



City of YUMA

**CITY OF YUMA
SPECIAL CITY COUNCIL MEETING/ROUNDTABLE AGENDA
CONFERENCE ROOM #190 – YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
TUESDAY, FEBRUARY 01, 2011
4:00 P.M.**

CALL TO ORDER

ROLL CALL

- I. The following ordinance is presented to the City Council for discussion, deliberation, and/or direction to staff. However, the City Council may, at its option, vote or take action where appropriate and/or introduce the ordinance. Ordinances given introduction are generally presented to the City Council for adoption at the next Regular City Council meeting, but not earlier than five days thereafter its introduction.

Pg.2 A. Ordinance O2011-03 Animal Control Regulations

Amend the Yuma City Code, Chapter 130, Sections 001-999 pertaining to animal control regulation within city limits. (City Administration) (Gregory K. Wilkinson)

M/_____ S/_____ RV/_____

II. EXECUTIVE SESSION

An Executive Session may be held during this meeting to discuss pending Legal/Personnel/Real Estate matters. An Agenda will be posted 24 hours in advance.

ADJOURNMENT

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, PO Box 13012, Yuma, Arizona 85366-3012; (928) 373-5125 or TTY (928) 373-5149.



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

February 1, 2011

DEPARTMENT:

City Administration

DIVISION:

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:

Animal Control Regulations

SUMMARY RECOMMENDATION:

Amend the Yuma City Code, Chapter 130, Sections 001-999 pertaining to animal control regulation within city limits.

REPORT:

NOTE: Animal Control Ordinance No. O2011-03 was presented to City Council for introduction at the Regular City Council Meeting of January 19, 2011. A motion was made to instruct staff on amendments and also to table the introduction. The following are amendments made per the motion and are reflected in the attached ordinance:

At Section 130-022 to add the words “dogs in service with a law enforcement agency nor to” after the words “shall not apply to”; and,

At Section 130-025 to add the words “except when a dog or cat is inside a residential dwelling” at the end of the sentence; also adding the following language at the end of the sentence, “Cats may be exempted from this provision provided the cat is implanted with a microchip by a veterinarian, or a person working under the supervision of a veterinarian.”; and,

At Section 130-096 to add Section C to read as follows: “Exclusions: The provisions of this subchapter shall not apply to dogs in service with a law enforcement agency.”

Furthermore, staff recommends the following three additional amendments:

- At Subsection 130-003(B) replace the word “animal” with the word “dog” at any place where the word “animal” appears.
- At Section 130-006 to add the following language to the end of the paragraph: “The Code Enforcement Officer, at his/her discretion, may issue a warning for the first offense. It is not a violation of this section for any person to feed or shelter feral cats while working with a licensed veterinarian, animal control agency, or similar group

registered with the City to spay or neuter feral cats, which may be referred to as “fix and feed”.”

- At Section 130-110 replace the section in its entirety with the following language: “All rights, duties, responsibilities and authorities to enforce this Chapter may be delegated by the City Council. The City Enforcement Agent shall be designated by contract, or appointed by motion or resolution of the City.”

Original Report Amendments

On December 20, 1978, the Yuma City Council adopted Ordinance No. 1798 as the general police ordinance of the City of Yuma. Section 4, Chapter 1, of Ordinance No. 1798 deals with animal control regulations.

To better meet the needs of the citizens of the community and to more effectively handle animal regulations within the Yuma City limits, it is necessary to amend the animal control regulations including policies on feral cats. Public meetings were held on January 10, 11 and 12 to meet with and gather input from citizens of the Yuma community regarding the City’s new animal control regulations.

