

CHAPTER 6 ANIMALS adopted 5/22/13

Article 6 – 1 ANIMALS IN GENERAL

- 6 – 1 – 1 Definitions
- 6 – 1 – 2 Authority of Animal Control Officer
- 6 – 1 – 3 Running at Large Prohibited
- 6 – 1 – 4 Cruelty to Animals Prohibited
- 6 – 1 – 5 Impoundment - General
- 6 – 1 – 6 Interference with Animal Control Officer Prohibited
- 6 – 1 – 7 Nuisance Animal Noises Prohibited
- 6 – 1 – 8 Wild Animals
- 6 – 1 – 9 Corrals and Pens
- 6 – 1 – 10 Penalties

Section 6 – 1 – 1 Definitions

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

Animal means any vertebrate animal of a species other than man.

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.

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.

Bite shall mean any trauma of the surface of the skin by the teeth of any animal, whether or not the skin is broken or any bleeding results.

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

Dog means a member of the canis familiaris family.

Identification shall mean any means to contact the owner for the purpose of claiming the animal and verifying vaccination status. A metallic tag issued by county animal control shall be deemed to satisfy this requirement.

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.

Provocation shall mean any behavior toward an animal or its owner which is likely to cause a bite or defensive reaction by the animal.

Vaccination means an antirabies vaccination using a type of vaccine approved by the state veterinarian.

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 – 1 – 2 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, his deputy or any peace officer may issue citations and initiate actions in the town magistrate court for enforcement of this chapter.
- C. The animal control officer, his deputy or any peace officer may use reasonable force to open a vehicle to rescue an animal in distress if the animal is left in the vehicle in violation of Section 6 – 1 – 4(B).
- 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 – 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 to Animals Prohibited

- A. It shall be unlawful for any person to subject any animal to cruel mistreatment, cruel neglect or cruel abandonment. The provisions of this section shall be interpreted in conformance with and pursuant to state law.
- B. 1. Cruel mistreatment as used herein shall mean intentionally, knowingly or recklessly torturing or otherwise inflicting unnecessary serious physical injury on an animal or killing an animal in a manner that causes protracted suffering to the animal.
2. Cruel neglect as used herein shall mean intentionally, knowingly or recklessly 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 aggressive 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.
- C. It is a defense to this section if a 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 defined in A.R.S. § 17-101, and in a manner that reasonably excludes the ingestion of the poison by other animals.
- D. This section does not prohibit or restrict:
1. The taking of wildlife or other activities permitted by or pursuant to title 17 of the Arizona Revised Statutes;
 2. Activities permitted by or pursuant to title 3 of the Arizona Revised Statutes;
 3. Activities regulated by the Arizona Game and Fish Department or the Department of Agriculture.

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, squawking or vocalizing.

Section 6 – 1 – 8 Wild Animals

- A. Except for licensed exhibitors, 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

Any person having custody or control of any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep, goat or other livestock 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

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.

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.

- B. 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 in Section 6 - 1 – 1. Hearsay evidence may be admissible at the discretion of the magistrate, provided that the evidence appears reliable.
- C. 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 Vaccination and Identification
- 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

Section 6 – 3 – 1 Vaccination and Identification

- A. The owner of any dog over the age of four months that has been within the state for at least thirty days shall be responsible for ensuring that the dog is vaccinated against the rabies virus and shall maintain written proof of the vaccination. Proof of a current registration with the county animal control department shall satisfy this requirement.
- B. The owner of any dog over the age of four months shall maintain a collar on the dog that has suitable identification whenever the dog is outside of the owner's secured yard.

- C. The violation of this section shall be a civil infraction subjecting the owner to a fine of not less than \$50; however, in the discretion of the animal control officer, any citation alleging a violation of this section may be dismissed if within 15 days the owner provides proof of vaccination and/or that the dog has a collar with suitable identification.

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

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.

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. 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 of sufficient strength for the person 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 by the town council as a no dog zone and signed as such. For the purpose of this subsection, 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 dog with identification, the owner shall be immediately notified and may reclaim such dog upon presentation of proof of current vaccination and 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 hours of notice, or 120 hours for an animal wearing suitable identification, it may thereafter be put up for adoption or humanely disposed of without further notice to the owner.
- F. For the purpose of this section, notice shall be provided by one of the following methods: in person or by phone contact with either the owner or someone of suitable age living with the owner; by leaving a voice message on a phone number known to

be that of the owner; by email at an address known to be that of the owner; by depositing written notice first-class postage prepaid to the last known address of the owner; for a dog without identification and the owner is unknown by posting a photograph of the dog, together with date and location of seizure, on a website maintained by the town; or by such other method permitted by the rules of civil procedure for service of process.

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.