

ORDINANCE NO. 4992

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, DECLARING THAT DOCUMENT ENTITLED “2023 CODE AMENDMENTS - ANIMALS” TO BE A PUBLIC RECORD; BY AMENDING CHAPTER 14 (ANIMALS), SECTIONS 14-6, 14-12, 14-13, 14-15, 14-27, AND 14-31; ADDING ARTICLE IV ANIMAL CRUELTY, SEIZURE AND FORFEITURE OF ANIMALS SUBJECT TO CRUELTY; DISPOSITION OF DISPLACED ANIMALS PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, Chapter 14 of the Chandler City Code provides for the regulation of animals within the City of Chandler; and

WHEREAS, the City Council desires to amend Chapter 14 of the City Code to expand the definition of animal cruelty and to allow peace officers to seize animals when abuse is suspected; to provide for the disposition of displaced animals; and to authorize post seizure hearings to determine the lawfulness of any cruelty seizure and forfeiture of any animal subjected to cruelty; and

WHEREAS, in accordance with Chandler City Code Section 2.15, the Chandler City Council may amend the code by adoption of an ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

Section 1. That certain document entitled “2023 Code Amendments - Animals” one paper copy and one electronic copy of which shall remain on file in the office of the City Clerk, is hereby declared to be a public record.

Section 2. That the Chandler City Code is hereby amended by adoption of the amendments set forth in “2023 Code Amendments - Animals,” said document having been declared a public record.

Section 3. Providing for Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance, or any parts hereof, are hereby repealed.

Section 4. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. Providing for Penalties.

A violation of this ordinance is a class 1 misdemeanor; punishable as provided for in Chandler City Code Sections 1-8, 40-36, 40-37, and 40-38.

INTRODUCED AND TENTATIVELY APPROVED by the City Council of the City of Chandler, Arizona this ____ day of November, 2023.

ATTEST:

City Clerk

Mayor Kevin Hartke

PASSED AND ADOPTED by the City Council of the City of Chandler, Arizona this ____ day of November, 2023.

ATTEST:

City Clerk

Mayor Kevin Hartke

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 4992 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the ____ day of November, 2023, and that a quorum was present thereat.

APPROVED AS TO FORM:

City Attorney *EPW*

Published in the Arizona Republic on:

2023 Code Amendments - Animals
{Public Record for Ordinance No. 4992}

Chapter 14 of the Chandler City Code is hereby amended as follows (additions in ALL CAPS, deletions in ~~strikeout~~):

Chapter 14 Animals

ARTICLE I. GENERAL14-1. Definitions.

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

Chicken is a common domestic fowl belonging to the biological order Gallus Gallus Domesticus that is either younger than six months in age or a hen (female adult). For the purposes of this Chapter, a rooster is not considered a chicken.

Fowl is a bird belonging to the biological order Gamefowl or Landfowl (Galliformes) or Waterfowl (Anseriformes).

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

Rooster is an adult male chicken.

(Ord. No. 201; Ord. No. 329, § 1; Ord. No. 3044, § 2, 11-4-99; Ord. No. 4722, § I, 11-7-16)

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 and chickens kept in accordance with Article 3 of this Chapter, 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, with the exception of chickens, 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)

14-9. Reserved.

Note(s)—Superseded by Ordinance No. 329, see § 4-15 et seq. Currently § 14-15 et seq.

14-10. [Reserved.]

Editor's note(s)—Ord. No. 3730, § 5, adopted Nov. 14, 2005, repealed § 14-10, which pertained to barking, etc., dogs. See also the Code Comparative Table.

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 willfully 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, enclosure, 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 Chapter.

The City Manager shall designate one or more City departments responsible for enforcement of this Chapter. The City Manager's designation shall declare which articles of this Chapter are to be enforced by the designated department.

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

ARTICLE II. DOGS¹

14-15. Definitions.