The changes made to the Yuma City Code by action of this Ordinance:

- Additional Sections
 - 130-006 Unlawful Feeding of Dogs and Cats
 - 130-029 Kennel License
 - 130-084 Stray Animals
 - 130-090 Reduction of Feral Cats
 - 130-091 Unlawful Release of Cats
 - 130-092 Cats – Trap, Neuter, Release (TNR)
(Existing sections renumbered appropriately)
- Additions to Existing Section
 - 130-001 Definitions
 - Breeder
 - Cat
 - Feral
 - Kennel
 - Poultry
 - Rodent
 - Stray
 - Wild Animal
- Removed Section
 - 130-079 Unlicensed Animals
 - This section was absorbed into subsection 130-083
- Amended Sections
 - The term animal replaces the word “dog” to include both dogs and cats throughout the revised code
 - 130-003 (B) (3) (v and vi) was amended to add further exclusions from animals at large
 - 130-008 was amended to change the language from kill and slain to dispose of or destroy
 - 130-010 was amended to change the language for the poisoning of animals
 - 130-011 (C) was amended to reduce the amount of time the owner has to claim an

- animal removed from hazardous conditions from ten (10) days to five (5) business days.
- 130-011 (D) was amended to reduce the time before attempting to contact an owner to claim an animal removed from hazardous conditions from five (5) days to three (3) business days.
 - 130-020 was amended to adjust the language
 - 130-021 was amended to reflect that the City will charge a fee to license a dog or cat.
 - 130-026 was amended to state that an animal may be licensed for up to three (3) years.
 - 130-040 (3) was amended to include posting a sign for the sale of an animal as an unlawful activity and to add a provision to address the sale of animals on residential property, which was not addressed in the current code.
 - 130-040 (A) was amended to include that a proper City business license is required
 - 130-041 (D) was amended to add dog shows as an exclusion to the unlawful sale of animals (Section 130-140)
 - 130-085 was amended to state that an animal must be spayed or neutered when adopted from a pound.
 - 130-088 was amended to add language that states a cat trap may be obtained from the City Enforcement Agent and that failure to return the trap within 15 days will result in a charge on the citizen's monthly utility bill.
 - 130-095 was amended to state that vaccinations performed on impounded animals must be by a veterinarian licensed to practice in the State of Arizona
 - 130-097 (A) was amended to increase the confinement period for biting animals from seven (7) days to fourteen (14) days as recommended by professionals to ensure that the animal does not have rabies
 - 130-097 (B) was amended to allow impoundment of caged rabbits in the home of the owner
 - 130-099 was amended to state that an animal bite must be reported to the City Enforcement Agent immediately
 - 130-110 was amended to simplify the City Enforcement Agent appointment process
 - 130-111 was amended to adjust the language of the administrator of establishing charges and fees
 - 130-999 was amended to modify the fee structure. The first change addresses the penalty if any of the provisions in this chapter are violated with a class 2 misdemeanor punishable with a fine that does not exceed \$750 and imprisonment for not more than five (5) days. The punishment for stray animals was amended to include increased monetary penalties with increases in the number of offenses from first offense increased from \$10 to \$50, second offense from \$15 to \$100, third offense from \$50 to \$200, and decreases the fines for offenses thereafter from \$500 to \$300

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|------------------------|---|----------------------------|--|--------|
| FISCAL REQUIREMENTS | CITY FUNDS: | \$0.00 | BUDGETED: | \$0.00 |
| | STATE FUNDS: | \$0.00 | AVAILABLE TO TRANSFER: | \$0.00 |
| | FEDERAL FUNDS: | \$0.00 | IN CONTINGENCY: | \$0.00 |
| | OTHER SOURCES: | \$0.00 \$0.00 \$0.00 | FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: | |
| | TOTAL: | \$0.00 | | |
| | FISCAL IMPACT STATEMENT: | | | |
| ADDITIONAL INFORMATION | SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5. | | | |
| | IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office | | | |
| SIGNATURES | CITY ADMINISTRATOR: | | DATE: | |
| | Gregory K. Wilkinson | | 1/27/2011 | |
| | REVIEWED BY CITY ATTORNEY: | | DATE: | |
| | Steven W. Moore | | 1/27/2011 | |
| | RECOMMENDED BY (DEPT/DIV HEAD): | | DATE: | |
| Gregory K. Wilkinson | | 1/27/2011 | | |
| WRITTEN/SUBMITTED BY: | | DATE: | | |
| Brant Hanson | | 1/27/2011 | | |

ORDINANCE NO. O2011-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ESTABLISHING ANIMAL CONTROL REGULATIONS WITHIN THE CITY LIMITS BY AMENDING THE YUMA CITY CODE, CHAPTER 130, SECTIONS 001-999 AND ALL PREVIOUS ANIMAL CONTROL ORDINANCES.

