

## Chapter 6

### ANIMALS\*

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#### ARTICLE 6-1. DEFINITIONS AND GENERAL REGULATIONS

##### Sec. 6-1-1. Definitions.

As used in this article, unless the context otherwise requires, the following words or phrases shall carry the following definitions:

- (a) *Animal Control Officer*: Any peace officer, police assistant or other person responsible for the enforcement of this chapter appointed under the provisions of A.R.S. §9-499.04 or amendments thereto.
- (b) *Animal or Animals*: Horses, mules, burros, cattle, goats, sheep, cats, dogs, swine, llamas, ostriches, emus or other livestock, poultry or any other animal that is susceptible to rabies.
- (c) *At Large*: Means off the premises of the owner and neither confined by an enclosure nor physically restrained by a leash.
- (d) *Collar*: A band, chain, harness or suitable device worn around the neck of the dog to which a license may be affixed.
- (e) *Control of Owner*: An owner or person responsible for the animal has immediate actual physical or effective voice control of said animal.
- (f) *Dangerous or Vicious*: Any animal which has attacked or bitten any human being, has a propensity to attack, to cause injury or otherwise endanger the safety of human beings or other animals without provocation or which has been previously found to be a vicious animal by a court of competent authority.

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\* **Editor's note**—Sections 1 and 2 of Ord. No. 2004-20, adopted Sept. 21, 2004, repealed and adopted, respectively, Chapter 6 in its entirety.

**State law reference**—Power of city to prohibit roaming at large of animals, A.R.S. § 9-240(B)(16).

- (g) *Destructive Animal*: Means any animal that has a propensity to destroy, damage or cause damage to the property of a person other than the animal's owner.
- (h) *Dog*: A member of the "canis familiaris" family.
- (i) *Impound*: The act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this chapter.
- (j) *Owner*: Any person or legal entity having a possessory property right in an animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them.
- (k) *Police Dog*: Means any dog belonging to any criminal justice or law enforcement agency service dog unit.
- (l) *Pound*: Any place authorized by the city for the confinement, maintenance, safekeeping and control of dogs or animals coming into custody of the animal control officer.
- (m) *Provocation*: Means any behavior toward an animal or its owner which is likely to cause a defensive reaction by the animal.
- (n) *Vaccination*: An anti-rabies vaccination using a type of vaccine approved by the State Veterinarian.
- (o) *Veterinarian*: One qualified and authorized to treat injuries and diseases of animals.
- (p) *Wild Animal*: An animal of a wild nature or disposition.

(Ord. No. 143, § 2, 6-24-81; Ord. No. 449, 11-02-99; Ord. No. 2004-20, §§ 1-2, 9-21-04; Ord. No. 2005-28, § 1, 10-18-05; Ord. No. 2005-29, § 1, 10-18-05)

### **Sec. 6-1-2. Violations; penalties.**

Any owner or other person violating any provision of this chapter shall be guilty of a civil violation, except where otherwise specifically provided; and such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of this chapter is committed or permitted.

(Ord. No. 143, § 2, 6-24-81; Ord. No. 2004-14, § 6, 7-6-04; Ord. No. 2004-20, §§ 1-2, 9-21-04)

**Sec. 6-1-3. Interfering with animal control officer.**

It is unlawful for any person to, in any manner, intervene, impede, prevent, obstruct, intimidate or fail to follow a lawful order of any animal control officer in the discharge of their duties in citing and impounding, or who shall rescue or attempt to rescue any animal that has been impounded. Any person violating this section shall be guilty of a class one misdemeanor punishable as provided in section 1-8-1(b) of this Code.

*(Ord. No. 143, § 2, 6-24-81; Ord. No. 2004-20, §§ 1-2, 9-21-04)*

**Sec. 6-1-4. Killing dangerous animals.**

The City of Show Low is authorized to destroy any dangerous animals of any kind when it is necessary for the protection of any person or property. In addition, any dog or other animal at large that, in the judgment of the animal control officer: (1) is dangerous, vicious, or fierce, and/or (2) is a threat to human safety and cannot be safely impounded, may be immediately destroyed

*(Ord. No. 143, § 2, 6-24-81; Ord. No. 2004-20, §§ 1-2, 9-21-04)*

**Sec. 6-1-5. Public nuisance.**

Any animal which does any of the following is hereby declared to be a public nuisance and may be impounded by the animal control officer at a cost to be paid by the owner. It is unlawful for any person to permit such animal or animals to:

- (a) Molest passersby or passing vehicles.
- (b) Attack other animals.
- (c) Trespass on school grounds.
- (d) Repeatedly be at large.
- (e) Damage public or private property.
- (f) Cause garbage to be thrown about.