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.~~

¹Editor's note(s)—Ord. No. 784, § 1, adopted Oct. 23, 1978, specifically amended the Code by revising Art. II to read as herein set out. Former Art. II, which pertained to the same subject matter, had been derived from Ord. No. 329, § 2; Ord. No. 575, § 1, 9-27-73; and Ord. No. 774, §§ 1—4, adopted Aug. 10, 1978. The article was further amended by § 1 of Ord. No. 1620, adopted May 22, 1986.

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.

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; Ord. No. 4722, § II, 11-7-16)

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(s)—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(s)—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)

~~14-31. 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.~~

~~(Ord. No. 4722, § II, 11-7-16)~~

14-32. 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; Ord. No. 4722, § III, 11-7-16)

ARTICLE III – CHICKENS

14-33. Backyard Chickens.

Chickens may be kept for personal use only on any lot that is located within a residential district, the principal use of which is a single-family residential home, subject to the following requirements:

- a) No more than five (5) chickens may be kept on an individual lot.
- b) Chickens must be contained within the rear or side yards and may not be permitted to trespass upon another property or upon any street, alley, or other public place.
- c) The chickens must be housed in a secured chicken coop. The outer edge of the chicken coop structure may not be closer than five (5) feet from any property line abutting, adjoining, or otherwise meeting the property line of the residential lot or parcel where the chickens are kept. A chicken coop may not exceed the height of the surrounding property wall.
- d) Chicken coops exceeding one hundred and twenty (120) square feet in size or seven (7) feet in height require a building permit and are considered an accessory building subject to regulations pursuant to Section 35-2202 Accessory Buildings and Guest Quarters.
- e) Chicken coops served with utilities (e.g., electrical, plumbing) require applicable permits to ensure conformance with building safety requirements regardless of coop size.
- f) Properties must comply with property maintenance regulations contained in Chapter 30 of this Code.

14-33. Roosters Prohibited.

Roosters are prohibited anywhere within the City.

14-34. Penalties and Enforcement.

Any person that violates this Article is subject to the civil penalties identified in Chapter 30-11 of the Chandler City Code. Enforcement of this Article will be conducted in accordance with the procedures of Article II of Chapter 30 of the Chandler City Code. Violations of this Article are considered violations of the Chandler Property Maintenance Ordinance for purposes of Article II of Chapter 30 of the Chandler City Code.

ARTICLE IV - ANIMAL CRUELTY, SEIZURE AND FORFEITURE OF ANIMALS SUBJECT TO CRUELTY; DISPOSITION OF DISPLACED ANIMALS

14-35. DEFINITIONS.

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

ADEQUATE MEDICAL CARE MEANS ADEQUATE AND TIMELY MEDICAL CARE AND TREATMENT OF AN ANIMAL FROM OR UNDER THE DIRECTION OF A VETERINARIAN AND NECESSARY TO MAINTAIN GOOD HEALTH FOR THE SPECIFIC AGE, SIZE, SPECIES, AND BREED OF ANIMAL OR TO PREVENT AN ANIMAL FROM

SUFFERING FROM: (A) ONGOING INFECTIONS; (B) INFESTATION OF PARASITES; (C) DISEASE; OR (D) ANY OTHER MEDICAL CONDITION, INJURY, OR DISABILITY WHERE WITHHOLDING OR NEGLECTING TO PROVIDE SUCH CARE WOULD ENDANGER THE HEALTH OR WELFARE OF THE ANIMAL.

ADEQUATE SHELTER MEANS ANY NATURAL OR ARTIFICIAL COVER ACCESSIBLE TO AN ANIMAL THROUGHOUT THE YEAR WHICH IS STRUCTURALLY SOUND, MAINTAINED IN GOOD REPAIR TO PROTECT THE ANIMAL FROM INJURY, AND OF SUFFICIENT SIZE TO PERMIT THE ANIMAL TO ENTER, STAND, TURN AROUND, AND LIE DOWN IN A NATURAL MANNER. ADEQUATE SHELTER MUST PROTECT THE ANIMAL FROM EXTREME WEATHER CONDITIONS, HAVE ADEQUATE VENTILATION AND DRAINAGE, AND BE MAINTAINED IN A MANNER WHICH MINIMIZES THE RISK OF DISEASE, INFESTATIONS, OR PARASITES.

