

# THE CODE OF SAN TAN VALLEY, ARIZONA

## ARTICLE 10-Animals

### 10-1 Animals

#### 10-1-1 County Animal Control Ordinance Adopted by Reference

The Pinal County Animal Control Ordinance, dated October 18, 2017 (Pinal County Ordinance No. 101817-PCACO), is hereby adopted by reference and incorporated herein as if set out in full.

#### 10-1-2 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*“Animal”* Any animal of a species that is susceptible to rabies, except man.

*“At Large”* Being neither confined by an enclosure nor physically restrained by a leash, lead, harness or a rider. The requirement to secure or control a dog with a leash shall not apply within private, gated communities; in such cases, dogs shall only be required to be under the owner’s or custodian’s control.

*“County”* Pinal County Animal Care and Control.

*“Custodian”* The person whom an owner has entrusted with keeping, maintaining and controlling his or her animal, or a person who keeps, harbors or maintains an animal.

*“Disturbance”* A disturbance caused by an animal that is distressing, loud or unusual, and disturbs the peace or quiet of any place, neighborhood, family or persons in the Town for an unreasonable amount of time, and is documented by an enforcement agent.

*“Enclosure”* A fence or structure of at least six feet in height, suitable to prevent the entry of young children, and suitable to confine a vicious animal. Such enclosures shall be securely locked and designed with secure side, top and bottom, and shall be designed to prevent the animal from escaping.

*“Enforcement Agent”* That person, whether employed by the Town or otherwise provided for, who is responsible for the enforcement of this chapter, and may include an officer of the Police Department, or a person authorized through an Intergovernmental Agreement with another public agency.

*“Impound”* The enforcement agent’s act of taking or receiving into custody any animal for the purpose of confinement in an authorized pound in accordance with the provisions of this chapter.

*“Kennel”* An enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.

*“Leash”* A chain, rope or strap, made of leather, fabric or other material that is:

- (1) Not more than six feet in length;
- (2) Capable of being fastened to a collar or harness of a dog and used to lead, restrain and control the dog; and
- (3) Of sufficient strength for those purposes.

*“Livestock”* Any equine, cattle, sheep, goat, asses, bovine, pig, hog or swine. “Equine” shall have the same definition as contained in A.R.S. § 12-553(E).

*“Owner”* The person who most recently purchased, adopted or otherwise legally acquired an animal.

*“Pound”* Any establishment authorized for the confinement, maintenance, safekeeping and control of animals that come into the custody of the enforcement agent in the performance of his or her official duties.

*“Private Property”* Any residential, commercial, industrial, mining or agricultural property that is not owned by the owner of the livestock or animal.

*“Rabies Quarantine Area”* Any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

*“Repetitious Disturbance”* A disturbance, as defined herein, that occurs on more than two occasions over a period of 30 days or less.

*“Vaccination”* The administration of an anti-rabies vaccine to animals by a veterinarian or in authorized pounds by employees trained by a veterinarian.

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

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

*“Vicious”* An animal having a propensity to bite, attack, chase or otherwise endanger the safety of any human being or other animal without provocation, either on public or private property, and is declared “vicious” after a hearing before a Justice of the Peace or Town Magistrate.

The following shall be prima facie evidence of an animal’s “vicious” nature:

- (1) Has, without provocation, attacked or bitten a person engaged in a lawful activity; or
- (2) Has, while off the property of the owner and without provocation, killed or seriously injured another animal; or
- (3) Has, without provocation, chased, confronted or approached a person on a street, sidewalk or other public property in a menacing fashion such as would put an average person in fear of attack; or
- (4) Has, without provocation, exhibited a propensity, tendency or disposition to attack, cause injury or threaten the safety of a person or other animal; or
- (5) Has attacked in a manner that causes or should cause its owner to know that it is potentially vicious; or
- (6) Has been trained for dog fights or is owned or kept for dog fighting.

