

## CHAPTER 6 ANIMALS

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#### Section 6 – 1 – 1 Authority of the Animal Control Officer; Enforcement

- A. The town marshal shall be the animal control officer, who shall be responsible for enforcing the provisions of this chapter.
- B. The animal control officer shall have authority to designate certain public parks or other Town property to be No Dog Zones, and to post such property with appropriate signs.
- C. The animal control officer, his deputy or any peace officer may issue citations and initiate actions in the town magistrate court for enforcement of this chapter.
- D. 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 issuing officer shall not make an arrest before issuing the notice, and the complaint shall be subject to the provisions of A.R.S. § 13-3899.
- E. Any person cited for a civil infraction hereunder who fails to appear on the appointed day before the town magistrate shall be deemed to have admitted the allegations of the citation and the town magistrate shall enter a default judgment on the citation and impose an appropriate fine. Such default judgment may be set aside for good cause shown in according with the rules of civil procedure for the superior court.

#### Section 6 – 1 – 2 Definitions

The following definitions shall apply throughout this chapter unless the context clearly indicates otherwise.

- (1) *Animal* means any vertebrate animal of a species other than man except rodents, which may be controlled pursuant to state law.
- (2) *Owner* means any person owning, keeping, possessing, harboring, maintaining or having custody or otherwise having control of an animal within the town for more than two consecutive days.

Section 6 – 1 – 3     Running at Large Prohibited

- A.     It shall be unlawful for any person having the control or custody of any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep, goat or other large or dangerous animal to permit the same to run at large within the town.
- B.     It shall be unlawful for any person having the control or custody of any animal mentioned in subsection A to cause or permit the animal to graze or pasture upon any land within the town except upon land owned, leased or licensed by the owner of the animals, and only if such animals are securely fastened, fenced or corralled in a manner that prevents them from running at large in violation of subsection A, and provided that said animals have adequate water, feed and reasonable protection from the weather.
- C.     In addition to any other penalty imposed by this chapter, animals found within the town in violation of this section shall be impounded and disposed of in a manner provided by state law.

Section 6 – 1 – 4     Cruelty and Neglect of Animals

- A.     It shall be unlawful for any person to subject any animal to cruel treatment, cruel neglect or cruel abandonment. The provisions of this section shall be interpreted in conformance with and pursuant to state law.
- B.     1. Cruel treatment as used herein shall mean the torture, cruel beating, mutilation, burning, stabbing or gross and inhumane overworking of an animal that inflicts severe pain or permanent disfigurement upon the animal.  
  
2. Cruel neglect as used herein shall mean depriving the animal for an extended period of time of water, food or minimal shelter from the elements; or exposing the animal to extreme temperatures for even a short period of time, such as in an enclosed car in the summer; or keeping or harboring the animal for an extended period of time in grossly unsanitary conditions; or repeatedly or continuously exposing the animal to another vicious animal that is known for attacking this or other animals; which alone or in combination endangers the animal's life or substantially impairs its health and well-being.  
  
3. Cruel abandonment as used herein shall mean the intentional abandonment of a domestic animal or pet in the wild or other location that leaves the animal without any ready source of food, water and protection from the elements and predators.

Section 6 – 1 – 5     Impoundment – General

- A.     The animal control officer, his deputy or any peace officer or county animal control officer observing an animal controlled, harbored or otherwise possessed in violation of this chapter, and where such possession, control or harboring constitutes an immediate life-threatening situation for such animal, may petition the town magistrate for an order for the immediate impoundment of such animal or for other appropriate relief, which may be heard and determined by the town magistrate ex parte and telephonically, subject to review at a later hearing that provides the owner or responsible party full due process rights.
- B.     The owner of an animal impounded under this section shall be served with a copy of the petition and order not later than three days after the animal is impounded.
- C.     An owner of an animal impounded pursuant to this section may request, within five days after the service of the petition and order, an order releasing the impounded animal or for other appropriate relief.
- D.     The owner of an animal impounded under this section shall be responsible for all costs of impoundment.

