLE 6-2 RABIES/ANIMAL CONTROL LEASH LAW

- 6-2-1 Definitions
- 6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board
- 6-2-3 Powers and Duties of State Department of Health Services
- 6-2-4 Powers and Duties of Enforcement Agent
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- 6-2-16 Violation; Classification
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- 6-2-19 Sterilization of Impounded Dogs and Cats; Definition
- 6-2-20 Proper Care, Maintenance and Destruction of Impounded Animals

Section 6-2-1 Definitions

In this article unless the context otherwise requires:

- A. "Animal" means any animal of a species that is susceptible to rabies, except man.
- B. "At large" means on or off premises of the owner and not under control of the owner or other person acting for the owner. Any dog in a suitable enclosure which actually confines the dog shall not be considered to be running at large.
- C. "Collar" means a band, chain, harness or suitable device worn around the neck of a dog to which a county

license can be affixed.

- D. "County animal shelter" means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.
- E. "Department" means the state department of health services.
- F. "Dog" means a member of the Canis Familiaris family.
- G. "Enforcement agent" means that person in each county who is responsible for the enforcement of this article and the regulations promulgated thereunder.
- H. "Humane officer" means the enforcement agent or the designated deputy.
- I. "Impound" means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized county animal shelter in accordance with the provisions of this article.
- J. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains dogs under controlled conditions.
- K. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
- L. "Owner" means any person keeping an animal other than livestock for more than six consecutive days.
- M. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- N. "Rabies vaccination certificate" means a method of recording and duplicating rabies information that is in compliance with the county enforcement agent's licensing system and/or county enforcement agent's prescribed forms.
- O. "Stray dog" means any dog running at large that is not wearing a valid license tag.
- P. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian or in authorized county animal shelter by employees trained by a veterinarian.
- Q. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
- R. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.
- S. "Vicious animal" means any animal other than an animal used by law enforcement agency, that:
 - 1. has a propensity to bite, scratch or otherwise inflict injury on a human being without provocation. One incident of causing injury may be sufficient to establish a propensity; or
 - 2. has a propensity to approach human beings without provocation in a menacing or terrorizing manner so as to confine the movement of or instill fear in a reasonable person and;
 - 3. is declared vicious after a hearing before a justice of the peace or a town magistrate.

Section 6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board

- A. The state veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.
- B. The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

Section 6-2-3 Powers and Duties of State Department of Health Services

- A. The state department of health services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.
- B. The state department of health services may require the enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies.

Section 6-2-4 Powers and Duties of Enforcement Agent

- A. The enforcement agent:
1. Shall enforce the provisions of this article and the regulations promulgated thereunder.
 2. May issue citations for the violation of the provisions of this article and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
 3. Shall be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state veterinarian.
- B. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.
- C. The enforcement agent may designate deputies.

Section 6-2-5 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification

- A. The council shall set an annual license fee which shall be paid for each dog three months of age or over that is kept, harbored or maintained within the boundaries of the town for at least thirty consecutive days of each calendar year. License fees shall become payable at the discretion of the council. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety days. A penalty fee of two dollars shall be paid if the license application is made less than one year subsequent to the date on which the dog is required to be licensed under this article. If the license application is made one year or later from the date on which the dog is required to be licensed, an additional penalty fee of ten dollars shall be paid for each subsequent year up to a maximum of twenty-two dollars. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty consecutive days.
- B. Durable dog tags shall be provided. Each dog licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of the license and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while not in a confined, secure area or as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the enforcement agent.
- C. License fees may be lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.
- D. Any person who fails within fifteen days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or removes such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a class 1 misdemeanor.

Section 6-2-6 Kennel Permit; Fee; Violation; Classification

- A. A person operating a kennel shall obtain a license issued by the county enforcement agent of the county where the kennel is located except if each individual dog is licensed.
- B. The kennel will be in compliance with the county and town health and zoning ordinances and regulations before authorization is issued. The premises will be inspected by the county enforcement agent.

C. Applicant must have written authorization from local authorities to have kennel in area requested. This must accompany the application fee.

D. The annual fee for the kennel license is set by Maricopa County.

E. All dogs in the kennel four months and over shall be properly vaccinated for rabies by a veterinarian licensed to practice in Arizona pursuant to this article.

F. A dog remaining within the kennel is not required to be licensed individually under A.R.S. § 24-367. A dog leaving the controlled kennel conditions shall be licensed under A.R.S. § 24-367, except if the dog is only being transported to another kennel which has a license issued under this section.

G. A person who fails to obtain a kennel license under this section is subject to a penalty of twenty-five dollars in addition to the annual fee.

H. A person who knowingly fails to obtain a kennel license within thirty days after written notification from the county enforcement agent is guilty of a class 1 misdemeanor.

I. The kennel will be constructed and maintained according to county health regulations.

Section 6-2-7 Anti-Rabies Vaccination; Vaccination and License Stations

A. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used, and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated thereunder.

B. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in the state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated thereunder.

C. The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

Section 6-2-8 Rabies Control Fund

A. The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this article in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this article and the regulations promulgated thereunder.

B. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

Section 6-2-9 Dogs Not Permitted at Large; Wearing License

A. No dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that a dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property.

B. Any dog over the age of three months on or off the premises of the owner and not under physical control of the owner or persons acting for the owner, or any dog not in a suitable enclosure which actually confines the dog, shall wear a collar or harness to which is attached a valid license tag. Any dog over the age of three months on the premises of the owner and either confined or under physical control of the owner or persons acting for the owner need not wear a collar or harness with a valid license tag attached provided that they are properly vaccinated, licensed and in compliance with all sections of this ordinance. Dogs used for control of livestock or while being used or trained for hunting, or dogs while being exhibited or trained at a kennel club event, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

C. If any dog is at large on the public streets, public parks or public property, then said dog's owner or custodian is in violation of this article.

D. Any person whose dog is at large is in violation of this article. A dog is not at large if:

1. Said dog is restrained by a leash, chain, rope or cord of not more than six feet in length and of sufficient strength to control action of said dog.
2. Said dog is used for control of livestock, or while being used or trained for hunting, or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission.
3. While said dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer, provided that the person training said dog has in his possession a dog leash of not more than six feet in length and of sufficient strength to control said dog, and further, that said dog is actually enrolled in or has graduated from a dog obedience training school.
4. Said dog whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in paragraph 1 of this subsection or is within a suitable enclosure which actually confines the dog.

E. The owner or persons acting for the owner of a dog is responsible for the acts and conduct of the dog at all times when the dog is in a public park. All dogs three months of age or older in or upon the premises of a public park must be currently licensed and shall wear a collar or harness to which is attached a valid license tag.

F. The owner or persons acting for the owner of a dog must restrain and control the dog at all times when in a public park by securing the dog with a leash of not more than six feet in length, except when the dog is in an enclosed area within the park, which has been designated by the (county/municipality) as a dog exercise area.

G. At all times when a dog is off leash in a designated dog exercise area as provided in subsection F of this section, the dog must be accompanied by and under control of the owner or persons acting for the owner. Additionally, the owner or persons acting for the owner must at all times, have a leash of not more than six feet in length in his or her possession.

H. At all times when a dog is off leash and participating in a dog show, exhibition or obedience class as provided in subsection D of this section:

1. the dog must be accompanied by and under control of its owner or persons acting for the owner or trainer or handler, who must at all times have a leash in his or her possession; and
2. the owner or persons acting for the owner or trainer or handler or authorized representative of a club or organization to whom a permit has been issued, shall have the permit on their person at all times and

shall present the permit for inspection upon request, to any police officer or authorized member of the public parks staff or enforcement agent.

- I. Any dog at large shall be apprehended and impounded by an enforcement agent.
 1. Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include entry into a domicile or enclosure which confines a dog unless it be at the invitation of the occupant.
 2. Said agent may issue a citation to the dog owner when the dog is at large. The procedure for the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this article shall be subject to provisions of A.R.S. § 13-3899. In lieu of issuing a citation, a report may be submitted to the county attorney or town prosecutor.
 3. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain.
 4. Any dog impounded under this section may be kept impounded until there is a final disposition of any criminal complaint arising from the alleged violation of this section, provided that the criminal complaint is filed within thirty days of the alleged violation.

J. Penalties

1. A violation of this section is a class 1 misdemeanor.
2. A second violation of this section within twenty-four months shall be punishable by fine of not less than one hundred dollars.
3. A third or subsequent violation of this section within twenty-four months shall be punishable by a fine of not less than five hundred dollars.
4. Any violation of this section when the dog has previously been determined to be vicious pursuant to this article shall be punishable by a fine of not less than five hundred dollars and imprisonment for a term of not less than five days.
5. In no case shall a person convicted of violating this section be eligible for suspension or commutation of sentence unless such person is placed on probation with the condition that the minimum fine be paid and term of imprisonment be served.

Section 6-2-10 Establishment of Pounds; Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees

- A. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.
- B. Each stray dog or any cat impounded shall be kept and maintained at the county animal shelter for a minimum of seventy-two hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all fees and complies with the licensing and vaccination provisions of this article. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.
- C. Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent, provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all county animal shelter fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such dog or cat shall pay all pound fees.

Section 6-2-11 Handling of Biting Animals; Responsibility for Reporting Animal Bites; Petition for Determination of Vicious Animals; Authority to Euthanize Animals

A. An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in a county animal shelter or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by an authorized Maricopa County Animal Control Enforcement Agent (the "Enforcement Agenda").

B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in a county animal shelter or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days, provided that livestock shall be confined and quarantined for the fourteen day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the Enforcement Agent.

C. Any wild animal which bites any person may be euthanized and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.

D. Whenever an animal bites any person, the incident shall be reported to the Enforcement Agent immediately by any person having direct knowledge.

E. If an Enforcement Agenda has investigated and determined that there is probable cause to believe that an animal is potentially dangerous or vicious, the aggrieved victim (or guardian, if the victim is a minor or disabled person), Supervisor of Maricopa County Animal Control, The Maricopa County Sheriff's Office or their designee may file a petition to have the animal declared potentially dangerous or vicious. The petition must be filed with the Town of Gilbert Municipal Court in accordance with all established procedures and policies. The petition shall be a form prescribed by the Town of Gilbert Municipal Court.

F. The County Enforcement Agent may euthanize any animal confined and quarantined pursuant to this article prior to the termination of the minimum confinement period for laboratory examination for rabies if:

1. Such animal shows clear clinical signs of rabies.
2. The owner of such animal consents to its euthanization.

G. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

H. The County Enforcement Agent shall euthanize a vicious animal upon an order of a Justice of the Peace or a Town of Queen Creek authorized Magistrate, or the Magistrate of another jurisdiction serving as the Town of Queen Creek Magistrate, pursuant to an Intergovernmental Agreement (the "Queen Creek Magistrate"). A Justice of the Peace or Town of Queen Creek Magistrate may issue such an order after notice to the owner, if any, and a hearing.

H. Any animal impounded under this section may be kept impounded until there is a final disposition of any criminal complaint arising from the alleged violation of this section, provided that the criminal complaint is filed within thirty days of the alleged violation.

Section 6-2-12 Criminal Complaints

Any animal impounded under this article may be kept impounded until there is a final disposition of the criminal complaint arising from the alleged violation of this article provided that the criminal complaint is filed within thirty days of the alleged violation.

Section 6-2-13 Unlawful Interference with Enforcement Agent

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

Section 6-2-14 Removing Impounded Animals

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this article and the regulations promulgated thereunder.

Section 6-2-15 Unlawful Keeping of Dogs

It is unlawful for a person to keep, harbor or maintain a dog within the town except as provided by the terms of this article.

Section 6-2-16 Violation; Classification

Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a class 1 misdemeanor, and may be subject to imprisonment for a maximum period of six months or fined a maximum of \$1000.00 or both.

Section 6-2-17 Dogs; Liability

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog's owner or person or persons responsible for the dog when such damages were inflicted.

Section 6-2-18 Confinement of Animals in Motor Vehicles

A. Confining Animals. No person having charge or custody of an animal, as owner or otherwise, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink or such other circumstances as may reasonably be expected to cause suffering, disability or death.

B. Responsibility of Motor Vehicle Owner. No person having dominion or control over a motor vehicle, as owner or otherwise, shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink or such other circumstances as may reasonably be expected to cause suffering, disability or death.

C. Exceptions. Nothing in this article shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.

D. Authority of Peace Officer or Humane Officer. A peace officer or a humane officer who finds an animal in a motor vehicle in violation of this article may break and enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to an animal shelter or other place of safekeeping and shall in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner thereof. The animal will be surrendered to the owner if the owner claims the animal within ten days from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal. The person or animal shelter having custody of the animal will make reasonable efforts to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon payment of the reasonable maintenance charges. In the event the owner cannot be contacted, or expresses no interest in reclaiming the animal within three (3) days after contact or efforts to contact, the person or animal shelter having custody of the animal may dispose of the animal in any reasonably humane manner.

E. Dogs Riding in Motor Vehicles; Restrictions; Application; Exception.

1. A person driving a motor vehicle on a highway shall not allow a dog to ride in that portion of the motor vehicle that is open in such a manner which would permit the dog to jump out of the motor vehicle or to

be thrown from the vehicle by acceleration or stopping of the vehicle or in an accident involving the vehicle.

2. Paragraph 1 of this subsection applies to open areas of a motor vehicle including the open bed of a truck, the interior of a convertible motor vehicle which has the top down or removed, the rear storage portion of a station wagon or van with the tailgate open or the trunk or hatchback portion of a motor vehicle with the trunk or hatchback open, but paragraph 1 does not apply:

- a. If the dog is confined to a cage of adequate construction and design to prevent its escape from the motor vehicle;
- b. to a portion of a motor vehicle which is fully enclosed except for open windows;
- c. to a motor vehicle with an installed means of preventing the dog from being discharged;
- d. if the dog is secured to the motor vehicle in a humane manner which will prevent the dog from being thrown in the event of an accident or from escaping from the motor vehicle.

Section 6-2-19 Sterilization of Impounded Dogs and Cats; Definition

A. A dog or cat shall not be released for adoption from a county or town shelter or from an animal shelter unless either:

1. The dog or cat has been first surgically spayed or neutered.
2. The adopting party signs an agreement to have the dog or cat spayed or neutered within thirty days or before sexual maturity and deposits with the pound or shelter an amount sufficient to ensure that the dog or cat will be sterilized.