### **10-1-3 Restrictions on Places Where Kept**

(A) No corral, barn, enclosure or other structures for the purpose of housing, keeping or caring for any animal shall be allowed within 50 feet of the boundary between the owner’s lot or lots and any adjacent, occupied residential lot or lots, unless it is a fly-tight enclosure approved by the County Health Department.

(B) It shall be unlawful for any person to cause or allow any stable or place where any animal is, or may be kept, to become unclean or unwholesome.

### **10-1-4 Swine, Fowl or Bees**

(A) Notwithstanding any other provision of the County Sanitary Code and the County Animal Control Ordinance to the contrary, it shall be unlawful to keep, maintain and hold any swine, adult male poultry or bees within the Town, except that adult male poultry or fowl and miniature potbellied pigs may be kept, provided they are so kept to be in accordance with all of the provisions of all ordinances.

(B) Adult male poultry or fowl and miniature potbellied pigs shall be at all times penned or confined and not allowed to run-at-large, and no more than three potbellied pigs shall be allowed per household.

(C) “Potbellied Pig” shall mean only miniature Vietnamese potbellied pigs or other similar miniature potbellied pigs that do not exceed 100 pounds in weight. Further, any person owning, keeping, possessing, harboring or maintaining any potbellied pig in excess of four months of age shall be required to register and pay the license fees as prescribed by the Town or the county for the keeping of dogs and cats.

### **10-1-3 Roaming Livestock.**

(A) *Purpose and intent.*

(1) It is the purpose and intent of this section to provide for the regulation of roaming livestock in order to protect the health, safety and welfare of motor vehicle drivers and property owners. The increasing prevalence of roaming livestock within the Town requires local regulation in order to protect the public safety.

(2) The state has granted municipalities the authority to prohibit the roaming of animals within the Town. Therefore, the Mayor and Council find it is in the public interest to prohibit the roaming of livestock within the Town pursuant to this section.

(B) *Roaming at large of livestock prohibited.*

(1) It shall be unlawful for any person to keep, or cause to be kept, any horses, mules, cattle, burros, goats, sheep or other livestock or fowl within the Town, unless the person shall keep the livestock or fowl in a pen or similar enclosure to prevent their roaming at-large.

(2) No horse, cow, sheep, goat, burro, mule or other livestock so kept shall be allowed within 100 feet of any occupied residential dwelling other than that of the owner.

#### **10-1-5 Enforcement Agent**

(A) The enforcement agent shall:

(1) Enforce the provisions of this chapter and the regulations promulgated hereunder.

(2) Issue citations for the violation of the provisions of this chapter and the regulations promulgated hereunder.

(3) Be responsible to contact the County Animal Control Unit to confirm or declare a rabies quarantine area within the area of jurisdiction. When a quarantine area has been declared, County Animal Control Officers shall meet 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 within area. Any regulations restricting or involving movement of livestock within the area shall be subject to approval by the State Veterinarian.

(B) The enforcement agent is authorized to use whatever force reasonably necessary to remove animals that are being confined within a motor vehicle or enclosed space, when it appears that the animal's life or health is endangered by extreme heat or lack of ventilation within the vehicle or enclosed space. The enforcement agent or the enforcement agent's employer shall not be liable for damages to property caused by such removal.

(C) The enforcement agent is authorized to go on private property in order to enforce this chapter or to take up any animal that is found at large, or is considered a disturbance or a repetitious disturbance, or to take up any dog found without required vaccination, licensing or identification tags; however, the enforcement agent may not enter a private structure for this purpose without a valid warrant or the consent of an occupant. The enforcement agent, at his or her discretion, may remove the animal for placement at the pound. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to the public's safety cannot be safely impounded, it may be slain.

#### **10-1-6 Interference with Enforcement Agent Prohibited**

No person shall interfere with the enforcement agent in the performance of his or her duties.

