

## **CHAPTER 10**

### **ANIMALS**

10-1	GENERAL PROVISIONS.....	10.1
10-2	IMPOUNDMENT OF ANIMALS.....	10.5
10-3	RABIES CONTROL.....	10.8
10-4	LICENSES.....	10.10
10-5	RECORDS, REPORTS AND INVESTIGATIONS BY ANIMAL CONTROL OFFICER.....	10.12

## CHAPTER 10 ANIMALS

### ARTICLE 10-1 GENERAL PROVISIONS

10-1-1	Definitions
10-1-2	Enforcement Of Chapter
10-1-3	Cruelty
10-1-4	Public Nuisance
10-1-5	Livestock And Poultry; Within Town Limits
10-1-6	Animal Waste
10-1-7	Killing Of Dangerous Or Vicious Animals
10-1-8	Destruction Of Injured Animals
10-1-9	Diseased Animals
10-1-10	Restrain
10-1-11	Housing

#### Section 10-1-1 Definitions

In this article unless the context otherwise requires:

“Animal” – means any live vertebrate creature, domestic or wild.

“At Large” – means not under the restraint of the owner or other persons acting for the owner.

“Animal Control Authority” – means the animal control officer, town marshal, town manager or delegate.

“Animal Control Officer” – means the enforcement agent designated by the town manager.

“Animal Shelter” – means any establishment authorized by the town for the confinement, maintenance, safekeeping and control of animals that come into the custody of the animal control officer or the animal control authority.

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

“Dog” – means a member of the *Canis familiaris* family.

“Exposed To Rabies” – means an animal if it has been bitten by or exposed to any animal known to have been infected with rabies.

“Fowl” – means chicken, cock, hen, duck, goose, peafowl or other generally accepted domesticated commercial bird.

“Kennel” – means any premises wherein any person, group of persons or corporations engages in breeding, buying, selling or boarding dogs or cats and specifically the keeping of three or more dogs or cats four months of age or older.

“Livestock” – means horses, mules, asses, cattle, oxen, swine, sheep and goats.

“Neutered Male” – means any dog or male cat which has been operated upon to prevent conception.

“Owner” – means any person, partnership or corporation owning, keeping, possessing, harboring or maintaining one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

“Public Nuisance” – means any animal which:

1. Molests passersby or passing vehicles.
2. Attacks other animals.
3. Trespasses on public property.
4. Is repeatedly at large.
5. Damages private or public property.
6. Disturbs the peace, comfort or health of any person residing in the town by excessive or continuous noise.

“Restraint” – means an animal is controlled by a leash or lead, at “heel” beside a competent person and obedient to that persons commands, on or within a vehicle being driven or parked on the street or within the property limits of its owner.

“Spayed Female” – means any bitch or female cat which has been operated upon to prevent conception.

“Stray Cat” – means any cat four months of age or older running at large.

“Stray Dog” – means any dog four months or age or older running at large or that is not wearing a valid license tag.

“Vaccination” – means an anti-rabies vaccination using a type of vaccine approved by the state veterinarian.

“Vicious Animal” – means any animal that constitutes a physical threat to human beings or other animals.

## Section 10-1-2 Enforcement Of Chapter

The provisions of this chapter shall be enforced by the animal control officer or animal control authority. The animal control officer or animal control authority is hereby given authority to file civil complaints in the name of the town for any violation of this chapter.

### Section 10-1-3 Cruelty

It is unlawful for any person to:

A. Maliciously kill, maim, poison or wound an animal which is the property of another, or who, having charge or custody of an animal as owner or otherwise, overdrives, overloads, drives when overloaded, overworks, torments, tortures, deprives of necessary sustenance, drink or shelter, cruelly beats, mutilates or cruelly kills an animal, or subjects an animal to needless suffering, or inflicts unnecessary cruelty upon the animal, or in any manner abuses an animal when unfit for labor.

B. Abandon an animal, or drop or leave an animal on a street, road or highway, in a public place or on private property with intent to abandon. An animal shall be deemed abandoned when the owner fails to claim it from a boarding facility or veterinarian within ten days of the date a certified letter is mailed to such person from the boarding facility or veterinarian requesting that the owner reclaim the animal.

### Section 10-1-4 Public Nuisance

It is unlawful for any person to harbor or keep any animal that is a public nuisance or poses a serious health or sanitation threat as determined by the animal control authority or appropriate health department official.

