

Chapter 6 Animal

CHAPTER 6 ANIMALS

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Section 6-1-1 Definitions

In this chapter unless the context otherwise requires:

- A.** “Animal” within the provision of this chapter shall mean dogs, cats, livestock and any animal of a species that is susceptible to rabies, except man.
 - B.** “Animal control authority” shall consist of the animal control officer, chief of police, the Pinal County enforcement agent or such other person designated by the Town Council.
 - C.** “Animal control officer” means the person appointed or employed by the Town as its enforcement officer, the Pinal County enforcement agent or any member of the Town Police Department.
 - D.** “Animal shelter” means any premises designated by action of the Town for the purpose of impounding and caring for all animals impounded pursuant to this chapter.
 - E.** “At large” means off the premises of the owner, and being neither confined by an enclosure nor physically restrained by a leash.
 - F.** “Cattery” means a residence, building, structure or other enclosed or controlled area in which a person keeps, harbors or maintains four (4) or more cats which are over four months of age.
 - G.** “Exposed to rabies” means an animal if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.
 - H.** “Fowl” means chicken, cock, hen, duck, goose, peafowl, or other generally accepted domesticated commercial bird.
 - I.** “Kennel” means a residence, building, fenced, enclosed, controlled area, or structure in which a person keeps, harbors or maintains four (4) or more dogs which are over four months of age.
 - J.** “Livestock” means neat animals, horses, sheep, goats, swine, mules, or asses.
 - K.** “Owner” means any person, group of persons or corporations owning, keeping possessing, or maintaining, or harboring a dog or dogs or other animals.
 - L.** “Restraint” means physically restrained by a leash.
 - M.** “Stray dog” means any dog four months of age or older running at large that is not wearing a valid license tag.
 - N.** “Vaccination” means the administration of an anti-rabies vaccine to animals by a veterinarian.
 - O.** “Vicious animal” means any animal of the order carnivore that has a propensity to bite human beings without provocation, and has been declared so after a hearing before a justice of the peace or magistrate.
- Sec. 6-1-2 Enforcement of Chapter

The provisions of this chapter shall be enforced by the animal control authority. The animal control authority is hereby empowered to file civil complaints in the name of the Town of Superior for collection of any monies due the Town under this chapter.

Sec. 6-1-3 Cruelty

It is unlawful for any person to cruelly treat any animal in the Town in any way. Any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this section.

Sec. 6-1-4 Noises; Offensive Odors Limitation on Numbers...of Dogs or Cats

A. It is unlawful for any person to harbor, possess, maintain or keep any animal which disturbs the peace by loud noises at any time of the night or day or to possess, maintain or keep any animal or animals on any premises in a manner which results in offensive odors being emitted or an unsanitary condition being created or maintained.

B. Within the corporate limits of the Town, it shall be unlawful for any person to harbor, maintain, house or keep at any one time, more than three (3) dogs over four (4) months of age or more than three (3) cats which are over four (4) months of age.

6-1-5 Animals 6-1-9

Sec. 6-1-5 Livestock

A. It is unlawful to permit any livestock within the Town limits unless authorized under this code.

B. It is unlawful to picket or tie any animal in the streets of the Town for the purpose of grazing and feeding.

Sec. 6-1-6 Dangerous Animals

A. It is unlawful to permit any dangerous, vicious animal of any kind to run at large within the Town. Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the chief of police.

B. The members of the police department or the Town enforcement agent are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

Sec. 6-1-7 Stray; Housing, Limitations

A. Any person who keeps or causes to be kept any horses, mules, cattle, burros, goats, sheep or other livestock or poultry shall keep such livestock or poultry in a pen or similar enclosure to prevent their roaming at large within the corporate limits of the

Town. Any such livestock or poultry running at large shall be impounded as provided in this chapter.

B. It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome. Any residence, property or premises upon which animals are kept shall always be sanitary and free from offensive odors and subject to inspection and regulations.

C. It is further unlawful to keep or maintain any animal described in Subsection A or any coop, house, stable, fowl—house, shed or other structure required under Subsection A within one hundred feet of the dwelling house of any person or persons.

Sec. 6-1-8 Swine Prohibited

It is unlawful to keep any live swine or pigs within the corporate limits of the Town.