WHEREAS, the City Council adopted Ordinance No. 1798 on December 20, 1978 as the general police policy of the City of Yuma; and

WHEREAS, Section 4, Chapter 1, of Ordinance No. 1798 deals with Animal Control Regulations; and

WHEREAS, to better meet the needs of the citizens of the community and to more effectively handle animal control issues within the Yuma City Limits, it is necessary to amend the Animal Control Regulations to include feral cats and to make other necessary changes; and

WHEREAS, on January 10, 2011, January 11, 2011 and January 12, 2011, public meetings were held by City Administrator, Gregory K. Wilkinson, to answer questions and gather input from the citizens of Yuma regarding the City's amended animal control ordinance including feral cats.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That the Yuma City Code, Title 13, be amended at Chapter 130, Sections 001 through 999, to read as follows:

General Provisions

§ 130-001 DEFINITIONS:

“*Animal*” means any living species of mammal, fowl, amphibian, or reptile, with the exception of man.

“*At-large*” means an animal on or off the premises of the owner and not under the control of the owner, or other persons acting for the owner, or in a suitable enclosure.

“*Breeder*” means any person or persons who keeps, harbors, or maintains animals for the purpose of breeding offspring.

“*Cat*” means a member of the felis catus family.

“*City Enforcement Agent*” means person(s) designated by the City who are responsible for the enforcement of the provisions of this chapter.

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

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

“*Feral*” means existing in a wild or untamed state.

“*Kennel*” means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains seven (7) or more dogs, cats or any combination thereof under controlled conditions.

“*Owner*” means any person owning, keeping, possessing, harboring or maintaining an animal for more than six consecutive days.

“*Pet Store*” means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs or other animals, but does not include commercial livestock operations and

commercial livestock auction markets. Pet store does not mean a publicly operated pound or a private, charitable not-for-profit humane society or any animal adoption activity that a pound or humane society conducts off site at any pet store or other commercial enterprise. § 44-1799

“*Poultry*” means domestic fowl, including, but not limited to chickens, turkeys, ducks, or geese.

“*Rodent*” means any of various mammals of the order of Rodentia, including a mouse, rat, squirrel, beaver, gerbil, or hamster.

“*Pound*” means any establishment authorized by the City Enforcement Agent for the confinement, maintenance, safekeeping and control of animals that come into the custody of the City Enforcement Agent in the performance of his/her official duties.

“*Sale*” has the same meaning prescribed in A.R.S. § 47-2106 with the exception that any adoption or gift shall be deemed a sale.

“*Stray*” means any unlicensed animal running at-large.

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

“*Veterinarian*” means any veterinarian licensed to practice in the state or any veterinarian employed in this state by a governmental agency.

“*Veterinary Hospital*” means any establishment operated by a veterinarian that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A Veterinary Hospital may have adjacent to it, or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

“*Wild Animal*” means animals in a state of nature; any animal living in a natural, undomesticated state; animals *ferae naturae*

§ 130-002 Application of State Law

Nothing in this chapter is to be construed as to preempt the requirements of the rabies control statutes of the State of Arizona as set forth in A.R.S. §§ 11-1001 et seq.

§ 130-003 Animals At-large

(A) No person owning, keeping, possessing, harboring or maintaining an animal shall allow the animal to be at-large.

(B) An animal is not deemed to be at-large:

(1) If the animal is restrained by a leash, chain, rope or cord of sufficient strength to control the action of the animal, or if confined, in a suitable enclosure.

(2) While the animal is actively engaged in obedience training, accompanied by and under the control of his owner or trainer, provided that the person training the animal has in his possession a leash of sufficient strength to control the animal, and, further, that the animal is actually enrolled in or has graduated from an obedience training school which has been approved by the City Enforcement Agent.

(3) If a dog is:

- i. being used for hunting purposes.
- ii. being exhibited at an American Kennel Club approved show.
- iii. engaged in races approved by the Arizona Racing Commission.

- iv. actively engaged in livestock control.
- v. in service with a law enforcement agency.
- vi. in a posted dog park.

