



Ordinance

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

NO. 445

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING CHAPTER 6.05 ANIMAL CONTROL OF THE CITY CODE BY ADDING PROVISIONS FOR DEFINITIONS AND LICENSING; PROVIDING FOR PENALTIES; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY. BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AS FOLLOWS:

Section 1. That those certain documents entitled "2023 Amendment to Chapter 6.05 Animal Control", three copies of which are on file in the office of the City Clerk, are hereby declared to be a public record, and said copies are ordered to remain on file with the City Clerk.

Section 2. The City Code is hereby amended to add Sections 6.05.030 through 6.05.032 as set forth in that certain document entitled "2023 Amendment to Chapter 6.05 Animal Control", three copies of which are on file with the City Clerk, and which is hereby adopted by reference as though fully set forth again in full.

Section 3. Penalties. It shall be unlawful for any person, firm, or corporation to violate, or cause the violation of Section 6.05.031 as set forth in "2023 Amendment to Chapter 6.05 Animal Control" as adopted by this ordinance. Each separate day, or part thereof, that a violation continues is a separate offense. Any violation of or failure to do or perform any act required by Section 6.05.031 Licensing is a Class 2 misdemeanor as punishable by the Section 6.05.990 of the City Code.

Section 4. In the event of a conflict between the provisions of this Ordinance, and any other ordinance, code, resolution, order, regulation, or policy of the City of San Luis, the conflicting provisions are repealed, superseded, and replaced, and the provisions of this ordinance shall govern.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of San Luis, Arizona this 25th day of September 2023.



Nieves Riedel, Mayor

ATTEST:

APPROVED AS TO FORM:

for umhops, Deputy City Clerk
Sonia Cornelio, City Clerk



Kay Marion Macuil, City Attorney

2023 AMENDMENT TO CHAPTER 6.05 ANIMAL CONTROL

6.05.030 Definitions.

Unless otherwise specifically defined, for the purposes of this Title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

ABANDONMENT. To desert, forsake or give up an animal without having secured another owner or custodian for the animal, or by failing to provide the elements of basic care (food, water and shelter).

ALTERED. A spayed female animal or a neutered male animal.

ANIMAL. Any mammal, bird, reptile or amphibian.

AT LARGE. A dog on or off the premises of the owner and not under the control of the owner, or other person acting for the owner, and the dog is not confined in a suitable enclosure. .

CAT. A member of the Felis catus family.

COLLAR. A band, chain, harness or suitable device worn around the neck of an animal to which a license may be affixed.

CONSECUTIVE BUSINESS DAYS. Monday through Friday are considered business days; business days do not include Saturdays, Sundays or city holidays even if the Animal Control Division is open during these days.

CONTAMINATION. Anything that is harmful to animals or livestock that could lead to illness or death.

CRUEL MISTREATMENT. To torture or otherwise inflict physical injury upon an animal or to kill an animal in a manner that causes suffering to such animal.

CRUEL NEGLECT. To fail to provide an animal with food, water, shelter or medical treatment required to maintain health.

DOG. A member of the Canis familiaris family.

ENFORCEMENT OFFICER. Any certified peace officer or any person delegated by the City Manager or his or her designee who is responsible for the enforcement of this Title and the regulations promulgated under this Title.

FOOD. A substance of sufficient quantity and nutritious value to maintain each animal in good health, provided at suitable intervals, but at least once daily or as otherwise prescribed by a licensed veterinarian, appropriate to the species.

FOWL. A bird of any kind, domesticated or wild, including poultry.

HOUSEHOLD. All individuals who share the same residence, whether related or unrelated.

IMPOUND. The act of taking or receiving into custody by the Enforcement Officer any animal for the purpose of confinement in an authorized impound facility in accordance with the provisions of this Title.

IMPOUND FACILITY. Any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the Enforcement Officer in the performance of his or her official duties.