Sec. 6-1-9 Chickens, Ducks, Geese, Turkeys, Rabbits, Rodents and Pigeons

A. It is unlawful for any person to keep any chickens, ducks, geese, turkeys, rabbits, rodents or pigeons within the corporate limits of the Town unless they are securely housed or cooped so as to prevent them from being at large.

B. It is unlawful to keep or maintain within one hundred (100) feet of the dwelling house of any person or persons within the Town any coop, house, stable, fowl—house, shed or other structure for the purpose of housing, keeping or caring for chickens, ducks, geese, turkeys, rabbits, rodents or pigeons.

Sec. 6-1-10 Destruction of Injured Dogs and Other Animals

Any licensed or unlicensed dog or other animal which, apparently, is suffering from serious injuries and is in great pain and probably would not recover, or which has evidence of any infectious disease which is a

danger to other dogs or animals or to man, may be destroyed by the animal control officer in as humane a manner as possible after reasonable efforts to notify the owner have failed.

Sec. 6-1-11 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 man or beast may be affected. It is unlawful for such diseased animal to be shipped or removed from the premises of the owner thereof, except under the supervision of the animal control officer.

B. It is hereby made the duty of the animal control officer to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in the cases where the state health department officer or the state veterinarian.

Sec. 6-1-12 Kennel and/or Cattery Unlawful Within the City; Exemptions

A. It shall be unlawful and punishable as provided in this Code to operate, maintain, or establish a kennel or cattery (as **defined in 6-1-1**) within the corporate limits of the Town.

B. It shall be presumed that a person is operating, maintaining or establishing a kennel or cattery if he has present on the premises, at one time, four or more dogs over four months old or four or more cats over four months old.

C. Any person who has a current kennel permit issued by the Board of Supervisors pursuant to A.R.S. §24-367.01, on or before the effective date of this section, shall be allowed to continue with the operation of said kennel so long as the permit is not allowed to lapse. No such permit may be transferred or assigned to any other person within the corporate limits of the City.

Sec. 6-1-13 Exceptions, Specially Zoned Areas for Livestock conditions

A. The foregoing provisions of this Chapter 6 notwithstanding, it shall be lawful to keep and maintain fowl, rodents, or livestock within certain districts established for such purposes by the Planning and Zoning Commission and the Mayor and Council of the Town or where a permit for such maintenance is issued by the Mayor and Council after public vote. If, however, livestock, rodents, and fowl are authorized to be maintained or kept within any district established pursuant to zoning regulation or by permit, the land on which said animals are kept or maintained shall not be less than one (1) acre and the authorization to keep and maintain said animals shall be specifically conditioned upon compliance in full with the following;

1. There shall be no more than two (2) horses and/or three (3) other head of livestock maintained on the property for the first one (1) acre of land and no more than two (2) additional head for each additional one-half (1/2) acre of land owned and operated by the person keeping and maintaining said livestock.

2. No fowl, rodents, or livestock shall be cooped, stabled, or confined in any building within two hundred (200) feet from any residence, dining, or sleeping quarters which may be situated on adjacent land, and all such animals shall be kept in suitable enclosures and shall not be permitted to run at large

a. All such enclosures shall be maintained in a sanitary condition.

b. The Animal Control Authority may impose other rules and regulations by Council resolution which shall have the force and effect of law to insure proper sanitary conditions are maintained and to enforce the provisions of this Code. Any violations of any such rule or regulation, after receipt of notice of same, shall be considered a violation of this Code and punishable as such.

3. All animals allowed to be maintained within a zoning district established by Planning and Zoning and the Mayor and Council or by permit shall be kept and maintained in such a manner as to not disturb the peace, comfort, and health of any other person residing in the Town. It shall be considered a violation of this section if offensive or fowl odors or noise are emitted beyond the property boundaries of the premises on which the animals are maintained.

4. If newly annexed property is actually utilized for maintaining livestock at the time of annexation, such use may continue even if it is not located in an area zoned for such purpose. Such use may continue as a non-conforming use until the right to use same is forfeited or abandoned by non-use for a period of one (1) year or as otherwise provided in the Zoning Ordinance.

