

CHAPTER 6 ANIMALS

Chapter 6 Animals – (Complete revision Ordinance # 315, October 14, 2008)

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Section 6-1-1 Definitions

- A. **Altered** - means a spayed female or a neutered male.
- B. **Animal** – Any species of fowl, rodent, reptile, fish, mammal, domestic, or wild animals.
- C. **At large** – Off the premises of the Owner and not under the control of the owner or secured by physical restraint such as a leash, chain, rope, or is otherwise not confined in a secured enclosure.
- D. **Collar** - means a band, chain, harness or suitable device worn around the neck of a dog or other animal to which a license may be affixed.
- E. **Dog** - means a member of the *canis familiaris* species.
- F. **Enforcement Officer** – means a person(s) delegated by the Chief of Police who is responsible for the enforcement of this chapter and the regulations promulgated hereunder.
- G. **Fowl** - means a bird of any kind, domesticated or wild, including poultry.
- H. **Impound** - The act of taking or receiving into custody by an Enforcement Officer any animal for the purpose of confinement in an authorized facility in accordance with the provisions of this chapter.
- I. **Harbor** – means to provide shelter or sanctuary.
- J. **Livestock** – means bovine, equine, sheep, and goats.

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- K. **Owner** – any person owning, keeping, possessing, harboring or maintaining an animal or any person acting for the owner or having charge of an animal.
- L. **Poultry** – domestic fowl raised for food or show.
- M. **Pound** – Any establishment authorized by the Town for the confinement, maintenance, safekeeping and control of animals that come into the custody of an Enforcement Officer in the performance of his official duties.
- M. **Rabies Quarantine Area** – means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- N. **Vaccination** - means an anti-rabies vaccination using a type of vaccine approved by the State Veterinarian.
- O. **Veterinarian** – Any veterinarian licensed to practice in the State of Arizona, or any veterinarian employed in Arizona by a governmental agency.
- P. **Vermin** – destructive small animals or insects that harm people, livestock, property, or crops and are difficult to control, e.g. rats, fleas, or cockroaches.
- Q. **Vicious** - Aggressive and liable to attack or bite.

Section 6-1-2 Nuisance

- A. Harboring, feeding, or maintaining any animal whatsoever which annoys or disturbs the peace, comfort, or health of the immediate neighbors, shall constitute a nuisance; provided, however, that a complaint is filed with and verified by an Enforcement Officer.
- B. The offending party may be given three (3) days notice by the Police Department to remove, eliminate, or correct the cause of the annoyance, or disturbance, or to abate any unsanitary conditions which may exist. Failure to comply with said notice is unlawful and punishable as set forth herein.

Section 6-1-3 Strays

- A. It is unlawful for any person to harbor, feed, or maintain within the Town limits any lost or strayed animal. Whenever an animal, excluding wildlife, is found which appears to be lost or strayed, it shall be the duty of the finder to notify an Enforcement Officer, who may impound the animal. If there is a registration tag attached to the animal, the Police Department or authorized agent will attempt to

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notify the person to whom such permit was issued, at the address in the permit.

Section 6-1-4 Swine

It is unlawful to keep any live swine or pigs in the Town.

Section 6-1-5 Animal Waste

- A. The owner of any animal shall immediately remove and dispose of any fecal matter deposited by that animal on any sidewalk, street, park, other public area, or private property, unless the property owner has given approval to use said property for this purpose.
- B. Accumulation of fecal matter is prohibited on private property. The owner of any animal must prevent accumulation of animal waste on his or her property by regularly patrolling and properly disposing of the fecal matter.
- C. The owner shall provide a receptacle of sufficient size for the reception of such fecal matter. Such receptacle shall be so constructed that the contents thereof will not be accessible to flies and will prevent the emission or spread of offensive odors. Such receptacle shall be placed upon the premises owned, occupied or controlled by such person in a location as remote as possible from any surrounding dwelling or street. Such person shall empty and cleanse the receptacles as often as necessary to ensure the comfort, or health of the immediate adjacent neighbors.

Section 6-1-6 Inhumane Treatment of Animals

- A. It is unlawful for any person(s) to overdrive, overload, overwork, torture, torment, cruelly beat, mutilate or unlawfully kill an animal.
- B. It is unlawful for any person(s) to neglect any animal. Persons shall comply with the following minimum requirements:
 - 1. All animals shall receive daily food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good condition.
 - 2. All animals shall have unobstructed access to potable water at all times of day.
 - 3. All animals shall have access to natural or artificial shelter throughout the year. Any such artificial shelter shall be structurally sound and maintained

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in good repair to protect the animal from injury.