B. If the adoption fee includes the cost of spaying or neutering, then no deposit is required.

The amount of the deposit required by subsection A, paragraph 2 of this section shall be determined by the pound or shelter to be comparable to the lowest fee charged by veterinarians in the county. The pound or shelter shall refund to the adopting party any monies deposited pursuant to the agreement if within the time provided in the agreement there is presented written statement signed by a licensed veterinarian that the adopted dog or cat has been spayed or neutered.

C. Any deposit monies that are not refunded under subsection A, paragraph 2 of this section shall be used only for the following purposes:

1. Spaying or neutering dogs and cats.
2. Public education to prevent overpopulation of dogs and cats.
3. Costs of confirming that adopted dogs and cats are spayed or neutered.

D. This section does not apply to a county or incorporated town that adopts an ordinance or resolution for dog and cat sterilization that exceeds the requirements of this section.

E. For purposes of this section, "animal shelter" means a facility that is used or designated for use to house or contain any dog or cat and that is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit corporate organization devoted to the welfare, protection and humane treatment of animals.

Section 6-2-20 Proper Care, Maintenance and Destruction of Impounded Animals

A. Any animal impounded in a county or town shelter shall be given proper and humane care and maintenance.

B. Any animal destroyed while impounded in a county or town shelter shall be destroyed only by the use of one of the following:

1. Sodium pentobarbital or a derivative of sodium pentobarbital.
2. Nitrogen gas.
3. T-61 Euthanasia solution or its generic equivalent.

C. If an animal is destroyed by means specified in subsection B, paragraphs 1 or 3 of this section, it shall be done by a licensed veterinarian or by personnel trained by a veterinarian.

D. The governing body of any county or town which operates a shelter shall establish procedures for the humane destruction of impounded animals by the methods described in subsections B and C of this section.

City of Scottsdale

Chapter 4 - ANIMALS

ARTICLE I. - ANIMAL CRUELTY

DIVISION I. - PURPOSE AND DEFINITIONS

Sec. 4-1. - Purpose.

The purpose of the animal cruelty code is to ensure the proper care and keeping of animals, which is substantially related to and furthers the health, safety and welfare of the public and animals, and to provide a mechanism for prosecution in instances of animal cruelty.

(Ord. No. 3497, § 1, 6-2-03)

Sec. 4-2. - Definitions.

- (a) Animal means any nonhuman mammal, bird, reptile, amphibian or fish.
- (b) Animal fighting means owning, possessing, keeping or training any animal with the intent that such animal engage in an exhibition of fighting with another, for amusement or gain, causing any animal to fight with another, or causing any animal to injure another.
- (c) Basic care means care sufficient to sustain the health and well being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner or person in custody and control of the animal, includes the following requirements.
 - (1) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;
 - (2) Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Access to a swimming pool is not adequate access to potable water;
 - (3) Access to shelter or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun and that has adequate bedding to protect against cold and dampness;
 - (4) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease;
 - (5) Adequate space for exercise necessary to the health of the animal; and
 - (6) Freedom from overexposure to the elements, lack of adequate ventilation or drainage, lack of sanitation, unreasonable restraint or confinement, and parasites.
- (d) Cost of care for an animal for the purposes of sections 4-4 through 4-14 of this article includes, but is not limited to, transport, boarding, veterinary care, medication, and necropsy/euthanasia if necessary.
- (e) Designated animal care facility means facilities under city contract to provide animal rescue, control and care.
- (f) Enforcement agent means an individual employed by or volunteering for a designated animal care facility, or city peace officer.
- (g) Injury means physical trauma, impairment of condition or needless suffering.
- (h) Livestock means neat animals, horses, sheep, goats, swine, mules and asses.
- (i) Necropsy means autopsy.

- (j) Rescue means the act of impounding, taking or receiving into custody by the enforcement agent an animal for the purpose of confinement and care in accordance with the provisions of this article.
- (k) Service animal means a working animal that has completed a formal training program to assist humans in law enforcement or daily living functions, or an animal utilized in lawful laboratory research.
(Ord. No. 3497, § 1, 6-2-03)

DIVISION II. - OFFENSES AND DEFENSES

Sec. 4-3. - Animal neglect.

- (a) A person commits the crime of animal neglect by abandoning the animal, or otherwise failing to provide basic care for an animal, as defined by this article, causing needless suffering or injury to the animal. Animal neglect includes confining an animal in a vehicle in a manner that may be detrimental to its health and safety.
- (b) A violation of this subsection is a class one misdemeanor.
(Ord. No. 3497, § 1, 6-2-03)

Sec. 4-4. - Animal cruelty.

- (a) A person commits the crime of animal cruelty if the person intentionally, knowingly or recklessly causes physical injury to an animal, inflicts needless suffering on it, or causes an animal under the person's custody and control to harm another animal.
- (b) A violation of this subsection is a class one misdemeanor.
(Ord. No. 3497, § 1, 6-2-03)

Sec. 4-5. - Sexual assault of an animal.

- (a) A person commits the crime of sexual assault of an animal by contacting, or causing an object or another person to contact the mouth, anus or sex organs of an animal for the purpose of arousing or gratifying sexual desire.
- (b) A violation of this subsection is a class one misdemeanor.
(Ord. No. 3497, § 1, 6-2-03)

Sec. 4-6. - Participation in animal fighting.

- (a) A person commits the crime of participation in animal fighting if the person attends, advertises or bets upon an animal fight, or offers to sell equipment for the training or handling of a fighting animal.
- (b) A violation of this subsection is a class one misdemeanor.
(Ord. No. 3497, § 1, 6-2-03)

Sec. 4-7. - Interference with a service animal.

A person commits the crime of interfering with a service animal if the person recklessly, or intentionally does any of the following.

- (1) Interferes with a service animal by touching, impeding or distracting it;
- (2) Injures or attempts to injure an animal the person knows or reasonably should know is a service animal; or
- (3) Releases, steals or otherwise causes injury or death of any animal at or from a research facility.

(4) A violation of this subsection is a class one misdemeanor.
(Ord. No. 3497, § 1, 6-2-03)

Sec. 4-8. - Production or sale of artificially colored chicks, ducklings or rabbits.

- (a) It shall be unlawful for a person to artificially alter the natural color of chicks, ducklings, or rabbits, or transporting such animals into the city, for the purpose of offering them for sale.
- (b) A violation of this subsection is a class one misdemeanor.
(Ord. No. 3497, § 1, 6-2-03)

Sec. 4-9. - Defenses.

This article does not prohibit or restrict the following.

- (1) Conducting lawful activities governed under Arizona Revised Statutes Title 3 (Agriculture) or Title 17 (Game and Fish);
 - (2) Exposing a predatory animal to poison after the animal has killed or wounded persons, livestock, or poultry. Notice shall be posted on the affected property during treatment. It shall provide warning to persons who enter the property by points of normal entry. Notice shall be readable at a distance of fifty feet, and contain a poison statement and symbol, plus the word "danger" or "warning." the treatment shall be removed after the threat to health and safety subsides; or
 - (3) Using poison or traps on property for the purpose of rodent control, by a person who owns, leases or controls that property.
- (Ord. No. 3497, § 1, 6-2-03)

Sec. 4-10. - No defense.

The following are not defenses to this article.

- (1) The animal was trespassing on property;
 - (2) The animal was unlicensed, or out of compliance with leash laws; or
 - (3) A person lacks funds to provide the animal with basic care.
- (Ord. No. 3497, § 1, 6-2-03)

DIVISION III. - PRE-CONVICTION PROCEDURE

Sec. 4-11. - Rescue and impoundment; authority to enter property and seize animal prior to hearing.

- (a) A peace officer or a city agent may enter property pursuant to a valid arrest or search warrant, under exigent circumstances or if an animal is in plain view, and the officer has probable cause to believe that an animal was subjected to or instrumental in a violation of this article.
- (b) The officer shall post a notice in a prominent place on the premises, bearing clear instructions about how to claim the animal, and the potential for the termination of possessory rights under section 4-12 and 4-14 for failing to do so within the allotted time.
- (c) Upon finding an animal in a motor vehicle and having reason to believe that every prompt action is required to protect its health and safety, a peace officer may forcibly enter the motor vehicle as necessary to remove the animal. the officer shall leave a notice in a prominent place upon the motor vehicle, bearing clear instructions about how to claim the animal, and the potential for the termination of possessory rights under section 4-12 and 4-14 for failing to do so within the allotted time.
- (Ord. No. 3497, § 1, 6-2-03)

Sec. 4-12. - Pre-conviction termination of possessory rights.

- (a) Termination automatic upon abandonment. If an animal owner or person in custody and control fails to post a bond as required by section 4-13 and request a hearing, the animal is deemed abandoned and all the possessory rights of the owner in the animal are transferred to the designated agency. If the state fails to file a motion to terminate possession within ten days, the owner of the animal may reclaim it.
- (b) Termination upon possession hearing.
 - (1) Upon receipt of a motion to terminate possessory rights for any reason other than abandonment, the court shall set a hearing. The hearing shall be conducted within fourteen (14) days after the filing of the motion, or as soon as practicable.
 - (2) At the hearing, the city shall have the burden of establishing by a preponderance of the evidence that the animal was subjected to, or instrumental in, a violation of this article, is a public nuisance or danger, or will suffer needlessly if humane destruction is delayed. Upon its finding, the court may terminate the owner's possessory rights in the animal and transfer such rights to the designated animal care agency.
 - (3) When ownership of the victim animal transfers to the designated agency for further disposition in accordance with accepted practices for humane treatment of animals, it may be placed by adoption or humanely destroyed.

(Ord. No. 3497, § 1, 6-2-03)

Sec. 4-13. - Bond.

- (a) If an animal is seized under probable cause that a violation of this article has been committed, the owner or person in custody and control of an animal is liable for the cost of its care.
- (b) If an animal is seized solely for evidentiary purposes, the owner or person in custody and control of an animal is not liable for the cost of its care.
- (c) A person who is liable shall post a bond in the form of cash or a surety's undertaking with the court to defray the cost of care. The bond shall be calculated according to the number of animals seized. Under ten (10): Two hundred fifty dollars (\$250.00). Ten (10) to twenty (20): Five hundred dollars (\$500.00.) Twenty-one (21) to thirty (30): Seven hundred fifty dollars (\$750.00). Over thirty (30): One thousand dollars (\$1,000.00). The court shall draw down on the bond as needed during the animal's captivity to pay for the cost of care, without regard to whether the defendant is ultimately convicted or not. Funds so expended are not refundable.
- (d) The owner shall post the bond within ten (10) days of the date of the notice of seizure.
- (e) The court shall forfeit the bond to pay costs of care. If the bond exceeds expenses, the court shall exonerate the bond amount and order the security returned to the owner to the extent the bond exceeds the cost of care.

(Ord. No. 3497, § 1, 6-2-03)

DIVISION IV. - POST-CONVICTION

Sec. 4-14. - Sentencing.

- (a) Upon conviction, the court shall impose the following.
 - [1] Reimbursement to designated care agency. Regardless of whether the court orders forfeiture, it may require the convicted defendant to repay reasonable costs of care for each animal subjected

to the violation. Components of repayment may include, but are not limited to, the following: transport, veterinary care and medication, boarding and necropsy and or euthanasia.

- (b) Upon conviction, the court may impose the following.
 - (1) Termination of possessory rights.
 - a. Rights in the animal. The court may require a defendant convicted to forfeit any rights in the victim animal, pursuant to the procedures set forth in section 4-12.
 - b. Rights in other property. The court may terminate possessory rights in any property used by the defendant as an instrumentality in the commission of the offense.
 - (2) Restitution to the owner. If a person is convicted of misdemeanor animal cruelty against an animal owned by another person, the court may require the person to make restitution to the owner. Components of restitution may include the following.
 - a. Care, boarding, necropsy/euthanasia expenses, if such expenses were incurred from a provider other than the designated agency;
 - b. Reasonable veterinary after care;
 - c. The cost of procuring, transporting, and licensing a comparable replacement animal;
 - d. In the case of a service animal, the cost of training a comparable replacement animal, a substitute during an animal's recovery or its replacement's training; and
 - e. Lost animal income.
 - (3) Prohibition against future possession of an animal. The court may bar a person from possessing an animal for a period of up to five years. Violating such an order is a class one misdemeanor punishable by a fine of one thousand dollars (\$1,000.00) and forfeiture of the animal.

(Ord. No. 3497, § 1, 6-2-03)

ARTICLE II. - KEEPING OF DOMESTIC ANIMALS

Sec. 4-16. - Purpose.

The control of the keeping of animals, as regards their location and sanitary requirements, is substantially and reasonably related to the public health, safety and welfare.

(Code 1972, § 4-202)

Sec. 4-17. - General restrictions.

- (a) Cattle, horses, sheep, goats, dogs, cats, birds, fowl, and any other animal or bird, and the pens, stalls, stables, yards, shelters, cages, areas, places and premises where they are held or kept, shall be so maintained that flies, insects, or vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage, refuse or other noxious material do not become a public health nuisance.
- (b) No pigsty or piggery shall be built or maintained:
 - (1) On marshy ground or land subject to overflow.
 - (2) Within two hundred (200) feet of any stream, canal, or other source of water supply.
 - (3) Within three hundred (300) feet of an inhabited house or occupied building on adjoining property.
- (c) No person shall knowingly keep or harbor any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or the making of other noises shall annoy or disturb a neighborhood or any two (2) or more persons, one (1) of which may be a police officer or an animal control officer.

(Code 1972, § 4-203; Ord. No. 2479, § 1, 8-31-92)

Sec. 4-18. - Sanitary requirements.

- (a) Animal manure and droppings shall be removed from pens, stables, yards, cages, and other enclosures at least twice weekly and handled or disposed of in an approved manner free of health hazard or public health nuisance. Adequate insect-tight containers approved by the health officer shall be provided for the storage of manure or droppings, unless it is completely removed from the premises at least twice weekly. Nothing in this subsection shall be deemed to prohibit the use of animal manure or droppings on any farm, garden, lawn or ranch in such a manner and for such purposes as are compatible with customary methods of good horticulture.
- (b) Mound storage of droppings or manure will be permitted only under such conditions as to protect against the breeding of flies and to prevent migration of fly larvae or maggots into the surrounding soil.
- (c) Feed troughs shall be provided for the feeding of vegetables, meat scraps, or garbage, and such feeding shall be done exclusively from containers or on an impervious platform.
- (d) Watering troughs or tanks shall be provided, which shall be equipped with adequate facilities for draining the overflow, so as to prevent the ponding of water, the breeding of flies, mosquitoes or other insects, or a health hazard.
- (e) No putrescible material shall be allowed to accumulate on any premises, and all such material used as feed which is unconsumed shall be removed daily and disposed of by burial or other approved means.
- (f) Any person owning, possessing, harboring or having the care, charge, control or custody of any dog shall immediately remove and thereafter dispose of any fecal matter deposited by the dog on public or private property, unless the property owner has given prior approval to use the property for this purpose. The dog fecal matter shall be immediately placed in a closed or sealed container and thereafter disposing of it by depositing said matter in a trash receptacle, sanitary disposal unit or other closed or sealed container. This subsection shall not apply to blind persons accompanied by a dog used for their assistance.

