

Chapter 3

**ANIMALS AND FOWL\***

<b>Art. I.</b>	<b>In General, §§ 3-1—3-20</b>
<b>Art. II.</b>	<b>Reserved, §§ 3-21—3-39</b>
<b>Art. III.</b>	<b>Diseased Animals, §§ 3-40—3-54</b>
<b>Art. IV.</b>	<b>Reserved, §§ 3-55—3-70</b>
<b>Art. V.</b>	<b>Dogs, §§ 3-71—3-103</b>

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**\*Editor's note**—Ord. No. 01-01, adopted February 12, 2001, amended Chapter 3, in its entirety, to read as herein set out. Former chapter 3, §§ 3-1—3-9, pertained to similar provisions, and derived from §§ 7.106—7.108, 7.110—7.113, 7.119—7.123, 7.147 of the 1976 Code; Ord. No. 6043; Ord. No. 99-03, 5-17-99.

ORDINANCE NO. 08-06

AN INITIATIVE MEASURE

Proposing an Amendment to Chapter 3, Article 1, Section 3.3 of the South Tucson City Code pertaining to animal cruelty and neglect.

Be it enacted by the People of South Tucson:

Chapter 3, Article 1, Section 3.3 is proposed to be amended as follows if approved by a majority of the qualified electors voting thereon:

Sec.3-3. Cruelty and neglect.

(b) *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:

(1) That the animal receives food that is free from contamination and is sufficient quantity and nutritive value to maintain the animal in good health. *NO PERSON SHALL KNOWINGLY FEED A DOG UNCOOKED OR RAW MEAT FROM DISEASED, DYING OR DISABLED ANIMALS OR ANIMALS DEAD UPON ARRIVAL AT THE SLAUGHTERHOUSE.*

(2) That potable water is accessible to the animal at all times, either free-flowing or in a clean receptacle.

(3) 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. *NO PERSON SHALL GIVE OR ADMINISTER ANABOLIC STEROIDS AS DEFINED IN THE UNITED STATES CODE AND RELEVANT SECTIONS OF THE CODE OF FEDERAL REGULATIONS TO ANY DOG TO ARTIFICIALLY ENHANCE PERFORMANCE OR TO SUPPRESS ESTRUS.*

(4) That the animal is given adequate exercise space as follows:

a. 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; *NO PERSON SHALL CONFINE A DOG TO A CAGE SMALLER THAN 35 INCHES HIGH BY 45 INCHES LONG BY 35 INCHES WIDE FOR MORE THAN A TOTAL OF EIGHTEEN HOURS IN ANY*



TWENTY-FOUR HOUR PERIOD UNLESS SUCH CONFINEMENT IS DEEMED  
MEDICALLY NECESSARY BY A VETERINARIAN LICENSED BY THE STATE OF  
ARIZONA;

b. Tieouts are prohibited.

(5) That the animal has access to adequate ventilation and is protected from temperature extremes at all times. In this connection, 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 peace officer or county 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 peace officer or county animal control officer 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.

~~(C) [Treatment.] Any of the provisions of this section "W" may be waived as dictated by treatment under direction of a licensed veterinarian.~~



## MEDIDA DE INICIATIVA

Propone una Enmienda al Capitulo 3, Articulo 1, Sección 3.3 del Codigo Municipal de South Tucson referente a crueldad de animales y negligencia.

Que este establacio por el Pueblo del Sur Tucson:

Se propone enmendar el Capitulo 3, Articulo 1, Sección 3.3 como lo siguiente si aprobado por una mayoria de los electores capacitados votando en este respecto:

Sección 3-3. Crueldad y negligencia.

(b) *Neglilgencia.* El fin de esta sub-sección es de garantizar que los animales bajo el cuidado o control de humanos se alojen en ambientes sanos y que se les provee comida propia, agua, refugio, cuidado medico, espacio para hacer ejercicio y ventilacion cualquier persona dueña de o cuidando, controlando o con custodia de cualquier animal debera proveer:

(1) Que el animal reciba comida libre de contaminantes y de suficiente cantidad y valor nutritivo como para mantener al animal en buena salud. NINGUNA PERSONA A SABIENDAS DEBERA ALIMENTAR LOS PERROS CON CARNE SIN COCER O CRUDA DE ANIMALES ENFERMOS, MORIBUNDOS O YA MUERTOS AL LLEGAR AL MATADERO.

(2) En todas las veces agua potable este accesible para el animal, o de corriente libre o en un receptaculo limpio.

(3) Que el animal reciba cuidado y tratamiento medico para heridas enfermizas, parasito y enfermadas, de suficiencia para mantener al animal en buena salud y reducir sufrimiento. NINGUNA PERSONA LE DEBERA DAR OR ADMINISTRAR ESTEROIDES ANABOLICOS COMO DEFINIDOS EN EL CODIGO DE REGLAMENTOS FEDERALES A CUALQUIER PERRO PARA MEJORAR ARTIFICIALMENTE SU RENDIMIENTO O SUPRIMIR ESTRO.

(4) Que el animal tenga espacio adecuado para tener ejercicio tal como lo siguiente:

a. Dentro de un recinto construido de material, y de una manera, que reduzca el riesgo de herir al animal y debera abarcar suficiente espacio de uso para mantener al animal en buena condicion; NINGUNA PERSONA DEBERA ENJAULAR UN PERRO EN UNA JAULA MAS PEQUEÑA QUE 35 PULGADAS DE ALTO POR 45 PULGADAS DE LARGO POR 35 PULGADAS DE ANCHO POR MAS DE UN TOTAL DE DIECICHO HORAS DURANTE CUALQUIER PERIODO DE



VEINTICUATRO HORAS A MENOS QUE CONFINAMIENTO SE  
DETERMINE SER NECESARIO MEDICAMENTE POR UN  
VETERINARIO CERTIFICADO POR EL ESTADO DE ARIZONA;

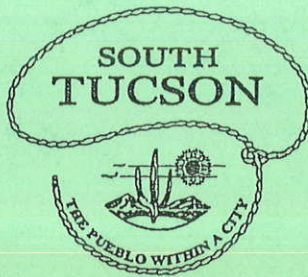
b. Se prohíben atados.

(5) Que el animal tenga acceso a ventilación adecuada y se proteja contra temperaturas extremas en todos momentos. En reaccion, es contra la ley para que cualquier persona tenga a cualquier animal en un vehiculo u otro espacio encerrado en el cual la temperatura esta o tan alta or tan baja, o que la ventilacion sea tan inadecuada, coma para poner en peligro la vida or salud del animal. Se le autoriza a cualquier policia u oficial de control de animales del condado usar cualquier tipo de fuerza razonable y necesaria para sacar cualquier animal de un vehiculo u otro espacio encerrado en todos momentos que parezca que la vida o salud del animal se encuentre en peligro por las temperaturas extremas o falta de ventilacion dentro del vehiculo u otro espacio encerrado.

Ningun policia u oficial de control de animales sera responsable por los daños a la propiedad resultando del uso de la fuerza razonable para sacar el animal de dicho vehiculo u otro espacio encerrado bajos dichas circunstancias.