ANIMAL MEANS A MAMMAL, BIRD, REPTILE OR AMPHIBIAN.

COLLAR MEANS ANY COLLAR CONSTRUCTED OF NYLON, LEATHER, METAL, OR SIMILAR MATERIAL, SPECIFICALLY DESIGNED TO BE USED ON A DOG.

CRUEL ABUSE MEANS TO TORTURE OR OTHERWISE INFLICT UNNECESSARY PHYSICAL INJURY UPON AN ANIMAL, OR TO KILL AN ANIMAL IN A MANNER THAT CAUSES UNREASONABLE SUFFERING TO THE ANIMAL.

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, ADEQUATE SHELTER, OR ADEQUATE MEDICAL CARE.

CUSTODIAN MEANS ANY PERSON KEEPING, POSSESSING, OR MAINTAINING ANY ANIMAL.

DISPLACED ANIMAL MEANS ANY ANIMAL THAT WOULD BE LEFT UNATTENDED DUE TO THE ARREST, HOSPITALIZATION OR DEATH OF THE OWNER OR CUSTODIAN, AND POLICE ARE UNABLE TO IDENTIFY ANY PERSON WILLING AND ABLE TO TAKE IMMEDIATE CUSTODY OF THE ANIMAL.

DOMESTIC ANIMAL MEANS AN ANIMAL USUALLY DOMICILED WITH OR CARED FOR BY HUMANS, INCLUDING, BUT NOT LIMITED TO, A CAT, DOG, HORSE OR CATTLE.

ENFORCEMENT AGENT MEANS ANY PERSON DESIGNATED BY THE CITY 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; 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.

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.

IMPOUND OR IMPOUNDMENT MEANS THE ACT OF TAKING OR RECEIVING INTO CUSTODY BY A PEACE OFFICER ANY ANIMAL FOR THE PURPOSE OF CONFINEMENT, ANY FACILITY OPERATED BY A PERSON, ORGANIZATION, AGENCY, SHELTER OR VETERINARY CLINIC IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

OWNER MEANS ANY PERSON, GROUP OF PERSONS OR CORPORATION/BUSINESS OWNING, KEEPING, OR HARBORING AN ANIMAL.

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.

PROPERLY FITTED MEANS A COLLAR THAT MEASURES THE CIRCUMFERENCE OF A DOG'S NECK PLUS ONE INCH.

RESTRAINT MEANS A CHAIN, ROPE, TETHER, LEASH, CABLE, OR OTHER DEVICE THAT ATTACHES A DOG TO A STATIONARY OBJECT OR TROLLEY SYSTEM.

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.

WORKING ANIMAL MEANS A HORSE OR DOG USED BY A LAW ENFORCEMENT AGENCY, SPECIALLY TRAINED FOR LAW ENFORCEMENT WORK AND THAT IS UNDER THE CONTROL OF A HANDLER.

14-36. 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 UNREASONABLE

SUFFERING TO ANY ANIMAL UNDER THE PERSON'S CUSTODY OR CONTROL.

3. INTENTIONALLY, KNOWINGLY OR RECKLESSLY INFLECTS UNNECESSARY PHYSICAL INJURY TO ANY ANIMAL.
4. INTENTIONALLY, KNOWINGLY OR RECKLESSLY SUBJECTS ANY ANIMAL TO CRUEL ABUSE.
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, TRAILER, OR OTHER MEANS OF CONVEYANCE FOR A PERIOD OF TIME LONG ENOUGH TO THREATEN ITS LIFE OR HEALTH, INCLUDING BY SUBJECTING THE ANIMAL TO INADEQUATE AIR CIRCULATION OR BY EXPOSURE TO EXTREME HEAT OR COLD.
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.
10. INTENTIONALLY OR KNOWINGLY POISONS OR ATTEMPTS TO POISON ANY DOMESTIC ANIMAL.
11. INTENTIONALLY, KNOWINGLY OR RECKLESSLY USES A BAITED TRAP OR MECHANICAL DEVICE TO CAPTURE AN ANIMAL, CAUSING IT INJURY, DEATH. OR UNREASONABLE SUFFERING.