(Code 1972, § 4-204)

Sec. 4-19. - Authority of county health officer to inspect premises and require abatement of nuisances.

The county health officer or his representative shall have the power to enter upon all public and private property or premises to examine into any animal nuisance, source of filth, or cause or source of sickness or disease found therein, or thereon, and may require owner or occupant thereof at his own expense to remove the same.

(Code 1972, § 4-205)

ARTICLE III. - ANIMAL CONTROL

Sec. 4-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any animal of a species that is susceptible to rabies, except man.

At large means on or off the premises of the owner and not under the control of the owner, or other persons acting for the owner. Any dog in a suitable enclosure which actually confines the dog shall not be considered to be running at large.

Collar means a band, chain, harness, or suitable device worn around the neck of a dog to which a license may be affixed.

Department means the state department of health services.

Dog means a member of the canis familiaris family.

Enforcement agent means that person in the county who is responsible for the enforcement of this article and the

regulations promulgated hereunder.

Impound means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this article.

Kenel means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five (5) or more dogs under controlled conditions.

Livestock means neat animals, horses, sheep, goats, swine, mules, and asses.

Owner means any person owning, keeping, possessing, harboring, or maintaining an animal other than livestock for more than six (6) consecutive days.

Pound means any establishment authorized by the enforcement agent for the confinement, maintenance, safekeeping, and control of dogs and other animals which come into custody of the enforcement agent in the performance of his official duties.

Rabies quarantine area means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

Rabies vaccination certificate means a method of recording and duplicating rabies information that is in compliance with the county enforcement agent's licensing system and/or county enforcement agent's prescribed forms.

Stray dog means any dog three (3) months of age or older running at large that is not wearing a valid license tag.

Vaccination means the administration of an anti-rabies vaccine to animals by a veterinarian, or in authorized pounds by employees trained by a veterinarian.

Veterinarian means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.

Veterinary hospital means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical, or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as any integral part of it, pens, stalls, cages, or kennels for quarantine, observation, or boarding.

Vicious animal means any animal of the order carnivora that has a propensity to bite human beings without provocation, and has been so declared after a hearing before a justice of the peace or a city magistrate.

(Code 1972, § 4-101; Ord. No. 1826, § 1, 9-16-85; Ord. No. 1968, 7-20-87; Ord. No. 3535, § 1, 11-17-03)
State Law reference— Similar provisions, A.R.S. § 11-1001.

Sec. 4-32. - Powers and duties of the enforcement agent.

(a) The enforcement agent shall:

- (1) Enforce the provisions of this article and the regulations promulgated hereunder.
- (2) Issue citations for the violation of the provisions of this article and the regulations promulgated hereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in Arizona Revised Statutes section 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
- (3) Be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state veterinarian.

(b) The issuance of citations pursuant to this section shall be subject to the provisions of Arizona Revised Statutes section 13-3899.

(c) The enforcement agent may designate deputies.

(Code 1972, § 1-104; Ord. No. 1826, § 1, 9-16-85)

State Law reference— County enforcement agents, A.R.S. § 24-366.

Sec. 4-33. - Interference with enforcement agent.

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

(Code 1972, § 4-111(A); Ord. No. 1826, § 1, 9-16-85)

State Law reference— Similar provisions, A.R.S. § 24-373.

Sec. 4-34. - Keeping of dogs generally.

It is unlawful for any person to keep, harbor or maintain a dog within the city except as provided in this article.

(Code 1972, § 4-111; Ord. No. 1826, § 1, 9-16-85)

State Law reference— Similar provisions, A.R.S. § 24-375.

Sec. 4-35. - Dog license; tags; records.

- (a) The county board of supervisors shall set an annual license fee which shall be paid for each dog three (3) months of age or over that is kept, harbored or maintained within the boundaries of the county for at least thirty (30) consecutive days of each calendar year. License fees shall become payable at the discretion of the county board of supervisors. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety (90) days to the county treasurer or his authorized representative.
- (b) Durable dog tags shall be provided by the county board of supervisors. Each dog licensed under the terms of this article receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of the license, and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of fee established by the county board of supervisors to the county treasurer or his authorized representative.
- (c) The county board of supervisors may set license fees that are lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the county enforcement agent that such a dog has been surgically altered to be permanently incapable of procreation.
- (d) Any person who fails within fifteen (15) days after written notification from the county enforcement agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or removes such tag from any dog for the purpose of wilful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a class 2 misdemeanor.

(Code 1972, § 4-105; Ord. No. 1826, § 1, 9-16-85; Ord. No. 1859, § 1, 12-16-85; Ord. No. 1901, § 1, 10-6-86; Ord. No. 2315, § 1, 10-1-90; Ord. No. 3535, § 1, 11-17-03)

State Law reference— Licensing of dogs, A.R.S. § 11-1008.

Sec. 4-36. - Kennels.

- (a) A person operating a kennel shall obtain a permit issued by the board of supervisors of the county except if each individual dog is licensed.
- (b) The annual fee for the kennel permit is seventy-five dollars (\$75.00).
- (c) A dog remaining within the kennel is not required to be licensed individually under Arizona Revised Statutes section 24-367. A dog leaving the controlled kennel conditions shall be licensed under Arizona Revised Statutes section 24-367 except if the dog is only being transported to another kennel which has a permit issued under this section.

(d) A person who fails to obtain a kennel permit under this section is subject to a penalty of twenty-five dollars (\$25.00) in addition to the annual fee.

(e) A person who knowingly fails within thirty (30) days after written notification from the county enforcement agent to obtain a kennel permit is guilty of a misdemeanor.

(Code 1972, § 4-105; Ord. No. 1826, § 1, 9-16-85)

State Law reference— Similar provisions, A.R.S. § 24-367.01.

Sec. 4-37. - Vaccination of dogs.

(a) Before a license is issued for any dog, the owner shall present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer, and serial number of the vaccine and date revaccination is due. A duplicate of each rabies vaccination certification issued shall be transmitted to the enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and any regulations promulgated hereunder.

(b) A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer, and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated thereunder.

(c) The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

(Code 1972, § 4-106; Ord. No. 1826, § 1, 9-16-85)

State Law reference— Similar provisions, A.R.S. § 24-368.

Sec. 4-38. - Rabies control fund.

(a) The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this article in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this article and the regulations promulgated hereunder.

(b) Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

(Code 1972, § 4-107; Ord. No. 1826, § 1, 9-16-85)

State Law reference— County rabies control fund, A.R.S. § 24-369.

Sec. 4-39. - Dogs not permitted at large; wearing licenses; penalties.

(a) Leash as used in this article means a chain, rope or strap, made of leather, fabric or other material, that is: (i) not more than six (6) feet in length; (ii) capable of being fastened to a collar or harness of a dog and used to lead, restrain and control the dog; and (iii) of sufficient strength for those purposes. Except as otherwise expressly provided in this article, dogs that are upon public streets, public parks or public property and that are not in compliance with this section, shall be considered at large.

(b) All dogs over the age of three (3) months, except as expressly provided in this article, shall wear a collar or harness to which is attached a valid license tag, at all times when the dog is off the premises of its owner. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the Arizona Racing

Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

- (c) No dog shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, secured so that the dog is confined entirely to the owner's property, or on a leash not to exceed six (6) feet in length and directly under the owner's physical control when not on the owner's property.
- (d) Any dog over the age of three (3) months on or off the premises of owner and not under physical control of the owner or persons acting for the owner, or any dog not in a suitable enclosure which actually confines the dog, shall wear a collar or harness to which is attached a valid license tag. Any dog over the age of three months on the premises of the owner and either confined or under the physical control of the owner or persons acting for the owner need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and in compliance with all sections of this ordinance. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.
- (e) If any dog is at large on the public streets or public property, then said dog's owner or persons acting for the owner is in violation of this ordinance.
- (f) If any dog is at large on the public parks or school property, then said dog's owner or persons acting for the owner is in violation of this ordinance.
- (g) If any female dog during her breeding or mating season or any vicious dog is at large, then said dog's owner or persons acting for the owner is in violation of this ordinance.
- (h) In a rabies quarantine area, no dog shall be at large.
- (i) Any owner or persons acting for the owner who allows a dog to run at large as defined above shall be considered in violation of this ordinance unless one of the following four exceptions applies:
 - (1) A dog is not at large if said dog is restrained by a leash of not more than six (6) feet in length and of sufficient strength to control action of said dog.
 - (2) If said dog is used for control of livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission.
 - (3) While said dog is actively engaged in a dog obedience training class and accompanied by and under the control of his owner or persons acting for the owner or trainer as specified in section (j) below.
 - (4) If said dog, whether on or off the premises of the owner or persons acting for the owner, is controlled as provided in regulation (f)(1) of this ordinance, or is within a suitable enclosure which actually confines the dog.
- (j) The owner or persons acting for the owner of a dog is responsible for the acts and conduct of the dog at all times when the dog is in a public park. All dogs three (3) months of age or older in or upon the premises of a public park must be currently licensed and shall wear a collar and durable valid license tag as provided by this ordinance.
- (k) The owner or persons acting for the owner of a dog must restrain and control the dog at all times when in a public park by securing the dog with a leash of not more than six (6) feet, except when the dog is in an enclosed area within the park, which has been designated by a municipality as a dog exercise area.

- (l) At all times when a dog is off leash in a designated dog exercise area as provided in above, the dog must be accompanied by and under the control of the owner or persons acting for the owner. Additionally, the owner or persons acting for the owner must at all such times, have a leash of not more than six (6) feet in length in his or her possession.
- (m) At all times when a dog is off leash and participating in a dog show, exhibition or obedience class as provided in section (f) above:
 - (1) The dog must be accompanied by and under the control of its owner or persons acting for the owner or trainer or handler, who must at all times have a leash in his or her possession; and
 - (2) The owner or persons acting for the owner, trainer, handler or authorized representative of a club or organization to whom a permit has been issued, shall have the permit on their person at all times and shall present the permit for inspection upon request, to any police officer, authorized member of the public parks staff or the enforcement agent.
- (n) Any dog at large shall be apprehended and impounded by the enforcement agent.
 - (1) Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include entry into a domicile or enclosure which confines a dog unless it be at the invitation of the occupant.
 - (2) Said agent may issue a citation(s) to the dog owner or person acting for the owner when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in A.R.S. Section 13-3903, except the county enforcement agent shall not make an arrest before issuing the notice. the issuance of citation(s) pursuant to this ordinance shall be subject to the provisions of A.R.S. Section 13-3899.
 - (3) A violation of this section is a class 3 misdemeanor.
 - (4) In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain.

(Code 1972, § 4-108; Ord. No. 1826, § 1, 9-16-85; Ord. No. 3190, § 3, 4-19-99; Ord. No. 3535, § 1, 11-17-03)
 State Law reference— Dogs at large, A.R.S. § 11-1012.

Sec. 4-40. - Biting animals and animal bites.

- (a) An unlicensed or unvaccinated dog or any cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven (7) days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.
- (b) Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen (14) days, provided that livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.
- (c) Any wild animal which bites any person may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.
- (d) Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

- (e) The county enforcement agent may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - (1) Such animal shows clear clinical signs or rabies.
 - (2) The owner of such animal consents to its destruction.
- (f) Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.
- (g) The county enforcement agent shall destroy a vicious animal upon an order of a justice of the peace or a city magistrate. A justice of the peace or city magistrate may issue such an order after notice to the owner, if any, and a hearing.

(Code 1972, § 4-110; Ord. No. 1826, § 1, 9-16-85)

State Law reference— Similar provisions, A.R.S. § 24-372.

Sec. 4-41. - Impoundment—Generally.

- (a) Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.
- (b) Each stray dog or any cat impounded shall be kept and maintained at the pound for a minimum of seventy-two (72) hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this article. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or cat is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent the spread of disease.
- (c) Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent provided that the person reclaiming the dog or cat furnished proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such a dog or cat shall pay all pound fees.

(Code 1972, § 4-109; Ord. No. 1826, § 1, 9-16-85)

State Law reference— Impoundment of dogs, A.R.S. § 24-371.

Sec. 4-42. - Same—Removing impounded animals.

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this article and the regulations promulgated hereunder.

(Code 1972, § 4-112; Ord. No. 1826, § 1, 9-16-85)

State Law reference— Similar provisions, A.R.S. § 24-374.

Sec. 4-43. - Same—Proper care, maintenance and destruction of impounded animals.

- (a) Any animal impounded in a county, city or town pound shall be given proper and humane care and maintenance.
- (b) Any dog or cat destroyed while impounded in a county, city or town pound shall be destroyed only by the use of one (1) of the following:
 - (1) Sodium pentobarbital or a derivative thereof of sodium pentobarbital.
 - (2) Nitrogen gas.
 - (3) T-61 euthanasia solution or its generic equivalent.

- (c) If an animal is destroyed by means specified in subsection (b), paragraph (1) or (3) of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to Arizona Revised Statute, section 24-153.
- (d) The governing body of any county, city or town which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections (b) and (c) of this section.

(Code 1972, § 4-114; Ord. No. 1826, § 1, 9-16-85)

State Law reference— Similar provisions, A.R.S. § 24-381.

City of Surprise

Chapter 10 - ANIMALS

ARTICLE I. - IN GENERAL

ARTICLE II. - ANIMAL CONTROL

DIVISION 1. - GENERALLY

Sec. 10-19. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any animal of a species that is susceptible to rabies, except man.

At large means any dog that is not confined within an enclosure on the owner's or custodian's property, or secured so that the dog is confined entirely on the owner's or custodian's property, or restrained and controlled with a leash. The requirement to secure a dog or control a dog with a leash shall not apply within private, gated communities; in such cases, dogs shall only be required to be under the owner's or custodian's control.

County means Maricopa County Animal Care and Control.

Custodian means the person whom an owner has entrusted with keeping, maintaining and controlling his animal, or a person who keeps, harbors or maintains an animal.

Disturbance means a disturbance caused by an animal, which is distressing or loud or unusual and disturbs the peace or quiet of any place, neighborhood, family or persons in the city for an unreasonable amount of time, and is documented by an enforcement agent.