~~(C) [Tratamiento.] Cualquier provision de este sección "W" puede ser renunciada come dictado por tratamiento debajo de un veterinario licencia.~~





## CITY OF SOUTH TUCSON ORDINANCE NO. 07-04

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, RELATING TO ANIMALS [LICENSING AND IMPOUNDMENT] AMENDING, APPROVING AND ADOPTING THE CITY OF SOUTH TUCSON ANIMAL LICENSING/IMPOUNDMENT FEE SCHEDULES; REPEALING ALL CODE PROVISIONS IN CONFLICT THEREWITH; AMENDING THE SOUTH TUCSON CITY CODE BY AMENDING CHAPTER 3, ARTICLE V, DOGS, THEREOF; AND ESTABLISHING AN EFFECTIVE DATE

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA, as follows:

SECTION 1: That the City of South Tucson City Code, Chapter 3, Article V [Dogs] related thereto is hereby amended as follows:

### ARTICLE V. DOGS

#### Sec. 3-78: Regulations governing vaccinations.

(a) The type or types of anti-rabies vaccination that may used for vaccination of dogs, the period of time between vaccination and re-vaccination, the dosage and method of administration of the vaccine shall be in accordance with the rules and regulations designated by the state veterinarian and with Pima County Animal Control Division/ Animal Center rules, regulations and procedures.

(b) The fee for rabies vaccinations shall be in accordance with the fee schedule adopted herein by the Mayor and Council of the City of South Tucson, Arizona, as included in this Article, Sec. 3-99(b) or as may be amended from time to time. (Ord. No. 01-01, 2-12-01; Ord. No. 07-04, 6-11-07)

#### Sec. 3-82. License Fee

The Mayor and Council shall, by Ordinance or Resolution, establish and adopt fees to be imposed by the Pima County Animal Control Division pursuant to the IGA between the City of South Tucson and Pima County and/or as may be amended, modified or



changed from time to time. The following Licensing Services fee schedule shall apply:

A. *The licensing fee for dogs over three (3) months of age which are kept within the boundaries of a municipality for at least thirty (30) consecutive days of each calendar year shall be:*

<i>Multi-Dog (Kennel) License</i>	<i>\$225.00</i>
<i>Regular Unaltered/County</i>	<i>\$ 45.00</i>
<i>Regular Altered/County</i>	<i>\$ 11.00</i>
<i>Declared Dangerous/Vicious Dogs</i>	<i>\$ 75.00</i>
<i>Senior/(55+ YO) Disabled Unaltered (Limit 4 H/H)</i>	<i>\$ 13.00</i>
<i>Senior(55+ YO)/Disabled Altered (Limit 4 H/H)</i>	<i>\$ 7.00</i>
<i>Dogs ten (10) years of age or older</i>	<i>\$ 11.00</i>
<i>Low Income FPL/Unaltered (One time per dog)</i>	<i>\$ 22.00</i>
<i>Low Income FPL/Altered (One time per dog)</i>	<i>\$ 6.00</i>
<i>Guide Dog/Certified Service Dog</i>	<i>\$ 00.00</i>
<i>Duplicate Licenses</i>	<i>\$ 6.00</i>
<i>Transferred License</i>	<i>\$ 6.00</i>

B. *Late Fee Schedule:*

<i>Late Fee if License obtained less than 1 year</i>	<i>\$ 6.00</i>
<i>Late Fee if License obtained One-Two years</i>	<i>\$ 17.00</i>
<i>Late Fee if License obtained more than 2 years</i>	<i>\$ 28.00</i>

(Ord. No. 01-01, 2-12-01; Ord. No. 07-04, 6-11-07)

**Sec. 3-83: Certain dogs exempt from fee.**

A guide dog belonging to a blind person or a hearing ear dog belonging to a deaf person who is a resident within Pima County, or a dog certified, in writing, as being trained to the standards of a service animal by a nationally recognized service dog training agency belonging to a resident within Pima County shall be licensed pursuant to this Article without payment of a fee.

(Ord. No. 01-01, 2-12-01; Ord. No. 07-04, 6-11-07)

**Sec. 3-99: Impoundment Procedures, notice and fees.**

(a) Upon impounding any licensed or unlicensed dog, the owner shall be promptly notified and such owner may reclaim his dog within seven (7) days from the date of actual notice or mailing of notice, upon proof of ownership, compliance with licensing and vaccination requirements and payment of all costs and charges incurred in impounding, vaccinating, licensing and maintaining the dog.

(b) Shelter Services to include licensing, vaccination and impounding fee schedules may be set from time to time by the Mayor and Council and/or the City Manager pursuant to the IGA between the City of South Tucson and Pima County Animal



Control Division on behalf of the Pima County Animal Care Center. The following Shelter Services fee schedules shall apply:

*Impound Schedule:*

(1) Impound Unaltered (First Impoundment)	\$110.00
(2) Impound Unaltered (Subsequent Impoundment)	\$165.00
(3) Impound Altered (First Impoundment)	\$ 55.00
(4) Impound Altered (Second Impoundment)	\$110.00
(5) Impound Altered (Subsequent Impoundment)	\$165.00
(6) Senior Impoundment Discount (55+ years old)	10 %

*Board Schedule:*

(1) Board Licensed Altered	\$ 11.00
(2) Board Licensed Unaltered	\$ 31.00
(3) Board Unlicensed Altered	\$ 35.00
(4) Board Unlicensed Unaltered	\$ 55.00
(5) Board all other animals	\$ 11.00

*Other:*

(1) Vaccination	\$ 11.00
(2) Microchip	\$ 10.00
(3) Identification tag	\$ 10.00

(Ord. No. 01-01, 2-12-01; Ord. No. 07-04, 6-11-07)

**SECTION 2: Adoption of the City of South Tucson Animal Care Service Fee Schedules.** The Mayor and Council formally approve and adopt the City of South Tucson Animal Care Services Fee Schedules related to Licensing and Impoundment and Other Fee Schedules, which are made part of this Ordinance.

(Code 2007; Ord. No. 07-04, 6-11-07)

**SECTION 3: Repealed Provisions and/or language of Chapter 3.** All code sections amended or deleted serve to repeal/replace code sections amended and all other Chapter 3 code sections remain unchanged. If any provisions, section, subsection, paragraph, sentence, word, clause, phrase or any part of this Ordinance or any part of these amendments to Chapter 3, adopted herein by reference, or the application thereof to any person or circumstance is found to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

(Code 2007; Ord. No. 07-04, 6-11-07)

**SECTION 4:** That the various City officers, employees, Pima County Animal Control enforcement officer and/or any other duly appointed deputy are authorized and directed to perform all acts necessary or desirable to give effect and to carry out all the duties authorized under this Ordinance and City Code.

(Code 2007; Ord. No. 07-04, 6-11-07)



**SECTION 5:** That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of actions acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

(Code 2007; Ord. No. 07-04, 6-11-07)

**SECTION 6:** That where this Ordinance conflicts or overlaps with any other Ordinance, Code provision or regulation, whichever imposes the more stringent restrictions for the health, safety and welfare of the public shall prevail. Where this Ordinance conflicts with any other Code section or Code regulation which is amended by the adoption herein, that code provision, section or section shall be deemed repealed.

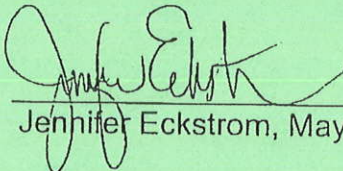
(Code 2007; Ord. No. 07-04, 6-11-07)

**SECTION 7:** That the City Clerk shall attest to the adoption of this Ordinance and cause same to be maintained as a public record and/or published as required by law. This Ordinance shall become effective 30 days after its passage, adoption and posting in three (3) public places in compliance with A.R.S. § 9-813.