*(Ord. No. 143, § 2, 6-24-81; Ord. No. 194, § 1, 2-8-84; Ord. No. 2004-20, §§ 1-2, 9-21-04)*

**Sec. 6-1-6. Disturbing the peace.**

Any owner whose animal disturbs the peace and quiet of any person any time of the day or night by barking, whining, howling, crowing, braying, burrowing or by making any other similar objectionable noise in an excessive, continuous or untimely fashion is guilty of a civil violation.

*(Ord. No. 143, § 2, 6-24-81; Ord. No. 194, § 2, 2-8-84; Ord. No. 2004-20, §§ 1-2, 9-21-04)*

**Sec. 6-1-7. Dog at large – exceptions.**

Any dog at large is in violation of this chapter and may be impounded. A dog is not deemed to be at large:

- (a) While such dog is actively engaged in an organized dog obedience training school accompanied by and under the control of its owner or trainer.
- (b) While such dog is being used for hunting purposes.
- (c) While such dog is being exhibited at an American Kennel Club approved show or other authorized event.
- (d) While such dog is engaged in races approved by the Arizona Racing Commission.
- (e) A police dog in the performance of its duties.
- (f) While such dog is within a city-designated dog-park area.

*(Ord. No. 143, § 2, 6-24-81; Ord. No. 449, 11-02-99; Ord. No. 2004-20, §§ 1-2, 9-21-04; Ord. No. 2005-28, § 2, 10-18-05)*

**Sec. 6-1-8. Disposal of waste.**

It is unlawful for any person whose animals defecate on property they do not own to fail to immediately clean up and properly dispose of the waste.

- (1) Exceptions: This section shall not apply to blind persons, persons with mobility disabilities, or police officers or other law enforcement officers accompanied by police dogs.

*(Ord. No. 2004-20, §§ 1-2, 9-21-04)*

**Sec. 6-1-9. Animals at large (livestock, poultry, large and dangerous animals).**

- (a) It shall be unlawful for the owner or person having the control and custody of any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep, goat, poultry or other large or dangerous animals to permit the same to run at large within the city.
- (b) Any owner who keeps or causes to be kept any livestock, poultry or large or dangerous animals within the city shall keep such animals in a pen, corral, pasture or similar enclosure to prevent their roaming at large. No such animal shall be kept within fifty (50) feet of any occupied structure which is not occupied by the owner.
- (c) It is unlawful to picket or tie any animal in any of the streets of the city for the purpose of grazing or feeding.
- (d) The owner of an animal is liable for damages caused by such animal while at large.
- (e) Impounding authority: Any animal at large may be impounded by the animal control officer.

*(Ord. No. 143, § 2, 6-24-81; Ord. No. 2004-20, §§ 1-2, 9-21-04)*

**Sec. 6-1-10. Dangerous or vicious animals.**

- (a) It is unlawful to permit a dangerous or vicious animal of any kind to run at large within the city limits. Any such animals may be immediately impounded.
- (b) Where animal control officers have reasonable cause to believe that an animal is dangerous or vicious and may cause immediate physical injury if allowed to escape, they may make application to the magistrate court for an ex parte order to impound the animal provided that a civil hearing is set as provided in section 6-1-10(c) within five (5) working court days.
- (c) Upon complaint of any person and after notice to the owner and a civil hearing, the city magistrate (or any judge having authority to hear the matter) may determine that an animal is dangerous or vicious. In the event that an animal is off the premises of the owner and bites a human being breaking the skin, there shall be a rebuttable presumption that the animal is dangerous or vicious and shall be destroyed absent sufficient mitigating circumstances set forth on the record. If an animal is determined to be dangerous or vicious, the court may order one or more of the following:
  - (1) The destruction of said animal.