Enclosure means a fence or structure of at least six feet in height, suitable to prevent the entry of young children, and suitable to confine a vicious animal. Such enclosures shall be securely locked and designed with secure side, top and bottom and shall be designed to prevent the animal from escaping.

Enforcement agent means that person, whether employed by the city or otherwise provided for, who is responsible for the enforcement of this chapter.

Impound means the act of taking or receiving into custody by the enforcement agent any animal for the purpose of confinement in an authorized pound in accordance with the provisions of this chapter.

Kennel means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.

Leash means a chain, rope or strap, made of leather, fabric or other material, that is:

- (1) Not more than six feet in length;
- (2) Capable of being fastened to a collar or harness of a dog and used to lead, restrain and control the dog; and
- (3) Of sufficient strength for those purposes.

Livestock means cattle, horses, sheep, goats, swine, mules and asses.

Owner means the person who most recently purchased, adopted or otherwise legally acquired an animal.

Pound means any establishment authorized for the confinement, maintenance, safekeeping and control of animals that come into the custody of the enforcement agent in the performance of his official duties.

Rabies quarantine area means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

Repetitious disturbance means a disturbance that occurs on more than two occasions and takes place over a period of 30 days.

Vaccination means the administration of an antirabies vaccine to animals by a veterinarian or in authorized pounds by employees trained by a veterinarian.

Veterinarian means any veterinarian licensed to practice in this state, or any veterinarian employed in this state by a governmental agency.

Veterinary hospital means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it, in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

Vicious means an animal having a propensity to bite, attack, chase or otherwise endanger the safety of any human being or other animal without provocation either on public or private property.

(Code 2007, § 6.04.010)

Sec. 10-20. - Powers and duties of enforcement agent.

- (a) The enforcement agent shall:
 - (1) Enforce the provisions of this article and the regulations promulgated hereunder.
 - (2) Issue citations for the violation of the provisions of this article and the regulations promulgated hereunder.
 - (3) Be responsible for declaring a rabies quarantine area within the area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies within area. Any regulations restricting or involving movement of livestock within the area shall be subject to approval by the state veterinarian.
- (b) The enforcement agent is authorized to use whatever force reasonably necessary to remove animals that are being confined within a motor vehicle or enclosed space when it appears that the animal's life or health is endangered by extreme heat or lack of ventilation within the vehicle or enclosed space. The enforcement agent or the enforcement agent's employer shall not be liable for damages to property caused by such removal.
- (c) The enforcement agent is authorized to go on private property in order to enforce this article or to take up any animal which is found at large, or is considered a repetitious disturbance or to take up any dog found without required vaccination, licensing, or identification tags; however, the enforcement agent may not enter a private structure for this purpose without a valid warrant or the consent of an occupant. The enforcement agent at his discretion may remove the animal for placement at the pound. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to the public's safety cannot be safely impounded, it may be slain.
- (d) The enforcement agent may designate deputies.

(Code 2007, § 6.04.020)

Sec. 10-21. - Interference with enforcement agent prohibited.

No person shall interfere with the enforcement agent in the performance of his duties.

(Code 2007, § 6.04.030)

Sec. 10-22. - Penalties for violation.

Any person found to have violated any provision of this article shall be guilty of a class 1 misdemeanor, except that the charge may be reduced to a civil violation in the event the person has no prior violations of this chapter within the preceding 12 months.

(Code 2007, § 6.04.180)

Sec. 10-23. - Vaccinations.

Any person keeping, harboring or maintaining a dog over the age of three months within the city for a period in excess of 30 consecutive days shall have the dog vaccinated pursuant to county procedures.

(Code 2007, § 6.04.040)

State Law reference— Vaccination of dogs, A.R.S. § 11-1010.

Sec. 10-24. - Dog licensing.

- (a) Any person keeping, harboring or maintaining a dog over the age of three months within the city for a period in excess of 30 consecutive days shall license the dog with the county.
- (b) Dogs over the age of three months shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock, dogs used or trained for hunting, dogs exhibited or trained at a kennel club event, or dogs engaged in races approved by the state racing commission, while being transported to and from such events, need not wear a collar or harness with a valid license attached; provided that they are properly vaccinated, licensed and controlled.

(Code 2007, § 6.04.050)

State Law reference— County dog license, A.R.S. § 11-1008; display of license, A.R.S. § 11-1102.

Sec. 10-25. - Kennel permit requirements.

- (a) A person operating a kennel shall obtain a permit issued by the county, unless each individual dog is licensed.
- (b) A dog remaining with the kennel is not required to be licensed individually by the county. A dog leaving the controlled kennel conditions shall be licensed by the county, unless the dog is only being transported to another kennel which has a permit issued by the respective governmental entity.

(Code 2007, § 6.04.060)

State Law reference— County kennel licenses, A.R.S. § 11-1009.

Sec. 10-26. - Keeping of a vicious animal.

- (a) No person shall keep or maintain any animal which has been found to be vicious pursuant to section 10-58 unless such animal is at all times kept in an enclosure.
- (b) All owners or custodians of any animal found to be vicious, shall display, in a prominent place on the premises where the vicious animal is confined, a clearly visible sign in accordance with the following requirements:
 - (1) The sign must have the following dimensions:
 - a. Eight and one-half-inch by 11-inch sign with red letters on a white background;
 - b. The first three words "Declared Vicious Animal" must be at least two inches in height and the sign shall read as follows:

DECLARED VICIOUS ANIMAL
CITY OF SURPRISE
POLICE DEPARTMENT
 - (2) The sign must be displayed at the entrance of the enclosure where the animal is kept.
 - (3) In the event enforcement agents find that an enclosure has more than one entrance, the enforcement agents may require a sign at each entrance.
- (c) The only times that a vicious animal may be allowed out of an enclosure is:
 - (1) If it is necessary for the owner or custodian to obtain veterinary care for the vicious animal; or
 - (2) To comply with the order of a court of competent jurisdiction; provided that said vicious animal is securely muzzled and restrained on a leash, and shall be under the direct control and supervision of the adult owner and/or custodian of the vicious animal.

- (d) Any animal, other than a dog, which has been found to be a vicious animal and is not confined to an enclosure shall be impounded by the enforcement agent having jurisdiction in such area and shall be turned over to a licensed veterinarian for destruction by lethal injection.
 - (e) Any dog that has been found vicious may be confined in an alternative enclosure only with the written approval of the chief of police or his designee.
- (Code 2007, § 6.04.070)

DIVISION 2. - RUNNING AT LARGE AND IMPOUNDMENT

Sec. 10-56. - Running at large.

- (a) No person shall intentionally, recklessly or negligently allow a dog that the person keeps, harbors or maintains to be at large.
- (b) Any dog at large shall be subject to apprehension and impoundment by the enforcement agent.
- (c) A dog shall not be considered at large while off leash in a designated dog exercise area or dog park; provided, the dog is accompanied by and under the control of the owner or custodian of the dog. Additionally, the owner or custodian of the dog shall at all times have a leash of not more than six feet in length in his possession.

(Code 2007, § 6.04.080)

State Law reference— Dogs at large, A.R.S. § 11-1012.

Sec. 10-57. - Liability for dogs at large.

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog's owner or custodian.

(Code 2007, § 6.04.090)

Sec. 10-58. - Bites; confinement of animal; reporting.

- (a) An unlicensed dog or any cat that bites any person shall be confined and quarantined at the expense of the owner or custodian in an authorized pound, or at the owner's or custodian's request in a veterinary hospital for a period of not less than ten days. A dog properly licensed pursuant to this article that bites any person may be confined and quarantined at the home of the owner or custodian or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.
- (b) Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner or custodian, at a veterinary hospital for a period of not less than 14 days; provided that livestock shall be confined and quarantined for the 14-day period in a manner regulated by the state livestock board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or custodian or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.
- (c) Any wild animal that bites any person may be killed and submitted to the enforcement agent for transmission to an appropriate diagnostic laboratory.
- (d) Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

- (e) The enforcement agent may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - (1) Such animal clearly shows clinical signs of rabies;
 - (2) The owner of such animal consents to its destruction;
 - (3) A justice of the peace or city magistrate has ordered the animal's destruction. Such order may only be issued after notice to the owner, if any, and a hearing at which the animal was declared vicious.
- (f) Any animal subject to license under this article found without a tag identifying its owner shall be deemed unowned.
(Code 2007, § 6.04.100)

Sec. 10-59. - Impoundment procedures for animals (nonlivestock).

- (a) All animals (nonlivestock) impounded shall be kept and maintained at the pound in accordance with the pound's terms and conditions (impoundment period), unless claimed by the owner or custodian. All animals impounded shall be given proper care and maintenance.
- (b) Any animal may be reclaimed by its owner or custodian; provided that the person reclaiming the animal furnishes proof of right to do so and pays all pound fees and city capture fees. In the event that a dog being reclaimed is not licensed, the owner or custodian shall comply with the licensing and vaccination provisions of this article prior to receiving the dog.
 - (1) Pound fees shall include any and all fees assessed by the entity operating the pound;
 - (2) City capture fees for each animal impounded are as established by resolution.
 - (c) If the animal is not claimed within the impoundment period, the enforcement agent shall take possession and may place the animal for sale or may dispose of the animal in a humane manner. Any person may purchase an animal put up for sale upon expiration of the impoundment period; provided, such person pays all pound fees and complies with licensing and vaccination provisions of this article, if necessary. If such animal is to be used for medical research, no license or vaccination shall be required.
- (d) The enforcement agent may destroy impounded sick or injured animals whenever such destruction is necessary to prevent such animal from suffering or to prevent the spread of disease.
(Code 2007, § 6.04.110)
State Law reference— County animal pounds, A.R.S. § 11-1013.

Sec. 10-60. - Unauthorized removal of impounded animals prohibited.

No person may remove or attempt to remove an animal that has been impounded or which is in the possession of the enforcement agent, except in accordance with the provisions of this article.
(Code 2007, § 6.04.120)
State Law reference— Similar provisions, A.R.S. § 11-1016.

DIVISION 3. - MISCELLANEOUS RESTRICTIONS AND ENFORCEMENT

Sec. 10-79. - Unreasonable dog barking.

- (a) No person shall allow a dog that the person keeps, harbors or maintains to bark in a manner that is a repetitious disturbance or unreasonably disturbs the peace and quiet of another person.
- (b) In the event that enforcement agents are called to investigate a first or second disturbance they may issue a citation that may result in punishment or penalty pursuant to section 10-22.
(Code 2007, § 6.04.130)

Sec. 10-80. - Injuring or killing a dog, cat or livestock with an automobile.

No person who accidentally or otherwise strikes any dog, cat or livestock with an automobile and injures or kills the same in any manner shall fail to render aid by contacting the owner if they can be found. In the event the owner cannot be located, the local authorities must be contacted in a reasonable amount of time, and directed to the location of the dog, cat, or livestock.

(Code 2007, § 6.04.140)

Sec. 10-81. - Poisoning animals.

No person shall intentionally, recklessly or negligently poison an animal.

(Code 2007, § 6.04.150)

Sec. 10-82. - Confining animals.

No person shall place or confine an animal or allow an animal to be placed or confined in a motor vehicle, on the bed of a truck that is unprotected from heat, or other enclosed space and under such conditions for any such period of time that will endanger the health or well-being of the animal due to heat, lack of food or water, or other circumstances as may reasonably be expected to cause suffering, disability, or death to the animal.

(Code 2007, § 6.04.160)

Sec. 10-83. - Removal of animal feces in public ways and places.

No person shall fail to remove any feces deposited by an animal. This section shall not apply to a blind person while walking his guide dog.

(Code 2007, § 6.04.170)

City of Tempe

Chapter 6 ANIMALS

- Art. I. In General, §§ 6-1—6-20
- Art. II. Dogs, Cats, Etc., §§ 6-21—6-48
- Div. 1. Generally, §§ 6-21—6-45
- Div. 2. Impoundment, §§ 6-46—6-53

ARTICLE I. IN GENERAL

Sec. 6-1. Running at large.

No person who is the owner of, or is in charge of or control of, or has the custody of, any livestock or fowl of any kind or nature shall negligently, willfully or intentionally permit or allow the same to run at large within the city. (Code 1967, § 6-1)

State law reference—Authority of city to regulate the roaming at large of animals, A.R.S. §9-240(B)(16A).

Sec. 6-2. Burial of dead animals.

Every person in whose possession any animal shall die shall bury the same at least four (4) feet underground, except cats, dogs or fowl, which shall be buried two (2) feet underground, either upon his own premises, in a city-approved burial place for dead animals, or outside the city.

(Code 1967, § 6-3)

ARTICLE II. DOGS, CATS, ETC.

DIVISION 1. GENERALLY

Sec. 6-21. Definitions.

As used in this article, unless the context otherwise requires, the following words and phrases shall have the meanings ascribed in this section:

Abandoned animal means any animal that has been found or provided to the police department, whether the owner is known or unknown, that is not the subject of a prosecution for animal cruelty.

Animal means any animal of a species that is susceptible to rabies, except man.

At large means on or off the premises of the owner and not under control of the owner or other persons acting for the owner. Any dog in a suitable enclosure which actually confines the dog shall not be considered to be running at large.

Department means the state department of health services.

Enforcement agent means that person in each county who is responsible for the enforcement of this article and the regulations promulgated thereunder.

Impound means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this article.

Kennel means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five (5) or more dogs under controlled conditions.

Livestock means neat animals, horses, sheep, goats, swine, mules and asses.

Owner means any person keeping an animal other than livestock for more than six (6) consecutive days.

Pound means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.

Rabies quarantine area means any area in which a state of emergency has been declared to exist due to the

occurrence of rabies in animals in or adjacent to this area.

Rabies vaccination certificate means a method of recording and duplicating rabies information that is in compliance with the county enforcement agent's licensing system and/or county enforcement agent's prescribed forms.

Stray dog means any dog three (3) months of age or older running at large which is not wearing a valid license tag.

Vaccination means the administration of an antirabies vaccine to animals by a veterinarian, or in authorized pounds by employees trained by a veterinarian.

Veterinarian, unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.

Veterinary hospital means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

Vicious animal means any animal that (a) has a propensity to bite without provocation; (b) has killed or inflicted injury on a human being on public or private property; or (c) has killed a domestic animal without provocation while the animal was off the owner's property. A determination that an animal is a vicious animal under this chapter may be declared only after a hearing before a justice of the peace or a city magistrate. This definition does not apply to a police animal under the command of its trainer.