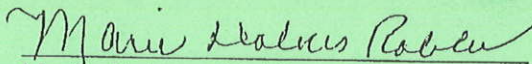
(Code 2007; Ord. No. 07-04, 6-11-07)

**PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF SOUTH TUCSON, ARIZONA,** this            day of June 2007.

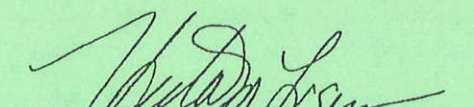
CITY OF SOUTH TUCSON  
Body Politic & Corporation

  
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Jennifer Eckstrom, Mayor

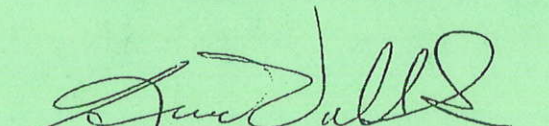
ATTEST:

  
\_\_\_\_\_  
Marie Dolores Robles, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Hector M. Figueroa, City Attorney

REVIEWED BY:

  
\_\_\_\_\_  
Ruben Villa, Acting City Manager



## ARTICLE I. IN GENERAL

### Sec. 3-1. Enforcement.

Any peace officer, or any county animal control officer, is hereby authorized and empowered to enforce the provisions of this chapter and to issue citations for violations thereof in accordance with the intergovernmental agreement "IGA" with Pima County Animal Control adopted pursuant to Ord. No. 00-16 on June 20, 2000.  
(Ord. No. 01-01, 2-12-01)

### Sec. 3-2. Interfering with enforcement officers; releasing impounded animals.

It shall be unlawful for any persons to interfere with any officer authorized to enforce this chapter in the performance of her/his duties, or to release any animal duly impounded, and any person guilty of doing so will be committing a Class 1 misdemeanor.  
(Ord. No. 01-01, 2-12-01)

### Sec. 3-3. Cruelty and neglect.

(a) *Cruelty.* Whoever tortures, torments, cruelly beats, mutilates or unlawfully kills an animal, or causes or procures an animal to be so tortured, tormented, cruelly beaten, mutilated or killed, and whoever, having charge or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, cruelly carries it or causes it to be carried in or upon a vehicle or otherwise, in an unnecessarily manner causes cruelty upon it, or otherwise, in an unnecessarily cruel or inhumane manner or knowingly and willfully authorizes or permits it to be subjected to unreasonable or unnecessary torture, suffering or cruelty of any kind, shall be guilty of a Class 1 misdemeanor.

(b) *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:

- (1) That the animal receives food that is free from contamination and is sufficient quantity and nutritive value to maintain the animal in good health.

- (2) That potable water is accessible to the animal at all times, either free-flowing or in a clean receptacle.

- (3) 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.

- (4) That the animal is given adequate exercise space as follows:

- a. 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;

- b. Tieouts are prohibited.

- (5) That the animal has access to adequate ventilation and is protected from temperature extremes at all times. In this connection, 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 peace officer or county 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 peace officer or county animal control officer 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.

(c) *[Treatment.]* Any of the provisions of this section "W" may be waived as dictated by treatment under direction of a licensed veterinarian.

(d) *[Class 1 misdemeanor.]* Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.



(e) *Penalties.* A violation of any provision of this section is punishable by a fine of not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00). No judge, magistrate or special magistrate may suspend the imposition of the minimum fine prescribed herein. In addition to the fine amount, the penalty may include not more than six (6) months in jail and not more than three (3) years probation, or any combination thereof.

In addition, restitution shall be ordered to the victim. This remedy shall not abridge any civil cause of action by the victim. In addition, upon finding of neglect or cruelty by a city magistrate or special magistrate, the magistrate or special magistrate may order that the owner shall not be permitted to own or control any animal for a period of up to three (3) years.

(Ord. No. 01-01, 2-12-01)

**State law reference**—Cruelty to animals generally, A.R.S. § 13-2910.

**Sec. 3-4. Animal or fowl fights prohibited.**

Any person who is the owner of, or who has the charge, custody or control of any animal or fowl, who willfully and knowingly permits or aids, abets or encourages; such animal or fowl to engage in a fight with any other animal or fowl within the city, on a wager, or for sport, or for any other purpose, shall be deemed guilty of a Class 1 misdemeanor.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-5. Failure to render aid to animals struck by vehicles.**

If any person accidentally or otherwise hits an animal with an automobile or other vehicle and injures the same within the city and goes away without making a reasonable effort to render aid and assistance in the care of such animal, he shall be deemed guilty of a Class 1 misdemeanor.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-6. Harboring lost animals.**

It shall be unlawful for any person to harbor or keep within the city any lost or strayed animal. Whenever any animal shall be found which ap-

pears to be lost or strayed, it shall be the duty of the finder to notify the animal shelter or pound at once.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-7. Vicious or destructive animals.**

(a) *Definitions.* In this section, unless the context otherwise requires:

*Bite* means any penetration of the skin by the teeth of any animal.

*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.

*Owner* shall be defined in section 3-9 of this article.

*Police dog* means any dog belonging to any law enforcement agency service dog unit.

*Provocation* means any behavior toward an animal or its owner which is likely to cause a defensive reaction by the animal.

*Vicious animal* means any animal that bites, attempts to bite, endangers or otherwise injures or causes to be injured human beings or other animals, except as provided in minor subsection (d), or one that has been declared vicious pursuant to this article.

(b) *Prohibited activity.*

(1) It shall be unlawful for any person to keep, control, harbor or otherwise have under control any animal which is vicious or destructive. This section shall not apply to zoos, wild animal parks, animal shelters or persons complying with section 3-25 of Article II of this chapter, or with the orders of a city magistrate issued pursuant to this article.

(2) The owner of any animal that bites, attempts to bite, endangers or otherwise injures or causes injury to human beings or other animals is guilty of a misdemeanor, except as provided in minor subsection (d).



- (3) The owner of any animal that destroys, damages or causes damage to the property of another person is guilty of a Class 1 misdemeanor.
- (4) It is unlawful for any person to fail to comply with an order of a city magistrate or special magistrate regarding a vicious or destructive animal. It is a separate offense for each day that such person fails to comply with the magistrate's order.

(c) *Penalty.* A violation of any provision of this section is punishable by a fine of not less than two hundred dollars (\$200.00) nor more than two thousand five hundred dollars (\$2,500.00). No magistrate or special magistrate may suspend the imposition of the minimum fine prescribed herein. In addition to the fine amount, the penalty may include not more than six (6) months in jail and not more than three (3) years probation, or any combination thereof.

In addition, unless the animal has been previously forfeited or destroyed, upon a finding of guilt, a magistrate or special magistrate shall declare an animal vicious or destructive and shall order one (1) or more of the following:

- (1) That the animal shall be spayed or neutered by a licensed veterinarian at the owner's expense and that the owner of the animal shall comply with the provisions of minor subsections 3-13(d), (e) and (f); or
- (2) That the animal be banished from the city limits after first being spayed or neutered by a licensed veterinarian at the owner's expense; the animal may be forfeited to the city enforcement agent or the owner shall provide a certificate of spaying or neutering from a licensed veterinarian to the city enforcement agent within the time given by the court to ensure the humane destruction of the animal or the spaying or neutering of the animal before banishment; or
- (3) That the animal be humanely destroyed.

In addition, restitution shall be ordered made by the owner to the victim. This remedy shall not abridge any civil cause of action by the victim.

(d) *Defenses.* It shall be an affirmative defense to the provisions of this section if the animal is:

- (1) Not at large and there is provocation; or
- (2) A police dog under the command of its trainer.

(e) *Authority and procedures to remove and impound.* The authority and procedure to remove and impound an animal shall be pursuant to those described in sections 3-10 and 3-11 of the South Tucson Code.

(Ord. No. 01-01, 2-12-01)

**State law reference**—Procedures and Remedies for animal code violations, A.R.S. § A.R.S. 9-240 (16).

### **Sec. 3-8. Selling baby chickens, ducklings or young rabbits, forbidden except by authorized breeders.**

It shall be unlawful for any person to sell or to give away baby chickens or ducklings under six (6) weeks of age or rabbits under two (2) months of age in less than half-dozen lots as premiums, novelties, prizes, pets or toys, for the promotion of any business, sale, activity or other promotional use; provided that this section shall not be considered to prohibit the sale or display of baby chickens or ducklings or rabbits in proper facilities that comply with the provisions of any sanitary code, or other rules and regulations of the board of health, by breeders and those engaged in the business of selling for commercial breeding and raising purposes.