ARTICLE 6-2 IMPOUNDING GENERALLY

6-2-1 Scope of Article

6-2-2 Impounding of Animals at Large

6-2-3 Notice to Owners of Impoundment

6-2-4 Report of Impounded Animals

6-2-5 Conditions and Duration of Impoundment

6-2-6 Redemption of Impounded Animals

6-2-7 Sale of Unredeemed Animals

6-2-8 Impounding Fees

6-2-9 Impeding Animal Control Officer

6-2-10 Biting Animals

6-2-11 Contractual Agreement

6-2-1 Animals 6-2-6

Sec. 6-2-1 Scope of Article

The provisions of this article shall apply to the impoundment of any and all animals, except dogs and cats. The provisions of Article 6-3 apply to the impoundment of dogs.

Sec. 6-2-2 Impounding of Animals at Large

It shall be the duty of the animal control officer to impound all animals found at large, or not under the charge, care or control of some person in the streets, alleys or other public places or vacant or unenclosed lots in the Town.

Sec. 6-2-3 Notice to Owners of Impoundment

If the owner of any impounded animal is known to the animal control officer and resides or has a known place of business in the Town, the animal control officer shall notify the owner of such animal personally or by letter through the post office within twenty-four hours after such animal has been taken up and impounded. The notice shall contain a description of the animal and shall state that unless reclaimed such animal will be sold at public auction to the highest bidder at the time and place specified in the notice. Copies of the notice shall be posted at the place of impoundment and at the Town Hall.

Sec. 6-2-4 Report of Impounded Animals

The animal control officer shall, within twenty-four hours after taking and impounding any animal, make a report to the clerk stating the kind of animal and describing it by color, marks, or brands or otherwise and when the animal was taken up and impounded.

Sec. 6-2-5 Conditions and Duration of Impoundment

The animal control officer shall keep all animals taken up and 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. The duration of impoundment shall not be less than three days, unless sooner claimed by the owner.

Sec. 6-2-6 Redemption of Impounded Animals

If the owner of any animal applies to the animal control officer and -pays the fees and charges provided by this chapter within five days after such animal has been taken up and impounded, the animal control officer shall deliver such animal to the owner.

Sec. 6-2-7 Sale of Unredeemed Animals

All animals, taken up and impounded under the provisions of this article which have not been claimed and for which the fees and charges have not been paid to the animal control officer by the owner within five days, shall at the time provided in the notice of sale be sold by the animal control officer at public auction at the place of impoundment to the highest cash bidder. The proceeds, after deducting there-from the fees and charges, shall be paid to the owner of the animal if he appears and claims the same within thirty days after the sale, and if not, then the proceeds shall be paid into the general fund of the Town. The animal control officer shall execute a bill of sale in favor of the purchaser or such animal and upon payment of the amount bid shall deliver the bill of sale to the purchaser.

Sec. 6-2-8 Impounding Fees

The animal control officer shall collect from the owner of animals taken up and impounded and duly claimed by the owner, before delivering any such animals, a sum to be determined by resolution of the Council for every animal so taken up, and additionally a sum to be determined by resolution of the Council for the care, watering and feeding of any impounded animal. All fees collected shall be paid into the general fund of the Town.

Sec. 6-2-9 Impeding Animal Control Officer

It is unlawful for any person -to in any manner intervene, impede, prevent, obstruct or intimidate the animal control officer or any of his deputies or Town Police in the discharge of their duties in taking up or attempting to take up and impound any and all animals which it shall be their 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.

Sec. 6-2-10 Biting Animal

Whenever any animal bites a person, the person so bitten and the owner of the animal shall immediately notify the animal control officer, who shall cause an examination of the animal to be made by a duly licensed physician or a duly licensed veterinarian and shall order compliance with the provisions of Sec. 6-3-7 of this Chapter.

Sec. 6-2-11 Contractual Agreement

Notwithstanding any provision of this article to the contrary, the Council may contract with the county or other governmental agency to enforce the provisions of this article in such manner as may be provided in the agreement.