(Code 1967, § 6-7; Ord. No. 87.38, 8-27-87; Ord. No. 97.21, 5-8-97; Ord. No. O2014.08, 1-23-14)

State law reference—Similar provisions, A.R.S. § 11-1001.

Sec. 6-22. Violations; penalty.

(a) Any person violating § 6-31 of this code is guilty of a civil offense and subject to a civil sanction not to exceed five hundred dollars (\$500).

(b) Any person violating any provision of this chapter, except § 6-31, is guilty of a misdemeanor, punishable pursuant to § 1-7 of this code.

(Ord. No. 412.7, 8-16-84; Ord. No. 92.45, 11-12-92)

Sec. 6-23. Powers, duties of enforcement agent.

(a) The enforcement agent shall have the powers and duties to:

(1) Enforce the provisions of this article and the regulations promulgated under this article.

(2) Issue citations for the violation of the provisions of this article and the regulations promulgated under this article. The procedure for the issuance of notices to appear shall be as provided for peace officers in Arizona Revised Statutes, § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.

(3) Be responsible for declaring a rabies quarantine area within the area of jurisdiction. When a quarantine area has been declared the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state veterinarian.

(b) The issuance of citations pursuant to this section shall be subject to the provision of Arizona Revised Statutes, § 13-3899.

(c) The enforcement agent may designate deputies.

(Code 1967, § 6-8)

State law reference—Similar provisions, A.R.S. § 11-1007.

Sec. 6-24. Rabies control fund.

(a) The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this article in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this article and the regulations promulgated under this article.

(b) Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

(Code 1967, § 6-12)

State law reference—Similar provisions, A.R.S. § 11-1011.

Sec. 6-25. Interference with enforcement agent.

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

(Code 1967, § 6-16)

State law reference—Similar provisions, A.R.S. § 11-1015.

Sec. 6-26. Biting animals; reporting animal bites; authority to destroy animals.

(a) An unlicensed or unvaccinated dog or any cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital, for a period of not less than seven (7) days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

(b) Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital, for a period of not less than fourteen (14) days, provided that livestock shall be confined and quarantined for the fourteen (14) day period in a manner regulated by the state livestock board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.

(c) Any wild animal which bites any person may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.

(d) Whenever an animal bites any person, the incident shall be reported to the county enforcement agent immediately by any person having direct knowledge.

(e) The county enforcement agent may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if:

- (1) Such animal shows clear clinical signs of rabies; or
- (2) The owner of such animal consents to its destruction.

(f) Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

(g) It is unlawful to have custody of, own or possess an animal declared to be vicious under this chapter unless it is restrained, confined or muzzled so that it cannot bite, attack or cause injury to any person or domestic animal.

(h) The county enforcement agent shall destroy a vicious animal upon an order of a justice of the peace or a city magistrate. A justice of the peace or city magistrate may issue such an order after notice to the owner, if any, and a hearing.

(Code 1967, § 6-15; Ord. No. 97.21, 5-8-97)

State law reference—Animal bites, A.R.S. § 11-1014.

Sec. 6-27. Unlawful keeping of dogs.

It is unlawful for a person to keep, harbor or maintain a dog within the city except as provided by the terms of this article.

(Code 1967, § 6-18)

State law reference—Similar provisions, A.R.S. § 11-1017.

Sec. 6-28. Dog licensing procedure; fees, penalty; dog tags.

(a) The city council shall set an annual license fee which shall be paid for each dog four (4) months of age or over that is kept, harbored or maintained within the boundaries of the city for at least thirty (30) consecutive days of each calendar year. License fees shall become payable at the discretion of city council (See Appendix A). The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety (90) days. A penalty not to exceed four dollars (\$4) shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this article. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty (30) consecutive days.

(b) Durable dog tags shall be provided. Each dog licensed under the terms of this article shall receive at the time of the licensing such a tag on which shall be inscribed the name of the county, the number of the license, and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the enforcement agent.

(c) License fees may be lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.

(d) Any person who fails within fifteen (15) days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or remove such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog, is guilty of a misdemeanor.

(Code 1967, § 6-9)

State law reference—Similar provisions, A.R.S. § 11-1008.

Sec. 6-29. Antirabies vaccination.

(a) Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated under this article.

(b) A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona, provided that at the time of licensing the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated under this article.

(c) The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

(Code 1967, § 6-11)

State law reference—Similar provisions A.R.S. § 11-1010.

Sec. 6-30. Dogs at large; wearing license tags.

(a) In a rabies quarantine area, no dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that the dog is confined entirely to the owner's property, or on a leash not to exceed six (6) feet in length and directly under the owner's control when not on the owner's property.

(b) Any dog over the age of four (4) months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

(c) If any dog is unrestrained on the public streets, public parks or public property, then such dog's owner or custodian is in violation of this chapter. Dogs will, however, be permitted to be unleashed within areas of public parks as may be designated "off-leash areas" by the community services director.

(d) Any person whose dog is at large is in violation of this chapter. A dog is not at large if:

- (1) Said dog is restrained by a leash, chain, rope, or cord of not more than six (6) feet in length and of sufficient strength to control the actions of said dog;
- (2) Said dog is used for control of livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the state racing commission; or
- (3) While the dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer, provided that the person training said dog has in his possession a dog leash of not more than six (6) feet in length and of sufficient strength to control said dog, and, further, that said dog is actually enrolled in or has graduated from a dog obedience training school.

(e) Any dog at large shall be apprehended and impounded by an enforcement agent.

(f) The enforcement agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog(s), and shall not include entry into a domicile or enclosure which confines a dog unless it be at the invitation of the occupant.

(g) The agent may issue a citation(s) to the dog owner or person acting for the owner when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in Arizona Revised Statutes, § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this section shall be subject to the provisions of Arizona Revised Statutes, § 13-3899.

(h) In the judgment of the enforcement agent if any dog at large or any other animal that is dangerous or fierce and a threat to human safety that cannot be safely impounded, it may be slain; provided, however, the enforcement agent shall have satisfactorily completed an approved course on the use of weapons and firearms and shall have been so certified by the firearms instructor for the Phoenix Police Department Regional Academy, county sheriff or the National Rifle Association. Additionally, immediately upon slaying any animal, the enforcement agent shall prepare a detailed incident report of the shooting, which report shall be available to the general public.

(Code 1967, § 6-13; Ord. No. 412, § 8, 9-12-85; Ord. No. 96.07, 4-25-96; Ord. No. 2001.17, 7-26-01; Ord. No. 2006.25, 4-6-06; Ord. No. 2010.02, 2-4-10)

State law reference—Dogs at large, A.R.S. § 11-1012.

Sec. 6-31. Removal of animal defecation from public parks and school grounds.

(a) An owner or person having custody of any dog or any other animal shall not permit said dog or any other animal to defecate on any school ground or public park, unless said defecation is removed immediately.

(b) Animal defecation which is removed from a school ground or public park may be deposited in a garbage receptacle upon such school ground or public park if the defecation is first placed in a sealed plastic bag. (Ord. No. 87.21, § 1, 7-9-87)

Sec. 6-32. Abandoned animals.

(a) If any animal has been found or provided to the police department, that animal shall be considered an abandoned animal.

(1) If no person is immediately available, capable and willing to provide shelter and care for an abandoned animal, the police department shall facilitate the sheltering of that animal through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter or a suitable home;

(2) If the owner is known, the police department shall provide notice to the owner that the animal has been placed pursuant to this section. That notice shall include the contact information of the sheltering entity; or

(3) If the owner is not known, the police department shall make reasonable efforts to identify the owner and provide notice to the owner. If no owner can be identified, no notice is necessary.

(b) The police department will not take ownership or responsibility for an abandoned animal, but shall facilitate the placement of an abandoned animal pursuant to the provisions of this section.

(c) Any facility sheltering an abandoned animal pursuant to this section shall keep the abandoned animal for no less than seventy-two (72) hours prior to placing the animal for adoption or otherwise disposing of the animal.

(1) The police department shall only be responsible for the first seventy-two (72) hours of sheltering or veterinary costs of an abandoned animal if the animal is not retrieved by the owner or adopted by another person; or

(2) The owner of the abandoned animal or any person adopting an abandoned animal shall be responsible for all sheltering and veterinary costs for the abandoned animal.

(Ord. No. O2014.08, 1-23-14)

DIVISION 2. IMPOUNDMENT

Sec. 6-46. Generally.

(a) Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

(b) Each stray dog or any cat impounded shall be kept and maintained at the pound for a minimum of seventy-two (72) hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this chapter. If such dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or cat is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.

(c) Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or

cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such a dog or cat shall pay all pound fees.

(Code 1967, § 6-14; Ord. No. 412, § 8, 9-12-85)

Sec. 6-47. Treatment of animals; methods of euthanasia.

(a) Any animal impounded in a county, city or town pound shall be given proper and humane care and maintenance.

(b) Any dog or cat, destroyed while impounded in a county, city or town pound shall be destroyed only by the use of one of the following:

- (1) Sodium pentobarbital or a derivative of sodium pentobarbital;
- (2) Nitrogen gas; or
- (3) T-61 euthanasia solution or its generic equivalent.

(c) If an animal is destroyed by means specified in paragraph (b)(1) or (b)(3) of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to Arizona Revised Statutes, § 3-1213.

(Code 1967, § 6-21)

State law reference—Impoundment of animals, A.R.S. § 11-1021.

Sec. 6-48. Removing impounded animals.

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this article and the regulations promulgated under this article.

(Code 1967, § 6-17)

State law reference—Similar provisions, A.R.S. § 11-1016.

Sec. 6-49. Animal cruelty.

(a) A person commits animal cruelty if the person does any of the following:

- (1) Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment;
- (2) Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control;
- (3) Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal;
- (4) Recklessly subjects any animal to cruel mistreatment;
- (5) Intentionally, knowingly or recklessly kills or attempts to kill any animal under the custody or control of another person without either legal privilege or consent of the owner;
- (6) Recklessly interferes with, strikes, kills or harms a working or service animal without either legal privilege or consent of the owner;
- (7) Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result;
- (8) Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal;
- (9) Strikes any domestic animal with a vehicle resulting in injury to the animal, and leaves the scene without rendering aid and assistance in the care of such animal, if such action can be taken with reasonable safety. For purposes of this section, "domestic animal" shall mean an animal usually domiciled with or cared for by humans, such as a cat, dog, horse or cattle;
- (10) Intentionally or knowingly poisons or attempts to poison any domestic animal. For purposes of this section, "poison" or "attempt to poison" includes the act of placing food, water, or lure of another sort which contains poison or contains health threatening foreign objects, such as glass or metal, in a location where any animal may be attracted to it; or

(11) Intentionally, knowingly or recklessly uses a baited trap or mechanical device to capture an animal, causing it injury or death.

(b) It is a defense to subsection (a) above if:

(1) To protect himself or his livestock or poultry, a person does the following:

- a. Exposes poison to be taken by a dog that has killed or wounded livestock or by predatory animals on premises owned, leased or controlled by the person; and
- b. The treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed; and
- c. The poison is removed after the threat to the person or the person's livestock or poultry has ceased to exist.
- d. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice that is posted shall be readable at a distance of fifty (50) feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".

(2) A person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling rodents as otherwise allowed by the laws of the state.

(c) It is not a defense to subsection (a) above if:

- (1) The animal was trespassing on property owned or controlled by the person alleged to have violated this section;
- (2) The animal was not restrained in compliance with any leash law, including § 6-30; or
- (3) The person alleged to have violated this section did not know that the animal was under the custody or control of another person.

(d) This section does not prohibit or restrict:

- (1) The taking of wildlife or other activities permitted by or pursuant to A.R.S. Title 17;
- (2) Activities permitted by or pursuant to A.R.S. Title 3;
- (3) Activities regulated by the Arizona Game and Fish Department or the Arizona Department of Agriculture; or
- (4) Any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock.

(e) A person who violates subsection (a) herein is guilty of a class 1 misdemeanor.

(f) A person convicted of violating subsection (a) herein, shall be required by the court to make restitution to the owner of the animal in the full amount of the owner's economic loss, unless the convicted person is the owner.

- (1) The full amount of economic loss shall include, but not be limited to: the cost of veterinary care, boarding, and necropsy; the value of the animal; cost of a replacement animal; or cost of training a replacement animal; and
- (2) In the case of a working or service animal, any additional costs incurred to replace the services of the working or service animal while the animal remains unavailable to its owner.

(g) Upon conviction of a violation of §§ 6-49 and 6-50, involving an animal that is under the convicted person's custody or control, the court shall order the victimized animal forfeited to the city and the animal may then be placed up for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home, or humanely destroyed. For purposes of forfeiture, a conviction may result from a verdict or plea, including a no contest plea. All right, title and interest to the animal is deemed to have vested in the city on the commission of the act or omission giving rise to the conviction. The court shall order the convicted person to make restitution to the city for the city's reasonable costs incurred in housing, care, feeding and treatment of the animal from the time of seizure or impoundment to the time of conviction.

(j) For the purposes of this section:

- (1) Animal means a mammal, bird, reptile or amphibian;
- (2) Cruel mistreatment means to torture or otherwise inflict unnecessary serious physical injury upon an animal or to kill an animal in a manner that causes protracted suffering to the animal;
- (3) Cruel neglect means to fail to provide an animal with necessary food, water or shelter;
- (4) Handler means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner;
- (5) Service animal means an animal that has completed a formal training program that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public; or
- (6) Working animal means a horse or dog used by a law enforcement agency, specially trained for law enforcement work and is under the control of a handler.

(Ord. No. O2014.08, 1-23-14)

Sec. 6-50. Authority to remove, impound and forfeit animals; cost of care.

(a) A peace officer, enforcement agent or county animal control officer is hereby authorized and empowered to seize and impound any animal as follows:

- (1) On process issued pursuant to the provisions of A.R.S. Title 13, including a search warrant.
- (2) If the peace officer, enforcement agent or county animal control officer has reasonable grounds to believe that a violation of § 6-49 has occurred.
- (3) If the peace officer, enforcement agent or animal control officer has reasonable grounds to believe any of the following:
 - a. That an animal is in distress caused by mistreatment, lack of food or water, restraint, restriction of movement, confinement, lack of sufficient exercise space, constrictive gear, injury, illness, physical impairment or parasites; or
 - b. That an animal's well-being is threatened by a dangerous condition or circumstance; or
 - c. That seizure is necessary to protect the health or safety of the animal or the health and safety of other animals; or
 - d. That an animal is vicious or destructive and may be a danger to the safety of any person or other animal; or
 - e. That an animal is an abandoned animal.