(Ord. No. 01-01, 2-12-01)

### **Sec. 3-9. Definitions.**

In this chapter, unless the context otherwise requires:

*Animal* means any animal of a species that is susceptible to rabies, except human beings.

*Fowl* means a bird of any kind.

*Owner* means any person owning, keeping, possession, harboring, maintaining or having custody or otherwise having control of an animal for more than six (6) consecutive days.

*Vicious animal* means any animal of the order of Carnivora that has the propensity to attack, to cause injury to or otherwise endanger the safety



of human beings without provocation, or that has been so declared after a hearing before a justice of the peace or a city magistrate.

*Wild animal* means any animal which is now or historically has been found in the wild, or in the wild state. Wild state means living in its original, natural condition; not domesticated. Any hybrid cross resulting from the cross breeding between two (2) different species or types of animals, including crosses between wild animal species and domestic animals such as dog-wolf crosses, are considered wild animals.

(Ord. No. 01-01, 2-12-01)

**State law reference**—Definitions, Article 6, A.R.S. Sec. 11-1001.

**Sec. 3-10. Authority to remove and impound animals.**

(a) A peace officer or a city enforcement agent is hereby authorized and empowered to remove and impound any animal in plain view, or pursuant to a valid search warrant if the officer has probable cause to believe any of the following:

- (1) That an animal is in distress caused by mistreatment, tie-out, exposure to the elements, extremes of temperature, lack of adequate ventilation or drainage, lack of sanitation, deprivation of proper food or potable water, restraint, restriction of movement, confinement, lack of sufficient exercise space, constrictive gear, injury, illness, physical impairment or parasites; or
- (2) That an animal's well-being is threatened by a dangerous condition or circumstance; and if he has reason to believe either:
  - a. That the distress of the animal or the dangerous condition or circumstance was caused or allowed to be caused by the willful act or omission or negligence of the owner; or
  - b. That it is likely the animal would be in distress from any cause, or its well-being would be threatened by any dangerous condition or circumstance if the owner retains ownership of the animal.

- (3) That an animal is vicious or destructive and may be a danger to the safety of any person or other animal.
- (4) An animal is deemed to be in distress if it is on a tie-out.

(Ord. No. 01-01, 2-12-01)

**State law reference**—Chapter 2, A.R.S. § 9-240(16).

**Sec. 3-11. Procedure to remove and forfeit animals; notice; order to show cause hearing; appeal.**

The following procedures shall be followed by the city enforcement agent or a peace officer when any animal is removed or impounded pursuant to sections 3-7 and 3-10:

- (a) If the owner is known, and unless the owner signs a statement permanently relinquishing ownership of the animal to the city enforcement agent, the owner shall be provided with a written notice of the city's intent to file within ten (10) days of receipt of the notice, a written request with the magistrate or special magistrate for a hearing to determine if the animal should be returned to the owner or forfeited to the city enforcement agent. If the owner's whereabouts cannot be determined, notice shall be mailed to the owner at the owner's last known address by registered or certified mail, return receipt requested. The notice shall include the bond amount required pursuant to section 3-11(j). If not posted within ten (10) days of the notice, the animal shall be deemed forfeited.
- (b) If the city files a written request for a hearing before the magistrate or special magistrate the hearing shall be set for a date not less than ten (10) not more than fifteen (15) working days after the request has been filed with the South Tucson City Court.
- (c) If the owner fails to appear at the hearing, the magistrate or special magistrate shall order the animal forfeited to the city enforcement agent to be disposed of pursuant to section 3-12 of Article I of this chapter.



(d) At the hearing if the magistrate or special magistrate finds from a preponderance of the evidence either:

- (1) That an animal was in distress caused by mistreatment, tie-out, exposure to the elements, extremes of temperature, lack of adequate ventilation or drainage, lack of sanitation, deprivation of proper food or potable water, restraint, restriction of movement, confinement, lack of sufficient exercise space, constructive gear, injury, illness, physical impairment or parasites; or
- (2) That the well-being of the animal was threatened by a dangerous condition or circumstance; and either;
- (3) That the distress of the animal or dangerous condition or circumstances was caused or allowed to be caused by the willful act or omission or negligence of the owner; or
- (4) That it is likely the animal would be in distress from any cause, or its well being would be threatened by any dangerous condition or circumstance if the owner retains ownership of the animal;

The magistrate or special magistrate shall order the animal to be forfeited to the city enforcement agent and disposed of pursuant to section 3-12 of this Code.

(e) At the hearing, if the magistrate or special magistrate finds that an animal is dangerous or vicious or destructive, and is a danger to the safety of any person or other animal, then the magistrate or special magistrate shall order the owner to do one (1) or more of the following:

- (1) That the animal shall be spayed or neutered by a licensed veterinarian at the owner's expense and that the owner of the animal shall comply with the provisions of minor subsections 3-13(d), (e) and (f); or
- (2) That the animal be banished from the city limits after first being spayed

or neutered by a licensed veterinarian at the owner's expense; the animal may be forfeited to the city enforcement agent or the owner shall provide a certificate of spaying or neutering from a licensed veterinarian to the city enforcement agent within the time given by the court to ensure that the humane destruction of the animal or the spaying or neutering of the animal before banishment; or

(3) That the animal be humanely destroyed.

(f) Nothing in these sections 3-7 and 3-10, shall be construed as precluding the use of any other remedies, civil or criminal; the remedies provided herein are cumulative with and not exclusive of any other remedies provided for by law. Nothing in this section shall be construed to estop the prosecution of the owner for violations of Chapter 3 of the South Tucson Code or A.R.S. § 13-2910. Nothing in this section shall be construed as precluding the destruction of any animal which destruction is otherwise authorized by law, nor shall anything in this section be construed as precluding the spaying or neutering of any animal. If any provision of this section is in conflict with any other provisions of this Code, the provisions of this section shall be controlling.

(g) Upon seizure pursuant to this section, the owner must post fifteen (15) days of impoundment fees in advance as a bond to defray some of the costs of boarding, impoundment and any veterinary care needed. This sum shall be listed on the notice provided to the owner pursuant to section 3-11(a). If the bond is not posted within ten (10) days of the notice, the animal shall be deemed forfeited and disposed of pursuant to section 3-12 of this Code.

(h) If a defendant testified at a hearing held pursuant to this section, the defendant does not, by so testifying, waive the right



to remain silent during the trial; and if the defendant does testify at the hearing, neither this fact nor the defendant's testimony at the hearing shall be mentioned at the trial unless the defendant testifies at the trial concerning the same matters.

- (i) Appeal of the decision of the magistrate or special magistrate shall be by way of special action to the Superior Court on the record of the hearing. If either party claims the record to be incomplete or lost, and the magistrate or special magistrate who conducted the hearing so certifies, a new hearing shall be conducted before that magistrate or special magistrate. The owner must post a bond equivalent to sixty (60) days of impoundment costs in order to perfect the appeal. Notice of the amount due shall be given to the owner by the magistrate or special magistrate at the time of the order to show cause hearing if forfeiture is ordered. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than ten (10) days after the decision.
- (j) Unless good cause is shown, the owner shall be liable for all veterinary, impound and board fees resulting from the animal's impoundment until a final decision by the magistrate or special magistrate including the pendency of an appeal. The owner shall not be responsible for any fees if the owner prevails at the hearing.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-12. Disposition of animals.**

Any animal forfeited, abandoned, ownerless or unclaimed, and any other animals to be permanently disposed of the city enforcement agent, shall be placed by adopting in a suitable home or humanely destroyed.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-13. Dangerous animals.**

(a) *Definition exception.* A dangerous animal means one which:

- (1) Has been declared to be vicious or destructive pursuant to section 3-7 of the South Tucson Code; or

- (2) Displays or has a tendency, disposition or propensity, as determined by the city enforcement agent, to:
  - a. Injure, bite, attack, chase or charge, or attempt to injure, bite, attack, chase or charge a person or domestic animal in a threatening manner; or
  - b. Bare its teeth or approach a person or domestic animal in a threatening manner.