Section 6 – 1 – 6     Interference with Animal Control Officer Prohibited

It is unlawful for any person to intervene, impede, prevent, obstruct or intimidate in any manner the animal control officer or any other authorized employee of the Town in the discharge of his/her duties in taking up or attempting to take up and impound any and all animals which it shall be his/her duty to impound under the provisions of this chapter, or who shall rescue or attempt to rescue any animal so taken up or to release any animal so impounded.

Section 6 – 1 – 7     Nuisance Animal Noises Prohibited

Pursuant to Section 10-1-9 of the Town Code, it is unlawful for any person to keep or harbor an animal that creates a nuisance due to the animal's barking, howling, squacking or vocalizing.

Section 6 – 1 – 8     Wild Animals

- A.     It shall be unlawful for any person having charge, care or control of any wild animal, by nature dangerous or vicious, to keep, bring, maintain or exhibit such animal within the town, unless the animal be confined in a cage or enclosure adequate to prevent its escape and prevent any access to the animal by any non-authorized person.
- B.     Except for animals kept in conformity with subsection A, it shall be unlawful for any person to feed any wild animal except birds.

Section 6 – 1 – 9 Corrals and Pens

- A. It shall be unlawful for any person having the control or custody of any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep, goat or other livestock to house, shelter or feed such animal in a corral or pen located within twenty (20) feet of a neighboring occupied structure.
- B. Any person having custody or control of any animal listed above shall clean and maintain its corral, pen, yard or run so as to avoid its becoming a public nuisance as defined in Section 9 – 3 – 2.

Section 6 – 1 – 10 Penalties

- A. Any violation of this chapter, unless otherwise specifically set forth herein, is a misdemeanor punishable by incarceration of up to thirty days in the county jail or \$500 fine, or both.
- B. A second violation of this chapter committed within twelve calendar months of the prior conviction shall be a misdemeanor punishable by incarceration of up to four months in the county jail or \$750 fine, or both.
- C. Each day a continuous violation continues is a separate offense.

Article 6 – 2 VICIOUS ANIMALS

- 6 – 2 – 1 Prohibition of Keeping Vicious Animals
- 6 – 2 – 2 Petition to Declare Animal Vicious

Section 6 – 2 – 1 Prohibition of Keeping Vicious Animals

- A. It shall be unlawful for any person to keep, control, harbor or otherwise have under control any animal which is vicious, unless pursuant to an order issued by a town magistrate hereunder.
- B. For the purposes of this Section, the following words are defined as follows:
  - (1) *Bite* shall mean any penetration of the surface of the skin by the teeth of any animal, whether or not the skin is broken or any bleeding results.
  - (2) *Provocation* shall mean any behavior toward an animal or its owner which is likely to cause a bite or defensive reaction by the animal.
  - (3) *Vicious animal* shall mean any animal of the order carnivora that has a propensity to bite human beings or other animals without provocation, and has been so declared after a hearing before the town magistrate.