6-3 Animals 6-3-2

Article 6-3 DOGS

6-3-1 Definitions

6-3-2 Licenses and Tags Generally

6-3-3 Vaccination Required

6-3-4 Running at Large

6-3-5 Impoundment

6-3-6 Biting Dogs

Section 6-3-1 Definitions

In this chapter unless the context requires otherwise:

- A.** "At large" means off the premises of the owner not under the control of the owner or other persons acting for the owner.
- B.** "Collar" means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.
- C.** "Dog" means a member of the canis familiaris family.
- D.** "Dog violation citation" means a document issued by the enforcement agent or his duly authorized representative to a person who has violated the regulations of this chapter commanding that person to appear in the magistrate court on a day named or, if desired, to pay the fine by mail.
- E.** "Enforcement agent" means any person appointed by the council to enforce the provisions of this chapter.
- F.** "Owner" means any person, owning, keeping, possessing, harboring or maintaining a dog.
- G.** "Pound" means any establishment authorized by the town for the confinement, maintenance, safekeeping and control of dogs that come into the custody of the enforcement agent.
- H.** "Vaccination" means an anti-rabies vaccination using a type of vaccine approved by the state veterinarian.

Sec. 6-3-2 Licenses and Tags Generally

A. All dogs kept, harbored or maintained in the town must be licensed and registered if over four months of age. Dog licenses shall be issued by the enforcement agent upon payment of a license fee. The license shall expire on the first day of January of each year. The owner shall state at the time application is made for such license his name and address and the name, breed, color and sex of each dog owned or kept by him.

B. If the license is not obtained by the owner during the month of January of any year, or within thirty days of the date of first possession of any dog, or of its becoming four months old, or within thirty days from the arrival of the dog in the town the license payment shall be deemed delinquent and a penalty shall be added to the license fee.

C. The fees provided by this section shall be determined by resolution of the council.

D. 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.

E. 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. It shall be the duty of the owner to cause such tag to be securely attached to a collar or harness which shall be worn by the dog at all times. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the enforcement agent.

F. 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.

G. Whenever the ownership of a dog has been changed, the new owner must secure a transfer of license to such owner. A fee shall be charged to transfer any license.

H. Dogs while being used for hunting or dogs while being exhibited at American Kennel Club approved shows 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 and licensed.

I. The enforcement agent shall apprehend and impound any dog found without a current valid license tag.

Sec. 6-3-3 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 and address and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine 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 hereunder.

B. A dog vaccinated in any other place prior to entry into the town may be licensed in the town 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 place or a veterinarian employed by a governmental agency in that place, 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 hereunder.

C. The town shall 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 unvaccinated, the enforcement agent is hereby authorized to cause such dog to be vaccinated at the pound at a cost to be borne by the owner. The vaccination shall be performed by a veterinarian, who shall issue a certificate of vaccination.

6-3-4 Animals 6-3-6

Sec. 6-3-4 Running at Large

A. No person owning, keeping, possessing, harboring or maintaining a dog shall allow such dog to be at large. A dog is not deemed to be at large:

1. While such dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer, if such dog is actually enrolled in or has graduated from a dog obedience training school which has been approved by the town enforcement agent.

2. While such dog is being used for hunting purposes.

3. While such dog is being exhibited at an American Kennel Club approved show.

4. While such dog is engaged in races approved by the Arizona Racing Commission.

B. The enforcement agent shall apprehend and impound any dog running at large contrary to the provisions of this section.

Sec. 6-3-5 Impoundment

A. Each unlicensed dog impounded shall be kept and maintained at the pound for a minimum of five days. At the expiration of the impoundment period, anyone may claim the dog; provided, that such person pays all established pound fees and complies with the licensing provisions of this article within seventy-two hours. If no person claims the dog, the enforcement agent may dispose of the dog in a humane manner.

B. Impoundment costs shall include an assessment for each time a dog is impounded and the actual cost incurred for each day the enforcement agent cares for and feeds the dog.

Sec. 6-3-6 Biting Dogs

A. Whenever a dog bites any person the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

B. Any dog that bites any person shall be quarantined and impounded or, at the request of and at the expense of the owner, placed in a veterinary hospital for a period of not less than seven days. The owner of any dog that has bitten a person may voluntarily deliver the dog to the enforcement agent at the pound; otherwise, there shall be an assessment against the owner if the enforcement agent must pick up the dog. If the dog is impounded in the pound for observation as a result of a dog bite incident, there shall be a per day charge for board, and any other expenses incurred during the quarantine or impoundment shall be paid by the owner.