### Section 10-1-5 Livestock And Poultry; Within Town Limits

A. No animals or livestock shall be yarded, maintained, penned or kept within two hundred feet (200') of any residence, dining room, sleeping room or other place of human habitation other than that of the owner.

B. The maintaining or keeping of all animals and livestock within the town shall be allowed as stated in subsection A hereof only so long as they do not cause, create or contribute to or become a health nuisance due to the presence of noise, flies, mosquitoes, insects, varmints, rodent harborage, odors, dust, ponded waters, accumulation of manure, garbage refuse or other obnoxious or putrescible material or for any other like reason. Also, shall be subject to all pertinent statutes, rules and regulations of the state of Arizona, County of Greenlee and the rules of the Greenlee County Department of Health.

### Section 10-1-6 Animal Waste

The owner of every animal shall be responsible for the removal and sanitary disposal of any excreta deposited by the animal on public or private property.

## Section 10-1-7 Killing Of Dangerous Or Vicious Animals

- A. The members of the marshal's office, the animal control officer or animal control authority are authorized to kill any dangerous animals of any kind when it is necessary for the immediate protection of any person or property.
- B. The animal control officer authority shall destroy a vicious animal upon an order of the town magistrate. The town magistrate may issue an order after notice to the owner, if any, and a hearing.

## Section 10-1-8 Destruction Of Injured Animals

Any animal, whether licensed or unlicensed, which apparently is suffering from serious injuries and is in great pain and probably would not recover, or which is a danger to other animals or to man, may be destroyed by the animal control officer or animal control authority in as humane a manner as possible after reasonable efforts to notify the owner have failed.

## Section 10-1-9 Diseased Animals

- A. It is unlawful to allow any domestic animal afflicted with a contagious or infectious disease to run at large or to be exposed in any public place whereby the health of a man or best may be affected. It is unlawful for such diseased animal to be shipped or moved from the premises of the owner thereof, except under the supervision of the animal control officer or animal control authority.
- B. It is hereby made the duty of the animal control officer or animal control authority to secure the disposition of any diseased animal and the treatment of affected premises to prevent the communication and spread of the contagion or infection, except in cases when the State Department of Health Services, the Arizona Livestock Board and the State Veterinarian are empowered to act.

## Section 10-1-10 Restraint

- A. The owner shall keep his animal under restraint at all times and shall not permit such animal to be at large.
- B. The owner shall exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- C. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with a male animal of the same species except for planned breeding.
- D. The owner shall confine within a building or secure enclosure every vicious animal and not take such animal out of such building or secure enclosure unless such animal is

securely muzzled or otherwise prevented from posing a physical threat to humans or other animal. A sign must be posted in a conspicuous place at the entrance to the premises advising the public of the nature of the animal maintained therein.

### Section 10-1-11 Housing

It is unlawful to cause or allow any stable or place where any animal is to be kept to become unclean or unwholesome. The premises upon which the animals are kept shall be sanitary and subject to inspection and regulations by the animal control authority or other public agencies empowered to act.

## ARTICLE 10-2 IMPOUNDMENT OF ANIMALS

10-2-1	Impounding Of Animals At Large
10-2-2	Notice To Owners Of Impoundment
10-2-3	Reclamation By Owner
10-2-4	Report Of Impounded Animals
10-2-5	Conditions And Duration Of Impoundment
10-2-6	Confinement Of Wild Animals
10-2-7	Sale Of Unreclaimed Animals
10-2-8	Impeding Animal Control Officer
10-2-9	Impoundment Fees

### Section 10-2-1 Impounding Of Animals At Large

A. Except as provided in subsection B, unlicensed, at large or nuisance animals shall be impounded by the animal control officer or the animal control authority in the shelter designated as the town animal shelter, and there confined in a humane manner. Except as provided in section 10-2-2, if said animal is not claimed before the expiration of three days, it shall become the property of the animal control authority and may be disposed of in a humane manner or sold at the discretion of the said authority.

B. When dogs or cats are found running at large and their ownership is known to the animal control officer or the animal control authority, such dogs or cats may be returned to their owner, but the officer will cite the owners of such dogs or cats to appear in court to answer to charges of violations of this chapter.

C. Upon impoundment, all dogs and cats will be given distemper, hepatitis leptospirosis and any other emergency treatment at cost to the owner.

### Section 10-2-2 Notice To Owners Of Impoundment

A. Immediately upon impounding animals, the animal control officer or the animal control authority shall make every reasonable effort to identify the owners of such animals so impounded, and inform such owners of the conditions whereby they may regain custody of such animals.