Section 6-2-2 Petition to Declare an Animal Vicious; Hearing

- A. The town magistrate court, upon petition filed by the Animal Control Officer and for good cause shown, shall order that a hearing be held within seven days of filing the petition at which time the owner shall appear and show cause why an animal should not be declared vicious. If the animal has not been previously impounded, the order may include an order to surrender the animal for impoundment pending the hearing.
1. The order to show cause shall be served in person on the owner of the animal, if known, by either personal service or leaving a copy of the order with a person of suitable discretion at the owner's residence or place of business at least 72 hours in advance of the hearing. Return of service shall be filed with the court.
  2. The animal control officer, his deputy or any peace officer, upon reasonable belief that any animal within the town limits may be vicious and is an immediate danger to the safety of any person or other animal, may impound the animal immediately. Any peace officer or animal control officer impounding an animal hereunder shall, within a reasonable time and not later than five days from impoundment, file a petition with the Town Magistrate as set forth above.
- D. At the hearing, the town shall bear the burden of proof by a preponderance of the evidence that the animal is vicious according to the definition set forth above in Section 6-2-1(B). Hearsay evidence may be admissible at the discretion of the magistrate, provided that the evidence appears reliable.
- E. After hearing, the town magistrate may order one or more of the following:
1. That the animal be declared to be vicious.
  2. That the animal be banished from the town.
  3. That the animal be forfeited to the Town and humanely destroyed or delivered to an animal rescue agency or humane society for adoption pursuant to appropriate protocols for vicious animals.
  4. That the animal be kept only under the terms and conditions established by the town magistrate, to include specific requirements for ensuring that the animal is prevented from running at large or injuring persons or other animals.
  5. That the owner be responsible for all or part of the costs of impoundment.

Article 6-3 DOGS

- 6-3-1 Registration
- 6-3-2 Duty of Care
- 6-3-3 Aggressive Dogs
- 6-3-4 Dog Waste Removal
- 6-3-5 Running at Large Prohibited; No Dog Zones

- 6-3-6 Nuisance Animal Noises
- 6-3-7 Impoundment
- 6-3-7 Duty to Produce
- 6-3-8 Definitions

Section 6-3-1 Registration

- A. The owner, keeper or harbinger of any dog over the age of four months that has been within the state for at least thirty days shall register the dog with the county animal control department, paying all fees and complying with all conditions for such registration, and shall maintain such registration current with the county animal control department.
- B. Each dog registered shall wear a suitable metallic or leather collar, with a metallic tag, furnished by the county upon payment of the registration fee, which will specify the year and number of registry.
- C. All persons owning, keeping or harboring five or more dogs, each of which is at least four months old, in one location for more than thirty continuous days shall obtain and maintain a kennel permit issued by the county, regardless of whether each dog is individually registered, and shall permit the animal control officer or his deputy to inspect the condition of the dogs upon reasonable request.
- D. Subsection C does not apply to any kennel that shelters dogs that are being used or trained for hunting, provided that the kennel complies with state law and has a valid kennel permit issued by the county.
- E. In the discretion of the animal control officer, a complaint alleging a violation of this section may be charged as a civil offense and may be dismissed or the fine suspended upon a showing to the court of proof of vaccination and/or licensing as required of such dog or kennel within 15 working days of the issuance of the complaint.

Section 6-3-2 Duty of Care

- A. It shall be unlawful for any person owning or having custody of any dog to fail to provide such dog with adequate food, water, shelter, reasonable protection from aggressive animals and adequate opportunity or space in which to run.
- B. It shall be unlawful for any person to mistreat any dog.
- C. A violation of this section is a civil infraction subjecting the responsible party to a fine of no less than \$50 per occurrence, or per each separate day for a continuous violation.

Section 6– 3 – 3     Aggressive Dogs

- A.     A person who owns or 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 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.     A violation of this section shall be a civil infraction subjecting the responsible person to a fine of not less than \$50 per occurrence, or per each separate day for a continuous violation.

Section 6 – 3 – 4     Dog Waste Removal

- A.     It shall be unlawful for the owner or person having custody of any dog to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such dog on public property or deposited on private property without the consent of the person in control of the property.
- B.     All dog owners and custodians shall maintain their residences and yards reasonably clean of dog waste to avoid unsanitary conditions or foul and intrusive odors emanating from their property.
- C.     Subsection A shall not apply to blind persons, persons with mobility disabilities, or police officers or other law enforcement officers accompanied by police dogs while on emergency call.