A dangerous animal does not include an animal used in law enforcement, nor does this section apply to animals in custody of zoos or wild animal parks, animals placed in animal shelters, animals under the care of veterinarians or wild animals under section 3-25 of the Code.

(b) *Declaring an animal dangerous notice.*

- (1) The city enforcement agent shall develop guidelines to determine if an animal is dangerous under minor section 3-13(a)(2).
- (2) Whenever the city enforcement agent has reason to believe an animal may be dangerous, an evaluation of the animal shall be conducted.
- (3) If the city enforcement agent declares that an animal is dangerous, the owner, as defined in section 3-9 and/or 13-13 of the South Tucson Code, shall be notified and issued an order of compliance. Once an animal is declared dangerous, the animal is dangerous until a hearing officer or judge determines otherwise. If the owner is known, he shall be provided with a written notice of his right to file, within five (5) days of receipt of the notice, a written request with the city enforcement agent for a hearing to determine if the animal is dangerous. If the owner's whereabouts cannot be determined or the animal poses a threat to public safety or domestic animals, the animal shall be impounded and notice shall be posted on the property or mailed forthwith to him at his last-known address by registered or certified mail, return receipt requested.



(c) *Hearing, burden of proof appeal.*

- (1) The owner of the animal may request a hearing to contest the declaration of dangerousness under minor section 3-13(a)(2), but not under minor section 3-13(a)(1), or contest the confinement conditions ordered by the city enforcement agent under minor section 3-13(d)(1).
- (2) If the owner of an impounded animal fails to appear at a hearing or fails to request a hearing, the animal shall be forfeited to the city enforcement agent to be humanely destroyed.
- (3) If the owner of a nonimpounded animal fails to appear at a hearing or fails to request a hearing, the animal is declared to be dangerous and the order of compliance shall remain in effect.
- (4) After a request for a hearing, the city enforcement agency shall set a hearing date within five (5) working days at a time and place designated by the city enforcement agent. The hearing shall be conducted by a hearing officer selected by the city enforcement agent.
  - a. The hearing shall be held in an informal manner and a record thereof shall be made by stenographic transcription or by electronic tape recording. The rules of evidence do not apply, and hearsay is admissible.
  - b. It is the burden of the owner of the animal to establish by a preponderance of the evidence that the animal is not dangerous. The owner may be represented by counsel and present witnesses at his cost.
  - c. The hearing officer shall make a written decision within five (5) working days of the hearing and notify the owner of the animal of the decision.
    1. If the declaration of dangerousness is sustained by the hearing officer, the owner of the animal shall obey the order of compliance issued by the en-

forcement agent within the time given by the order of compliance or ten (10) days whichever is more.

2. If the animal is found not to be dangerous, the order of compliance is null and void. The finding that an animal is not dangerous does not prevent the city enforcement agent from declaring an animal dangerous again if the agent has additional reasons to believe the animal is dangerous after a new evaluation of the animal is conducted.

- d. Appeal of the decision of the hearing officer shall be by way of special action to the Superior Court on the record of the hearing. If either party claims the record to be incomplete or lost, and the hearing officer who conducted the hearing so certifies, a new hearing shall be conducted before that officer. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than thirty (30) days after the decision.

(d) *Order of compliance, confinement, muzzled, signs, insurance, identification, spaying or neutering.* When an animal is declared dangerous, the city enforcement agent shall issue an order of compliance requiring the owner within thirty (30) days to:

- (1) Confine the animal sufficiently to prevent the animal's escape as follows:
  - a. The city enforcement agent shall determine the appropriate fencing requirements for the size and nature of the animal. The city enforcement agent may require a fence including gates to be six (6) feet in height; the fence, from five (5) feet in height to six (6) feet in height to incline to the inside of the confinement area at a forty-five-degree angle from the vertical; or that the confinement area



- be wholly covered by a material strong enough to keep the animal from escaping.
  - b. The gates to the confinement area shall be locked at all times with a padlock except while entering or exiting.
  - c. The city enforcement agent may require temporary confinement measures until the order of compliance has been obeyed or the hearing officer determines that the animal is not dangerous. If the owner does not immediately comply with the temporary confinement requirements, the animal shall be impounded.
- (2) Muzzle and restrain the animal outside of the confinement area with a leash, chain, rope or similar device not more than six (6) feet in length sufficient to restrain the animal and under the control of a person capable of preventing the animal from engaging in any prohibited activity.
- (3) Post a sign on every gate or entry way to the confinement area stating: "Beware of Dangerous Animal. Per S.T.C. Section 3-13." The sign shall be provided by the city enforcement agent.
- (4) Obtain and maintain liability insurance in a single incident amount of fifty thousand dollars (\$50,000.00), unless that animal has been declared to be vicious or destructive pursuant to section 3-7 of this Code, in which case the amount of insurance shall be no less than two hundred fifty thousand dollars (\$250,000.00), to cover any damage or injury that may be caused by the dangerous animal. The city enforcement agent shall maintain a registry of the animals, owners and insurance carrier for each dangerous animal.
- (5) Pay the reasonable cost to the city enforcement agent to tattoo the animal with an identification number. The city enforcement agent shall maintain a registry of such numbers and the owners of the animals.
- (6) Have a licensed veterinarian spay or neuter the animal at the owner's expense. The owner shall obtain written certification signed by the veterinarian that the spaying or neutering has been performed.
- (e) *Consent to inspection, inspection, failure to obey order of compliance, seizure of animal.*
  - (1) By continuing to own an animal declared dangerous, an owner gives consent to the city enforcement agent or any law enforcement officer to inspect the animal declared dangerous, the premises where the animal is kept, and the liability insurance documents required for the animal(s), and the veterinarian's certification of spaying or neutering for the animal(s).
  - (2) The city enforcement agent may seize and impound the dangerous animal if the owner fails to obey the order of compliance. Five (5) days after seizure, the city enforcement agent may humanely destroy the animal unless the owner has demonstrated obedience to the order of compliance. The owner of the animal is responsible for any impound fees. If the owner of the animal demonstrates proof that the order of compliance has been obeyed, then the animal will be returned to the owner after payment of impound fees. Any action taken under this section shall be in addition to any criminal penalties set out in subsection 3-13(g).
- (f) *Required acts and unlawful activities.*
  - (1) An owner of an animal declared dangerous shall obey the order of compliance.
  - (2) An owner of an animal declared dangerous shall not sell, give away, abandon or otherwise dispose of the animal without notifying the city enforcement agent in writing in advance.
  - (3) An owner of an animal declared dangerous shall provide proof of liability insurance and the veterinarian's certificate of spaying or neutering to the city enforcement agent upon demand.