§ 130-004 Warning for Offense

Realizing that there are situations in which dogs or cats run loose without any fault of their masters, for example: when a child opens the door and a dog inadvertently slips out, and wishing to gain the cooperation of the public in enforcing the leash law, the City's Enforcement Agent is hereby authorized to issue at his discretion a warning for an offense committed under §130-003 Animals At-large if circumstances warrant a warning rather than a citation.

§ 130-005 Animals Disturbing the Peace

It shall be unlawful for any person to keep or harbor within the City any animal which excessively barks, howls, or makes other noises by day or night and disturbs the peace of any person or family.

§ 130-006 Unlawful Feeding of Dogs or Cats

It shall be unlawful to feed any stray dog or cat, except pending return to a lawful owner or immediate transfer to the City Enforcement Agent.

§ 130-007 Posting of Sign Warning of Dangerous Animal

It shall be unlawful for the owner of any animal of dangerous, vicious or fierce propensities to allow it to run at-large on the premises of the owner unless a sign is posted in a conspicuous place at the entrance to said premises advising the public of the nature of the animal maintained therein.

§ 130-008 Destruction of Dangerous Animals

If any dangerous, vicious or fierce animal cannot, in the discretion of a Police Officer or City Enforcement Agent, be safely taken up and impounded, such animal may be disposed of or destroyed immediately, and further provided, that any police officer may, at his/her discretion, for any humane reason, immediately dispose of or destroy any animal found at-large within the City that is in violation of this chapter.

§ 130-009 Injuring Animals

It shall be unlawful for any person who accidentally or otherwise strikes an animal with motor vehicle as defined in A.R.S. § 28-101 and injures the same to leave the scene without reporting the incident.

§ 130-010 Poisoning Animals

It is unlawful for any person by any means to knowingly and recklessly make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health, when applied in such a manner as to reasonably prohibit access to other animals.

§ 130-011 Rescue from Vehicles

(A) *When authorized.* A Police Officer or City Enforcement Agent who finds an animal under conditions hazardous to the animal’s health in a motor vehicle in violation of any provision of this code or City ordinance may break and enter the motor vehicle if necessary to remove the animal.

(B) *Removal, notice.* The Police Officer or City Enforcement Agent removing an animal from hazardous conditions in a motor vehicle shall take the animal to an animal shelter or other place of safe keeping and shall, in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner thereof.

(C) *Time limit for claim.* The animal removed from hazardous conditions in a vehicle will be surrendered to the owner if the owner claims the animal within five business days from the time the animal was removed from the motor vehicle and pays all applicable charges, fees and penalties.

(D) *Attempt to contact owner.* If the owner fails to claim the animal within three business days after its removal from a motor vehicle, the person or animal shelter having custody of the animal will make reasonable effort to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon payment of the reasonable maintenance charges.

(E) *Disposition of animal.* In the event the owner of an animal cannot be contacted, or expresses no interest in reclaiming the animal within five business days after removal from a motor vehicle, the person or animal shelter having custody of the animal may dispose of the animal in any reasonable humane manner.

Licensing

§ 130- 020 Required

All dogs and cats three months of age and over kept, harbored or maintained in the City shall be licensed and registered.

§ 130-021 City to Charge License Fees

There shall be a license fee for dogs and cats that reside in the City.

§ 130-022 Exclusions

The provisions of this subchapter shall not apply to dogs in service with a law enforcement agency nor to dogs or cats brought into the City for the purpose of any dog or cat show, nor to dogs in kennels licensed by the Arizona Department of Racing of the Arizona Racing Commission, nor to Seeing Eye dogs (guide dogs) to assist blind persons. Such guide dogs shall be vaccinated and licensed pursuant to A.R.S. §§ 11-1008 and 11-1010.

§ 130-023 Antirabies Vaccination Required; Clinics.

(A) *Required.* Before any dog or cat license shall be issued under the provisions of this subchapter, the owner of the dog or cat to be licensed shall present a valid vaccination certificate for such dog or cat.

(B) *Clinic.* The City Enforcement Agent may make provisions for low cost vaccination clinics. The vaccinations shall be performed by a veterinarian.