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 SECTION 14-22.
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.
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 IN VIOLATION OF THIS SECTION SHALL BE GUILTY OF A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED IN ACCORDANCE WITH SECTION 1-8 OF CHAPTER 1 OF THIS CODE.

F. A PERSON CONVICTED OF VIOLATING THIS SECTION 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 THIS SECTION, 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 AN ANIMAL WELFARE ORGANIZATION, AN ANIMAL SHELTER, A SUITABLE HOME, OR HUMANELY DESTROYED. FOR PURPOSES OF FORFEITURE, A CONVICTION MAY RESULT FROM A VERDICT OF GUILTY, OR A PLEA OF GUILTY OR NO CONTEST PLEA. ALL RIGHT, TITLE AND INTEREST TO THE ANIMAL IS DEEMED TO HAVE VESTED IN THE CITY AS OF THE DATE OF 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, ANIMAL WELFARE ORGANIZATION, ANIMAL SHELTER, VETERINARY CLINIC, OR SUITABLE HOME, VOLUNTEER OR PERSON FOR THE REASONABLE COSTS INCURRED IN SECURING, HOUSING, CARING FOR, FEEDING TREATING AND/OR HUMANELY DESTROYING THE ANIMAL FROM THE TIME OF SEIZURE OR IMPOUNDMENT TO THE TIME OF CONVICTION.

14-37. ANIMAL HOARDING.

A. PERSON COMMITS ANIMAL HOARDING IF A PERSON OWNS, POSSESSES, KEEPS, HARBORS, OR MAINTAINS A NUMBER OF ANIMALS IN A QUANTITY AND UNDER CIRCUMSTANCES INJURIOUS TO THE HEALTH OR WELFARE OF ANY ANIMAL OR PERSON. THESE CIRCUMSTANCES MAY INCLUDE ANY OF THE FOLLOWING:

1. ABANDONMENT;
2. UNSANITARY, OVERCROWDED, OR OTHER INHUMANE CONDITIONS;
3. FAILURE TO PROVIDE MEDICAL CARE AND TREATMENT THAT IS NECESSARY TO PREVENT UNREASONABLE SUFFERING; OR
4. FAILURE TO PROVIDE SUITABLE WATER FOR DRINKING OR NECESSARY FOOD THAT IS APPROPRIATE FOR THE SPECIES AND FIT FOR CONSUMPTION.

B. PENALTY:

1. A PERSON IN VIOLATION OF THIS SECTION SHALL BE GUILTY OF A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED IN ACCORDANCE WITH SECTION 1-8 OF CHAPTER 1 OF THIS CODE.
2. THE COURT SHALL ORDER RESTITUTION FOR VIOLATION OF THIS SECTION TO THE CITY, ANIMAL WELFARE ORGANIZATION, ANIMAL SHELTER, VETERINARY CLINIC, SUITABLE HOME, OR OTHER ANIMAL CARETAKER, AS APPLICABLE, FOR THE REASONABLE COSTS INCURRED IN SECURING, HOUSING, CARING FOR, FEEDING TREATING AND/OR HUMANELY DESTROYING THE ANIMAL FROM THE TIME OF SEIZURE OR IMPOUNDMENT TO THE TIME OF CONVICTION.
3. IN ADDITION TO ANY OTHER PENALTIES ALLOWED BY LAW, IF A PERSON IS PLACED ON SUPERVISED PROBATION, THE COURT MAY:
 - a. ORDER THE PERSON TO SUBMIT TO PERIODIC INSPECTIONS NECESSARY TO ENSURE COMPLIANCE WITH THIS ARTICLE.
 - b. PROHIBIT THE PERSON FROM OWNING, POSSESSING, KEEPING, HARBORING OR MAINTAINING ANY ANIMALS DURING THE PERIOD OF PROBATION.