INTENTIONALLY. With respect to a result or to the conduct described by a law defining an offense where a person's objective is to cause that result or to engage in that conduct.

KENNEL. An enclosed controlled area inaccessible to other animals, in which a person keeps, harbors or maintains dogs under controlled conditions.

KNOWINGLY. With respect to conduct or to a circumstance described by a law defining an offense, that a person is aware or believes that the person's conduct is of that nature or that the circumstance exists; it does not require any knowledge of the unlawfulness of the act or omission.

MANAGER. A person duly authorized by the owner to conduct business, act as an agent or otherwise carry out the legal rights and duties of the owner.

MEDICAL ATTENTION. Recommended procedures used to treat a particular disease, injury, infestation or ailment an animal may have in order to heal, alleviate or lessen the effects of that condition, or to prevent the animal from experiencing pain and suffering; treatment may be administered by either a licensed veterinarian appropriate to the species or the person who has custody or control of such animal, depending on the severity of the condition and on the knowledge, skills and ability of the person providing the proper treatment.

OWNER. Any person exercising care, custody or control of any animal for more than 6 consecutive calendar days, or claiming any legal interest in that animal; indicators of ownership also include any license, permit, certificate, registration or other documentation establishing a legal interest in such animal.

PERSON. Any individual, corporation, partnership, association or other legal entity.

PERSONAL DOG KENNEL. Any location where more than 12 dogs are kept, owned or controlled by a person or entity for companionship, enjoyment of the species, or for training for field working or obedience trials or exhibition for organized shows.

PERSONAL DOG KENNEL PERMIT. City authorization provided under Chapter 6.15 allowing a personal dog kennel.

PET SHOPS. Any commercial establishment at which animals, fowl or cold-blooded species are kept for sale, groomed or treated for vermin.

PROTRACTED SUFFERING. Allowing an animal to continue suffering a painful condition.

PUBLIC NUISANCE. An odor or noise that interferes with the comfortable enjoyment of life or property by an entire community or neighborhood, or by a considerable number of persons; when investigating public nuisance allegations, the Enforcement Officer shall take into consideration all factors that support any such allegations, including but not limited to: distances in which the complaining parties live from the offensive premises, number of complaining witnesses, number of complaining parties residing on the street or in the vicinity of the offensive premises, duration that the conditions existed, prior history of similar complaints, and communications between the complainants and the offending party.

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.

RECKLESSLY. With respect to a result or to a circumstance described by a law defining an offense, of which a person is aware and consciously disregards, a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation; a person who creates such a risk, but who is aware of such risk solely by reason of voluntary intoxication, also acts recklessly with respect to such risk.

RESPONSIBLE PERSON. Any person currently delegated by the owner to exercise care, custody or control of an animal.

SHELTER. A protection from the elements, either manmade or natural with regards to the geographical locations and the type of protection needed, located within an animal's enclosure, in order to allow the animal free choice to utilize such protection. Notwithstanding the previous sentence, shelter is not required for livestock.

UNSANITARY PREMISES. Those premises on which animals, livestock or fowl are kept in a manner that creates insect and rodent breeding, noxious or offensive odors, or any other condition that is offensive to the senses of a reasonable person.

VACCINATION. The administration of an anti-rabies vaccine to animals by a veterinarian, or an authorized impound facility by employees trained by a veterinarian licensed by the State of Arizona.

VETERINARIAN. Any veterinarian licensed to practice in Arizona or any veterinarian employed in Arizona by a governmental agency.

VETERINARY HOSPITAL. Any establishment operated by a veterinarian licensed to practice in Arizona 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.

WATER. A transparent, odorless and tasteless liquid compound of hydrogen and oxygen, of ambient temperature in sufficient volume as needed to maintain normal hydration for an animal.