§ 130-024 Issuance of License; by Veterinarians.

(A) *Generally.* Upon compliance with the provisions of this subchapter, a dog or cat license and tag shall be issued to the owner of the dog or cat.

(B) *By veterinarians.* The City Enforcement Agent may establish an administrative procedure to permit any licensed veterinarian to issue dog or cat licenses and tags for dogs or cats that have been vaccinated.

§ 130-025 Collar and License Tag to be Worn

Every owner shall provide each dog or cat with a collar or a harness to which the license tag must be affixed and shall ensure that the collar or harness and tag are constantly worn except when a dog or cat is inside a residential dwelling. Cats may be exempted from this provision provided the cat is implanted with a microchip by a veterinarian, or a person working under the supervision of a veterinarian.

§ 130-026 Duration

Dog or cat licenses shall be issued under the provisions of this subchapter for a period of not more than three years and must be renewed for the life of the dog or cat on or before the expiration date of the current license.

§ 130-027 Transfer

Dog or cat license tags and licenses shall not be transferable to another animal. Whenever the ownership of a dog or cat has been changed, the new owner shall secure a new license.

§ 130-028 Misuse of License and Tag

It shall be unlawful for a person to counterfeit or attempt to counterfeit a dog or cat tag or vaccination or license certificate, or to take from a dog or cat a tag legally placed upon it, or place a dog or cat tag upon a dog or cat unless the tag was specifically issued for the particular dog or cat.

§ 130-029 Kennel License

Any person other than a veterinarian or a breeder operating a kennel in the City that keeps, harbors, or maintains seven (7) or more dogs, cats or any combination thereof will be required to obtain a City kennel license. Each dog or cat over 3 months of age kept or maintained in a kennel within the City shall be required to be licensed and registered.

Unlawful Sale of Animals

§ 130-040 Unlawful Sale of Animals

A person commits the unlawful sale of animals by knowingly selling or posting a sign for the sale of an animal on:

(1) Any public right-of-way, street or park, or any public property adjacent to a right-of-way, street or park.

(2) Any non-residential private property without the express written consent of the owner or lessee of the property and without a proper City of Yuma business license.

(3) Any residential private property, except the property of the animal owner, without a proper City of Yuma Business License.

§ 130-041 Exclusions

Section 130-040 does not apply to:

(A) Retail sales on the premises of a pet store with proper City business license.

(B) Sales by a publicly operated or private, charitable, nonprofit pound, humane society, animal rescue organization, or educational or agricultural organization.

(C) Any rodeo, auction market, county fair, stock show or other sanctioned livestock exhibit events.

(D) Any dog show.

Keeping Animals

§ 130-050 Definition

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PREMISES: The lot or parcel of ground upon which the pen, stable, yard, cage or other enclosure used for the containment of an animal is located.

§ 130-051 Unlawful Keeping

It shall be unlawful for any person to keep or maintain any animal in the City in such a manner as to disturb the peace, comfort or health of any person residing within the City.

§ 130-052 Inspection

The premises upon which poultry, rodents, cattle, horses, sheep or goats are kept within the City shall always be subject to inspection and regulation by the City Enforcement Agent.

§ 130-053 State Law Regulations Applicable

Except as otherwise provided in this chapter, the keeping of all animals within the City shall be subject to all pertinent regulations of the State and the County Board of Health.

§ 130-054 Sanitary Conditions

The maintaining or keeping of all animals within the City shall be allowed in a sanitary manner and only so long as they do not cause, create or contribute to or become a health nuisance due to noise, the presence of flies, mosquitoes, insects, vermin, rodent harborage, odors, dust, ponded water, accumulation of manure, garbage, refuse or other obnoxious or putrescible material, or for any other like reason.

§ 130-055 Removal of Wastes

Manure and droppings shall be removed from pens, stables, yards, cages and other enclosures at least twice weekly and shall be removed from the premises at least twice each week.

§ 130-056 Swine Prohibited

No swine shall be kept within the City limits, except registered purebred miniature Vietnamese potbellied pigs and other similar registered purebred miniature pigs. Miniature pigs shall not exceed 100 pounds. No more than three miniature pigs shall be allowed per household.