- (2) That such animal be confined within a building or secure enclosure.
- (3) That such animal be securely muzzled or caged at all times.
- (d) The animal control officer is authorized to destroy a dangerous animal of any kind, upon an order from the city magistrate, or when it is necessary for the protection of any person or property, when in their judgment the animal is:
  - (1) Dangerous or vicious; and/or
  - (2) Cannot be safely impounded.

(Ord. No. 143, § 2, 6-24-81; Ord. No. 2004-20, §§ 1-2, 9-21-04; Ord. No. 2005-30, § 1, 11-1-05)

**Sec. 6-1-11. Diseased animals.**

- (a) *Prohibited:* No animal afflicted with a contagious or infectious disease shall be allowed to run at large or be exposed to any public place whereby the health of man or beast may be affected.
- (b) *Removal:* It shall be unlawful for any owner or person, knowing or suspecting that an animal has contracted rabies or other contagious or infectious disease, to knowingly allow such an animal to be taken off their premises or beyond the limits of the city without the written permission of the chief of police or his/her designee. Every owner or other person knowing or suspecting an animal has rabies or any contagious or infectious disease shall immediately notify the animal control officer, who shall either remove the animal to the pound, a veterinarian or summarily destroy it, except in cases where the State Health Officer or State Veterinarian is empowered to act.
  - (1) After notifying the animal control officer, the owner may make arrangements to have the animal treated or destroyed by a veterinarian.
  - (2) The owner of any animal removed, impounded or treated under the provisions of this article shall be held liable for any impoundment, boarding or veterinarian fees incurred in connection therewith.

(Ord. No. 143, § 2, 6-24-81; Ord. No. 2004-20, §§ 1-2, 9-21-04)

**Sec. 6-1-12. Swine.**

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

(Ord. No. 143, § 2, 6-24-81; Ord. No. 2004-20, §§ 1-2, 9-21-04)

**Sec. 6-1-13. Animals and pets.**

- (a) *Household pets*: Except as otherwise permitted in this ordinance, the keeping of animals in connection with each dwelling shall not exceed a total of three (3) household pets. A litter may not be on the premises for more than twelve (12) weeks.
- (b) *Indoor pets*: The provisions of this section shall not apply to birds, fish and other pets (excluding cats and dogs) which are kept fully within the resident's home and which do not create odor or sound which is detectable on an adjoining lot.

(Ord. No. 2004-20, §§ 1-2, 9-21-04)

**Sec. 6-1-14. Wild animals.**

- (1) Any property owner who fails to take remedial action to avoid contact between humans and bears, coyotes, javelinas, or other wild animals after having been notified in writing by animal control or any peace officer is guilty of a civil violation. Remedial action may include, without limitation, actions to secure or remove outdoor trash and any other food source or attractant likely to attract bears, coyotes, javelinas, or other wild animals.
- (2) Any property owner who knowingly or purposely leaves garbage, refuse, debris, or any other attractant outside in order to attract bears, coyotes, javelinas, or other wild animals shall be guilty of a civil violation.
- (3) Exhibitions or parades of wild animals may be conducted only upon securing a permit from the city unless the exhibition or parade is conducted by another government agency or adequately covered under another city permit.

(Ord. No. 143, § 2, 6-24-81; Ord. No. 2004-20, §§ 1-2, 9-21-04; Ord. No. 2010-13, § 1, 8-17-10)

**ARTICLE 6-2. CARE OF ANIMALS**

**Sec. 6-2-1. Cruelty and neglect.**

- (1) *Cruelty*: No person shall cause or allow an animal to be overdriven, overloaded, overworked, tortured, tormented, cruelly beaten, mutilated or unlawfully killed. No person shall inflict unnecessary cruelty upon an animal, drive it or work it when unfit for labor or abandon it.
- (2) *Neglect*: The purpose of this subsection is to guarantee that animals under human custody or control are housed in healthy environments and are provided with proper food, water, shelter, medical care, exercise space and ventilation. Any person owning or having care, control or custody of any animal shall provide:
  - (a) That the animal receives daily, food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health.
  - (b) That potable water is accessible to the animal at all times, either free-flowing or in a clean receptacle.
  - (c) That, except for livestock, all animals have convenient access to shelter. Any shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements and of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation or which does not provide adequate ventilation or drainage, does not comply with this section. Any shelter, all bedding and any spaces accessible to the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured, or becoming infested with parasites.
  - (d) That the animal receives care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering.
  - (e) That the animal is given adequate space, either:
    - (1) Within an enclosure that shall be constructed of material, and in a manner, to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition; or
    - (2) On a tie-out, consisting of a chain, leash, wire cable or similar restraint attached to a swivel or pulley. A tie-out shall be so located as to keep the animal exclusively on the secured premises and in a manner in which they cannot become entangled with other objects; or