14-38. UNLAWFUL RESTRAINT OF DOG.

A. A PERSON SHALL NOT RESTRAIN A DOG OUTSIDE BY USE OF A RESTRAINT THAT UNREASONABLY LIMITS THE DOG'S MOVEMENT OR DURING EXTREME WEATHER CONDITIONS. A RESTRAINT UNREASONABLY LIMITS A DOG'S MOVEMENT IF THE RESTRAINT:

1. USES A COLLAR THAT IS NOT PROPERLY FITTED TO THE DOG;
2. IS IN LENGTH SHORTER THAN TEN (10) FEET;
3. PLACES THE DOG IN UNSAFE OR UNSANITARY CONDITIONS;
4. CAUSES INJURY TO THE DOG; OR
5. DOES NOT PERMIT THE DOG ACCESS TO FOOD, WATER, SHADE, DRY GROUND, OR SHELTER.

B. A PERSON IN VIOLATION OF THIS SECTION SHALL BE GUILTY OF A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED IN ACCORDANCE WITH SECTION 1-8 OF CHAPTER 1 OF THIS CODE.

14-39. AUTHORITY TO SEIZE AND IMPOUND ANIMALS SUBJECTED TO CRUELTY, HOARDING OR UNLAWFUL RESTRAINT; COST OF CARE.

A. A PEACE OFFICER IS HEREBY AUTHORIZED AND EMPOWERED TO SEIZE AND IMPOUND ANY ANIMAL AS FOLLOWS:

1. ON PROCESS ISSUED PURSUANT TO THE PROVISIONS OF ARIZONA REVISED STATUTES TITLE 13, INCLUDING A SEARCH WARRANT; OR
2. IF THE PEACE OFFICER HAS REASONABLE GROUNDS TO BELIEVE THAT A VIOLATION OF SECTION 14-36, 14-37 OR 14-38 HAS OCCURRED; OR
3. IF THE PEACE OFFICER HAS REASONABLE GROUNDS TO BELIEVE THAT VERY PROMPT ACTION IS REQUIRED TO PROTECT THE HEALTH OR SAFETY OF THE ANIMAL OR THE HEALTH AND SAFETY OF OTHER ANIMALS.

B. WHENEVER A PEACE OFFICER SEIZES AND IMPOUNDS ANY ANIMAL PURSUANT TO THIS SECTION, THE PEACE OFFICER AND THE COURT SHALL COMPLY WITH THE POST-SEIZURE HEARING REQUIREMENTS OF SECTION 14-40.

C. THE CITY MAY CONTRACT WITH ANY PERSON, ORGANIZATION, AGENCY, SHELTER OR VETERINARY CLINIC TO TRANSPORT, HOUSE, CARE FOR AND TREAT AN ANIMAL THAT HAS BEEN SEIZED AND IMPOUNDED PURSUANT TO THE PROVISIONS OF THIS SECTION.

D. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE ATTORNEY FOR THE STATE, AFTER SEIZURE OF AN ANIMAL BY A PEACE 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.

E. THE OWNER OR CUSTODIAN 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 (D), OR THE COURT DETERMINES AT A POST-SEIZURE HEARING THAT THE SEIZURE OR IMPOUNDMENT WAS UNJUSTIFIED OR INVALID. THE OWNER OR CUSTODIAN SHALL POST WITH THE COURT A BOND IN THE FORM OF CASH OR A SURETY'S UNDERTAKING TO OFFSET SOME OF THE COSTS INCURRED BY THE CITY RELATING TO THE HOUSING OF, CARING FOR AND TREATING THE ANIMAL. THE OWNER OR CUSTODIAN SHALL POST THE BOND WITHIN TEN (10) CALENDAR DAYS OF THE DATE OF THE NOTICE PROVIDED UNDER SECTION 14-40. IF THE OWNER OR CUSTODIAN FAILS TO POST THE BOND WITHIN THE SPECIFIED TIME, THE OWNER OR CUSTODIAN SHALL BE DEEMED TO HAVE ABANDONED THE ANIMAL AND DISPOSITION OF THE ANIMAL SHALL BE IN ACCORDANCE WITH SECTION 14-42.