- (4) An owner of an animal declared dangerous shall not prevent or try to prevent inspection of the animal or the premises where the animal is kept.
- (5) When the owner of an animal is notified that the city enforcement agent is evaluating an animal or wants to evaluate an animal to determine if the animal is dangerous, the owner of the animal shall present the animal for inspection within twenty-four (24) hours of a request by the city enforcement agent. The owner shall not sell, give away, hide or otherwise prevent the city enforcement agent from making an evaluation of the animal.
- (6) The owner of an animal declared dangerous shall prevent the animal from running at large as defined in section 3-97 of Article V of this Code.
- (7) The owner of an animal declared dangerous shall prevent the animal from biting, injuring or attacking any person or domestic animal outside of the confinement area.
- (g) *Minimum penalties, enhancement.*
- (1) A person convicted for the first time of any offense prohibited by minor section 3-13(f)(1) through (6) shall be punished by imprisonment for not less than twenty-four (24) hours nor more than six (6) months and by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). A person convicted of a second or subsequent offense prohibited by minor section 3-13(f)(1) through (6) shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months and by a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00). No judge may grant probation to or suspend the imposition of the minimum jail sentence and fine prescribed herein upon a conviction of any offense prohibited in minor section 3-13(f)(1) through (6). In addition, a person convicted of any offense prohibited in minor section 3-13(f)(1) through (6) may be placed on probation for not more than three (3) years and the dangerous animal may be ordered humanely destroyed or banished from the city after first being spayed or neutered by a licensed veterinarian at the owner's expense. If the animal is not spayed or neutered within the time given by the court, the animal if forfeited to the city enforcement agent to be humanely destroyed. This shall not be construed to affect, in any way, the imposition of the minimum mandatory penalties provided herein.
- (2) A person convicted of violating minor section 3-13(f)(7) shall be punished by imprisonment for not less than thirty (30) days nor more than six (6) months and by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00). No judge may grant probation to or suspend the imposition of the minimum jail sentence and fine prescribed herein upon a person convicted of violating minor section 3-13(f)(7). In addition, a person convicted of violating minor section 3-13(f)(7) may be placed on probation for not more than three (3) years and the dangerous animal shall be ordered humanely destroyed. This shall not be construed to affect, in any way, the imposition of the minimum mandatory penalties provided herein.
- (3) Wherever in this section any act is prohibited or declared to be unlawful or the doing of any act is required or the failure to do an act is declared to be unlawful, the violation of such provision of this section is a misdemeanor punishable (except for the penalties already set forth for minor section 3-13(f)) by a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) and/or by imprisonment and not more than six (6) months. No judge may grant probation to or suspend the imposition of the minimum fine prescribed herein. In addition, a person may be placed on probation for not more than three (3) years.



This shall not be construed to affect, in any way, the imposition of the minimum mandatory penalties provided herein.

- (4) Each day any violation continues or occurs shall constitute a separate offense.  
(Ord. No. 01-01, 2-12-01)

**Sec. 3-14. Duty to produce; penalties.**

An owner of an animal charged with a violation of section 3-3, 3-6, 3-7 or 3-44 shall produce that animal for inspection or impoundment upon the request of the enforcement agent. All owners shall be responsible for any and all applicable impoundment and boarding fees in connection therewith.

A violation of this section shall be punishable by imprisonment for not less than twenty-four (24) hours nor more than six (6) months and by a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00). No judge may grant probation to or suspend the imposition of the minimum jail sentence and fine prescribed herein.

In addition, restitution up to one thousand dollars (\$1,000.00) shall be ordered to the victim, if any, for damages caused by an owner's failure to comply with this section. This remedy shall not abridge any civil cause of action by the victim.

This section shall not apply where an animal has bitten a member of the owner's household.  
(Ord. No. 01-01, 2-12-01)

**Sec. 3-15. Keeping of hogs, pigeons or fowl.**

It is unlawful for any person to keep, raise or feed any hog within the city or to keep any pigeon or fowl in a manner constituting a nuisance.  
(Ord. No. 01-01, 2-12-01)

**Sec. 3-16. Keeping wild animals.**

It is unlawful for any person having charge, care and control of any wild animal, by nature dangerous or vicious, to keep, bring, maintain or exhibit such animal within the city, unless the animal be confined in a cage or enclosure adequate to prevent its escape.  
(Ord. No. 01-01, 2-12-01)

**Secs. 3-17—3-20. Reserved.**

**ARTICLE II. RESERVED**

**Secs. 3-21—3-39. Reserved.**

**ARTICLE III. DISEASED ANIMALS**

**Sec. 3-40. Keeping diseased animals prohibited; destruction authorized.**

It shall be unlawful for any person to harbor or keep, within the city, any animal afflicted with any contagious or infectious disease unless such animal is under the control of a certified veterinarian. It shall be the duty of the county humane officer to immediately take possession of any such animal not so controlled. After confirmation of such disease by a certified veterinarian, the humane officer shall immediately destroy the animal and dispose of the carcass thereof, unless the owner shall forthwith place such animal under the control of a certified veterinarian.  
(Ord. No. 01-01, 2-12-01)

**Sec. 3-41. Diseased animals running at large prohibited; impounding or confinement enforced.**

(a) It is hereby declared unlawful for any animal, infected with, or suffering from, a communicable or infectious disease such as ringworm or other disorder, to run at large or to be on public streets, alleys or other public property; any such dog, cat or other animal shall be impounded when found in any such places or when running at large.

(b) The expense of impounding and keeping and the procedure for keeping, disposing and returning the animal shall be the same as is provided in A.R.S. § 9-240(16), and the other sections contained in A.R.S. § 11-1001 et seq. or as may be provided in this Code.

(c) The owner of any such infected or diseased animal shall keep same segregated and confined and not knowingly allow or permit it to run at large or be off the premises upon which it is customarily kept until it shall have fully and completely recovered from the infectious disease or disorder.

(d) It shall be the duty of all police officers of the city to enforce the provisions of this section 3-41, and the county humane officer is hereby empowered and authorized to apprehend and impound such animals.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-42. Animals suspected of rabies—Report required.**

Subject to the provisions of Article V of this chapter relating to dogs, after a showing has been made that any animal has symptoms of rabies, the county enforcement officer or his deputies shall cause a written report to be made documenting the details of the case. The report shall be kept on record in support of appropriate steps to be taken to address impoundment, quarantine and/or disposal procedures.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-43. Same—Refusal to deliver to enforcement officer.**

Subject to the provisions of Article V of this chapter relating to dogs, after a showing has been made that any animal has symptoms of rabies, it shall be unlawful for any person having care or control of such animal to refuse to deliver such animal to the county enforcement officer or his deputies.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-44. Same—Impounding biting animals; disposition.**

Biting animals shall be impounded and quarantined as set forth at A.R.S. § 11-1001 et seq. and pursuant to Pima County Animal Control Procedures, as amended from time to time or as may be provided for in this Code and the "IGA" and all owners of such biting animals shall be responsible for any and all applicable impoundment and boarding fees incurred in connection therewith.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-45. Violations; penalties.**

An owner or other person violating any provision of this article shall be guilty of a Class 2 misdemeanor, and each such person shall be guilty of a separate offense for each and everyday

or portion thereof during which any violation of this article is committed or permitted; and, except as otherwise specified in this article, upon conviction of any such violation, such person shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00), or by imprisonment for not more than four (4) months, or by both such fine and imprisonment. No judge may suspend the imposition of the minimum fine prescribed herein. In addition, the judge shall order abatement as necessary.

(Ord. No. 01-01, 2-12-01)

**Secs. 3-46—3-54. Reserved.**

**ARTICLE IV. RESERVED**

**Secs. 3-55—3-70. Reserved.**

**ARTICLE V. DOGS**

**Sec. 3-71. Definitions.**

In this article, unless the context otherwise requires:

*Altered dog* means a spayed female or neutered male.