(b) Nothing in this section shall be construed to prohibit the attorney for the state, after seizure of an animal by a peace officer, enforcement agent or animal control officer, from taking possession of and keeping the animal when the attorney deems the animal to be of evidentiary value in any criminal prosecution relating to the condition of the animal. If the attorney for the state intends to take possession of and retain an animal as evidence in any criminal prosecution, the attorney shall promptly provide written notice to the police department.

(c) The city may contract with any person, agency or shelter, including volunteers, to house, care for and treat an animal that has been seized and impounded pursuant to the provisions of this section.

(d) The owner or keeper of an animal properly seized under this section is liable for the cost of housing, caring for and treating the animal. Unless the seizure or impoundment of an animal is for evidentiary purposes, supported by a written notice of intent as required by subsection (b), or the court determines at a post-seizure hearing that the seizure or impoundment was not justified, the owner or keeper shall post with the court a bond, in an amount established by city council resolution (see Appendix A), in the form of cash or a surety's undertaking to offset some of the costs incurred by the city relating to housing of, caring for and treating the animal. The owner or keeper shall post the bond within ten (10) days of the date of the notice provided under § 6-51. The owner or keeper shall post the bond within three (3) days of the date of the seizure if pursuant to § 6-50(a)(3)(e). If the owner or keeper fails to post the bond within the specified time, the owner or keeper shall be deemed to have abandoned the

animal. The animal may then be placed for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely destroyed.

(e) Upon forfeiture of an animal, the court shall forfeit the bond to pay the expenses incurred in the housing of, caring for and treating the animal. If the bond exceeds the expenses, the court shall exonerate the bond amount and order the security returned to the owner or keeper only to the extent the bond exceeds the expenses incurred in the housing of, caring for and treatment of the animal. The court shall order the bond exonerated and the security returned to the owner or keeper if at the conclusion of the case the animal is not forfeited under this article.

(Ord. No. O2014.08, 1-23-14; Ord. No. O2014.56, 10-2-14)

Sec. 6-51. Post-seizure hearings.

(a) The burden of proof in the seizure hearing pursuant to this article shall be by a preponderance of the evidence. The formal rules of evidence shall not apply and reliable hearsay shall be admissible. The court shall order the animal to be forfeited to the city to be placed for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely destroyed if the court finds from a preponderance of the evidence that a violation of § 6-49 or § 6-50 has occurred or if the court finds that the animal will suffer needlessly if humane destruction is delayed.

(b) Whenever a peace officer, enforcement agent or animal control officer seizes or impounds an animal based on a reasonable belief that a violation of § 6-49 or § 6-50 has occurred or that prompt action is required to protect the health or safety of the animal or the health and safety of other animals, the owner or keeper of the animal may request a post-seizure hearing to determine the validity of the seizure or impoundment or both. The post-seizure hearing shall be commenced as follows:

(1) If the owner is known, the owner may sign a statement permanently relinquishing ownership of the animal to the peace officer or enforcement agent. The statement shall indicate that the animal will be either placed for adoption, through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely destroyed according to law;

(2) If the owner's or keeper's whereabouts cannot be determined, the notice shall be mailed to the owner or keeper's last known address by registered or certified mail, return receipt requested;

(3) The police department, within forty-eight (48) hours, excluding weekends and city holidays, of the seizure or impoundment, shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice of the seizure or impoundment, or both, to the owner or keeper, if known or ascertainable after reasonable investigation. The notice shall include the following:

a. The name, business address and telephone number of the person providing the notice;

b. A description of the animal seized, including identification upon the animal if any;

c. The authority and purpose for the seizure, or impoundment, including the time, place and circumstances under which the animal was seized;

d. A statement that, in order to receive a post-seizure hearing, the owner or person authorized to keep the animal, or his or her agent, shall request the hearing by signing and returning to the court an enclosed declaration of ownership or right to keep the animal within ten (10) days, including weekends and city holidays, of the date of the notice. The declaration must be returned by personal delivery or by mail. The declaration will be deemed received at the time it is personally served or, if mailed, upon receipt;

e. A statement that the owner or keeper is responsible for the cost of housing, caring for and treating the animal that was properly seized and impounded;

f. A statement that the owner is required to post a bond with the court to defray the expenses of housing, caring for and treating the animal that has been properly seized and impounded;

g. A warning that if the owner or keeper fails to post the bond within ten (10) days of the seizure, including weekends and holidays, the animal will be deemed abandoned and will be placed for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely euthanized according to law;

- h. A warning that if the owner or keeper fails to appear at the hearing, the court shall order the animal forfeited to the city to be placed for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely destroyed according to law; and
 - i. A warning that this civil hearing is separate and distinct from any animal cruelty prosecution, that anything the person testifies to at the hearing may be used against them in the criminal prosecution, that they are not entitled to a public defender, that if they wish to be represented by an attorney at the seizure hearing they must retain an attorney and that no continuances of the hearing will be granted to secure an attorney.
- (4) The court shall conduct the post-seizure hearing within fifteen (15) days of the court's receipt of the request, excluding weekends and city holidays; and
- (5) Failure of the owner or keeper, or the owner's or keeper's agent, to request or to attend a scheduled hearing shall result in a forfeiture of any right to a postseizure hearing and the animal shall be abandoned and will be either placed up for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely destroyed according to law.
- a. In the event of the acquittal or final discharge without a conviction of a person who was charged under this article, or a determination that the animal is not vicious, the court shall, upon demand, direct the release of seized or impounded animals that have not been forfeited upon a showing of proof of ownership. Any questions regarding ownership shall be determined in a separate hearing by the court and the court shall hear testimony from any persons who may assist in determining ownership of the animal. If the owner is determined to be unknown or the owner is prohibited or unable to retain possession of the animal for any reason, the court shall order the animal released for placement with Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely euthanized according to law. This subsection shall not be construed to cause the release of an animal seized or impounded pursuant to any other local, state or federal law or regulation; and
 - b. It is unlawful for a person to fail to produce the animal at the time of the hearing if the animal was not initially seized, make arrangements with and allow the police department to view the animal upon request, or provide verification that the animal has been humanely destroyed.

(Ord. No. O2014.08, 1-23-14)

Sec. 6-52. Enforcement; nonpreclusion of other enforcement action; appeal.

- (a) Any peace officer, enforcement agent or county animal control officer is hereby authorized and empowered to enforce the provisions of this article and to issue citations for the violations thereof.
- (b) It shall be unlawful for any person(s) to interfere with any officer authorized to enforce this article in the performance of his duties, or to release any animal duly seized and/or impounded and any person guilty of such act shall be guilty of a class 1 misdemeanor.
- (c) Use of the civil procedures and remedies provided for in this article shall neither require nor preclude other enforcement action on the same facts, including a criminal prosecution of the owner. The civil procedures and remedies provided for in this article are remedial and not punitive and are not precluded by an acquittal or conviction in a criminal proceeding.
- (d) Appeal by either party of the decision of the court shall be by way of special action to the superior court on the record of the hearing. The court, at the hearing, shall issue an order that includes written findings of fact and conclusions of law. If either party claims the record to be incomplete or lost and the court who conducted the hearing so certifies, a new hearing shall be conducted before that court. The owner must post a bond equivalent to sixty (60) days of impoundment costs in order to perfect the owner's appeal. Notice of the amount due shall be given to the owner by the court at the time of the seizure hearing if forfeiture is ordered. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than five (5) days after the decision.

(e) Unless good cause is shown, the owner shall be liable for all veterinary, impound and board fees resulting from the animal's impoundment until a final decision by the court, including the pendency of an appeal. The owner shall not be responsible for any fees if the owner prevails at the hearing or ultimately on appeal.

(Ord. No. O2014.08, 1-23-14)

Sec. 6-53. Disposition of animals.

Any animal forfeited, abandoned, ownerless or unclaimed, and any other animal to be permanently disposed of by the city shall be placed for adoption through Maricopa County Animal Care and Control, an animal welfare organization, an animal shelter, a suitable home or humanely destroyed.

(Ord. No. O2014.08, 1-23-14)

City of Tolleson

CHAPTER 9: - ANIMALS

ARTICLE 9-1: - GENERAL RULES AND REGULATIONS

GENERAL PROVISIONS

§ 9-1-1 - DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any and all types of animals, domestic and wild, male and female, singular and plural, and includes, but is not limited to, mammals, reptiles, amphibians, birds, fowl, snakes, spiders and insects.

AT LARGE. An animal not under restraint.

BITE. Any penetration of the skin by the teeth of any animal.

CAT. Any member of the feline species.

COLLAR. A band, chain, harness or suitable device worn around the neck of an animal to which a license may be affixed.

DANGEROUS ANIMAL. Any animal that has a propensity to bite or to otherwise cause physical injury to any person or other animal, or to destroy, damage or cause damage to the property of any person, or that has been so declared after a hearing before a justice of the peace or the Chief Magistrate.

DOG. Any member of the canine species.

ENFORCEMENT AGENT. Any city police officer or other person designated or contracted by the city for the purpose of enforcing this chapter.

FOWL. Chickens, ducks, geese and turkey.

IMPOUND. The act of taking or receiving an animal into custody for the purpose of confinement at an animal control facility.

KENNEL. An enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.

LEASH or LEAD. A chain, rope, leather strap, cord or similar restraint attached to a collar or harness or otherwise secured around an animal's neck.

LICENSED DOG. Any dog having a current license.

LIVESTOCK. Neat animals, horses, sheep, goats, swine, mules and asses.

OWNER. Any person owning, keeping, possessing, harboring, maintaining or having custody or otherwise having control of an animal within or without the city limits.

POLICE DOG. Any dog belonging to any law enforcement agency service dog unit.

POUND. Any animal control facility authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his or her official duties.

PROVOCATION. Any behavior toward an animal or its owners or its owner's property that is likely to cause a defensive reaction by the animal.

RABIES QUARANTINE AREA. Any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

RABIES VACCINATION CERTIFICATE. A method of recording and duplicating rabies information that is in compliance with the enforcement agent's licensing system and/or enforcement agent's prescribed forms.

STRAY DOG. Any dog three months of age or older running at large that is not wearing a valid license tag.

TIE-OUT. A chain, leash, wire cable or similar restraint attached to a swivel or pulley.

UNDER RESTRAINT. An animal secured by a leash or lead and under the immediate control of a responsible person; or confined within a vehicle; or located upon the real property limits of its owners.

VACCINATION. An anti-rabies vaccination using a type of vaccine approved by the state's veterinarian and administered by a state-licensed veterinarian.

VETERINARIAN. Unless otherwise indicated, any veterinarian licensed to practice in this state or any veterinarian

employed in this state by a governmental agency.

VETERINARY HOSPITAL. Any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals for dental, medical or surgical treatment. A VETERINARY HOSPITAL may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

VICIOUS ANIMAL. Any animal that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation, or that has been so declared after a hearing before a justice of the peace or the Chief Magistrate.

VICIOUS DOG.

- (1) Any dog, except one assisting a peace officer engaged in law enforcement duties, which:
 - (a) When unprovoked, in a vicious or terrorizing manner approaches any person or domestic animal in an apparent attitude of attack upon the streets, sidewalks, or any public or private grounds or places;
 - (b) The owner thereof knows, or should reasonably know, possesses a propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals;
 - (c) Bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private property; or
 - (d) Is owned or harbored primarily or in part for the purpose of dog fighting; or any dog trained for dog fighting.
- (2) Notwithstanding the definition of a VICIOUS DOG above, no dog may be declared vicious if an injury or damage is sustained by a person who, at the time the injury or damage was sustained, had entered upon the premises of another without license, invitation, or other right.

(Am. Ord. 412, N.S., passed 11-10-2003; Am. Ord. 455, N.S., passed 5-8-2007)

§ 9-1-2 - GENERAL PROHIBITIONS.

- (A) Dangerous and vicious animals. It is unlawful for any person to hold, keep or maintain any dangerous or vicious animal within the corporate limits of the city. Any enforcement agent is authorized to kill any dangerous or vicious animal of any kind when it is necessary for the protection of person or property.
- (B) Permitted animals. Notwithstanding the prohibition contained in division (A) above, four or fewer domesticated cats or dogs, and livestock or fowl of a number permitted under applicable zoning, may be held, kept or maintained on any single lot. Any person who keeps or causes to be kept any livestock or fowl within the corporate limits of the city shall keep the livestock or fowl in a pen or similar enclosure to prevent their roaming at large. It is unlawful to cause or allow any pen, stable or place where any animal is or may be kept to become unclean or unwholesome.
- (C) Swine, pigs and roosters. It is unlawful for any person to keep, hold or maintain any swine, pigs or roosters on any premises within the corporate limits of the city.
- (D) Noises. It is unlawful to harbor, keep, hold or maintain any animals that disturb the peace by loud noises at any time of the day or night.
- (E) Animals at large. It is unlawful to permit any animal of any kind to roam or run at large within the city and the animals shall be immediately impounded by the enforcement officer and delivered into the custody of a pound. Any animal may be sold by the city and the proceeds applied to the expense of impounding the animal, the costs of sale and the payment of any fine due by reason of the violation. If any surplus remains, it shall be paid to the owner of the animal. Exhibitions or parades of animals that are *Ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the city. Animals may be at large as an exception to this division as follows:
 - (1) While participating in field trials, obedience classes or kennel club events where the trials, classes or events have been approved by the city;

- (2) While being used or trained for legal hunting or for control of livestock;
 - (3) If a police dog or otherwise assisting a police officer in law enforcement duties; and
 - (4) Guide dogs while assisting disabled persons so long as the dogs are under direct and effective voice control of the person to assure that they do not violate other provisions of law.
- (F) Waste removal required. Every owner of every animal shall immediately remove and dispose of in a sanitary manner any solid waste deposited by the animal on public property or upon any private property without the consent of the owner or the person in control of the property. This section shall not apply to persons with mobility disabilities or police officers or other law enforcement officers accompanied by police dogs while on duty. Nothing in this section shall be deemed to permit or otherwise allow any violation of any applicable state, county or city ordinances including health code and nuisance regulations. A violation of this division shall constitute a civil infraction subject to a fine of \$25 per occurrence.

§ 9-1-3 - POWERS AND DUTIES OF ENFORCEMENT AGENTS.