4. All animals receive care and medical treatment for debilitating injuries, parasites, and diseases, sufficient to maintain the animal in good health or be humanely euthanized to prevent protracted suffering and pain to the animal.
 5. Tie outs shall be so located that the animal cannot become entangled with other objects. Collars used to attach an animal to a tie out shall not be of a choke type. The tie out shall not weigh more than one-eighth of the animals weight nor be shorter than four (4) times the animals length measuring from the animals nose to the end of the tail.
- C. It is unlawful for a person to drop off, leave or abandon any animal on a street, road, highway, greenbelt, in a public place or on private property.
- D. It is unlawful for any person or persons to willfully and/or maliciously poison any animal, with the intent to injure or destroy such animal. This ordinance shall not apply to poison designed for the control of mice and vermin.
- E. The use of metal animal traps, leg traps or spring loaded traps with jaws of any kind is prohibited within the city limits as constituting an unreasonable hazard to the general populace and cruelty to domesticated animals. This article shall not apply to animal traps designed to capture live animals without injury to the animal. This ordinance shall not apply to traps designed for the control of mice and vermin.

Section 6-1-7 Rabies Quarantine Area

During any declared rabies epidemic by the State Veterinarian or representatives from the Department of Health Services or the Arizona Game and Fish an Enforcement Officer shall restrict all transport or movement of animals by declaring a Rabies Quarantine Area within the Town jurisdiction.

Section 6-1-8 Biting Animals That Are Susceptible to Rabies

- A. Whenever an animal susceptible to rabies bites any person, causing a break to the skin, the incident shall be reported to the Police Department immediately by a person having direct knowledge of the incident.
- B. An Enforcement Officer shall order any animal susceptible to rabies that is not licensed, permitted, or vaccinated quarantined in a pound if the officer has reason

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to believe that the animal that bit a person, is showing signs or symptoms of rabies , or has been in contact with a rabid animal.

- C. An animal properly licensed, permitted and vaccinated may be confined and quarantined at the home of the owner or wherever the animal is harbored and maintained with the consent of and in a manner prescribed by an Enforcement Officer.
- D. Upon the request of and at the expense of the owner, an animal may be quarantined at a veterinary hospital for a period of not less than ten (10) days.
- E. If quarantine cannot be imposed because the animal cannot be captured, and in the Enforcement Officer's opinion, the animal is a risk to public safety, the Enforcement Officer may destroy or order the animal destroyed. The officer shall attempt to destroy the animal in a humane manner and in a manner which avoids damage to the animal's head.
- F. If an animal dies during the period of quarantine, or has been destroyed, it's head shall be sent to the State Department of Health Services for examination.

Article 6-2 DOGS

- 6-2-1 Licenses and Tags
- 6-2-2 Vaccination Required
- 6-2-3 Running at Large

Section 6-2-1 Licenses and Tags

- A. All dogs kept, harbored or maintained in the Town must be licensed and registered. Dog licenses shall be issued by the Town of Clarkdale, or by an authorized representative. License fees are established by resolution of the Council and expire on the last day of December of each year. All dogs shall be licensed:
 - 1. Upon the earliest age a veterinarian will administer a vaccination;
 - 2. Within 30 days of first possession;
 - 3. Within 30 days of residence.
- B. The license payment shall be deemed delinquent as of January 31st and a penalty in an amount established by resolution of the Council, shall be added to the

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license fee.

- C. An assistance dog belonging to a person with a disability, certified by any bona fide nonprofit organization, or belonging to any bona fide nonprofit organization which is in the business of breeding, raising, or training assistance dogs, may be licensed without payment of a fee.
- D. Each dog licensed under the terms of this article shall receive, at the time of licensing, a tag which shall be inscribed with the name of the Town, the number of the license and the year in which it expires. The tag shall be attached to a collar which shall be worn by the dog at all times except as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of fee in an amount established by resolution of the Council, to the Town of Clarkdale or an authorized agent.
- E. It is unlawful for any person to counterfeit or attempt to counterfeit an official dog tag or remove such tag from any dog for the purpose of willful and malicious mischief or place a dog tag upon a dog unless the tag was issued to that dog.
- F. Whenever the ownership of a dog has been changed, the new owner must secure a transfer of license to such owner within 30 days. A transfer fee in an amount established by resolution of the Council shall be charged to transfer any license.
- G. While being used for hunting, being exhibited at American Kennel Club approved shows, engaging in races approved by the Arizona Racing Commission, or being transported to and from such events, dogs need not wear a collar with a valid license attached; provided, that they are properly vaccinated and licensed.
- H. An Enforcement Officer may apprehend and impound any dog found without a current valid dog tag.