- (3) Animals other than household pets, where allowed, shall have not less than the following minimum space:
- (a) Large animals such as horses, cows, etc. One animal for every twenty thousand square feet of usable area;
  - (b) Small animals such as sheep, goats, etc. One animal for every twenty thousand square feet of usable area;
  - (c) Chickens, geese, turkeys, rabbits, etc. Ten per twenty thousand square feet of usable area, unless located in an agricultural zoning district;
  - (d) Non-household animals shall be kept fifty (50) feet or more from an occupied structure, unless the structure is occupied by the owner or person in control of such animals;
- (f) The stable, area or place an animal is kept must be maintained so it is clean and wholesome. Animal owners must comply with the provisions of Article 9-4, Nuisance Control and Property Maintenance.
- (g) That the animal has access to adequate ventilation and is protected from temperature extremes at all times. It is unlawful for any person to keep any animal in a vehicle or other enclosed space in which the temperature is either so high or so low, or the ventilation is so inadequate, as to endanger the animal's life or health. Any animal control officer is authorized to use whatever force is reasonable and necessary to remove any animal from a vehicle or other enclosed space whenever it appears that the animal's life or health is endangered by extreme temperatures or lack of ventilation within the vehicle or other enclosed space. No animal control officer, nor the city shall be liable for damages to property caused by the use of reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.
- (h) If an animal control officer has issued a citation for a violation of this section or of A.R.S. §13-2910, and reasonably believes that the violation will continue, the officer is hereby authorized and empowered to remove and impound the animal.
- (i) An animal control officer is hereby authorized and empowered to remove and impound any animal in plain view and suffering from immediate life-threatening circumstances.
- (j) The owner of any animal removed and/or impounded under the provisions of this article shall be held liable for any impoundment, boarding or veterinarian fees incurred in connection therewith.

- (k) Any of the provisions of this section may be waived for treatment under the written direction of a licensed veterinarian.

*(Ord. No. 2004-20, §§ 1-2, 9-21-04)*

**Sec. 6-2-2. Render aid.**

A person who accidentally or otherwise hits a dog, livestock or large animal with an automobile or other vehicle and injures the same within the city must make a reasonable effort to promptly render aid and/or report it to the police.

*(Ord. No. 2004-20, §§ 1-2, 9-21-04)*

**ARTICLE 6-3. VACCINATIONS, LICENSE, IMPOUND AND ADOPTION**

**Sec. 6-3-1. Vaccination required.**

- (a) No dog shall be allowed to reside in the city unless said dog has been vaccinated for rabies by a licensed veterinarian.
- (b) Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian licensed by this state or a government 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. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulation promulgated hereunder.
- (c) A dog vaccinated in any other place prior to entry into the city may be licensed in the city provided that at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed in that jurisdiction or a governmental 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. The vaccination must be in conformity with the provisions of this article and the regulations promulgated hereunder.
- (d) The animal control officer may make provisions for low-cost vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian or a person authorized by a licensed veterinarian to administer the vaccination.

- (e) If a dog is impounded and found to be unvaccinated, the animal control officer may cause such dog to be vaccinated at the pound at a cost to be paid by the owner. The vaccination shall be performed by a veterinarian or a person authorized by a licensed veterinarian, who shall issue a certificate of vaccination.