- (A) Enforcement agents shall:
- (1) Enforce the provisions of this chapter;
 - (2) Issue citations, complaints and notices to appear for violations of the provisions of this chapter in accordance with lawful procedure;
 - (3) Be responsible for determining that any animal within the city limits is a dangerous or vicious animal and poses immediate danger to the safety of any person or other animal or person's property, and impound the animal immediately and deliver it into the custody of a pound; and
 - (4) Be responsible for declaring a rabies quarantine area within his or her area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state's veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state's veterinarian.
- (B) The enforcement agent may designate deputies.

§ 9-1-4 - UNLAWFUL INTERFERENCE WITH ENFORCEMENT AGENT.

It is unlawful for any person to interfere with an enforcement agent in the performance of the enforcement agent's duties. No person may remove, or attempt to remove, an animal that has been impounded or which is in the possession of the enforcement agent.

§ 9-1-5 - HEARING FOR DECLARATION OF AN ANIMAL AS DANGEROUS OR VICIOUS.

- (A) The Chief Magistrate, for good cause shown in a petition filed by the prosecutor's office, shall order that an order to show cause hearing be held within ten days of the date of impoundment of an animal determined by an enforcement agent to be dangerous or vicious, at which time, the owner shall appear and show cause why the animal should not be declared a dangerous or vicious animal and sanctions be ordered pursuant to division (C) below.
- (B) The owner of the animal shall be notified of the hearing by the Court. Upon proof of the notification, the hearing may proceed in the owner's absence.
- (C) Upon the declaration of an animal as a dangerous or vicious animal, the Chief Magistrate may order any of the following:
- (1) That the animal shall be kept in an enclosure that is high enough so that the animal cannot bite, harm or injure anyone outside the enclosure; that the enclosure and property whereon it is located shall be posted with conspicuous warning signs; and that at no time shall the animal leave the enclosure unless it is muzzled, leashed and under the control of an adult person;

- (2) That the animal be banished from the city limits; and/or
- (3) That the animal be humanely destroyed.

PROVISIONS REGARDING CATS

§ 9-1-20 - CONTROL OF CATS.

- (A) It is the intention of the city to regulate cats, as defined as a member of the feline family of animals. For the purposes of this section, a cat is considered to be running at large if it is off the premises of the owner, not under the control of the owner or other persons acting for the owner. The owner is considered any person owning, keeping, possessing, harboring or maintaining a cat.
- (B) Those provisions of Article 9-3 of this chapter pertaining to dogs and rabies control that are applicable to rabies control in cats are specifically incorporated by reference into this section.
- (C) It shall be the duty of the enforcement agent to impound all cats found at large in violation of this chapter, or not in charge or under the care or control of some person in the street, alleys or other public places or vacant or enclosed lots in the city.
- (D) The city may, by resolution, require the payment of appropriate fees, vaccinations and licenses for cats within the city limits.
- (E) The Council specifically finds, by this section, that if any person is the owner or has possession of more than four cats in any dwelling or property less than one acre in size within the city limits, that possession or ownership on the same property of any more than four cats shall be considered a public nuisance and that the nuisance shall be immediately abated. For purposes of this division, it is contemplated that newborn kittens shall not be counted until they reach the age of three months. The burden of establishing the birth date of any kitten shall be on the cat owner.

ARTICLE 9-2: - CRUELTY AND NEGLECT OF ANIMALS

§ 9-2-1 - CRUELTY PROHIBITED.

It is unlawful for any person to torture, cruelly beat or kick, mutilate, cruelly injure or cruelly or unlawfully kill an animal or to cause or allow an animal to be tortured, cruelly beaten or kicked, mutilated, cruelly injured or cruelly or unlawfully killed.

§ 9-2-2 - ABANDONMENT PROHIBITED.

It is unlawful for any owner of an animal to abandon the animal in any location for more than 24 hours without providing for that animal's care and wellbeing. An animal shall be deemed abandoned when the owner has left the animal in an abode that is not presently occupied or released the animal out of a vehicle onto public or private property without making arrangements for its care.

§ 9-2-3 - FAILURE TO RENDER AID.

It is unlawful for any person to accidentally, or otherwise, hit and injure an animal with an automobile or other vehicle and to leave without making a reasonable effort to obtain aid or to render aid and assistance in the care of the animal.

§ 9-2-4 - NEGLECT PROHIBITED.

It is unlawful for any owner of any animal to fail to comply with the following:

- (A) Daily provide the animal with food that is of sufficient quantity and nutritive value to maintain the animal in good health;

- (B) Provide potable water that is accessible to the animal at all times;
- (C) Provide access to natural or artificial shelter to the animal throughout the year. The shelter must be maintained in good repair to protect the animal from injury and the elements and must be of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Livestock and fowl are not included in this section;
- (D) Provide the animal with the care and medical treatment for injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering;
- (E) Provide the animal with adequate exercise space;
- (F) If the animal is on a tie-out, the tie-out must consist of a chain, leash, wire cable or similar restraint attached to a swivel or pulley. Tie-out collars shall not be of a choke type. The tie-out shall be located so that it cannot be entangled with other objects, or caught on objects such as fences or walls. No tie-out shall employ a restraint that is less than ten feet in length; and
- (G) Provide the animal with adequate ventilation and protection from temperature extremes at all times. It is unlawful for any person to keep any animal in a vehicle or other enclosed space in which the temperature is either so high or so low, or the ventilation is so inadequate as to endanger the animal's life or health.

§ 9-2-5 - USE OF FORCE.

- (A) An enforcement agent is authorized to use whatever force is necessary to remove any animal from a vehicle or other enclosed space whenever it appears that the animal's life or health is endangered by extreme temperatures or lack of ventilation.
- (B) No enforcement agent shall be liable for damages to property caused by the use of force necessary to remove an animal from a vehicle or other enclosed space under the circumstances.

§ 9-2-6 - DOGS NOT PERMITTED AT LARGE; WEARING LICENSES.

- (A) In a rabies quarantine area, no dog shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property or secured so that the dog is confined entirely to the owner's property or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property.
- (B) Any dog over the age of three months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for the control of livestock or while being used or trained for hunting dogs while being exhibited or trained at kennel club events, or dogs while engaged in races approved by the Arizona Racing Commission, and those dogs while being transported to and from the events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed, and controlled.
- (C) If any dog is at large on the public streets, public parks, or public property, then the dog's owner or custodian is in violation of this article.
- (D) Any person whose dog is at large is in violation of this article. A dog is not at large:
 - (1) If the dog is restrained by a leash, chain, rope, or cord of not more than six feet in length of sufficient strength to control the actions of the dog or is confined entirely to the owner's property by adequate fence or other method;
 - (2) If the dog is used to control livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission;

- (3) While the dog is actively engaged in dog obedience training, accompanied by and under the control of his or her owner or trainer, provided that the person training the dog has in his or her possession a dog leash of not more than six feet in length and of sufficient strength to control the dog; and further, that the dog is actually enrolled in or has graduated from a dog obedience training school; or
 - (4) If the dog, whether on or off the premises of the owner or person acting for the owner, is controlled as provided in division (D)(1) of this section or within a suitable enclosure which actually confines the dog.
- (E) Any dog(s) at large shall be apprehended and impounded by an enforcement agent.
- (1) The agent shall have the right to enter upon private property when it becomes necessary to do so in order to apprehend any dog that had been running at large. The entrance upon private property shall be in reasonable pursuit of the dog(s) and not include entry into a domicile or enclosure which confines a dog unless it is at the invitation of the occupant.
 - (2) The agent may issue citation(s) to the dog owner or the person acting for the owner when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citation(s) pursuant to this article shall be subject to the provisions of A.R.S. § 13-3899.
 - (3) In the judgment of the enforcement agent, if any dog at large or any other animal that is dangerous or fierce and a threat to human safety that cannot be safely impounded, it may be slain.

(Am. Ord. 455, N.S., passed 5-8-2007)

§ 9-2-7 - IMPOUNDING AND DISPOSING OF DOG AND CATS; RECLAIMING IMPOUNDED DOGS AND CATS; POUND FEES.

- (A) Any stray dog or cat shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.
- (B) Each stray dog or cat impounded shall be kept and maintained at the pound for a minimum of 72 hours unless claimed by owner. Any person may purchase the dog or cat upon expiration of the impoundment period, provided the person pays all pound fees and complies with the licensing and vaccinating provisions of the article. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane society. If the dog or cat is used for medical research, no license or vaccination is required. The enforcement agent may destroy impounded sick or injured dogs or cats whenever the destruction is necessary to prevent the dog or cat from suffering or to prevent the spread of disease.
- (C) Any impounded licensed dog or any cat may be reclaimed by its owner or the owner's agent, provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impound period, the enforcement agent shall take possession and may place the dog or cat for sale or dispose of the dog or cat in a humane manner. Any person purchasing a dog or cat shall pay all pound fees.

(Am. Ord. 455, N.S., passed 5-8-2007)

§ 9-2-8 - DETERMINATION OF VICIOUS DOG.

- (A) Hearing. In the event that the Police Chief or his or her designee has reasonable grounds to believe that a dog may be vicious, a hearing may be convened. Dog owners are guaranteed due process hearings in the initial determination and in the completion of any appeal process with regard to the determination that their animal is a vicious dog as defined by the this article.

- (B) Written notice. Written notice informing the owner of the charged viciousness and of the hearing shall be served by the Police Chief or his or her designee pursuant to the Arizona Rules of Civil Procedure. A hearing shall be held not later than ten calendar days from the date notice was served to the owner.
- (C) Hearing officer. The due process hearing will be conducted by a Chief Magistrate or hearing officer. The Chief Magistrate or hearing officer will make findings of fact and conclusions of law. The Chief Magistrate or hearing officer shall provide the owner with a written copy of the findings.
- (D) Hearing procedure. The hearing shall be informal and shall be open to the public. At hearing, both oral and documentary evidence may be taken from any interested person and considered in determining whether the dog is vicious. Any owner who fails to appear after notice is given without obtaining a continuance from the appointed hearing officer or Chief Magistrate may be deemed to have waived any right to introduce evidence or object to any order made by the Chief Magistrate or hearing officer. The Chief Magistrate or hearing officer's decision shall be based on the preponderance of evidence.
- (E) Notice. If the animal is deemed to be a vicious dog, the Chief Magistrate or hearing officer will advise the owner of the decision at the hearing or send a registered letter advising the owner of such within ten days of the conclusion of the hearing.
- (F) Probable cause. In the event that the enforcement agent or law enforcement officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the enforcement agent or law enforcement officer may require the seizing and impoundment of the dog pending the hearing.

(Ord. 455, N.S., passed 5-8-2007)

§ 9-2-9 - CONTROL OF A VICIOUS DOG.

Once a dog is declared vicious, the following steps will be required to continue ownership of an animal.

- (A) Upon determination of viciousness. Immediate steps that must be completed within one calendar day upon completion of notification of a determination of viciousness.
 - (1) Leash and muzzle. No person shall permit a vicious dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than six feet in length. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside confinement unless a person is in physical control of the leash. The dogs may not be leashed to inanimate objects such as trees, posts, buildings, and the like. In addition, all vicious dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. Any kennel or pen must meet the requirements of § 9-2-9(C)(1).
 - (2) Confinement indoors. No vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit the building on its own volition.
- (B) Reporting requirements. The following types of information must be reported by the owner of the dog to the Police Chief or his or her designee within ten calendar days of occurrence:
 - (1) Death of dog. A written notice from a veterinarian confirming the death of the dog must be provided to the Police Chief or his or her designee.
 - (2) Yearly renewal of liability insurance.
 - (3) The new address of a registered vicious dog owner should the owner move within the city limits.
 - (4) The new address of a registered vicious dog that has been moved permanently outside the city limits.
- (C) Schedule for completion. A time schedule for completion of the following steps is to be set by the hearing officer, but in no case will it be longer than 30 calendar days from the date of the Chief Magistrate or hearing officer's decision.
 - (1) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled. The pen, kennel, or structure must have secure sides and a secure top attached to the sides.

- (a) All structures used to confine vicious dogs must be locked when the animals are within the structure. The structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet.
 - (b) The pen or kennel may not share common fencing with the area of perimeter fence.
 - (c) All structures erected to house vicious dogs must comply with all zoning and building regulations of the city. All structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition and any other condition that provides for humane care.
- (2) Registration. A declared vicious dog shall not only be licensed yearly but shall also be permanently registered as a vicious dog with the Tolleson Police Department.
 - (3) Signs. All owners of vicious dogs within the city shall display in a prominent place on their premises a sign in three-inch letters, easily readable by the public, using the words "Vicious Dog." In addition, a similar sign is required to be posted on the kennel or pen of the animal.
 - (4) Insurance. All owners of vicious dogs must obtain public liability insurance in a single incident amount of \$100,000 for bodily injury to or death of any person or persons or for damage to property or animals owned by any persons resulting from the ownership of a dog. All owners must provide proof of insurance and effective dates to the Police Chief or his or her designee. Cancellation of liability insurance by the dog's owner is allowed only in the event that the dog dies. The owner of a dog must notify the Police Chief or his or her designee within ten days if insurance coverage is cancelled by the insurance carrier and provide proof that substitute insurance coverage has been obtained.
 - (5) Failure to comply. The purpose of complying with these guidelines for a dog declared vicious is to prevent attacks, injuries, or deaths by mandating the use of control methods. Owners have the opportunity to keep their dogs if this article is complied with.
 - (a) It shall be unlawful for the owner of a vicious dog registered in the City of Tolleson to fail to comply with the requirements and conditions set forth in this article. Any dog determined to be a vicious dog pursuant to § 9-2-8 that is found to be in violation of this article shall be subject to immediate seizure and impoundment and may be destroyed upon order of a Chief Magistrate.
 - (b) Any dog that has been determined to be a vicious dog pursuant to § 9-2-8 that injures or kills a human being or a domestic animal and is in violation of this article shall be destroyed.

(Ord. 455, N.S., passed 5-8-2007)

§ 9-2-10 - PENALTY; VICIOUS DOG.

- (A) Any owner of a dog that has been declared vicious pursuant to § 9-2-8 who violates or permits the violation of any provision of this article shall, upon conviction in the City of Tolleson Court, be fined a sum of not less than \$250 and not more than \$2,500 or by imprisonment not to exceed six months, or by both fine and imprisonment.
- (B) In addition, the Court may order the vicious dog impounded and destroyed.
- (C) The Court may order any person who violates the provisions concerning vicious dogs to pay all expenses related to the impounding of the vicious dog, including shelter, food, handling, and veterinary care, to the city.
- (D) The Court may also order any person who violates this article to pay restitution to any victim or victims whose person or animal was injured or killed or property damaged.
- (E) In the event that the owner of the vicious dog is a minor, the parent or guardian in physical control of the minor at the time of the acts giving rise to the determination of viciousness shall be liable:
 - (1) For all injuries and property damage sustained by a person or domestic animal caused by an unprovoked attack by the vicious dog; and

(2) All violations of this article.
(Ord. 455, N.S., passed 5-8-2007)

ARTICLE 9-3: - RABIES; ANIMAL CONTROL

§ 9-3-1 - LICENSE FEES FOR DOGS; ISSUANCE OF DOG TAGS.

