

RESOLUTION NO. 2019-02

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA,
ARIZONA, ESTABLISHING AS A PUBLIC RECORD PROPOSED AMENDMENTS TO
CITY CODE CHAPTER 6.05 (HUMANE ANIMAL CONTROL).**

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA that the amendments set forth in that document attached hereto as Exhibit A and entitled "Exhibit A – Chapter 6.05 Humane Animal Control, Proposed Amendments" constitute a public record to be incorporated by reference into Ordinance No. 2019-01.

At least one (1) paper copy and one (1) electronic copy of this public record shall be kept in the office of the City Clerk for public use and inspection.

PASSED AND ADOPTED this 26th day of February, 2019, by the Mayor and Council of the City of Sedona, Arizona.




Sandra J. Moriarty, Mayor

ATTEST:



Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:



Robert L. Pickels, Jr., City Attorney

Exhibit A

Chapter 6.05
HUMANE ANIMAL CONTROL – *Proposed Amendments*

Sections:

<u>6.05.010</u>	<u>Purpose</u>
6.05.0120	Definitions.
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6.05.0890	Inhumane traps.
6.05.09100	Liability.
6.05.1010	Powers and duties of state agencies.
6.05.110	Duties of enforcement officer.
6.05.120	Enforcement.
6.05.130	Penalties.
6.05.140	<i>Repealed.</i>

6.05.010 Purpose.

The purpose of this chapter is to ensure that the keeping, raising, and maintenance of farm animals, cats, dogs, and chickens within the City does not create an adverse impact on adjacent properties by reason of dust, fumes, noise, odor, insect or vermin infestations, or visual blight, and to maintain the animal welfare and public health, safety, and well-being.

6.05.0120 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Animal” means every nonhuman species of animal, both domestic and wild.

“Animal at large” means any animal not under the restraint of a person capable of controlling the animal or off the premises of the owner, excluding bees. A vehicle shall be considered the premises of the owner.

“Animal keeping facility” means the physical improvements such as shelters, feed troughs, water tanks, and the enclosed area designated for the containment of farm animals and chickens.

“Animal shelter” means any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals, in a humane manner, under the authority of this chapter for care, confinement, return to owner, adoption or euthanasia.

“Enforcement officer” means any person appointed by the city as humane officer and all commissioned police officers of the city.

“Farm animals” means animals other than household pets that may, where permitted, be kept and maintained for family food production, education or recreation. Farm animals are limited to: Horses, mules, donkeys, cattle, alpacas, llamas, sheep, and goats.

“Impound” means the act of taking or receiving an animal into custody for the purpose of confinement.

“Kennel” means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire or selling animals, and in addition means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.

“Licensed animal” means any dog having a current and valid license as defined in this chapter.

“Licensing authority” means the city or its designee.

~~“Livestock” means domesticated animals raised for home use or for profit, including but not limited to cattle, horses, sheep, goats, swine, mules and asses.~~

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

“Pet” or “companion animal” means any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

“Public nuisance” means any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. The term “public nuisance” shall include, but is not limited to, any animal that:

1. Is repeatedly found at large, excluding bees;

2. Damages the property of anyone other than its owner;
3. Molests or intimidates pedestrians or passersby;
4. Chases vehicles;
5. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
6. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
7. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
8. Is offensive or dangerous to the public health, safety or welfare by virtue of the number or type of animals maintained;
9. Attacks other domestic animals; or
10. Has been found by the commission for animal control, after notice to its owner and a hearing, to be a public nuisance by virtue of being a menace to the public health, welfare or safety.

“Restraint” means secured by a leash or lead under the control of a responsible person and obedient to that person’s commands, or within the real property limits or the vehicle of its owner, or when actively engaged in a kennel club or event, or being trained, or races approved by the Arizona Racing Commission or an obedience class, or when used for control of ~~livestock~~ farm animals. In these circumstances, proof of license must be readily available.

“Senior citizen” means any person 65 years old or older.

“Shelter” means a structure adequate for the species of animal, which provides protection from adverse weather conditions and predators, and prevents the movement of animals off the owners property.

“Vicious animal” means any animal that attacks, bites or injures human beings or other animals without adequate provocation, or which, because of temperament, conditioning or training has a known propensity to attack, bite or injure human beings or other animals.