(Ord. No. 143, § 2, 6-24-81; Ord. No. 2004-20, §§ 1-2, 9-21-04)

### **Sec. 6-3-2. Licenses and tags.**

- (a) *License required:* All dogs four (4) months or older kept, harbored or maintained in the city for at least thirty (30) consecutive days in a calendar year must be licensed and registered. Dog licenses shall be issued by the city, upon payment of a license fee, which license shall expire annually. The owner shall state at the time application is made for such license, their name and address, the name, breed, color and sex of each dog owned or kept by them.
- (b) *Tags:* 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 city, the number of the license and the year in which it expires. The tag shall be attached to a collar or harness 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 a fee to the city.
- (c) *Counterfeiting or transferring tags prohibited:* No person shall 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.
- (d) *Transfer of ownership:* Whenever the ownership of a dog has been changed, the new owner must secure a new license.
- (e) *Tag to be worn:* It shall be the duty of the owner of any dog kept within the limits of the city to cause the license tag to be securely attached to the dog's collar and kept upon the dog at all times during the license period. Absence of the license tag from the neck of any dog shall be prima facie evidence that the dog has not been licensed or vaccinated as provided in this article. Any such dog shall be deemed to be unowned.
- (f) *Impound:* The animal control officer may apprehend and impound any dog found without a current valid license tag.
- (g) *When tag need not be worn:* Dogs while being used for police work, hunting, while being exhibited at American Kennel Club approved shows, while engaged in races approved by the Arizona Racing Commission or 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.

- (h) *Guide dogs:* A service dog belonging to a handicapped or disabled person who is a resident of this state or any bona fide nonprofit organization which is in the business of breeding, raising or training such dogs shall, upon application by the owner or organization to the city and on presentation of proper proof, be licensed pursuant to this article without payment of a fee.
- (i) *License fees:* The license fee schedule will be set from time to time by the city council.

(Ord. No. 143, § 2, 6-24-81; Ord. No. 144, 7-22-81; Ord. 477, 10-3-00; Ord. No. 2004-14, § 4, 7-6-04; Ord. No. 2004-20, §§ 1-2, 9-21-04)

### **Sec. 6-3-3. Animal seizure and impounding.**

- (a) The animal control officer may seize and impound any dog found without a current valid license tag; any dog with or without a current valid license tag which is found running at large; any animal disturbing the peace as defined in section 6-1-6; any animal which bites any person; any animal which is a public nuisance as defined in section 6-1-5; or any animal found to be a victim of cruelty or neglect as defined in section 6-2-1. Said officer shall have the right to enter upon private property when it is necessary to do so in reasonable pursuit of and in order to apprehend any animal subject to impoundment pursuant to this article.
- (b) The animal control officer who lawfully seizes an animal pursuant to section 6-2-1 shall affix a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice of seizure to the owner or keeper of the animal, if known or ascertainable, after reasonable investigation. The officer shall file proof of service with the court. If it is determined that the suffering of the animal does not require humane destruction, the notice shall include the following:
  - 1. The name, business address, and telephone number of the person providing the notice.
  - 2. A description of the seized animal.
  - 3. The authority and purpose for the seizure, including the time, place, and circumstance under which the animal was seized.
  - 4. A statement that in order to receive a post-seizure hearing, the owner or person authorized to keep the animal, or the owner or person's agent,

shall request the hearing by signing and returning to the court an enclosed declaration of ownership or right to keep the animal within ten days, including weekends and holidays, after the date of the notice.

5. A statement that the owner is responsible for the cost of care for an animal that was properly seized and that the owner is required to post a bond in the amount of twenty-five (25) dollars per animal with the court to defray the cost of care.
  6. A warning that if the owner fails to post a bond within ten (10) days after the seizure, the animal will be deemed abandoned and become the property of the seizing agency.
- (c) On receipt of a declaration of ownership and post-seizure hearing request, the city magistrate shall set a hearing date within fifteen (15) business days. At the hearing, the seizing agency shall have the burden of establishing by a preponderance of evidence that the animal was subjected to cruel mistreatment, cruel neglect, or abandonment in violation of section 6-2-1 or will suffer needlessly if humane destruction is delayed. On this finding, the court may terminate the owner's rights in the animal and transfer the rights to the seizing agency or a designated animal care agency and shall forfeit the bond to pay the expenses incurred for the housing, care, and treatment of the animal. If at the conclusion of the hearing the animal is not forfeited under this section, the court shall order the bond exonerated and returned to the owner.
  - (d) If the owner or person authorized to keep the animal fails to post bond as prescribed by section 6-3-3(a)(5), fails to request a hearing, or fails to attend a scheduled hearing, the animal is deemed abandoned and all rights of the owner in the animal are transferred to the seizing agency.
  - (e) All other animals seized and impounded and unclaimed shall be kept and maintained at the pound for a minimum of three (3) days. At the expiration of the impoundment period, anyone may claim the animal, provided such person pays all established pound fees and complies with the licensing provisions of this article. If no person claims the animal, the animal control officer may dispose of the animal in a humane manner.
  - (f) The animal control officer shall make a reasonable effort to cause notice to be given to the owner of any licensed dog impounded under the provisions of this article. Except where the public health, safety or welfare otherwise requires, healthy dogs shall be kept and maintained for a minimum of seven (7) days.
  - (g) Impoundment cost shall include an assessment as established by the city council, for each day or part of a day a dog is impounded.