*At large* means not confined within a building, shelter, walled or fenced area or under the control of a person, either by leash, cord, chain or other physical restraint, whether on or off the premises of the owner or person acting for the owner; in a manner such as to keep the dog exclusively on the premises where secured. Tieouts are prohibited.

*City enforcement agent* means any peace officer or any county animal control officer who is responsible for enforcement of this article and the rules adopted under this article.

*Collar* means a 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.



*Household* means all those persons who regularly dwell together at the same place of residence.

*Owner* means any person owning, keeping, possessing, harboring, maintaining or having custody or otherwise having control of a dog within the city.

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

(Ord. No. 01-01, 2-12-01)

**Sec. 3-72. Authority of city manager.**

The city manager is hereby authorized and may enter into a cooperative agreement with the county board of supervisors for the establishment and operation of a city-county pound, to designate the city enforcement agent, and to do all things necessary to ensure the enforcement of this article and of the "IGA" pursuant to Resolution No. 00-16 adopted by the parties on June 17, 2000.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-73. Violations; penalties.**

(a) Any owner or other person violating any provisions of this article shall be guilty of a Class 2 misdemeanor; and such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of this article is committed or permitted; and, except as otherwise specified in this article, upon conviction of any such violation, such person shall be punishable by a fine of not less than fifty dollars (\$50.00) and not more than seven hundred fifty dollars (\$750.00). No judge may suspend the imposition of the minimum fine prescribed herein. In addition to the fine amount, the penalty may include imprisonment for not more than four (4) months and not more than two (2) years probation, or any combination thereof.

(b) Any person convicted of violating section 3-76 and/or section 3-81 shall be fined not less than one hundred fifty dollars (\$150.00) for each offense; however, the fine shall be reduced to seventy-five dollars (\$75.00) for each offense upon a showing to the court of proof of vaccination and/or licensing, as required of such dog or dogs,

within fifteen (15) working days of issuance of the complaint. No judge may suspend the imposition of the minimum fine prescribed herein. In addition to the fine amount, the penalty may include imprisonment for not more than four (4) months and not more than two (2) years probation, or any combination thereof. In addition, the judge shall order abatement as necessary.

(Ord. No. 01-01, 2-12-01)

**State law reference**—Penalties Law Reference A.R.S. §§ 13-707, 13-802, 13-803.

**Sec. 3-74. Issuance of citations for violations.**

The city enforcement agent is hereby authorized to issue citations to owners for any violation of this article.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-75. Reserved.**

**Sec. 3-76. Vaccination required.**

It shall be unlawful to own, keep, possess, harbor or maintain a dog over the age of four (4) months in the city without having such dog vaccinated in accordance with the provisions of this article.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-77. Vaccination certificate prerequisite to license.**

No license shall be issued for any dog until the owner has presented a vaccination certificate signed by a licensed veterinarian containing the information required by this article.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-78. Regulations governing vaccinations.**

(a) The type or types of anti-rabies vaccination that may be used for vaccination of dogs, the period of time between vaccination and revaccination, and the dosage and method of administration of the vaccine shall be in accordance with the rules and regulations designated by the state veterinarian.

(b) The fee for rabies vaccinations at the city enforcement agent center shall be eight dollars (\$8.00). All fees shall be collected and accounted for as agreed upon in the "IGA"  
(Ord. No. 01-01, 2-12-01)

**Sec. 3-80. Vaccination other than in Pima County.**

A dog vaccinated in any area outside of the county prior to entry to the city may be licensed in this city, provided that, at the time of licensing, the owner of such dog presents a vaccination certificate signed by a duly licensed veterinarian; and the certificate shall contain the information required by this article, and the regulations promulgated thereunder.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-81. License required.**

All dogs owned, possessed, harbored or maintained in the city for more than thirty (30) days shall be licensed, if over four (4) months of age, in accordance with this article.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-82. License fee.**

No dog license shall be issued by the city enforcement agent until the payment of a license fee has been made. License fees are as follows:

	<i>Fee</i>	<i>Senior/Disabled Citizen Fee</i>
Unaltered dog	\$75.00	\$12.00
Altered dog	8.00	6.00

(Ord. No. 01-01, 2-12-01)

**Sec. 3-82.1. Altered dogs; animal age and health.**

Any person who presents to the city enforcement agent an affidavit or veterinarian's certificate stating that the dog is already altered, that the dog is at least ten (10) years of age, or that the dog cannot be altered for health reasons, shall be eligible for the altered dog fee.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-82.2. Senior citizen fee.**

Any person sixty-five (65) years or older shall be eligible for the senior citizen license fee. The city enforcement agent shall establish reasonable standards of proof for eligibility. No more than four (4) dogs per household shall be licensed at the senior citizen rate.

(Ord. No. 01-01, 2-12-01)

*Note*—These fee schedules may be amended by vote of the city council by ordinance.

**Sec. 3-82.3. Rebate.**

Any person who had paid the license fee for an unaltered dog who, during the license year, presents to the city enforcement agent a veterinarian's certificate that the licensed animal has been altered, shall be entitled to a rebate. The rebate shall be the difference between the fee paid and the fee for an altered dog.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-82.4. Licensed breeder fee.**

Dog breeders who are licensed by the city to conduct wholesale or retail sales, pursuant to Chapter 19 of the Tucson Code, shall be eligible for a dog license fee equal to that for altered dogs.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-83. Certain dogs exempt from fee.**

A guide dog belonging to a blind person who is a resident of the state, or a hearing ear dog belonging to a deaf person who is a resident of the state, or a certified "Handi-Dog" belonging to a person who is a resident of the state shall be licensed pursuant to this article without payment of a fee.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-84. Reserved.**

*Editor's note*—Section 3-84, specifying the duration of dog licenses, derived from 1976 Code, Ch. 3, Art. V, will be determined by the city council in conformance with the IGA between the City of South Tucson and the Pima County Animal Control Division.



**Sec. 3-85. Application for license.**

At the time application is made for a license, the owner shall provide his name and address, and the name, breed, age, color and sex of each dog licensed by such owner.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-86. Enforcement officer to keep records.**

The city enforcement officer shall keep a register of all dogs licensed, and any other records necessary for the enforcement of this article.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-87. When fees delinquent; delinquency penalty.**

Each dog license fee which is not paid when due as provided by section 3-81 or upon expiration of a license previously issued under this article is delinquent; and there shall be added to such fee, and collected in addition thereto, a penalty of five dollars (\$5.00).

(Ord. No. 01-01, 2-12-01)

**Sec. 3-88. Issuance, contents of tags.**

Upon issuance of a license it shall be the duty of the city enforcement agent to issue a tag for each dog so licensed. Upon each tag for each dog so licensed shall be inscribed the name of the city or county, the number of the license, and the date it expires.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-89. Tag to be worn.**

Every owner shall be required to provide each dog licensed by such owner with a collar to which the license tag must be affixed, and it shall be the duty of such owner to see that the collar and tag are constantly worn by each dog.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-90. Duplicate license tags.**

Whenever a dog license tag is lost, a duplicate license tag will be issued upon application by the owner and the payment of three dollars (\$3.00) to the city enforcement agent.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-91. Transfer of licenses.**

(a) Whenever the ownership of a dog has been changed, the new owner must secure a transfer of license to such owner. A transfer fee of three dollars (\$3.00) shall be charged to transfer any license.

(b) At time of transfer, the releasing owner shall obtain the name, address, and phone number of the new owner. This information together with the age and sex of dog, and license number, shall be reported to the city enforcement agent within ten (10) days of transfer.

(c) Any violation of this section shall be deemed a civil infraction.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-92. Tags not transferable to other dogs.**

Dog license tags shall not be transferable from one dog to another.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-93. Counterfeiting or transferring tags prohibited.**

Any person who counterfeits or attempts to counterfeit an official dog license tag, or causes such a tag to be removed from any dog for the purpose of placing such tag upon a dog other than the dog to which the tag was issued, is guilty of a Class 1 misdemeanor.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-94. When tag need not be worn.**

Dogs while being used for hunting, or dogs while being exhibited at an American Kennel Club approved show, 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.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-95. Impounding, vaccination of unvaccinated dogs.**

If a dog is impounded and found to be unvaccinated the city enforcement agent 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 licensed veterinarian, who shall issue a certificate of vaccination. (Ord. No. 01-01, 2-12-01)

**Sec. 3-96. Reserved.**

**Editor's note**—Provisions relative to impounding and disposition of biting dogs or dogs suspected of rabies, were not addressed in the 1976 Code or in the 1999 Revision but have been incorporated herein as amended or revised by the following: Ord. No. 01-01, adopted on February 13, 2001.

**Sec. 3-97. Being at large prohibited; exceptions; impoundment; penalties.**

(a) It shall be unlawful for any dog owned, possessed, harbored, kept or maintained to be upon public streets, sidewalks, alleys, parks and other public property unless such dog is restrained by means of a leash, chain, rope, cord or similar device not more than six (6) feet in length, and of sufficient strength to control the action of such dog, except as may otherwise be provided in this Code.

(b) It shall be unlawful for any dog owned, possessed, kept, harbored or maintained to be at large upon or about the private property of any person, including that of the owner of such dog. Confinement shall be accomplished by means of a fence or similar enclosure of sufficient strength and height to prevent the dog from escaping therefrom, or inside a house or other building, to keep the dog exclusively on the premises where secured. Tieouts are prohibited.

The owner of any dog found to be at large shall be guilty of a misdemeanor and punished pursuant to this section.

(c) Dogs while participating in dog training classes, while being exhibited or trained at a kennel club event, or while engaged in races approved by the Arizona Racing Commission, shall be exempt from the provisions of minor subsections 3-97(a) and 3-97(b), provided that the dog is accompanied by and under the control of his owner or trainer; dogs confined within a city maintained temporary or permanent dog run located within a park will be exempt from the provisions of minor subsection 3-97(a).

(d) The city enforcement agent shall impound, or cause to be impounded, any dog running at large contrary to the provisions of this article.

(e) A person convicted of the offense prohibited by minor subsection 3-97(a) or 3-97(b) shall be punished as follows:

For a first conviction within a twelve-month period by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), or by imprisonment for not more than four (4) months, by probation for not more than three (3) years, or any combination thereof; for a second conviction within a twelve-month period, by a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00), by imprisonment for not more than four (4) months, by probation for not more than three (3) years, or any combination thereof; for a third or subsequent conviction within a twelve-month period, by a fine of not less than one hundred fifty dollars (\$150.00) nor more than seven hundred fifty dollars (\$750.00), by imprisonment of not more than four (4) months, by probation for not more than three (3) years, or any combination thereof.

No judge may suspend the imposition of the minimum prescribed fine. In addition, the judge shall order abatement as necessary. (Ord. No. 01-01, 2-12-01)

**Sec. 3-98. Impounding unlicensed dogs.**

The city enforcement agent shall apprehend and impound, or cause to be impounded, any dog found without a license tag for the current year. (Ord. No. 01-01, 2-12-01)

**Sec. 3-99. Impoundment time, notice and costs.**

(a) Upon impounding any licensed dog, the owner shall be promptly notified and such owner may reclaim his dog within seven (7) days from the date of the actual notice or mailing of notice, upon proof of ownership and payment of all costs and charges incurred in impounding and maintaining the dog.



(b) Impounding costs may be set from time to time by the city manager pursuant to the "IGA" to include an assessment of not less than ten dollars (\$10.00) for the impoundment of any dog, not less than ten dollars (\$10.00) for pickup or delivery of the dog, and not less than five dollars (\$5.00) for each day the city impoundment agent cares for the feeds the dog.

(c) If an impounded dog is unlicensed, the owner may reclaim such dog within three (3) days upon paying all costs and charges as provided for by this article and after securing a vaccination and a license for such dog. Any dog not claimed within the prescribed time, whether licensed or unlicensed, shall be placed in a suitable home, or shall be humanely destroyed.

(d) Any unlicensed dog which apparently is suffering from serious injuries and is in great pain and probably would not recover, or which has evidence of rabies, mange or other infectious disease which is a danger to other dogs, shall be humanely destroyed by a city enforcement agent in as humane a manner as possible after reasonable efforts to notify the owner have failed.

(e) Any licensed dog which apparently is suffering from serious injuries and is in great pain and probably would not recover, or which has evidence of rabies, mange, or other infectious disease which is a danger to other dogs, shall be humanely destroyed by a city enforcement agent in as humane a manner as possible after reasonable efforts to notify the owner have failed, and after authorization by a veterinarian. The veterinarian's charge or fee shall be paid by the owner.

(f) (1) Any unaltered dog which has been impounded more than once within any twelve-month period shall be spayed or neutered by a licensed veterinarian at the owner's expense. If the unaltered dog has not been spayed or neutered within ten (10) days of impoundment the dog will be relinquished to the city enforcement agent, to be disposed of pursuant to Tucson Code section 4-12.

(b) Notice of this requirement shall be given to the owner at the time of the first release of the impounded unaltered dog.

Upon a second impoundment within twelve (12) months, any owner who contests the spaying or neutering of the unaltered dog including whether or not the dog is already spayed or neutered or cannot be altered for health reasons, will receive a request for hearing form from the city enforcement agent. The request for hearing must be filed within twenty-four (24) hours of receipt of the form or no hearing will be held and the dog will be altered at the owner's expense by a licensed veterinarian or relinquished to the city enforcement agent. If the city enforcement agent is presented with a veterinarian's certificate stating that the dog cannot be altered for health reasons or is already spayed or neutered then no hearing shall be held and the dog shall be returned to the owner. If the city enforcement agent does not accept a certificate, the hearing shall proceed. After a request for a hearing has been filed, the city enforcement agent shall set a hearing date within three (3) working days at a time and place designated by the city enforcement agent. The hearing shall be conducted by a hearing officer selected by the city enforcement agent and shall be informal in manner. The burden of proof is on the owner to establish by the preponderance of the evidence that the dog is in fact spayed or neutered or cannot be altered for health reasons.

(Ord. No. 01-01, 2-12-01)

**Sec. 3-100. Reserved.**

*Editor's note*—Section 3-100, prohibiting howling, etc., dogs from disturbing the peace will be incorporated herein by revision.

**Sec. 3-101. Reserved.**

*Editor's note*—Section 3-101, howling dogs disturbing the peace penalties will be incorporated herein by revision.

**Sec. 3-102. Dog waste removal; exceptions.**

It shall be unlawful for the owner or person having custody of any dog to fail immediately to move and dispose of in a sanitary manner any

solid waste deposited by such dog on public property or deposited on private property without the consent of the person in control of the property. This section shall not apply to blind persons, persons with mobility disabilities, or police officers or other law enforcement officers accompanied by police dogs while on emergency.  
(Ord. No. 01-01, 2-12-01)

**Sec. 3-103. Dogs prohibited on school grounds; exceptions.**

(a) The purpose of this section is to minimize the spread of disease and/or injuries related to the presence of dogs on school grounds. This section is not intended to prevent the presence of dogs that are required or permitted as part of a formal school activity or event.

(b) Except for police dogs, as defined in minor subsection 3-7(a) of this chapter, and guide dogs for the deaf, blind and physically handicapped, no person shall bring any dog onto school grounds, regardless of whether the dog is on a leash.  
(Ord. No. 01-01, 2-12-01)