B. If the owner of any impounded animals shall be known to the animal control officer and shall reside or have a known place of business in the town, the animal control officer shall notify the owner, in writing, personally or by certified mail within twenty-four hours after such animal has been impounded. The notice shall contain a description of the animal and shall state that, unless reclaimed within 72 hours of the date of the notice, such animal shall be disposed of in accordance with this chapter. Copies of the notice shall be posted at the place of impoundment and at the town hall.

### Section 10-2-3 Reclamation By Owner

A. The owner shall be entitled to reclaim any impounded dog or cat upon compliance with the license provisions of Article 10-4 and the payment of impoundment fees as set forth in this article.

B. Any other animal impounded under the provision of this chapter may be reclaimed by the owner upon the payment of impoundment fees set forth in this article.

C. Any animal impounded under the provisions of this chapter and not reclaimed by its owner within three days may be humanely destroyed by a veterinarian, animal control officer or the animal control authority; sold; or placed in the custody of some person deemed to be a responsible and suitable owner.

D. The owner of an animal impounded and not reclaimed shall be responsible for all fees incurred, provided the owner has been notified pursuant to Section 10-2-2.

E. When in the judgment of a licensed veterinarian and the animal control officer or animal control authority an animal should be destroyed for humane reasons, such animals may not be reclaimed.

### Section 10-2-4 Report Of Impounded Animals

The animal control officer or animal control authority shall, within twenty-four hours after taking up and impounding any animal, make a report to the chief of police and other appropriate officials as required by law stating the kind of animal and describing it by color or otherwise or by any marks or brands that may be on it, and when it was impounded.

### Section 10-2-5 Conditions And Duration Of Impoundment

The animal control officer shall provide for the keeping of all animals impounded in a safe, convenient and comfortable place within or conveniently near the town limits and shall feed such animals at least once every twenty-four hours and treat them in a humane manner during the time they are impounded.

## Section 10-2-6 Confinement Of Wild Animals

A. No wild animal may be kept within the town limits, except under such conditions as shall be fixed by the town or the animal control authority, provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions, in accordance with such regulations as shall be established by the town or the animal control authority.

B. Notwithstanding Section 10-2-3, any animals, described in subsection A of this section, found at large shall be impounded by the animal control officer or the animal control authority and may not be reclaimed by the owner, unless such reclamation is authorized by any court having jurisdiction.

## Section 10-2-7 Sale Of Unreclaimed Animals

The animal control officer may, at the time provided in notice of sale, sell at public auction animals impounded under the provisions of this chapter, which have not been reclaimed by the owner. The animal shall be sold to the highest cash bidder and the animal control officer shall immediately pay to the clerk the proceeds of the sale of any such animal. In no instance shall the animal control officer be or become interested, either directly or indirectly, in the purchase of any animal sold by him.

## Section 10-2-8 Impeding Animal Control Officer

It is unlawful for any person to in any manner intervene, impede, prevent, obstruct or intimidate any member of the animal control authority or delegate in the discharge of his duties in taking up or attempting to take up and impound any and all animals which it shall be his 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 10-2-9 Impoundment Fees

Each animal impounded may be reclaimed as provided in this chapter upon payment to the animal control officer of the following fees when applicable.

Impoundment fee per animal	\$25.00 1 <sup>st</sup> Offense, \$50.00 2 <sup>nd</sup> Offense, \$75.00 3 <sup>rd</sup> Offense, Not returned after 3 <sup>rd</sup> Offense
Daily boarding per animal	10.00 per day
Posting notice of impoundment	2.00
Serving or mailing personal notice	2.50
Publication of notice of sale if animal is to be sold	Cost of publication
Owner requested euthanasia for dogs	15.00
Owner requested euthanasia for cats	15.00
Vaccinations and emergency treatment	Cost of services



## ARTICLE 10-3 RABIES CONTROL

10-3-1	Vaccination Required
10-3-2	Handling And Reporting Of Biting Animals
10-3-3	Town-Wide Quarantine
10-3-4	Responsibilities Of Veterinarians

### Section 10-3-1 Vaccination Required

A. Before a license is issued for any dog or cat, the owner must present an anti-rabies vaccination certificate signed by a veterinarian stating the owner's name and address and giving the animal's description, date of vaccination and type, manufacturer and serial number of the vaccine and date that re-vaccination is due. No dog or cat shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated hereunder.