F. 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 CUSTODIAN 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 CUSTODIAN IF AT THE CONCLUSION OF THE CASE THE ANIMAL IS NOT FORFEITED UNDER THIS ARTICLE.

G. THE BOND SHALL BE CALCULATED ACCORDING TO THE NUMBER OF ANIMALS SEIZED. UNDER TEN (10): FOUR HUNDRED DOLLARS (\$400.00). TEN (10) TO TWENTY (20): SEVEN HUNDRED DOLLARS (\$700.00). TWENTY-ONE (21) TO THIRTY (30): ONE THOUSAND DOLLARS (\$1,000.00). OVER THIRTY (30): ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00).

14-40. POST-SEIZURE HEARINGS.

A. WHENEVER A PEACE OFFICER SEIZES AND IMPOUNDS ANY ANIMAL UNDER THE OFFENSES SET FORTH IN SECTIONS 14-36, 14-37, OR 14-38, THE OWNER OR CUSTODIAN MAY REQUEST A POST-SEIZURE HEARING TO DETERMINE:

1. THE VALIDITY OF THE SEIZURE OR IMPOUNDMENT; AND
2. THE DISPOSITION OF ANY VALIDLY SEIZED OR IMPOUNDED ANIMAL.

B. THE BURDEN OF PROOF SHALL BE BY A PREPONDERANCE OF THE EVIDENCE. THE FORMAL RULES OF EVIDENCE SHALL NOT APPLY AND RELIABLE HEARSAY SHALL BE ADMISSIBLE.

C. ON A FINDING THAT A VIOLATION OF SECTION 14-36, 14-37, OR 14-38 HAS OCCURRED OR THAT THE ANIMAL WILL SUFFER UNNECESSARILY DUE TO A DELAY IN ITS HUMANE DESTRUCTION, THE COURT MAY ORDER THE ANIMAL TO BE FORFEITED TO THE CITY. IF THE COURT DOES NOT FORFEIT THE ANIMAL, THE COURT SHALL, UPON DEMAND, DIRECT THE RELEASE OF THE ANIMAL TO THE OWNER OR CUSTODIAN.