§ 130-057 Reptiles or Wild Animals

No person shall keep or maintain any poisonous reptiles or dangerous, carnivorous wild animals without first having registered such animals or reptiles with the Chief of Police, who may prescribe regulations to insure the safe penning or caging of such animals or reptiles.

§ 130-058 Area Limitations

(A) *Generally.* Except as otherwise provided in this chapter, it is hereby declared to be a nuisance and it shall be unlawful for any person to keep any animal within the City on any lot or parcel of land consisting of less than 10,000 square feet in area.

(B) *Poultry: consent.* Poultry may be kept on a lot or parcel of land within the City consisting of an area less than 10,000 square feet if written permission consenting to the keeping of poultry on such lot or parcel is first obtained from all of the lawful occupants and the lawful owners of adjoining lots or parcels of land which are located in the immediate vicinity of the property whereon the poultry is kept.

(C) *Exceptions.* The provisions of divisions (A) and (B) shall not apply to the keeping of:

(1) Six (6) or fewer small household pets including, but not limited to, dogs or cats or any combination thereof per household; or

(2) Animals for commercial purposes where such use is established as a lawful use under the zoning ordinance of the City.

(D) *Number to area ratio for animals.* It shall be unlawful for any person to keep more than two large domestic animals, such as a horse, cow, burro, mule and similar animals or more than four sheep, goats and similar animals on any lot or parcel of land consisting of less than one acre.

(E) *Premises over one acre.* On a lot or parcel of land greater than one acre (43,560 square feet) the number of large domestic animals shall be determined as follows:

(1) One horse, cow, or similar animal, or two sheep, goats or similar animal shall be permitted for each 6,000 square feet of net lot area after deducting one-half acre for the home site. Fractions of less than 6,000 square feet shall be rounded off. Animals of six months or younger shall not be counted.

(2) No livestock commercial feeding lots, herein defined as a feeding or handling facility operated for the purpose of accommodating the needs of others in whole or in part for a fee or fees paid to the operator or owner for the accommodations, materials and services received, shall be permitted.

§ 130-059 Proximity to Dwelling

Except as otherwise provided herein, it shall be unlawful for any person to keep or maintain within 20 feet of the dwelling house of any person within the City, any corral, barn, shed or other structure for the purpose of housing, keeping or caring for any animal, except for structures used for housing small household pets, e.g. doghouses.

Keeping Poultry and Rodents

§ 130-070 Keeping Unlawful

Except as otherwise provided in this subchapter, it is hereby declared to be a nuisance and it shall be unlawful for any person to keep rodents or poultry within the City.

§ 130-071 Proximity to Residences

No poultry or rodents other than pet rodents such as a gerbil or hamster kept within a dwelling structure shall be kept in an enclosure within 50 feet of any residence within the City. Poultry may be kept within 80 feet of a residence if written permission consenting to the keeping of poultry less than 80 feet from a residence is first obtained from each lawful occupant and each lawful owner of such residence.

§ 130-072 Use of Front Yards

Poultry shall not be kept in the front yard area of any lot or parcel within the City.

§ 130-073 Enclosures Required

Poultry and rodents shall be kept in an enclosure so constructed as to prevent such poultry and rodents from wandering upon property belonging to others.

§ 130-074 Maintenance of Enclosures

All enclosures required under this subchapter shall be kept in such condition so no offensive, disagreeable or noxious smell or odor shall arise from there to the injury, annoyance, or inconvenience of any inhabitant of the neighborhood thereof.

§ 130-075 Number and Area Ratio

(A) No more than 20 head of poultry nor more than 25 head of rodents nor more than 25 head comprising a combination of rodents and poultry shall be kept upon the first one-half acre or less.

(B) An additional one-half acre shall be required for each additional 20 head of poultry or for each additional 25 head of rodents or for each additional 25 head comprising a combination of poultry and rodents.

(C) For areas larger than two and one-half acres the number of poultry or rodents shall not be limited.

§ 130-076 Male Poultry Restricted

No male poultry shall be kept within the City limits except such male poultry as are incapable of making vocal noises which disturb the peace, comfort or health of any person residing within the City; provided, however, this section shall not be applicable to an animal kept as a 4-H or FFA project.