- (h) The owner of an impounded dog may redeem such dog by paying all the costs, charges and penalties assessed.

(Ord. No. 143, § 2, 6-24-81; Ord. No. 2004-20, §§ 1-2, 9-21-04; Ord. No. 2013-01, §§ 1-2, 3-19-13)

#### **Sec. 6-3-4. Duty to produce.**

An owner of an animal charged with a violation of sections 6-1-10, 6-1-11, 6-2-1.1, 6-2-1.2 and 6-4-1 shall produce that animal for inspection or impoundment upon the request of the animal control officer. All owners shall be responsible for any and all applicable impoundment and boarding fees in connection therewith.

(Ord. No. 2004-20, §§ 1-2, 9-21-04)

#### **Sec. 6-3-5. Adoption.**

A dog or cat shall not be released for adoption except in accordance with state statutory authority, after having received a rabies vaccination.

(Ord. No. 2004-20, §§ 1-2, 9-21-04)

~~State law reference~~—A.R.S. § 11-1022.

### **ARTICLE 6-4. BITING ANIMALS**

#### **Sec. 6-4-1. Biting animals.**

- (a) **Reporting:** Whenever an animal bites any person, the incident shall be reported to the animal control officer immediately by any person having direct knowledge.
- (b) **Quarantine:** Impoundment. Any unvaccinated dog or cat 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 ten (10) days. An unvaccinated dog or cat that bites any person shall be confined and quarantined for a period of not less than ten (10) days. Any domestic animal, other than a dog, cat, a caged or pet rodent or rabbit, that bites any person shall be confined and quarantined for a period of not less than fourteen (14) days. Livestock shall be confined and quarantined for the fourteen (14) day period in a manner regulated by the Arizona Department of Agriculture. Caged or pet rodents or rabbits shall not be quarantined or laboratory tested.

The owner of any animal that has bitten a person may voluntarily deliver the animal to the animal control officer at the pound; otherwise, there shall be an assessment against the owner if the animal control officer must pick up the animal. If the animal is impounded in the pound for observation as a result of a bite incident, there shall be an assessment as established by the city council. The owner shall at a minimum pay all quarantine and veterinarian fees.

- (c) *Diseased animals:* If a dog or any other animal shows clear clinical signs of rabies or other dangerous, contagious and infectious disease, or if the owner consents to its destruction, it shall be the duty of the animal control officer to destroy such animal in as humane a manner as is reasonably possible.

If at the end of the quarantine or impoundment, the animal is free from such diseases, the animal shall be released. If an animal held for biting a person dies from an apparent disease during the period of quarantine or impoundment, its head will be sent to the State Department of Health for an examination.

- (d) *Epidemic:* Whenever the prevalence of hydrophobia renders such action necessary to protect the public health and safety, the mayor may issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation and any unmuzzled dog running at large during the time fixed on the proclamation may be killed by the animal control officer or police without notice to the owner.
- (e) *Liability:* The owner of a dog which bites a person when the person is in or on a public place or lawfully in or on a private place, including the property of the owner of the dog, is liable for damages suffered by the person bitten, regardless of the former viciousness of the dog or the owner's knowledge of its viciousness.
- (f) *Police dog:* Police dogs are exempt from this chapter and article and the city is not liable for any damages to persons or property as allowed by state law.

(Ord. No. 143, § 2, 6-24-81; Ord. No. 2004-20, §§ 1-2, 9-21-04)

**State law reference**—Biting animals, A.R.S. § 11-1014(A); liability, A.R.S. § 11-1025(A); police dogs, A.R.S. § 11-1025(B).