Every dog shall be licensed in accordance with current applicable county and state laws and regulations.

§ 9-3-2 - KENNEL PERMIT; FEE; VIOLATION.

- (A) A person operating a kennel shall obtain a permit issued by the city, except if each individual dog is licensed.
- (B) The annual fee for the kennel permit shall be set by the Council.
- (C) A dog remaining within the kennel is not required to be licensed individually unless otherwise required by law. A dog leaving the controlled kennel conditions shall be licensed except if the dog is only being transported to another kennel that has a permit issued under this section.
- (D) A person who knowingly fails within 30 days after written notification from the enforcement agent to obtain a kennel permit is guilty of a violation of this section.

§ 9-3-3 - HANDLING OF BITING ANIMALS; RESPONSIBILITY FOR REPORTING ANIMAL BITES.

- (A) An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.
- (B) Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than 14 days, provided that livestock shall be confined and quarantined for the 14-day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.
- (C) Any wild animal that bites any person may be killed and submitted to the enforcement agent or the enforcement agent's deputies for transmission to an appropriate diagnostic laboratory.
- (D) Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.
- (E) The enforcement agent may destroy any animal confined and quarantined pursuant to this article prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - (1) The animal shows clear clinical signs of rabies; and
 - (2) The owner of the animal consents to its destruction.
- (F) Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

§ 9-3-4 - UNLAWFUL KEEPING OF DOGS.

It is unlawful for a person to keep, harbor or maintain a dog within the city, except as provided by the terms of this article.

§ 9-3-5 - DOGS; LIABILITY.

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog's owner or person or persons responsible for the dog when the damages were inflicted.

City of Wickenburg

CHAPTER 7 ANIMALS

ARTICLE 7-1 RULES AND REGULATIONS

- 7-1-1 Definitions
- 7-1-2 Powers and Duties of the State Veterinarian and the Livestock Board
- 7-1-3 Powers and Duties of State Department of Health Services
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- 7-1-5 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification; Exception
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Section 7-1-1 Definitions

In this Chapter unless the context otherwise requires:

- A. "Animal" means any animal of a species that is susceptible to rabies, except man.
- B. "At large" means on or off premises of the owner and not under control of the owner or other person acting for the owner. Any dog in a suitable enclosure, which actually confines the dog, shall not be considered to be running at large.
- C. "Department" means the State Department of Health Services.
- D. "Enforcement agent" means that person in each County who is responsible for the enforcement of this Chapter and the regulations promulgated thereunder.
- E. "Impound" means the act of taking or receiving into custody, by the enforcement agent, any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this Chapter.
- F. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five (5) or more dogs under controlled conditions.
- G. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
- H. "Owner" means any person keeping an animal other than livestock for more than six (6) consecutive days.
- I. "Pound" means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.
- J. "Rabies quarantine area" means any area in which a State of Emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- K. "Rabies vaccination certificate" means a method of recording and duplicating rabies information that is in compliance with Maricopa County enforcement agent's licensing system or Maricopa County enforcement agent's prescribed forms.
- L. "Stray dog" means any dog four (4) THREE (3) months of age or older running at large that is not wearing a valid license tag.

- M. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian or in authorized pounds by employees trained by a veterinarian.
- N. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in this State or any veterinarian employed in this State by a governmental agency.
- O. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in this State that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.
- P. "Vicious animal" means any animal of the order carnivore that has a propensity to bite human beings without provocation and has been so declared after a hearing before a Justice of the Peace or a Town Magistrate.

Section 7-1-2 Powers and Duties of the State Veterinarian and the Livestock Board

- A. The State Veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.
- B. The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

Section 7-1-3 Powers and Duties of State Department of Health Services

- A. The State Department of Health Services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.
- B. The State Department of Health Services may require the enforcement agent to submit a record of all dog licenses issued and, in addition, any information deemed necessary to aid in the control of rabies.

Section 7-1-4 Powers and Duties of Enforcement Agent

- A. The enforcement agent shall:
 - 1. Enforce the provisions of this Article and the regulations promulgated thereunder.
 - 2. Issue citations for the violation of the provisions of this Article and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
 - 3. Be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the State Veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the State Veterinarian.
- B. The issuance of citations pursuant to this Section shall be subject to the provisions of A.R.S. § 13-3899.
- C. The enforcement agent may designate deputies.

Section 7-1-5 License Fees for Dogs; Issuance of Dog Tags; Records Penalties; Classification; Exception

- A. The Town Council shall set an annual license fee which shall be paid for each dog four (4) THREE (3) months of age or over that is kept, harbored or maintained within the boundaries of the Town for at least thirty(30) consecutive days of each calendar year. License fees shall become payable at the discretion of the Council. The licensing period shall not exceed the period of time for revaccination as designated by the State Veterinarian. License fees shall be paid within ninety (90) days. A penalty not to exceed four TWENTY-TWO dollars (\$4.00)

(\$22.00) shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this Article. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty (30) consecutive days.

B. Durable dog tags shall be provided. Each dog licensed under the terms of this Article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the County, the number of the license and the date on which it expires. The tag shall be attached to a collar or harness, which shall be worn by the dog at all times while running at large, except as otherwise provided in this Article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the enforcement agent.

C. License fees may be lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.

D. Any person who fails within fifteen (15) days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or remove such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a Class 2 Misdemeanor.

E. A guide dog belonging to a blind person who is a resident of the State or any bona fide, non-profit organization which is in the business of breeding, raising or training dogs that are used for guiding the blind shall, upon application by the owner or organization to the enforcement agent and on presentation of proper proof, be vaccinated and licensed pursuant to this Article without payment of a fee.

Section 7-1-6 Anti-Rabies Vaccination, Vaccination and License Stations

A. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, type, manufacturer and serial number of the vaccine used, and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or before the tenth (10th) day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this Article and the regulations promulgated thereunder.

B. A dog vaccinated in any other State prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that State or a veterinarian employed by a governmental agency in that State, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this Article and the regulations promulgated there under.

C. The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

Section 7-1-7 Kennel Permit; Fee, Violation *Ord. 1140

A. A person operating a kennel shall obtain a permit issued by the Board of Supervisors of the County where the kennel is located except if each individual dog is licensed.

B. A dog remaining within the kennel is not required to be licensed individually under A.R.S. § 24-367. A dog leaving the controlled kennel conditions shall be licensed under A.R.S. § 24-367, except if the dog is only being transported to another kennel, which has a permit, issued under this Section.

C. A person who fails to obtain a kennel permit under this Section is subject to a penalty, as established by Council Resolution.

D. A person who knowingly fails within thirty (30) days after written notification from the County enforcement agent to obtain a kennel permit is guilty of a Class 1 Misdemeanor.

Section 7-1-8 Rabies Control Fund

A. The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this Article in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this Article and the regulations promulgated thereunder.

B. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

Section 7-1-9 Dogs Not Permitted at Large; Wearing License

A. Neither a female dog during her breeding or mating season nor a vicious dog shall be permitted at large.

B. In a rabies quarantine area, no dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that a dog is confined entirely to the owner's property, or on a leash not to exceed six feet (6') in length and directly under the owner's control when not on the owner's property.

C. Any dog over the age of four (4) THREE (3) months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting, or dogs while being exhibited or trained at a kennel club event, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

D. If any dog is at large on the public streets, public parks or public property, then said dog's owner or custodian is in violation of this Article.

- E. Any dog(s) at large in violation of this Section shall be apprehended and impounded by an enforcement agent.
1. Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog(s), and shall not include entry into a domicile or enclosure, which confines a dog unless it be at the invitation of the occupant.
 2. Said agent may issue a citation(s) to the dog owner or person acting for the owner when the dog is at large. The procedure for the issuance of notice to appear shall be as provided for Peace officers in A.R.S. §13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citation(s) pursuant to this Article shall be subject to provisions of A.R.S. § 13-3899.
 3. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain.

Section 7-1-10 Establishment of Pounds; Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees

A. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.

B. Each stray dog or any cat impounded shall be kept and maintained at the pound for a minimum of seventy-two (72) hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this Article. If the dog or cat is not claimed within the impoundment period, the enforcement agent

shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or cat is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.

C. Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent, provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such dog or cat shall pay all pound fees. Pound fees shall be set by resolution of the Council.

Section 7-1-11 Handling of Biting Animals; Responsibility for Reporting Animal Bites; Authority to Destroy Animals

A. An unlicensed or unvaccinated dog or any cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven (7) days. A dog properly licensed and vaccinated pursuant to this Article that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen (14) days, provided that livestock shall be confined and quarantined for the fourteen (14) day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.

C. Any wild animal, which bites any person, may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.

D. Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

E. The County enforcement agent may destroy any animal confined and quarantined pursuant to this Article prior to the termination of the minimum confinement period for laboratory examination for rabies if:

1. Such animal shows clear clinical signs of rabies.
2. The owner of such animal consents to its destruction.

F. Any animal subject to licensing under this Article found without a tag identifying its owner shall be deemed unowned.

G. The County enforcement agent shall destroy a vicious animal upon an order of a Justice of the Peace or a Town Magistrate. A Justice of the Peace or Town Magistrate may issue such an order after notice to the owner, if any, and a hearing.

Section 7-1-12 Unlawful Interference with Enforcement Agent

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

Section 7-1-13 Removing Impounded Animals

No person may remove or attempt to remove an animal, which has been impounded, or which is in the possession of the enforcement agent except in accordance with the provisions of this Article and the regulations promulgated thereunder.

Section 7-1-14 Unlawful Keeping of Dogs

It is unlawful for a person to keep, harbor or maintain a dog within the Town except as provided by the terms of this Article.

Section 7-1-15 Violation; Classification

Any person who fails to comply with the requirements of this Article, or violates any of its provisions, is guilty of a Class 2 Misdemeanor and may be subject to imprisonment for a maximum period of four (4) months or fined a maximum of \$750.00, or both.

Section 7-1-16 Dogs; Liability

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when such damages were inflicted.

Section 7-1-17 Proper Care, Maintenance and Destruction of Impounded Animals

A. Any animal impounded in a County, City or Town pound shall be given proper and humane care and maintenance.

B. Any dog or cat destroyed while impounded in a County, City or Town pound shall be destroyed only by the use of one of the following:

1. Sodium pentobarbital or a derivative or sodium pentobarbital.
2. Nitrogen gas.
3. T-61 Euthanasia solution or its generic equivalent.

C. If an animal is destroyed by means specified in Subsection B. paragraphs 1 or 3 of this Section, it shall be done by a licensed veterinarian or in accordance with procedures established by the State Veterinarian pursuant to A.R.S. § 24-153.

D. The governing body of any County, City or Town, which operates a pound, shall establish procedures for the humane destruction of impounded animals by the methods described in Subsections B and C of this Section.

Section 7-1-18 Disposal of Fecal Matter Ord. 1006/1-09

The owner or person in control of a dog shall immediately remove all feces deposited by such dog on or in Town parks, sidewalks, streets, hard surface trails intended for use by pedestrians or bicycles, and Town property on which structures or other improvements have been constructed. Such dog feces shall be disposed of in a sanitary manner. A violation of this Section shall be a Class 2 Misdemeanor subject to a fine of a maximum of \$300.00.

City of Youngtown

Title 6 ANIMALS

Chapter 6.04 - ANIMAL CONTROL

Sections:

- 6.04.010 Dangerous animals.
- 6.04.020 Killing dangerous animals.
- 6.04.030 Noises.
- 6.04.040 Restrictions on keeping of animals.
- 6.04.050 Violations—Penalties.
- 6.04.060 Enforcement.

6.04.010 Dangerous animals.

It is unlawful to permit any dangerous, vicious animal of any kind to run at large within the town, and such animals may immediately be captured by animal control officers or certified wildlife officers and disposed of as required by state law. Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the chief of police.

(Ord. 03-17 § 1 (part); prior code § 6-1-1)

6.04.020 Killing dangerous animals.

The members of the police department are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

(Prior code § 6-1-2)

6.04.030 Noises.

It is unlawful to harbor or keep any animals that disturb the peace, comfort or health of any person residing in the town by loud noises at any time of the day or night.

(Prior code § 6-1-3)

6.04.040 Restrictions on keeping of animals.

A. No person shall keep within the corporate limits of the town any animal in such a manner as to disturb the peace, health or safety of any person residing in the town.

B. No person shall keep within the corporate limits of the town any horses, mules, cattle, burros, goats, sheep, swine, poultry or any other animal if such animal shall cause or create or contribute to or become a health nuisance or health hazard; the presence of flies, mosquitoes, insects, vermin, rodent harborage, odors, dust, ponded water, accumulation of manure, garbage, refuse or other obnoxious or putrescible material shall constitute prima facie evidence of a health nuisance.

C. The keeping of all animals within the town shall be subject to all pertinent and consistent regulations of the state of Arizona and Maricopa County.

D. To protect the health and safety of the residents of Youngtown, the number of cats and dogs for each residence shall be limited to a maximum of four such animals.

E. Each owner of a dog residing in the town shall comply with all licensing requirements and regulations of Maricopa County.

(Ord. 03-17 § 1 (part); Ord. 92-5 § 1; prior code § 6-1-4)

6.04.050 Violations—Penalties.

At the discretion of the magistrate of the town of Youngtown, a first violation of this chapter may be designated a civil offense with a maximum fine of fifty dollars (\$50.00); a second conviction for a violation of this chapter may be designated a petty offense for which the maximum fine will be one hundred dollars (\$100.00); and any subsequent conviction will be a Class1misdemeanor for which the maximum fine will be up to two thousand five hundred dollars (\$2,500.00) or six months in jail or both such fine and imprisonment.
(Ord. 05-13 § 1: Ord. 03-17 § 1 (part): Ord.02-04 § 3 (part); prior code § 6-1-5)

6.04.060 Enforcement.

This chapter may be enforced by the town code enforcement officer, the chief of police or his or her designee(s), and/or any animal control agency with which the town has a contract to provide animal control services. No person shall attempt to remove an animal from the custody of an animal control enforcement official.
(Ord. 03-17 § 1 (part))