C. If it is determined that the dog is infected with rabies or other dangerous, contagious and infectious disease, it shall be the duty of the enforcement agent to destroy such dog in as humane a manner as is reasonably possible. If at the end of the quarantine or impoundment, a veterinarian is convinced that the dog is free from such diseases, the dog shall be released. If the dog dies during the period of quarantine or impoundment, its head shall be sent to the laboratory at the department of health services for examination.

6-4 Animals 6-4-4

Article 6-4 CITATION OF OWNERS

6-4-1 Running at Large

6-4-2 Citation Issued to Owners

6-4-3 Payment of Citation

6-4-4 Filing of Citation

6-4-5 Records of Citations

6-4-6 Right to Impound Dogs Not Superseded

Sec. 6-4-1 Running at Large

It is unlawful for any owner or custodian of any dog to permit the dog to run loose or to be at large within the corporate limits of the city upon any public street, highway or public place or upon private property owned by a person other than the owner or custodian of the dog.

Sec. 6-4-2 Citation Issued to Owners

Whenever any person is in violation of the provisions of this chapter, the enforcement agent, his duly authorized representative or any police officer may hand deliver or mail to the last known mailing address of such person a dog violation citation. Such citation shall be approved as to form by the town attorney and the magistrate court. The citation shall advise the person of the specific violation with which he is charged and of the time and place of such violation. A copy of such notice shall be sent to the clerk by the enforcement agent.

Sec. 6-4-3 Payment of Citation

A. Payment of citation may be made, within ten days of the issuance of the citation, by mailing or by presenting to the office of the clerk a copy of the citation and the amount of the fine for such violation. 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 has the right to appear in the magistrate's court and contest the charge.

C. If the person pays the fine he shall be given or mailed a receipt therefore and the citation shall not be filed in court.

Sec. 6-4-4 Filing of Citation

If the person does not pay such penalty or if such person requests that the matter go to court, the town clerk shall file the citation in the magistrate court.

6-4-5 Animals 6-4-6

Sec. 6-4-5 Records of Citations

Citations filed with the clerk by the enforcement agent and not filed in the magistrate court shall be kept on file in the clerk's office for at least one year.

Sec. 6-4-6 Right to Impound Dogs Not Superseded

The provisions of this article shall not supersede the town's right to impound dogs as provided in **Section 6-3-5.**

6-4 Animals 6-4-4

Article 6-4 CITATION OF OWNERS

6-4-1 Running at Large

6-4-2 Citation Issued to Owners

6-4-3 Payment of Citation

6-4-4 Filing of Citation

6-4-5 Records of Citations

6-4-6 Right to Impound Dogs Not Superseded

Sec. 6-4-1 Running at Large

It is unlawful for any owner or custodian of any dog to permit the dog to run loose or to be at large within the corporate limits of the city upon any public street, highway or public place or upon private property owned by a person other than the owner or custodian of the dog.

Sec. 6-4-2 Citation Issued to Owners

Whenever any person is in violation of the provisions of this chapter, the enforcement agent, his duly authorized representative or any police officer may hand deliver or mail to the last known mailing address of such person a dog violation citation. Such citation shall be approved as to form by the town attorney and the magistrate court. The citation shall advise the person of the specific violation with which he is charged and of the time and place of such violation. A copy of such notice shall be sent to the clerk by the enforcement agent.

Sec. 6-4-3 Payment of Citation

A. Payment of citation may be made, within ten days of the issuance of the citation, by mailing or by presenting to the office of the clerk a copy of the citation and the amount of the fine for such violation. 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 has the right to appear in the magistrate's court and contest the charge.

C. If the person pays the fine he shall be given or mailed a receipt therefore and the citation shall not be filed in court.

Sec. 6-4-4 Filing of Citation

If the person does not pay such penalty or if such person requests that the matter go to court, the town clerk shall file the citation in the magistrate court.

6-4-5 Animals 6-4-6

Sec. 6-4-5 Records of Citations

Citations filed with the clerk by the enforcement agent and not filed in the magistrate court shall be kept on file in the clerk's office for at least one year.

Sec. 6-4-6 Right to Impound Dogs Not Superseded

The provisions of this article shall not supersede the town's right to impound dogs as provided in **Section 6-3-5**.