6.05.031 License requirements.

A. All dogs kept, harbored or maintained in the city must be licensed if over three months of age. Dog licenses shall be issued by the city or its designated agents upon payment of license fees as prescribed in Section 6.05.32 of this code. Duration and expiration of licenses shall be determined by Council resolution. The owner shall state, at the time application is made for such license, his name and address, his telephone number, the name, breed, color and sex of each dog and cat owned or kept by him.

B. If the license is not obtained by the owner prior to the expiration date of the license, or within thirty days of the date of first possession of any dog, or of its becoming three months old, or within thirty days from the arrival of the dog in the city, the license payment shall be deemed delinquent and a penalty as provided in the fee schedule established pursuant to Section 6.05.32 of this code shall be paid.

C. A guide dog belonging to a blind person or to any bona fide nonprofit organization which is in the business of breeding, raising or training dogs that are to be used for guiding the blind shall not be required to pay a license fee. A dog belonging to a law enforcement agency shall not be required to pay a license fee.

D. Each dog licensed under the terms of this chapter shall receive, at the time of licensing, a tag on which shall be inscribed the name of the city, the number of license and the date in which it expires.

E. Any person who knowingly fails within fifteen days after written notification from the animal control officer to obtain a license for an animal required to be licensed, or counterfeits an official animal license or removes the license from the animal for the purpose of intentional and malicious mischief or places an animal license upon an animal unless the license was issued for that particular animal is guilty of a Class 2 misdemeanor as punishable by the Section 6.05.990 of the City Code. With respect to violations of this chapter which are continuous with respect to time, each day the violation continues shall be deemed a separate offense.

F. Whenever the ownership of a dog has been changed, the new owner shall secure a transfer of license to the owner.

G. Dogs, while being used for hunting or dogs while being exhibited at shows or dogs while engaged in races approved by the Arizona Racing Commission and dogs while being transported to and from such events, need not have the license tag affixed to the animal; provided, that the animals are properly vaccinated and licensed. The owner, handler or agent for owner shall be in physical possession of animal's license.

H. Any animal subject to licensing under this chapter found not to be wearing a license shall be deemed unowned.

6.05.32 Licenses and tags generally.

(A) License fees, as by resolution of the City Council, shall be paid for each dog three months of age and older that is kept, possessed, harbored or maintained within the boundaries of the city for at least 30 days of each calendar year. The amount of fees

may differentiate between sterilized and unsterilized dogs. Said resolution may provide for penalties for any delinquency in payment of required license fees.

(B) Durable dog tags shall be provided by the city. Each dog licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the city, the number of the license and the year of issue. All dog tags shall expire as provided by Council resolution. The tag shall be attached to a collar or harness that shall be worn by the dog while on public premises at all times, except as otherwise provided in this article. Whenever a dog tag is lost, a duplicate shall be issued upon application by the owner and a replacement fee, as established by resolution of the City Council, shall be charged.

(C) The enforcement officer may apprehend and impound any dog found without a current valid license tag.

6.05.032 License—Vaccination requirements.

(A) Before a license is issued for any dog, the owner must present a rabies vaccination certificate signed by a veterinarian, stating the owner's name and address, and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine, and the date re-vaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the Enforcement Officer on or before the tenth day of the month following the month in which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article.

(B) A dog vaccinated in any other place prior to entry into the city may be licensed in the city, provided that, at the time of licensing, the owner of the dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that place or a veterinarian employed by a governmental agency in that place, stating the owner's name and address, and giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article. Upon renewal of a license, the owner must present a vaccination certificate by a veterinarian or agency that is in conformance with Title 11, Article 6 of the Arizona Revised Statutes.

(C) If a dog is impounded and found to be unvaccinated, the enforcement officer will cause the dog to be vaccinated at the pound at a cost to be borne by the owner. The vaccination shall be performed by animal control personnel or other qualified personnel to whom animal control personnel have delegated such duty, and who shall then issue a certificate of vaccination. The vaccinated animal shall not be released until such time as all vaccination, care and impound fees are paid in full.