B. If a dog or cat is impounded and found to be unvaccinated, the animal control officer or animal control authority is hereby authorized to cause such animal 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 10-3-2 Handling And Reporting Of Biting Animals

A. Every animal which bites a person shall be promptly reported to the animal control officer or the animal control authority, and the animal shall thereupon be securely quarantined at the direction of the animal control officer or animal control authority for a period of ten days, and shall not be released from such quarantine except by written permission of the animal control officer or animal control authority. At the discretion of the animal control officer or animal control authority, such quarantine may be on the premises of the owner, at the shelter designated as the town animal shelter or, at the owner's option and expense, in a veterinary hospital of the owner's choice. In the case of stray animals or in the case of animals whose ownership is not known, such quarantine shall be at the shelter designated as the town animal shelter.

B. Upon demand made by the animal control officer or animal control authority, the owner shall surrender any animal which has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner. The animal may be reclaimed by the owner, if adjudged free of rabies, upon payment of fees set forth in Section 10-2-9 of this chapter and upon compliance with licensing provisions set forth in Article 10-4 of this chapter.

C. When an animal under quarantine has been diagnosed as being rabid or suspected by a licensed veterinarian of being rabid and dies while under observation, the animal control officer, animal control authority or licensed veterinarian shall immediately send the head of such animal to the Arizona Department of Health Services laboratory for rabid

determination by pathological examination and shall notify the proper public health officer of reports of human contacts and the diagnosis made of the suspected animal.

D. No person shall kill or cause to be killed any rabid animal suspected of having been exposed to rabies or any animal biting a human, except as herein provided, nor shall such person remove same from the town limits without written permission from the animal control officer or animal control authority.

E. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer or animal control authority.

F. The animal control officer or animal control authority shall direct the disposition of any animal found to be infected with rabies.

G. It shall be the duty of every physician or other practitioner to report to the animal control officer or animal control authority the names and addresses of person treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

### Section 10-3-3 Town-Wide Quarantine

A. When a laboratory report, either preliminary or final, gives a positive diagnosis of rabies, the local town or county health officer or the animal control authority may declare a town-wide quarantine for a period of ninety days and, upon the invoking of such a quarantine, no animal shall be permitted to be at large except on a leash (the maximum length to be no more than six feet) and accompanied by a responsible person.

B. During such quarantine:

1. No animal may be taken or shipped from the town without written permission of the animal control officer or animal control authority.

2. The local town or county health officer shall require all dogs, four months of age and older, to be vaccinated against rabies with a canine rabies vaccine approved by the Biologies Control Section of the U.S. Department of Agriculture. The local health officer may extend this requirement beyond the quarantine period if he deems it necessary.

3. All vaccinated dogs shall be restricted (leashing or confinement on enclosed premises) for thirty days after vaccination. During the quarantine period, the local health officer shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the area of jurisdiction.

4. No dog which has been impounded by reason of its being a stray, which is unclaimed by its owner, is allowed to be adopted from the animal shelter, except by

special authorization of the public health official and the animal control officer or animal control authority.

5. Every animal bitten by an animal adjudged to be rabid shall be destroyed, or at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian, or held under ten days quarantine by the owner in the same manner as other animals are quarantined.

6. In the event there are additional positive cases of rabies occurring, such period of quarantine may be extended for an addition six months.

#### Section 10-3-4 Responsibilities of Veterinarians

It shall be the duty of every licensed veterinarian to report to the animal control officer or animal control authority his diagnosis of any animal observed by him as a rabies suspect.

### ARTICLE 10-4 LICENSES

10-4-1	License Required
10-4-2	Kennels
10-4-3	License Fees
10-4-4	Expiration And Transferability
10-4-5	Revocation

#### Section 10-4-1 License Required

A. No person shall own, keep or harbor any dog or cat four months of age or older within the town limits unless such dog or cat is licensed as provided in this article.

B. Written application for such license shall be made to the animal control officer and shall state the name and address of the owner, and the name, breed, color, age and sex of the dog or cat. The owner shall present a valid anti-rabies certificate at the time of application. The license fee shall be paid at the time of making application, a numbered receipt given to the applicant, and numbered tag shall be issued to the owner.

C. The provision of this article shall not apply to any person visiting in the town for a period not exceeding thirty days and owning or possessing a dog or cat currently licensed and bearing a license issued by another municipality or other licensing authority except the owner may be required to present a valid anti-rabies certificate to the animal control officer or animal control authority.