D. THE POST-SEIZURE HEARING SHALL BE COMMENCED BY FILING OF THE NOTICE OF SEIZURE WITH THE COURT AND AS FOLLOWS:

1. IF THE OWNER OR CUSTODIAN IS KNOWN, THE OWNER OR CUSTODIAN MAY SIGN A STATEMENT PERMANENTLY RELINQUISHING OWNERSHIP OF THE ANIMAL TO THE CITY. THE STATEMENT SHALL INDICATE THAT THE ANIMAL WILL BE PLACED FOR ADOPTION THROUGH AN ANIMAL WELFARE ORGANIZATION, AN ANIMAL SHELTER, A SUITABLE HOME OR HUMANELY DESTROYED ACCORDING TO LAW.
2. IF THE OWNER'S OR CUSTODIAN'S WHEREABOUTS CANNOT BE DETERMINED, THE NOTICE SHALL BE SENT VIA REGULAR MAIL TO THE OWNER'S OR CUSTODIAN'S LAST KNOWN ADDRESS.
3. IF THE OWNER'S OR CUSTODIAN'S WHEREABOUTS ARE KNOWN OR REASONABLY ASCERTAINABLE, THE PEACE OFFICER SHALL PROVIDE THE FOLLOWING NOTICE WITHIN FORTY-EIGHT (48) HOURS OF THE SEIZURE OR IMPOUNDMENT, BY CAUSING NOTICE TO BE POSTED IN A CONSPICUOUS PLACE WHERE THE ANIMAL WAS SEIZED OR LOCATED, OR BY DELIVERING NOTICE OF THE SEIZURE OR IMPOUNDMENT TO THE OWNER OR CUSTODIAN, OR BOTH. 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.
 - d. THE TIME, PLACE AND CIRCUMSTANCES UNDER WHICH THE ANIMAL WAS SEIZED.
 - e. A STATEMENT THAT, IN ORDER TO RECEIVE A POST-SEIZURE HEARING, THE OWNER OR CUSTODIAN MUST, WITHIN TEN (10) CALENDAR DAYS OF THE DATE THE NOTICE WAS POSTED OR MAILED, SUBMIT A REQUEST FOR HEARING BY SIGNING AND RETURNING TO THE COURT A WRITTEN DECLARATION OF OWNERSHIP OR RIGHT TO KEEP THE ANIMAL. THE DECLARATION MUST BE RETURNED BY PERSONAL DELIVERY OR BY MAIL. THE DECLARATION WILL BE DEEMED RECEIVED AT THE TIME IT IS PERSONALLY DELIVERED OR, IF MAILED, UPON RECEIPT BY THE COURT.
 - f. A STATEMENT THAT THE OWNER OR CUSTODIAN IS RESPONSIBLE FOR THE COST OF HOUSING, CARING FOR AND TREATING ANY ANIMAL THAT WAS PROPERLY SEIZED OR IMPOUNDED.
 - g. A STATEMENT THAT THE OWNER OR CUSTODIAN 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.

- h. A WARNING THAT IF THE OWNER OR CUSTODIAN FAILS TO POST THE BOND WITHIN TEN (10) CALENDAR DAYS OF THE SEIZURE, THE ANIMAL WILL BE DEEMED ABANDONED AND WILL BE PLACED FOR ADOPTION THROUGH AN ANIMAL WELFARE ORGANIZATION, AN ANIMAL SHELTER, A SUITABLE HOME, OR HUMANELY DESTROYED ACCORDING TO LAW.
 - i. A WARNING THAT IF THE OWNER OR CUSTODIAN FAILS TO APPEAR AT THE POST-SEIZURE HEARING, THE COURT SHALL ORDER THE ANIMAL FORFEITED TO THE CITY TO BE PLACED FOR ADOPTION THROUGH AN ANIMAL WELFARE ORGANIZATION, AN ANIMAL SHELTER, A SUITABLE HOME, OR HUMANELY DESTROYED ACCORDING TO LAW.
 - j. A WARNING THAT THIS POST-SEIZURE HEARING IS SEPARATE AND DISTINCT FROM ANY CRIMINAL PROSECUTION FOR ANIMAL CRUELTY, THAT ANYTHING THE PERSON TESTIFIES TO AT THE POST-SEIZURE HEARING MAY BE USED AGAINST THEM IN THE CRIMINAL PROSECUTION, THAT THEY ARE NOT ENTITLED TO A PUBLIC DEFENDER IN THE POST-SEIZURE HEARING, THAT IF THEY WISH TO BE REPRESENTED BY AN ATTORNEY AT THE CIVIL POST-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) CALENDAR DAYS OF THE COURT'S RECEIPT OF THE REQUEST.
5. FAILURE OF THE OWNER, CUSTODIAN, OR AN AUTHORIZED AGENT TO REQUEST OR TO ATTEND A SCHEDULED POST-SEIZURE HEARING SHALL RESULT IN A FORFEITURE OF ANY RIGHT TO A POST-SEIZURE HEARING, AND THE ANIMAL SHALL BE DEEMED ABANDONED AND WILL BE EITHER PLACED UP FOR ADOPTION THROUGH AN ANIMAL WELFARE ORGANIZATION, AN ANIMAL SHELTER, A SUITABLE HOME, OR HUMANELY DESTROYED ACCORDING TO LAW.

14-41. 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 THEIR DUTIES, OR TO RELEASE ANY ANIMAL DULY SEIZED AND/OR IMPOUNDED.