Impoundment

§ 130-080 Impoundment Authorized

It shall be the duty of the City Enforcement Agent to apprehend and impound any stray animal found within this City or any dog or cat found without a current valid license tag.

§ 130-081 Notice

(A) Upon the impounding of an animal with a collar or identification the owner shall be immediately notified in person, by mail, or telephone and may reclaim such animal upon payment of all costs, charges and fees incurred in the impounding and maintaining of the animal.

(B) If the owner of a licensed or unlicensed dog or cat is unknown or unavailable and, in the discretion of the City Enforcement Agent, said dog or cat should not be immediately destroyed, written notice shall be posted for three business days in two conspicuous places in the City, generally describing the dog or cat and the place the dog or cat was captured.

§ 130-082 When Destruction Authorized

Any animal impounded under the provisions of this subchapter, which is apparently suffering from serious injuries and would probably not recover; is in great pain; or has evidence of any infectious disease which is a danger to other animals or to humans, may be destroyed by the City Enforcement Agent or Police Officer of the City in as humane a manner as possible after reasonable efforts to notify the owner have failed.

§ 130-083 Licensed Dogs and Cats

Any impounded licensed dog or cat may be reclaimed provided that a person reclaiming the dog or cat furnishes proof of right to do so and pays all applicable costs, charges and fees. If the dog or cat is not reclaimed within six days, the City Enforcement Agent shall take possession and may place the dog or cat for adoption or may dispose of or destroy the dog or cat in a humane manner.

§ 130-084 Stray Animals

Each stray animal impounded shall be kept and maintained at the pound for a minimum of three (3) business days unless a person claiming ownership furnishes proof of rights to the animal and pays all applicable costs, charges and fees and complies with the licensing and vaccination provisions of this Chapter.

§ 130-085 Adoption

(A) A dog or cat shall not be released for adoption from a pound or from an animal shelter unless the dog or cat has been first surgically spayed or neutered.

(B) At the expiration of the impoundment period, any person may claim an impounded animal provided such person pays all applicable costs, charges and fees and complies with the licensing and vaccination provisions of this chapter.

§ 130-086 Assessment of Costs

Impoundment costs for animals picked up in the City shall include a charge for each time the dog or cat is impounded and a fee for board each day the animal is cared for and fed while impounded. Costs, charges and fees, shall be recommended by the City Administrator, approved by the City Council and posted at the office of the City Enforcement Agent.

§ 130-087 Destruction if Not Claimed

If no person claims an animal impounded under the provisions of this subchapter, the City Enforcement Agent may dispose of or destroy the animal in a humane manner.

§ 130-088 Cat Impoundment Authorized

Cats running at-large within the City may be impounded by use of live, humane traps. Live capture traps may be leased through the City Enforcement Agent. The captured cat and the trap shall be delivered to the City Enforcement Agent within 24 hours of capture. Failure to return the traps within 15 days will result in a charge on the citizen's monthly utility bill.

§ 130-089 Reclaiming Cats

Any impounded cat with a collar or identification of any type may be reclaimed by the owner after licensing and paying all applicable costs, charges and fees. If the cat is not reclaimed within six days, the City Enforcement Agent shall take possession and may place the cat up for adoption or may dispose of or destroy the cat in a humane manner.

§ 130-090 Reduction of Feral Cats

In an effort to decrease the feral cat population within the City, the City may waive or modify costs, charges and fees during a program for reduction of feral cats during specific months.

§ 130-091 Unlawful Release of Cats

It shall be unlawful for any person or organization to release cats into the City except as provided in §130-092.

§ 130-092 Cat - Trap, Neuter, Release (TNR)

Any organization conducting a program for the reduction of feral cats through TNR programs within the City may do so with their own funding and personnel under the following conditions:

- (A) The organization shall be registered with the City Enforcement Agent;
- (B) The organization shall possess a valid City TNR permit obtained through the City Enforcement Agent and a valid City of Yuma business license.
- (C) Cats captured or received by the organization must receive proper care and feeding prior to release.