D. Each dog licensed under the terms of this article shall receive, at the time of licensing, a tag on which shall be inscribed 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 or harness that 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 a one-dollar fee to the town.

E. Any person who falsifies information on the application, who counterfeits or attempts to counterfeit an official dog or cat tag, who removes such tag from any dog for the purpose of willful and malicious mischief, or who places a dog tag upon a dog unless the tag was issued to that dog is guilty of a misdemeanor.

F. The animal control officer or animal control authority shall impound any dog found without a current valid license tag.

### Section 10-4-2 Kennels

A. Every person, group of persons or corporations engaged in the commercial business of buying, selling, breeding or boarding, and who owns, harbors or keeps five or more dogs or cats, four months of age or older, in a kennel shall make application for a license and upon issuance of the license pay an annual license fee of thirty dollars. All local, county and state laws or ordinances concerning the licensing, vaccinating, excreta removal, sanitation inspection, restraint and other applicable ordinances will apply to kennels.

B. It shall be a condition of the issuance of any license that the animal control authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the license of the refusing owner.

C. If the applicant has withheld or falsified any information on the application, the animal control authority shall revoke or refuse to issue a license.

D. No person who has been convicted of cruelty to animals shall be issued a license under this section.

E. Any person having been denied a license may not reapply for a period of thirty days. Each reapplication shall be accompanied by a ten-dollar fee.

### Section 10-4-3 License Fees

A. The council may from time to time fix the rates and classification for license fees within the town and shall make such rules and regulations as may be necessary to properly administer and enforce this chapter by resolution of the town council. The following is a list of possible items to charge for:

	One Year
1. for each unneutered male dog or cat	\$8.00
2. for each unspayed female dog or cat	\$8.00
3. for each neutered male dog or cat	\$5.00
4. for each spayed female dog or cat	\$5.00
5. for each kennel	\$50.00

B. A guide dog belonging to a blind person who is a resident of the state or any bona fide nonprofit organization which is in the business of breeding, raising or training dogs that are to be used for guiding the blind shall, upon application by the owner or organization to the town and on presentation of proper proof, be vaccinated and licensed pursuant to this article without payment of a fee.

#### Section 10-4-4 Expiration And Transferability

A. All dog or cat licenses and kennel licenses shall be issued for one year beginning with the first day of January. Applications for licenses may be made three months after the start of the licensing year without penalty, but when application is made after three months of the licensing year have elapsed, the applicant shall be assessed a penalty of fifty percent of the license fee, which amount shall be added and collected with the regular license fee, except if the dog, cat or kennel did not become subject to licensing until after the start of the licensing year, then no penalty shall be assessed.

B. If there is a change in ownership of a dog, cat or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of one dollar.

#### Section 10-4-5 Revocation

A. The animal control authority may revoke any license if the person holding the license refuses or fails to comply with this chapter, the regulations promulgated by the animal control authority or any law governing the protection and keeping of animals.

B. Any person whose license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept or harbored by such person, and no part of the permit or license fee shall be refunded.

### ARTICLE 10-5 RECORDS, REPORTS AND INVESTIGATIONS BY ANIMAL CONTROL OFFICER

10-5-1	Records To Be Kept
10-5-2	Reports By Animal Control Officer
10-5-3	Investigations

#### Section 10-5-1 Records To Be Kept

A. The animal control officer shall keep in a suitable book an account of all moneys received, when and from whom received and the amount paid to the clerk. Also included shall be the date of payment, a complete description of all animals impounded showing the time when impounded and by whom redeemed or when sold and to whom sold, and if destroyed, when and by whom. The book or record shall be the property of the town and be open to the inspection of the public at all reasonable times.

B. It shall be the duty of the animal control officer or animal control authority to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him and his investigation of same.

#### Section 10-5-2 Reports By Animal Control Officer

The animal control officer shall within tow working days after the collection of any monies whatsoever, pay over to the clerk all money received and take the clerk's receipt therefor. Said money shall be credited to the general fund.

#### Section 10-5-3 Investigations

A. For the purpose of discharging the duties imposed byt his chapter and to enforce its provisions, the animal control authority with any police officer is empowered to enter upon any premises with a search warrant upon which an animal is kept or harbored and to demand the exhibition by the owner of such animals, or the license, if required for such animals.

B. It is further provided that the animal control authority may enter the premises with a police officer and search warrant where any animal is kept in a reportedly cruel or inhumane manner, and demand to examine such animals and to take possession of such animal when, in his opinion, it requires humane treatment.