Section 6 – 3 – 5     Running at Large Prohibited; No Dog Zones

- A.     It shall be unlawful for any person owning, keeping, possessing, harboring or maintaining any dog to allow or permit such dog to be at large upon public streets, sidewalks, alleys, parks, or other public property, unless such dog is restrained by means of a leash, chain, rope, cord, or similar device not more than six feet in length, and of sufficient strength to control the action of such dog, except as may otherwise be provided in this Code.
- B.     It shall be unlawful for any person owning, keeping, possessing, harboring or maintaining any dog to allow or permit such dog to be at large upon or about the private property of any person, except on owner's private property, under supervision and verbal control. Confinement shall be accomplished by means of a fence or similar enclosure of sufficient strength and height to prevent the dog from escaping therefrom, or inside a house or other building, or by being secured to a leash, rope or chain which is fastened or picketed in such a manner so as not to injure the dog and so as to keep the dog exclusively on the premises where secured.

- C. Dogs while participating in dog obedience or training classes, while being exhibited or trained at a kennel club event, while assisting their owner or trainer in legal hunting or in herding livestock, while assisting a peace officer engaged in law enforcement duties, or guide dogs while assisting blind or deaf persons, so long as such dogs are in direct and effective voice control of such individuals to assure that they do not violate any other provision of law, shall be exempt from the provisions of subsections (A) and (B) of this section, provided that the dog is accompanied by and under the control of such dog's owner or trainer.
- D. It is unlawful to permit any dog other than a service dog to be within or upon any Town property designated and signed as a No Dog Zone. For the purpose of this section, a service dog is a dog that has been specially trained to assist its owner to maintain or improve function in a major life area.

Section 6 – 3 – 6     Impoundment

- A. The animal control officer shall impound, or cause to be impounded, any dog running at large contrary to the provisions of this chapter.
- B. Upon impounding a licensed dog, the owner shall be immediately notified in person or by mail and may reclaim such dog upon payment of all costs and charges incurred in picking up, impounding, and maintaining the dog.
- C. An unvaccinated dog that bites any person shall be impounded and shall only be released pursuant to state law.
- D. The owner of any animal impounded under this section shall be liable for any impoundment, boarding or veterinary fees incurred in connection therewith.
- E. If the owner of an animal impounded hereunder fails to claim the animal impounded within 72 of its impoundment, or 120 hours for an animal wearing a license, it may thereafter be put up for adoption or humanely disposed of without further notice to the owner.

Section 6 – 3 – 7     Duty to Produce

- A. Any owner of a dog shall produce the dog to the Animal Control Officer for inspection or impoundment upon reasonable request of the Animal Control Officer, provided the Animal Control Officer shall have probable cause to believe that the dog is being kept in violation of this chapter or an order of surrender has been issued by the town magistrate.
- B. It shall be unlawful for any person to willfully fail to produce a dog for inspection or impoundment pursuant to this section.

Section 6 – 3 – 8     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:

- (1) *At large* means not confined within a building, shelter, walled, or fenced area or under the control of a person, either by leash, cord, chain, or otherwise, whether on or off the premises of the owner or person acting for the owner; provided that a dog is considered confined if it is secured to a leash, rope or chain which is fastened or picketed in a manner such as to keep the dog exclusively on the premises where secured.
- (2) *Aggressive dog* means any dog other than a dog owned by a governmental agency used in military or police work, or a service animal, that has bitten a person or domestic animal without provocation or that has a known history of attacking persons or domestic animals without provocation.
- (3) *Collar* means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.
- (4) *Bite* shall mean any penetration of the surface of the skin by the teeth of any animal, whether or not the skin is broken or any bleeding results.
- (5) *Dog* means a member of the canis familiaris family.
- (6) *Mistreat* means the doing of any act or omission whereby unjustifiable pain, suffering, or death by whatever means is caused or permitted.
- (7) *Provocation* shall mean any behavior toward an animal or its owner which is likely to cause a bite or defensive reaction by the animal.
- (8) *Vaccination* means an anti-rabies vaccination using a type of vaccine approved by the state veterinarian.
- (9) *Vicious animal* shall mean any animal of the order carnivora that has a propensity to bite human beings or other animals without provocation, and has been so declared after a hearing before the town magistrate.