Section 6-2-2 Vaccination Required

- A. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name, address, dog's description, date and type of vaccination, manufacturer and serial number of the vaccine, and date re-vaccination is due. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated hereunder.
- B. A dog vaccinated in any other place prior to entry into the Town may be licensed by the Town, provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian stating the owner's

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name and address and giving the dog's description, date of vaccination and type, manufacturer, and serial number of the vaccine used.

- C. The Police Department may make provisions for low-cost vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.
- D. If a dog is impounded and found to be without current vaccination, an Enforcement Officer is hereby authorized to cause such dog to be vaccinated at a cost to be borne by the owner. The vaccination shall be performed by a veterinarian, who shall issue a certificate of vaccination.

Section 6-2-3 Running At Large

A. It shall be the absolute responsibility of every owner, to prevent any dog, from running at large within the corporate limits of the Town including, but not limited to, streets, alleys, sidewalks, vacant lots, school yards, private property owned by a person other than the owner of the dog, and private easements used for access by persons other than the dog owner or possessor. The fact that such dog runs at large by reason of some other person's actions, failure to act or other circumstances, shall not be deemed a defense to prosecution under this section.

- B. A dog is not deemed to be at large:
 - 1. While it is tethered or restrained by a leash, chain, rope or cord of sufficient strength so as to keep the dog under control by owner, or completely on the premises where secured.
 - 2. While participating in field trials, organized school, club or park-sponsored shows.
 - 3. While the dog is confined by an enclosure.
- C. An Enforcement Officer may apprehend and impound any dog running at large or cite the owner into the town court, or both.

Article 6-3 LIVESTOCK , POULTRY, AND FOWL

- 6-3-1 Permit for Livestock, Poultry, and Fowl; Limitations
- 6-3-2 Running At Large
- 6-3-3 Impoundment

Section 6-3-1 Permit for Livestock, Poultry, and Fowl; Limitations

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- A. Any person desiring to keep any livestock, poultry, or fowl shall apply to the Town for an animal permit.
- B. Animal permits shall be issued by the Town of Clarkdale or by an authorized agent upon payment of a permit fee in an amount established by resolution of the Council, which shall expire on the last day of December of each year. The Community Development Department shall be the enforcing agent.
- C. The permit holder shall agree to inspections by the Community Development Department, or the authorized agent.
- D. The following limitations shall apply to the keeping of livestock and poultry:
 - 1. Livestock: Two animals per acre on lots not less than one acre.

Section 6-3-2 Running At Large

Any person who keeps or causes to be kept by any means bovine, equine, sheep, goats, poultry, or fowl shall keep such animal in a pen or similar enclosure to prevent their roaming at large within the corporate limits of the Town. Any such animal running at large may be impounded by an Enforcement Officer.

Section 6-3-3 Impoundment

An Enforcement Officer may impound any livestock, poultry, or fowl found running at large on any street, alley, road or premise of another without permission within the Town in accordance with Arizona State Statutes Title 3, Chapter 11; Agriculture - Ownership, Control and Regulation of Livestock.

Article 6-4 CITATION OF OWNERS

- 6-4-1 Citation Issued to Owners
- 6-4-2 Payment of Citation
- 6-4-3 Right to Impound Animals Not Superseded
- 6-4-4 Impeding an Enforcement Officer
- 6-4-5 Penalties

Section 6-4-1 Citation issued to Owners

(Revised 10/25/16 by Resolution 1529; Ordinance 376; Effective 10/26/16)

Citations or complaints under Chapter 6 shall be served as provided under Article 1-8.

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Section 6-4-2 Payment of Citation

- A. The fines for violating the provisions of this chapter shall be adopted from time to time by resolution of the Council.
- B. Any person charged with a violation of this chapter must appear in the Magistrate's Court.

Section 6-4-3 Right to Impound Animals Not Superseded

The provisions of this article shall not supersede the Town's right to impound animals.

Section 6-4-4 Impeding an Enforcement Officer

It is unlawful for any person to intervene, impede, prevent, obstruct, or intimidate any Enforcement Officer in the discharge of duties to enforce provisions of this Chapter.

Section 6-4-5 Penalties (Revised 10/25/16 by Resolution 1529; Ordinance 376; Effective 10/26/16)

- A. Any violation of this Chapter shall be punishable under Article 1-8 of this code. Any second or subsequent violation within one year of a violation may be punishable as a class 2 misdemeanor, whether or not the subsequent offense involves the same animal.
- B. In addition, the Court may order any vicious animal impounded and destroyed.
- C. The Court may order any person who violates this Chapter to pay all expenses related to the impounding of the animal, including shelter, food, handling, transport, and veterinarian care.
- D. The Court may also order any person who violates this Chapter to pay restitution to any victim or victims whose person or property or animal was injured or killed or damaged.
- E. The Court may also order any person who violates this Chapter to pay all related Court fees or cost or penalties.