#### **10-1-6 Animals Causing a Disturbance**

It shall be unlawful to allow any animal to create a disturbance or repetitious disturbance by barking, howling, baying, or making any other distressing, loud or unusual sound as defined herein.

#### **10-1-7 Vaccinations**

Any person keeping, harboring or maintaining a dog over the age of three months within the Town for a period in excess of 30 consecutive days shall have the dog vaccinated pursuant to county procedures.

#### **10-1-8 Dog Licensing**

(A) Any person keeping, harboring or maintaining a dog over the age of three months within the Town for a period in excess of 30 consecutive days shall license the dog with the county.

(B) Dogs over the age of three months shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock, dogs used or trained for hunting, dogs exhibited or trained at a kennel club event, or dogs engaged in races approved by the state racing commission, 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, licensed and controlled.

(C) If any dog is at large on the public streets, public parks, public property or the private property of a person other than the owner, then its owner or custodian is in violation of this chapter.

(D) Any custodian of a dog or person whose dog is at large is in violation of this chapter. A dog is not at large:

(1) If it is restrained by a leash, chain, rope or cord not more than six feet in length, and of sufficient strength to control its action.

(2) If it is used for control of livestock, while being used or trained for hunting or being exhibited or trained at a kennel club event, or while engaged in races approved by the Arizona Racing Commission.

(3) While it is actively engaged in dog obedience training, accompanied by and under the control of its owner or trainer; provided, that the person training it has in his or her possession a dog leash not more than six feet in length and of sufficient strength to control it, and, further, that it is actually enrolled in or has graduated from a dog obedience training school.

(4) If it, whether on or off the premises of the owner or custodian, is controlled as provided in division (D)(1), or is within a suitable enclosure that actually confines the dog.

(E) Any dog(s) at large shall be apprehended and impounded by an enforcement agent and turned over to County Animal Control.

(1) The agent shall have the right to enter upon private property when it shall be necessary to do so in order to apprehend any dog that has been found at large. Such entrance upon private property shall be in reasonable pursuit of such dog(s), and shall not include entry into a domicile unless it be at the invitation of the occupant.

(2) The agent may issue a citation(s) to the dog owner or person acting for the owner when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citation(s) pursuant to this chapter shall be subject to provisions of A.R.S. § 13-3899.

(3) In the judgment of the enforcement agent, any dog at large or other animal that is dangerous, vicious, or fierce and a threat to human safety that cannot be safely impounded may be immediately slain.

#### **10-1-9 Kennel Permit Requirements**

(A) A person operating a kennel shall obtain a permit issued by the county, unless each individual dog is licensed.

(B) A dog remaining with the kennel is not required to be licensed individually by the county. A dog leaving the controlled kennel conditions shall be licensed by the county, unless the dog is only being transported to another kennel that has a permit issued by the respective governmental entity.

#### **10-1-10 Penalty**

(A) Any person found responsible for violating any provisions of this chapter, except as otherwise provided herein, will be assessed a civil penalty in the amount not to exceed \$250 per offense for each first offense, and a fine not to exceed \$500 per offense for each second or subsequent offense(s) committed within 36 months.

(B) A person issued a civil citation for violating this chapter may request a hearing in the same manner as a dispute arising for civil traffic violations, which shall be adjudicated by the Town Magistrate. The state's burden of proof shall be by a preponderance of the evidence. Appeals shall be taken pursuant to A.R.S. § 22-425(B), and in accordance with *Arizona Superior Court Rules of Appellate Procedure - Civil*.

(C) Any person who allows livestock to roam at large in violation of 10-1-3 is guilty of the following misdemeanors:

(1) Any person who allows livestock to roam at large within the Town is guilty of a Class 3 misdemeanor;

(2) Any person who allows livestock to roam at large upon the private property of another within the Town is guilty of a Class 2 misdemeanor; and

(3) Any person who allows livestock to roam at large within or upon any public right-of-way within the Town is guilty of a Class 1 misdemeanor.