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, CUSTODIAN, OR OTHER RESPONSIBLE PARTY. 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 OF THE DECISION OF THE COURT BY EITHER PARTY SHALL BE BY WAY OF SPECIAL ACTION TO THE SUPERIOR COURT AND SHALL BE BASED ON THE RECORD OF THE HEARING. AT THE HEARING, THE COURT 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. ANY APPEAL SHALL BE MADE IN WRITING AND FILED WITH THE COURT NO LATER THAN FIVE (5) CALENDAR DAYS AFTER THE DECISION, OR ELSE THE RIGHT TO APPEAL SHALL BE WAIVED. A COPY OF THE NOTICE OF APPEAL SHALL BE MAILED TO THE OPPOSING PARTY.

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.

14-42. 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 AN ANIMAL WELFARE ORGANIZATION, AN ANIMAL SHELTER, A SUITABLE HOME, OR HUMANELY DESTROYED.

14-43. AUTHORITY TO SEIZE AND IMPOUND DISPLACED ANIMALS; RECOVERY OF SHELTERING AND VETERINARY COSTS.

A. A PEACE OFFICER MAY SEIZE ANY DISPLACED ANIMAL. THE CITY WILL NOT TAKE OWNERSHIP OR RESPONSIBILITY FOR A DISPLACED ANIMAL, BUT MAY FACILITATE THE IMPOUNDMENT OF THE ANIMAL AS FOLLOWS:

1. A PEACE OFFICER MAY IMPOUND THE ANIMAL IN THE CUSTODY OF ANY PERSON, ORGANIZATION, AGENCY, SHELTER, OR VETERINARY CLINIC.
2. IF THE OWNER IS KNOWN, THE PEACE OFFICER SHALL PROVIDE NOTICE TO THE OWNER THAT THE ANIMAL HAS BEEN IMPOUNDED PURSUANT TO THIS SECTION AND HOW TO RECLAIM THE ANIMAL WITHIN THE PRESCRIBED RECLAMATION PERIOD. THAT NOTICE SHALL INCLUDE THE CONTACT INFORMATION FOR THE PERSON, ORGANIZATION, AGENCY, SHELTER, OR VETERINARY CLINIC SHELTERING THE ANIMAL.

B. THE DISPLACED ANIMAL MAY BE CLAIMED BY AND RELEASED TO THE ANIMAL'S OWNER, CUSTODIAN OR AN AUTHORIZED AGENT DESIGNATED BY THE OWNER OR CUSTODIAN.

C. THE FOLLOWING ANIMALS MAY BE IMMEDIATELY RELEASED FOR ADOPTION OR DISPOSED OF ACCORDING TO LAW:

1. ANY ANIMAL THAT IS SEIZED DUE TO CRUELTY, NEGLECT OR ABANDONMENT BUT THAT HAS NO KNOWN OR IDENTIFIABLE OWNER;
2. ANY ANIMAL WHOSE OWNER VOLUNTARILY RELINQUISHES OWNERSHIP;
3. ANY DISPLACED ANIMAL THAT IS NOT CLAIMED WITHIN THREE (3) CALENDAR DAYS OF BEING GIVEN NOTICE OF SEIZURE.

D. THE CITY MAY CONTRACT WITH ANY PERSON, ORGANIZATION, AGENCY, SHELTER, OR VETERINARY CLINIC TO TRANSPORT, SHELTER, CARE FOR AND TREAT A DISPLACED ANIMAL THAT HAS BEEN SEIZED AND IMPOUNDED PURSUANT TO THE PROVISIONS OF THIS SECTION.

E. ANY PERSON, ORGANIZATION, AGENCY, SHELTER, OR VETERINARY CLINIC SHELTERING, CARING FOR OR TREATING A DISPLACED ANIMAL PURSUANT TO THIS SECTION MAY RECOVER ALL SHELTERING AND VETERINARY COSTS OF THE ANIMAL FROM AN OWNER OR THE OWNER'S AGENT.