6.05.0230 Licensing.

A. Any person owning, keeping, harboring or having custody of any dog over three months of age within the city must obtain a license as herein provided.

B. Written application for a license shall include name and address of applicant, description of the dog, the appropriate fee and rabies certificate issued by a licensed veterinarian or antirabies clinic.

C. If not revoked, a license for the keeping of a dog shall be for a period of one year.

D. Application for license must be made within 30 days after obtaining a dog over three months of age, or within 30 days after an animal reaches the age of three months. This requirement shall not apply to a nonresident keeping a dog within the city for not longer than 30 days, provided the dog is licensed elsewhere.

E. License fees may be waived for certified Seeing Eye dogs, hearing dogs, governmental police dogs or other certified animals that are trained to assist the physically handicapped.

F. Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag or identification collar, stamped with the name of the city, an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the dog's collar or harness.

G. Dogs must wear identification tags at all times when off the premises of the owner, except while being transported to or participating in a kennel club or training event, or races approved by the Arizona Racing Commission. In these circumstances, proof of license must be readily available.

H. The city or its designee shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public at all times.

I. Subsection reserved by Ord. 98-22.

J. Subsection reserved by Ord. 98-22.

K. Upon written notification from an enforcement officer to obtain a license for an unlicensed animal, a person must obtain such license within 96 hours. Such notice shall impose upon the owner a penalty of \$25.00 in addition to the license fee.

L. The annual or multi-year license fees for each sterilized dog shall be in an amount as identified in the annual service agreement between the city and any designated licensing authority.

M. A duplicate license or license tag may be obtained upon payment of a \$2.50 replacement fee.

N. If the ownership of a licensed animal changes, the new owner may secure a transfer of license upon payment of \$5.00.

O. No person may use any license for any dog other than the dog for which it was issued. No person may counterfeit or attempt to counterfeit an official license or tag, nor may they remove such tag from any animal for the purpose of willful or malicious mischief.

P. If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a license or may revoke an existing license.

Q. Any person having been denied a license may not reapply for a period of 90 days. Each reapplication shall be accompanied by a \$25.00 application fee in addition to the license fee.

R. The city council may appoint a designee to act as the licensing authority to issue licenses, collect fees and enforce the provisions of this section.

6.05.0340 Restraint ~~and animal waste.~~

A. All dogs shall be kept under restraint.

B. No owner shall fail to exercise proper care and control of his or her animals to prevent them from becoming a public nuisance.

C. Every female animal in heat shall be confined in a building or secure enclosure in such a manner that such female cannot come into contact with another animal except for planned breeding.

D. Every vicious animal, as determined by the licensing authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

~~E. The owner of every animal shall be responsible for the removal of excreta deposited by his or her animals on public walks, streets, recreation areas or private property.~~

6.05.0450 Impoundment, violation notice and animal disposition.

A. Animals at large and nuisance animals, with the exception of livestock-farm animals, shall be taken by the police or enforcement officer and impounded in an animal shelter and there be confined in a humane manner. At the discretion of the enforcement officer, livestock-farm animals may be seized and sold as ~~a~~ stray animals.

B. An enforcement officer shall have the right to enter upon private property in order to apprehend any animal that has been running at large. Such entrance shall be in reasonable pursuit of such animal and will not include entry into a domicile unless it be at the invitation of the occupant.

C. While attempting to impound, or during the impoundment period, if such animal is extremely ill, severely injured or excessively vicious, it may be slain by the enforcement officer or authorized agent. If possible, the animal shall be euthanized as described below.

D. Impounded animals shall be kept for no fewer than the minimum time limits established by A.R.S. Section [11-1013](#).

E. If, by tag, brand or other obvious identification, the owner of an impounded animal can be identified, the enforcement officer shall immediately upon impoundment notify the owner personally or by certified mail. An animal without such identification shall be deemed unowned.

F. An owner reclaiming an impounded animal shall pay an impound fee as established by an animal shelter contracted by the city for each day the animal is impounded, including the day the animal was impounded and the day the animal is reclaimed.

G. If the reclaimed animal is unlicensed, the owner must pay the impound fees and sign an owner release agreement. The owner shall obtain a license within five working days after the animal is released from impoundment.

H. Any animal not reclaimed by its owner within the time limits identified in A.R.S. Section [11-1013](#) shall become the property of the local government authority or humane society and shall be placed for adoption in a suitable home or humanely euthanized by sodium phenobarbital or a derivative of FP-3 or T-61 only.

I. The provisions of A.R.S. Section [11-1022](#) shall govern the release of unclaimed animals for adoption and mandatory sterilization of impounded dogs and cats.

J. In addition to, or in lieu of, impounding an animal found at large, the police or enforcement officer may issue to the known owner of such animal a notice of violation. Such notice shall impose upon the owner a penalty of \$25.00, to be paid within 96 hours.

K. The owner of an impounded animal may also be proceeded against for violation of this chapter.

Statutory reference: Holding and sale of strays, see A.R.S. Section [3-1402](#).

6.05.0560 Rabies control.

A. Any animal that bites any person shall be confined and quarantined as follows:

1. If the animal is a dog or cat, confinement/quarantine for not less than 10 days. Any other animal, confinement/quarantine for not less than 14 days;
2. Unowned animal, confinement/quarantine at an animal shelter;
3. Unlicensed owned animal, confinement/quarantine at a veterinary hospital or approved kennel. This is at the expense of the owner;
4. Licensed animal may be confined at the home of the owner or some other suitable location. This shall be with the consent and in a manner prescribed by the enforcement officer.

B. Any wild animal which bites any person may be slain and submitted to an enforcement officer for transmission to an appropriate diagnostic laboratory.

C. The above biting incidents must be reported to an enforcement officer immediately by any person having direct knowledge.

D. The enforcement officer may slay any animal confined/quarantined prior to the termination of the confinement period for laboratory examination if the animal shows clear, clinical signs of rabies.

E. If an animal dies during the confinement/quarantine period, its head shall be sent for laboratory examination. [Ord. 2017-05 § 1, 8-8-2017 (Res. 2017-18 Exh. A, 8-8-2017). Code 2006 § 6-1-5].

6.05.0670 Animal care and waste.

A. Shelter, containment, and provision of food and water

A1. No owner shall fail to provide his or her animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

2. Shelter and fencing (e.g., barn, coop, corral, pens, stables, yards, etc.) shall be provided to sufficiently contain the animals and keep them from roaming at large.

3. Shelters must be covered, predator-resistant, properly ventilated, and designed to be easily accessed, cleaned and maintained.

4. Shelters must be constructed and maintained to reduce the risk of fire in accordance with the Sedona Fire District.

5. All animals and the pens, stalls, corrals, stables, yards, shelters, cages, and premises where they are held or kept, shall be maintained in such a manner so as to not become a public health nuisance. Shelters and runs must be clean and sanitary, generally free of fecal and other matter that may attract flies, rodents, or cause an offensive odor that may disturb the comfort of any person.

6. Food for feeding animals shall be stored in rodent and predator resistant containers.

7. Watering troughs, tanks, or bowls shall be provided, which shall be equipped with adequate facilities for draining the overflow, so as to prevent the ponding of water, the breeding of flies, mosquitoes or other insects, or any additional health hazards. Overflow drainage shall not be permitted to enter adjacent properties.

B. Waste management and impacts

1.E. The owner of every animal shall be responsible for the removal of excreta deposited by his or her animals on public walks, streets, recreation areas or private property.

2. Nothing in this subsection shall be deemed to prohibit the use of animal manure or droppings to fertilize any farm, garden, lawn or ranch in such a manner and for such purposes as are compatible with customary methods of good horticulture.

3. No incineration of animal refuse shall be permitted on the premises.

4. All animal keeping facilities must be designed in a manner such that water runoff does not become a health hazard or nuisance to uses on other properties and is contained and disposed of and does not contribute to the pollution of local groundwater or the flooding of adjacent properties.

5. All animal keeping facilities shall remain in compliance with City of Sedona Stormwater Discharge Code Chapter 13.50.

6. No animal keeping facility shall be built or maintained on marshy ground or land subject to overflow (includes all FEMA and City of Sedona designated floodways), or within 150 feet of Oak Creek, or within 25 feet of any designated watercourse or other source of water supply.

7. Waste shall either be composted using best management practices with carbonaceous material such as hay, bedding, or leaves or stored in a sealed container until it is removed from the property. Manure and droppings shall be removed from the

property and disposed of properly, in accordance with state and local laws, at least once a month.

8. Any manure and dropping storage area shall be contained and protected from rainfall and irrigation so that runoff does not carry pollutants and/or bacteria into watercourses.

9. Impervious surfaces on the property must use runoff control devices/structures to divert excess runoff around or away from the animal confinement area.

C. Treatment

~~1B.~~ No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal. No person shall cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans. This prohibition applies to events and activities taking place in either public or private facilities or property, regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.

~~2.C.~~ No person shall own or harbor any animal for the purpose of fighting, nor train, torment, badger or bait any animal for the purpose of fighting, or for the purpose of causing or encouraging unprovoked attacks upon human beings or other animals.

~~3.D.~~ No owner of an animal shall abandon such animal.

~~4.E.~~ Any physical modification of an animal, such as crop a dog's ears or dock a dog's tail, shall be performed by a licensed veterinarian.

~~5.F.~~ No person shall give away any live animal as a prize for, or as an inducement to enter, any contest, game or other competition, as an inducement to enter a place of amusement, or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

~~6.G.~~ Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the appropriate law enforcement agency.

~~7.H.~~ No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, except on such person's own property, common rat or insect poison placed in suitable containers.

~~8.I.~~ It shall be unlawful for any business (as defined in the city tax code) within the limits of the city to allow any person to sell or give away any animal in front of or on

the property of the business. This provision does not apply to the Sedona Humane Society or its mobile pet adoption program.

6.05.0780 Keeping of wild animals.

No wild animal shall be kept or harbored within the city limits except as provided by state law.

6.05.0890 Inhumane traps.

A. It is hereby declared to be a public nuisance and it is unlawful for any person, firm or corporation to place, set or maintain any snare or trap in the city other than common mouse traps used indoors, gopher traps placed underground and "humane" traps which detain an animal or bird without inflicting injury upon it. Unlawful traps may be seized by the police chief and destroyed. Notice of intention to destroy such devices must be sent by registered or certified U.S. mail to the last known address of the person from whom seized if known and posted in three conspicuous places in the city. Such trap shall be held for 30 days after such posting and mailing, and, if no action is commenced to recover possession of the trap, it shall be destroyed under direction of the police chief.

B. Repealed by Ord. 2017-05.

C. All "humane" traps shall be plainly identified with the name and address of the owner and shall be inspected by the owner or his agent daily.

6.05.100090 Liability.

Injury to any person or damage to any property by any animal while at large shall be the full responsibility of the animal's owner or person responsible for the animal when such injury or damage occurred.

~~6.05.100 Powers and duties of state agencies.~~

~~A. The state veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.~~

~~B. The State Department of Health Services shall regulate the handling and disposition of animals, other than livestock, that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies. The Arizona Livestock Board shall regulate such animals classed as livestock in such described circumstances.~~

~~C. The State Department of Health Services may require the enforcement officer to submit a record of all animal licenses issued. Additional information deemed necessary to aid in the control of rabies may also be required. The State Department of Health Services may require the enforcement officer to submit a record of all animal licenses~~

~~issued. Additional information deemed necessary to aid in the control of rabies may also be required.~~

6.05.110 Duties of enforcement officer.

A. The enforcement officer shall:

1. Enforce the provisions of this chapter and the regulations promulgated thereunder;
2. Issue citations for the violation of the provisions of this chapter and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. Section [13-3903](#) except that the enforcement officer shall not make an arrest when issuing the notice;
3. Be responsible for declaring a rabies quarantine area within area of jurisdiction, then meeting with the state veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies.

B. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. Section [13-3899](#).

6.05.120 Enforcement.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by municipal authority. It is unlawful for any person to interfere with an enforcement officer in the performance of his duties.

6.05.130 Penalties.

Any person who fails to comply with the requirements of this chapter, or violates any of its provisions, is subject to the penalty provisions of SCC [1.15.010](#).