Rabies Control

§ 130-095 Vaccination of Impounded Dogs and Cats

If a dog or cat is impounded and found to be unvaccinated, the City Enforcement Agent is hereby authorized to cause such dog or cat to be vaccinated at a cost to be borne by the owner. The vaccination shall be performed by a veterinarian licensed to practice in the State of Arizona, who shall issue a certificate of vaccination.

§ 130-096 Biting Dogs or Cats Confined; Licensed and Unlicensed

- (A) *Licensed.* A dog or cat properly licensed and vaccinated pursuant to this chapter, that bites any person, may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of, and in a manner prescribed by the City Enforcement Agent.
- (B) *Unlicensed.* An unlicensed or unvaccinated dog that bites any person shall be confined and quarantined in a pound at the owner's expense, or upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than 14 days.
- (C) *Exclusions.* The provisions of this subchapter shall not apply to dogs in service with a law enforcement agency.

§ 130-097 Confinement of Other Animals Authorized; Caged Rodent or Caged Rabbit

- (A) *Authorized.* Any animal other than a dog, cat or wild animal that bites any person shall be confined and quarantined in a pound at the owner's expense, or upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than 14

days, provided that livestock shall be confined and quarantined for a 14-day period in a manner regulated by the State Livestock Sanitary Board.

(B) *Caged rodent or caged rabbit.* If the biting animal is a caged rodent or caged rabbit, the rodent or rabbit may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of, and in a manner prescribed by the City Enforcement Agent.

§ 130-098 Destruction of Wild Animals

Any wild animal which bites any person may be killed and submitted to the City Enforcement Agent or his deputies for transmission to an appropriate diagnostic laboratory.

§ 130-099 Report of Bites

Whenever an animal bites any person, the incident shall be reported to the City Enforcement Agent immediately by any person having direct knowledge of the incident.

City Enforcement Agent

§ 130-110 Appointment

A City Enforcement Agent shall be appointed by motion or resolution of the City Council. All rights, duties, responsibilities and authorities to enforce this Chapter may be delegated by the City Council.

§ 130-111 Duties of City Administrator

The City Administrator, with the approval of the Mayor and Council, shall establish all costs, charges and fees, enter into a contract for the establishment and operation of a pound, and delegate to the City Enforcement Agent, the authority to do all things necessary to insure the enforcement of this chapter.

§ 130-112 Enforcement Alternatives

The City Enforcement Agent may apprehend and impound any animal running at-large contrary to the provisions of this chapter, or may, in lieu of impoundment, cite the owner into any court of competent jurisdiction.

§ 130-113 Right of Entry

The City Enforcement Agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any animal in violation of this chapter. Such entrance upon private property shall be in reasonable pursuit of such animal.

§ 130-114 Interference with City Enforcement Agent

It shall be unlawful for any person to intervene, impede, prevent or attempt to intervene, impede, prevent, obstruct or intimidate the City Enforcement Agent, or deputies, in the discharge of their duties in taking up or attempting to take up and impound any and all animals which it is the duty of the City Enforcement Agent to impound under the provisions of this chapter, or to rescue or attempt to rescue any animal so taken up by the City Enforcement Agent or deputies or to release any animal so impounded.

§ 130-999 Penalty

(A) Unless otherwise specifically provided for in this chapter, it shall be unlawful for any person, firm, or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm, or corporation violating any of the provisions in this ordinance shall be guilty of a class two misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$750 or by imprisonment for not more than five days or by both such fine or imprisonment. Each separate day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

(B) Any violation of § 130-003 Animals At-large, of this chapter shall be a Class 3 Misdemeanor; and upon conviction for a first offense, the fine to be imposed may be up to and including \$50. For each additional offense within a twelve month period, the following fines shall be mandatory:

- (1) Second offense: \$100
- (2) Third offense: \$200
- (3) Thereafter: \$300

SECTION 2: That Chapter 6, Section 1-156 of the 1980 Yuma City Code and Ordinance Nos. 1798, 1826, 1953, 1978, 2084, 2107, 2526, 2571, 2572, O95-052, O2009-02, relating to Animal Control, be and are hereby amended.

Adopted this _____ day of _____, 2011.

APPROVED:

Alan L. Krieger
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney