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NOV 07 2016

ORDINANCE NO. 4722

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, MARICOPA COUNTY, ARIZONA AMENDING CHAPTER 14 OF THE CHANDLER CITY CODE BY AMENDING ARTICLE I, Section 14-1, AMENDING ARTICLE II, SECTION 14-5, DEFINITIONS; ADDING A NEW SECTION 14-31; RELATING TO THE UNLAWFUL RESTRAINT OF DOGS; AND RENUMBERING 14-31 TO SECTION 14-32, VIOLATION.

BE IT ORDAINED by the City Council of the City of Chandler, Arizona, that Chapter 14 of the Chandler City Code is amended to read as follows:

I. Article I, In General, Section 14-1, Definitions, is amended to delete the definition of vicious dog.

II. Article II, Dogs, Section 14-15, Definitions, is amended to read as follows:

In this article, unless the context otherwise requires:

Animal means A DOG OR 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.

CRUELLY RESTRAINS MEANS ATTACHING A DOG TO A STATIONARY OBJECT OR A PULLEY BY MEANS OF A CHAIN, ROPE, TETHER, LEASH, CABLE OR SIMILAR RESTRAINT UNDER CIRCUMSTANCES THAT MAY ENDANGER ITS HEALTH, SAFETY OR WELL-BEING; OR OTHERWISE UNREASONABLY LIMITING THE DOG'S MOVEMENTS BY USE OF A COLLAR AND RESTRAINT THAT CAUSES THE DOG TO CHOKE; OR DOES NOT PERMIT THE DOG TO REACH FOOD, WATER, SHADE, DRY GROUND; OR DOES NOT PERMIT THE DOG TO ESCAPE HARM.

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.

EXTREME WEATHER CONDITIONS MEANS THE ACTUAL OR EFFECTIVE OUTDOOR TEMPERATURE IS BELOW 32 DEGREES FAHRENHEIT OR ABOVE 100 DEGREES FAHRENHEIT; OR A HEAT ADVISORY HAS BEEN ISSUED BY A LOCAL, STATE OR NATIONAL AUTHORITY FOR THE AREA; OR A MONSOON, HURRICANE, TROPICAL STORM, DUST STORM OR TORNADO WARNING HAS BEEN ISSUED FOR THE AREA BY A LOCAL, STATE OR NATIONAL AUTHORITY.

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, GROUP OF PERSONS OR CORPORATION/BUSINESS OWNING, KEEPING OR HARBORING A DOG. ~~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.

14-31. UNLAWFUL RESTRAINT OF A DOG.

AN OWNER SHALL NOT CRUELLY RESTRAIN A DOG OR PERMIT A DOG TO REMAIN ATTACHED TO A STATIONARY OBJECT DURING EXTREME WEATHER CONDITIONS.

III. **Article II Current Section 14-31. Violation; classification, is renumbered as Section 14-32.**

INTRODUCED AND TENTATIVELY APPROVED by the Mayor and City Council of the City of Chandler, Arizona, this _____ day of _____, 2016.

ATTEST:

_____ _____

CITY CLERK MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4722 was duly approved and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the _____day of _____, 2016, and that a quorum was present thereat.

_____

CITY CLERK

APPROVED AS TO FORM:

_____

CITY ATTORNEY GAB

PUBLISHED: