Pima County, Arizona, Codes of Ordinances

Chapter 6.04 - ANIMAL CONTROL REGULATIONS

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6.04.010 - Applicability.

This chapter shall not apply to any incorporated city, town or Indian reservation. It shall apply only within the unincorporated areas of the county.

(Prior code § 15.04.010)

6.04.020 - Definitions.

The following definitions shall apply throughout this chapter.

A.

"At large" means being neither confined by an enclosure nor physically restrained by a leash.

B.

"Owner" means any person owning, keeping, possessing, harboring, maintaining, having custody, or otherwise having control of an animal within the county.

C.

"Person" means a corporation, company, partnership, firm, association or society, as well as a natural person.

D.

"Animal" means any fowl, reptile, amphibian or mammal, except for human beings.

E.

"Fowl" means a bird of any kind.

F.

"Wild animal" means any animal which is now or historically has been found in the wild, or in the wild state. Wild state means living in its original, natural condition; not domesticated.

(Ord. 2006-57 § 1 (part), 2006; Ord. 2004-17 § 1 (part), 2004; 1998-46 § 1 (part), 1998; prior code § 15.04.020)

6.04.030 - Dogs and canine-wild animal hybrids at large prohibited—Penalty—Exceptions. Dog and canine-wild animal hybrid waste removal required—Exceptions—Penalty.

A.

The owner of a dog or canine-wild animal hybrid that is found at large upon the streets, sidewalks, alleys, or public property is guilty of a Class 2 misdemeanor.

B.

The owner of a dog or canine-wild animal hybrid that is found at large upon the premises of the owner or upon the private premises of any other person is guilty of a Class 2 misdemeanor.

C.

Dogs or canine-wild animal hybrids may be at large as an exception to subsections A and B of this section as follows:

1.

While participating in field trials, obedience classes, or kennel club events where such trials, classes or events have been approved by the county animal care center;

2.

While being used or trained for legal hunting or for control of livestock;

3.

While assisting a peace officer engaged in law enforcement duties; or

4.

Guide dogs while assisting blind, deaf or physically handicapped persons, so long as such dogs are under direct and effective voice control of such individuals to assure that they do not violate any other provisions of law.

D.

Penalty. A violation of any provision of this section is punishable by a fine of not less than one hundred dollars nor more than seven hundred fifty dollars, four months in jail, two years' probation, or any combination thereof. No judge may grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed herein.

E.

It shall be unlawful for the owner or person having custody of any dog or canine-wild animal hybrid to fail immediately to remove and dispose of in a sanitary manner any solid waste deposited by such dog or canine-wild animal hybrid on public property or deposited on private property without the consent of the person in control of the property. This provision does not give the owner of the dog or canine-wild animal hybrid permission to enter private property without the consent of the person in control of the property.

F.

Penalties. A person convicted of the offense prohibited by subsection (E) of this section is guilty of a Class 3 misdemeanor, which is punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, thirty days in jail, one year probation, or any combination thereof. No judge may grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed herein.

G.

Exceptions. Subsection (E) of this section shall not apply to blind persons, persons with mobility disabilities, or law enforcement officers accompanied by police dogs while on duty.

(Ord. 2011-70 § 1, 2011; Ord. 2004-17 § 1 (part), 2004; Ord. 2002-80 § 1 (part), 2002; Ord. 1991-66 § 1, 1991; Ord. 1989-159 § 1 (part), 1989; prior code § 15.04.030)

6.04.035 - Authority to remove and impound—Bites—Rabies exposures.

A peace officer or a Pima Animal Care officer, in addition to the provisions of Arizona Revised Statute 11-1014, may manage rabies exposure, to include removing and impounding any animal the owner fails to quarantine, as required by Arizona Administrative Code Title 9, Chapter 6, Article 5.

(Ord. 2011-71 § 1, 2011)

6.04.040 - Impoundment of dogs and canine-wild animal hybrids at large. Micro chipping of impounded animals. Reclaiming of animals.

A.

Pima Animal Care may, in addition to the procedures prescribed in Section 6.04.050, impound any dog or canine-wild animal hybrid at large.

B.

Pima Animal Care may micro chip any animal impounded or reclaimed pursuant to Pima County Code Title 6 or Arizona Revised Statutes.

C.

The owner of any animal impounded pursuant to Pima County Code Title 6 or Arizona Revised Statutes shall be charged with the costs of pick-up, impoundment, micro chipping, and any other costs related to impoundment of the animal or of complying with the provisions of Pima County Code Title 6 or A.R.S. Sections 11-1001 through 11-1012, pursuant to the schedule of pound fees in Section 6.04.060 of this chapter.

D.

The owner of any animal may reclaim the animal unless the animal has been forfeited by law, the animal has been ordered to be euthanized by a judge, or forfeiture proceedings are pending, in accordance with and after complying with the provisions of Pima County Code Title 6 and A.R.S. Sections 11-1001 through 11-1012.

(Ord. 2011-72 § 1, 2011: Ord. 2005-45 § 1 (part), 2005; Ord. 2004-17 § 1 (part), 2004; prior code § 15.04.040)

6.04.050 - Enforcement authority—Disposition of fines.

A.

The animal care enforcement officers may issue citations for the violation of Sections 6.04.030, 6.04.110 and 6.04.120 of this chapter.

B.

Fines received for such violations shall be deposited in a special permanent, nonlapsing and nonreverting fund to be used for the operation of the county pound.

(Ord. 2004-17 § 1 (part), 2004; Ord. 1987-111 § 2, 1987; Ord. 1986-176 § 2, 1986; prior code § 15.04.050)

6.04.060 - Pound fees.

The Pima Animal Care Center may charge pound fees pursuant to the following schedule:

A.

Impoundment fee.

1.

Unaltered dog, cat or canine-wild animal hybrid, one hundred twenty-five dollars for the first impoundment and two hundred dollars for every impoundment thereafter within any twelve-month period,

2.

Altered dog, cat, or canine-wild animal hybrid; puppy or kitten under three months of age; canine-wild animal hybrid under the age of five months; and all other animals seventy-five dollars for the first impoundment, one hundred twenty-five dollars for the second impoundment and two hundred dollars for every impoundment thereafter within any twelve-month period.

3.

No impoundment fee is charged if the animal is brought to the Pima Animal Care Center by the owner.

B.

Boarding for day or part of day.

1.

Fifteen dollars for the following:

a.

Licensed altered dogs,

b.

Unlicensed altered dogs not required to be licensed,

c.

Puppies under three months of age,

d. Altered cats,

e. Kittens under three months of age,

f. Permitted altered canine-wild animal hybrids,

g. Permitted unaltered canine-wild animal hybrids not required to be altered,

h. Non-permitted altered canine-wild animal hybrids not required to be permitted,

i. Non-permitted unaltered canine-wild animal hybrids not required to be permitted or altered,

2. Thirty-five dollars for the following:

a. Licensed unaltered dogs,

b. Unaltered cats three months of age or over.

3. Forty dollars for the following:

a. Unlicensed altered dogs required to be licensed,

b. Non-permitted altered canine-wild animal hybrids required to be permitted,

c. Non-permitted unaltered canine-wild animal hybrids required to be permitted but not, required to be altered.

4. Sixty dollars for the following:

a. Unlicensed unaltered dogs required to be licensed,

b.

Non-permitted unaltered canine-wild animal hybrids required to be permitted and altered.

5.

All other animals, fifteen dollars.

C.

Vaccination, fifteen dollars.

D.

Adoption fee for adult dogs, eighty-five dollars.

E.

Adoption fee for puppies, one hundred dollars.

F.

Adoption fee for special needs adoptable dogs, forty-five dollars.

G.

Adoption fee for adult cats, eighty-five dollars.

H.

Adoption fee for kittens, one hundred dollars.

I.

Adoption fee for special needs adoptable cats, forty-five dollars.

J.

Adoption fee for exotic birds, seventy-five dollars.

K.

Adoption fee for other birds, mammals, reptiles, ten dollars.

L.

Senior citizens will receive a ten percent reduction of adoption fees.

M.

Euthanasia fee, fifteen dollars.

N.

Pick-up/delivery per trip, seventy dollars. Each additional animal exceeding total of one, five dollars.

O.

Microchip, fifteen dollars.

P.

Idexx 3DX test, thirty dollars.

Q.

Idexx Giardia test, twenty-five dollars.

R.

Idexx Parvo test, thirty dollars.

S.

Idexx FLV/FIV tests, thirty dollars.

T.

Fecal test, twenty-five dollars.

U.

Brief blood work, forty-three dollars.

V.

Complete blood work, fifty-five dollars.

W.

Dental, fifty-eight dollars.

X.

Skin scrape, fifteen dollars.

Y.

Bath (no grooming):

1.

Small dogs, twenty pounds and under, twenty-five dollars.

2.

Medium dogs, twenty-one to fifty pounds, forty-two dollars.

3.

Large Dogs, fifty-one pounds and above, forty-seven dollars.

Z.

Umbilical hernia repair, thirty dollars.

AA.

Inguinal hernia repair, one hundred fifteen dollars.

BB.

Cherry eye repair, one hundred sixty dollars.

CC.

Eye enucleation, one hundred seventy-five dollars.

DD.

Ear treatment, twenty dollars,

EE.

Flea or tic treatment, fifteen dollars.

FF.

Novelties including identification tags, leashes, collars, t-shirts and pet carriers, up to twenty-five dollars.

GG.

Rescue alters, forty-five dollars.

HH.

Redemption alters, one hundred dollars.

II.

Dangerous dog alters, one hundred twenty dollars.

JJ.

Dangerous dog tattoo, fifty-five dollars.

KK.

Privately owned pet dog alters, seventy-five dollars.

LL.

Privately owned pet female cat alters, fifty-five dollars.

MM.

Privately owned pet male cat alters, thirty dollars.

NN.

An owner redeeming an unaltered pet must pay a recovery fee of two hundred and fifty dollars.

OO.

Pima Animal Care Center may waive any or all pound fees.

(Ord. 2011-68 § 1, 2011: Ord. 2009-27 § 3, 2009: Ord. 2007-17 § 1 (part), 2007; Ord. 2005-45 § 1 (part), 2005; Ord. 2004-17 § 1 (part), 2004; Ord. 2002-80 § 1 (part), 2002; Ord. 1999-68 § 1 (part), 1999; Ord. 1997-18 § 1 (part), 1997; Ord. 1992-10 § 1, 1992; Ord. 1989-173 § 1, 1989; Ord. 1987-93, 1987; Ord. 1985-108, 1985; Ord. 1984-211, 1985; prior code § 15.04.060)

6.04.070 - Dog vaccinating, licensing and permitting procedure and fees within county limits.

A.

An owner shall have dogs three months of age or over vaccinated against rabies and licensed. Upon moving to Pima County, an owner must comply with these vaccinating and licensing requirements within thirty days or arrival. The vaccination shall be in accordance with the current Arizona State Department of Health Service's Arizona Manual for Rabies Control and Bite Management. Exception: Animals with a current license from any Arizona jurisdiction are not required to be licensed in Pima County.

B.

The licensing fees for dogs three months of age or over which are kept within the boundaries of the county for at least thirty consecutive days are as follows:

1.

Regular, unaltered dog—sixty dollars.

2.

Regular, altered dog—fifteen dollars.

3. Dogs declared dangerous or vicious—one hundred dollars.
4. Senior/disabled citizen owner, unaltered dog (limit four discounted dog licenses per household)—seventeen dollars.
5. Senior/disabled citizen owner, altered dog (limit four discounted dog licenses per household)—ten dollars.
6. Dogs ten years of age or older—fifteen dollars.
7. A dog owner with a household income below the federal poverty level is eligible for a one time twenty-seven dollar unaltered dog licensing fee per dog.
8. A dog owner with a household income below the federal poverty level is eligible for an eight dollar dog licensing fee per altered dog (limit four discounted dog licenses per household).
9. A guide dog belonging to a blind person who is a resident within Pima County, or a dog certified, in writing, as being trained to the standards of a service animal by a nationally recognized service dog training agency belonging to a resident within Pima County shall be licensed pursuant to this article without payment of a fee.
10. Processing/Postage fee per license, one dollar.

C. Licenses shall be issued on a staggered basis. Licenses shall be valid for up to one year, and shall expire on the anniversary date of a current vaccination, as defined by the current Arizona Manual for Rabies Control and Bite Management, at the time of applying for the license.

D. A ten-dollar late penalty will be charged on payments made after thirty days from the expiration date of the license. If the license is obtained one year but no more than two years from the date on which the dog is required to be licensed, an additional penalty fee of twenty-two dollars shall be paid. If the license is obtained two or more years from the date on which the dog is required to be licensed, an additional penalty fee of thirty-six dollars shall be paid.

E.

Owners of altered dogs wanting to pay lower license fees shall be required to present to the Pima Animal Care Center a certificate from a licensed veterinarian stating that a dog has been altered.

F.

Duplicate licenses will be furnished upon request by the owners for a fee of ten dollars.

G.

Licenses may be transferred from one owner to another upon change of ownership of a dog for a fee of ten dollars.

H.

This fee schedule is effective for the license cycle beginning June 2009.

I.

Any person who has paid the license fee provided in this section who subsequently presents to the Pima Animal Care Center a certificate from a veterinarian that a dog has been altered since licensing shall be entitled to a rebate equal to the difference between the unaltered and the altered dog license fees. Rebates shall only be provided to owners for a current license for an unaltered dog.

J.

Penalty. The owner of any dog who fails to license or permit such dog pursuant to this section is guilty of a Class 2 misdemeanor, which is punishable by a fine of not less than one hundred fifty dollars nor more than seven hundred fifty dollars, four months in jail, two years' probation, or any combination thereof. No judge may grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed herein; provided however that where a violation of this section is charged, the fine shall be reduced to seventy-five dollars upon a showing to the court of proof of licensing or permitting, as is required for such dog, within fifteen days of issuance of the complaint.

K.

A person operating a kennel shall obtain a kennel permit issued by the Pima Animal Care Center except if each individual dog is licensed. The animal fee for the kennel permit is four hundred dollars or seventy-five percent of the total cost of licensing all the animals individually, whichever is greater. A one hundred dollar late penalty will be charged on permits obtained more than thirty days after the expiration date of the previous permit. A two hundred dollar late penalty will be charged on permits obtained one year or more, but less than two years, after the expiration date of the previous permit. A four hundred dollar late penalty will be charged on permits obtained two or more years after the expiration date of the previous permit. A person who has licensed his/her animals under a kennel permit is subject to inspections by the county enforcement agent. Such inspections may be initiated by the enforcement

agent at any time Monday through Sunday, 8:00 a.m. to 5:00 p.m. The county shall deny a kennel permit to or revoke an existing permit from any person who:

1. Denies entry to the property for such inspection; or
2. Pursuant to any state, county, municipal or federal law or regulation, criminal or civil, has been convicted of or found responsible for neglect or mistreatment of an animal or any other offense relating to animals; or
3. Has, within the past ten years, been convicted of a felony; or
4. Has ever forfeited a specific animal pursuant to Pima County Code Section 6.04.140 or any other state, county, municipal or federal proceeding or law; or
5. Has ever been denied, pursuant to any legal proceeding or law, all ownership, possession, or having control of animals in general.

L. All dogs which are not required to be licensed under subsection K of this section must be vaccinated against rabies pursuant to Arizona Revised Statutes Sections 11-1001(13), 11-1001(14), and the current Arizona State Department of Health Service's Arizona Manual for Rabies Control and Bite Management.

M. Before a license or kennel permit is issued, the owner must present a rabies vaccination certificate signed by a veterinarian stating the owner's name and address and giving each dog's description, date of vaccination, type, manufacturer, the serial number of the vaccine and the date revaccination is due.

N. The Pima Animal Care Center may apprehend and impound, or cause to be impounded, any dog, required to be licensed, which is found without a license tag for the current year.

O. As a condition for the issuance of a kennel permit, all dogs over the age of three months shall have a micro-chip implanted prior to the issuance of said permit. Each dog that reaches the age of three months during the permit period must be micro-chipped within thirty days of reaching said age. Upon receiving an application for the issuance of a kennel permit, the county enforcement agent may scan all dogs in the kennel to verify the implanted micro-chips and rabies vaccinations.

P.

Canine-wild animal hybrids defined by Chapter 6.05 of this code, are not required to be licensed pursuant to this section.

(Ord. 2011-69 § 1, 2011; Ord. 2009-27 § 1, 2009: Ord. 2008-62 § 1, 2008; Ord. 2007-17 § 1 (part), 2007; Ord. 2006-57 § 1 (part), 2006; Ord. 2006-10 § 1, 2006; Ord. 2005-45 § 1 (part), 2005; Ord. 2004-17 § 1 (part), 2004; Ord. 2002-80 § 1 (part), 2002; Ord. 1999-68 § 1 (part), 1999; Ord. 1998-33 § 1, 1998; Ord. 1997-18 § 1, 1997; Ord. 1993-76 § 1, 1993; Ord. 1989-174 § 1, 1989; Ord. 1989-159 § 1 (part), 1989; Ord. 1987-86 § 1, 1987; Ord. 1984-188 (part), 1984; prior code 15.04.070(A))

6.04.080 - Duty to produce—Penalty.

A.

An owner of an animal charged with a violation of Section 6.04.110, 6.04.120 or 6.04.150 shall produce that animal for inspection or impoundment upon the request of Pima Animal Care. All owners shall be responsible for any and all applicable impoundment and boarding fees in connection therewith.

B.

A violation of this section is a Class 2 misdemeanor and shall be punishable by imprisonment for not less than twenty-four hours nor more than four months and by a fine of not less than two hundred dollars nor more than seven hundred fifty dollars. No judge may grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed herein.

C.

This section shall not apply where an animal has bitten a member of the owner's household.

(Ord. 2004-17 § 1 (part), 2004; Ord. 1989-159 § 1 (part), 1989)

6.04.090 - Mandatory spay/neuter program for dogs and cats.

The following standards are approved for the adoption of any unclaimed dog or cat:

A.

Any dog or cat held by the Pima Animal Care Center for the period required by law and not reclaimed by its owner may be released for adoption subject to the following conditions:

1.

The adopting owner must pay a fee pursuant to Section 6.04.060. A transportation fee of no more than six dollars per dog or cat may also be charged to adoption owners.

2.

Pima Animal Care Center will insure that all such animals are spayed or neutered and microchipped prior to release to the adopting owner

unless the veterinarian determines that the animal has medical contraindications that would prevent or require postponement of surgery.

3. If the veterinarian determines that medical contraindications for surgery exist that would require postponement of surgery, a spay/neuter certificate will authorize postponement of the surgery until such time that the veterinarian determines that surgery can be performed in a safe, humane manner.

4. If the veterinarian determines the animal is permanently disqualified for surgery and would be capable of reproduction the animal will be returned to Pima Animal Care Center, the adoption will be cancelled, and the adopting owner will be refunded all applicable fees.

5. The adopting party shall reclaim the animal following surgery as directed by the veterinarian. Failure to comply will result in a charge for extra board. Unclaimed animals may be declared abandoned.

B. The agreement to adopt an animal from Pima Animal Care Center shall require the adopting party to agree to hold harmless and defend the county, its officers and employees for loss, injury or damages arising out of or in connection with services of this program.

(Ord. 2009-27 § 2 (part), 2009; Ord. 2005-45 § 1 (part), 2005; Ord. 2004-17 § 1 (part), 2004; Ord. 1994-129 § 1, 1994; prior code § 15.04.080)

6.04.100 - Advisory committee—Established—Powers and duties.

A. An advisory committee known as the Pima County Animal Care advisory committee shall be established by the board of supervisors. The purpose of this committee shall be to:

1. Serve in an advisory capacity to the board of supervisors and to the manager of the Pima Animal Care Center; and

2. Review and evaluate the operations of the center in order to make recommendations in writing to the board for the formulation of guidelines to assure that:

a.

The center's operations are conducted in the best interest of the public health and safety; and

b.

The center keeps pace with the most modern practices and procedures of animal care and welfare; and

3.

Review complaints from the public concerning policies of the center and make recommendations for resolving them to the proper authority.

B.

The membership of this committee shall consist of a representative from the Southern Arizona Veterinary Medical Association, the Society for the Prevention of Cruelty to Animals of Arizona, Inc., the Humane Society of Southern Arizona, the Tucson Kennel Club, the Animal Welfare Coalition, a public educator, a member of the Pima County board of health, the Animal Defense League, the Foundation for Animals in Risk, the People for Animals in the Prevention of Cruelty and Neglect, Inc., a resident of Pima County who needs and uses the assistance of a certified service dog as representative of the disabled community the city of Tucson and a registered volunteer with the Pima Animal Care Center. The manager of the center shall serve as an ex officio member.

C.

Appointment of members shall be the responsibility of each of the organizations and governments represented on this committee. The registered volunteer shall be selected by the members of the Pima Animal Care Center Advisory Committee from a list of no fewer than three volunteers recommended by the manager of the center. Terms shall be four years for all members.

D.

Responsibilities of each member shall be to:

1.

Attend all meetings; and

2.

Inform the individual organizations and governments of formal actions taken by the committee; and

3.

Represent the individual organizations, governments and the interest of the general public in advising the board of supervisors on policy decisions regarding the Pima Animal Care Center; and

4. Reports emanating from the committee shall be adopted by majority vote of the committee and submitted to the county board of supervisors; and

5. A copy of the minutes of each meeting shall be submitted to the governing body of each political jurisdiction that the center serves after adoption by the committee; and

6. Establish by-laws that govern procedures for meetings and official correspondence; and

7. Select members of the committee to serve as chairperson and vice chairperson for a term of two years. A member holding any office may not succeed himself or herself in office. Selection of chairperson and vice chairperson shall be held thirty days from the effective date of the ordinance.

(Ord. 2012-33 § 1, 2012: Ord. 2011-74 § 1, 2011: Ord. 2004-17 § 1 (part), 2004; Ord. 2002-80 § 1 (part), 2002; Ord. 1998-55 § 1, 1998; Ord. 1998-15 § 1, 1998; Ord. 1988-12 § 1, 1988; prior code § 15.04.090)

6.04.110 - Cruelty and neglect of animals.

A. Cruelty. Whoever overdrives, overloads, overworks, tortures, torments, cruelly beats, mutilates or unlawfully kills an animal, or causes or procures an animal to be so overdriven, overloaded, overworked, tortured, tormented, cruelly beaten, mutilated or killed, and whoever, having charged or custody of an animal, either as owner or otherwise, inflicts unnecessary cruelty upon it, cruelly drives or works it when unfit for labor, or cruelly abandons it, or carries it or causes it to be carried in or upon a vehicle or otherwise, in an unnecessarily cruel or inhumane manner or knowingly and wilfully authorizes or permits it to be subjected to unreasonable or unnecessary torture, suffering or cruelty of any kind, shall be guilty of a Class 1 misdemeanor.

B. Neglect. The purpose of this subsection is to guarantee that animals under human custody or control are housed in healthy environments and are provided with proper food, water, shelter, medical care, exercise space and ventilation. Any person owning or having care, control or custody of any animal shall provide:

1. That the animal receives daily, food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health;

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

3. That, except for livestock, all animals have convenient access to natural or artificial shelter throughout the year. Any such artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section. Any shelter, all bedding and any spaces accessible to the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured, or becoming infested with parasites;

4. That the animal receives care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering;

5. That the animal is given adequate exercise space within an enclosure that shall be constructed of material, and in a manner, to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition. With the exception of temporary tethering of horses, the use of tie-outs such as chains, leashes, wires, cables, ropes, or similar restraining devices for the purpose of animal confinement is hereby prohibited.

6. That the animal has access to adequate ventilation and is protected from temperature extremes at all times. In this connection, it is unlawful for any person to keep any animal in a vehicle or other enclosed space in which the temperature is either so high or so low, or the ventilation is so inadequate, as to endanger the animal's life or health. Any peace officer or Pima Animal Care officer is authorized to use whatever force is reasonable and necessary to remove any animal from a vehicle or other enclosed space whenever it appears that the animal's life or health is endangered by extreme temperatures or lack of ventilation within the vehicle or other enclosed space.

   No peace officer or Pima Animal Care officer shall be liable for damages to property caused by the use of reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.

C.

Any of the provisions of this section may be waived as dictated by treatment under the direction of a licensed veterinarian.

D.

Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

E.

Penalties. A violation of any provision of this section is punishable by a fine of not less than one hundred dollars nor more than two thousand five hundred dollars, six months in jail, three years probation, or any combination thereof. No judge may grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed herein. The justice of the peace may order that the owner shall not be permitted to own or control any animal for a period of up to three years, and the justice of the peace shall order that the animal(s) which are the subject of this action be forfeited to the Pima Animal Care Center to be placed by adoption in a suitable home or humanely destroyed. This shall not be construed to affect, in any way, the imposition of any mandatory minimum penalties provided herein.

(Ord. 2004-17 § 1 (part), 2004; Ord. 1998-46 § 1 (part), 1998; Ord. 1997-26 § 1, 1997; Ord. 1989-159 § 1 (part), 1989; Ord. 1987-111 § 1 (part), 1987; Ord. 1986-176 § 1 (part), 1986)

6.04.120 - Vicious or destructive animals.

A.

Definitions. In this section, unless the context otherwise requires:

1.

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

2.

"Destructive animal" means any animal that has a propensity to destroy, damage or cause damage to the property of a person other than the animal's owner.

3.

"Owner" is defined in Section 6.04.020B.

4.

"Vicious animal" means any animal that bites, attempts to bite, endangers or otherwise injures or causes to be injured human beings or other animals, except as provided in Section 6.04.120D or one that has been declared vicious pursuant to this section.

5.

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

6.

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

B.

Prohibited activity.

1.

It is unlawful for any person to keep, control, harbor or otherwise have under control any animal which is vicious or destructive. This section shall not apply to zoos, wild animal parks or animal shelters, or to persons who are in compliance with an order of a justice of the peace issued pursuit to this section.

2.

The owner of any animal that bites, attempts to bite, endangers or otherwise injures or causes injury to human beings or other animals is guilty of a Class 1 misdemeanor, except as provided in Section 6.04.120D.

3.

The owner of any animal that destroys, damages or causes damage to the property of another person is guilty of a Class 1 misdemeanor.

4.

It is unlawful for any person to fail to comply with an order of a justice of the peace regarding a vicious or destructive animal. It is a separate offense for each day that such person fails to comply with the justice of the peace's order.

C.

Penalty. A violation of any provision of this section is punishable by a fine of not less than two hundred dollars nor more than two thousand five hundred dollars, six months in jail, three years probation, or any combination thereof. No judge may grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed. In addition, unless the animal has been previously forfeited or destroyed, upon the declaration of an animal as vicious or destructive, a justice of the peace shall order the owner to do one or more of the following:

1.

Comply with the provisions of subsection 6.04.150D and be subject to subsections E and F; or

2.

That the animal be banished from the county limits of Pima County after first being spayed or neutered, microchipped and tattooed by a licensed veterinarian at the owner's expense. The owner shall provide a certificate of spaying or neutering and microchipping and tattooing from a licensed

veterinarian to the Pima Animal Care Center within the time given by the court to ensure the spaying or neutering and microchipping and tattooing of the animal before banishment; or

3.

That the animal be humanely destroyed. The animal may be forfeited to the Pima Animal Care Center to ensure the humane destruction of the animal. Subsections C1, C2, and C3 of this section shall not be construed to affect, in any way, the imposition of any mandatory minimum penalties provided herein.

D.

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

1.

Not at large and there is provocation; or

2.

A police dog under the command of its trainer.

E.

Authority and procedures to remove and impound. The authority and procedures to remove and impound an animal shall be pursuant to those described in Sections 6.04.130 and 6.04.140 of this code.

(Ord. 2009-27 § 2 (part), 2009; Ord. 2005-45 § 1 (part), 2005; Ord. 2004-17 § 1 (part), 2004; Ord. 1998-46 § 1 (part), 1998; Ord. 1988-13 § 1, 1988; Ord. 1987-111 § 1 (part), 1987; Ord. 1986-176 § 1 (part), 1986)

6.04.130 - Authority to remove and impound.

A.

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

1.

That an animal is in distress caused by mistreatment, tieout, exposure to the elements, extremes of temperature, lack of adequate ventilation or drainage, lack of sanitation, deprivation of proper food or potable water, restraint, restriction of movement, confinement, lack of sufficient exercise space, constrictive gear, injury, illness, physical impairment or parasites; or

2.

That an animal's well-being is threatened by a dangerous condition or circumstance; and if the officer has reason to believe either:

a.

That the distress of the animal or the dangerous condition or circumstance was caused or allowed to be caused by the willful act or omission or negligence of the owner; or

b.

That it is likely the animal would be in distress from any cause, or its well-being would be threatened by any dangerous condition or circumstance if the owner retains ownership of the animal.

3.

That an animal is vicious or destructive or may be a danger to the safety of any person or other animal.

4.

An animal is deemed to be in distress and subject to removal and impoundment if it is on a tieout.

(Ord. 2004-17 § 1 (part), 2004; Ord. 1998-46 § 1 (part), 1998; Ord. 1987-111 § 1 (part), 1987: Ord. 1986-176 § 1 (part), 1986)

6.04.140 - Procedures to remove and forfeit animals; notice; order to show cause hearing; appeal.

The following procedures shall be followed by the peace officer or Pima Animal Care officer when any animal is removed or impounded pursuant to Sections 6.04.120 and 6.04.130. In addition, Section 6.04.140 shall be followed when the peace officer or Pima Animal Care Officer removes or impounds any animal pursuant to 6.05.040 E.

A.

If the owner is known, and unless the owner signs a statement permanently relinquishing ownership of the animal to the Pima Animal Care Center, the owner shall be provided with a written notice of the county's intent to file, within ten (10) days of receipt of the notice, a written request with the justice of the peace for a hearing to determine if the animal should be returned to the owner or forfeited to the Pima Animal Care Center. If the owner's whereabouts cannot be determined, notice shall be mailed to the owner at the owner's last-known address by registered or certified mail, return receipt requested. The notice shall include the bond amount required pursuant to Section 6.04.140 (G). If not posted within ten days of the notice, the animal shall be deemed forfeited.

B.

If the county files a written request for a hearing before the justice of the peace, the hearing shall be set for a date not less than ten (10) days nor

more than fifteen (15) working days after the request has been filed with Justice Court.

C.

If the owner fails to appear at the hearing, the justice of the peace shall order the animal forfeited to the Pima Animal Care Center to be placed by adoption in a suitable home or humanely destroyed.

D.

At the hearing, if the justice of the peace finds from a preponderance of the evidence either:

1.

That an animal was in distress caused by mistreatment, tieout, exposure to the elements, extremes of temperature, lack of adequate ventilation or drainage, lack of sanitation, deprivation of proper food or potable water, restraint, restriction of movement, confinement, lack of sufficient exercise space, constrictive gear, injury, illness, physical impairment or parasites; or

2.

That the well-being of the animal was threatened by a dangerous condition or circumstance; and either:

a.

That the distress of the animal or dangerous condition or circumstance was caused or allowed to be caused by the willful act or omission or negligence of the owner; or

b.

That it is likely the animal would be in distress from any cause, or its well-being would be threatened by any dangerous condition or circumstance if the owner retains ownership of the animal, the justice of the peace shall order the animal to be forfeited to the Pima Animal Care Center to be placed by adoption in a suitable home or humanely destroyed.

E.

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

1.

Comply with the provisions of subsection 6.04.150D and be subject to subsections E and F; or

2.

That the animal be banished from the county limits of Pima County after first being spayed or neutered, microchipped and tattooed by a licensed veterinarian at the owner's expense. The owner shall provide a certificate of spaying or neutering, microchipping and tattooing from a licensed veterinarian to the Pima Animal Care Center within the time given by the court, to ensure the spaying or neutering, microchipping and tattooing of the animal before banishment; or

3.

That the animal be humanely destroyed. The animal may be forfeited to the Pima Animal Care Center to ensure the humane destruction of the animal.

F.

Nothing in this section nor in Section 6.04.130 shall be construed as precluding or requiring the use of any other remedies, civil or criminal; the remedies provided herein are not punitive and are cumulative with and not exclusive of any other remedies provided for by law. Nothing in this section shall be construed to estop the prosecution of the owner for violations of Chapter 6 of the Pima County Code or A.R.S. Section 13-2910. Nothing in this section shall be construed as precluding the humane destruction of any animal, which destruction is otherwise authorized by law, nor shall anything in this section be construed as precluding the spaying or neutering of any animal. If any provision of this section is in conflict with any other provisions of this code, the provisions of this section shall be controlling.

G.

Upon seizure pursuant to this section, the owner must post fifteen (15) days of impoundment fees in advance as a bond to defray some of the cost of boarding, impoundment and any veterinary care needed. This sum shall be listed on the notice provided to the owner pursuant to Section 6.04.140.(A). If the bond is not posted within ten (10) days of the notice, the animal shall be deemed forfeited to the Pima Animal Care Center to be placed by adoption in a suitable home or humanely destroyed.

H.

If a defendant testifies at a hearing held pursuant to this section, the defendant does not, by so testifying, waive the right to remain silent during the trial; and if the defendant does testify at the hearing, neither this fact nor the defendant's testimony at the hearing shall be mentioned at the trial unless the defendant testifies at the trial concerning the same matters.

I.

Appeal of the decision of the justice of the peace shall be by way of special action to the superior court on the record of the hearing. If either party claims the record to be incomplete or lost, and the justice of the peace who conducted the hearing so certifies, a new hearing shall be conducted before that justice of the peace. The owner must post a bond equivalent to sixty (60) days of impoundment costs in order to perfect the appeal. Notice of the amount due shall be given to the owner by the justice of the peace at the time of the order to show cause hearing if forfeiture is ordered. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than ten (10) days after the decision.

J.

Unless good cause is shown, the owner shall be liable for all veterinary, impound and board fees resulting from the animal's impoundment until a final decision by the justice of the peace including the pendency of an appeal. No justice of the peace may waive or reduce any veterinary, impound or board fees resulting from the animal's impoundment unless the owner prevails at the hearing.

(Ord. 2006-57 § 1 (part), 2006; Ord. 2005-45 § 1 (part), 2005; Ord. 2004-17 § 1 (part), 2004; Ord. 1998-46 § 1 (part), 1998; Ord. 1997-26 § 1, 1997; Ord. 1987-111 § 1 (part), 1987; Ord. 1986-176 § 1 (part), 1986)

6.04.150 - Dangerous animals.

A.

Definitions.

1.

"Dangerous animal" means one which:

a.

Has been declared to be vicious or destructive pursuant to Section 6.04.120, or dangerous or vicious or destructive or a danger to the safety of any person or other animal pursuant to Section 6.04.140 of this chapter; or

b.

Displays a tendency, disposition or propensity, as determined by Pima Animal Care, pursuant to guidelines developed for that purpose, to:

1)

Injure, bite, attack, chase or charge without provocation, or attempt to injure, bite, attack, chase or charge without provocation a person or domestic animal in a manner which poses a threat to public safety; or

c.

Is owned or harbored primarily or in part for the purpose of fighting or has been trained for fighting;

d.

A dangerous animal does not include an animal used in law enforcement, or animals in the custody of zoos, wild animal parks or animal shelters, or animals under the care of veterinarians.

2.

"Provocation" means any behavior toward an animal, its owner, or other persons or animals which is likely to cause a defensive reaction by the animal.

B.

Declaring an animal dangerous.

1.

Whenever Pima Animal Care has reason to believe an animal may be dangerous, an evaluation of the animal shall be conducted pursuant to guidelines developed by Pima Animal Care. These guidelines provide for an evaluation of the animal's behavior both on and off of the premises of the owner, its behavior in and out of the owner's presence and its interactions with other persons and animals.

2.

If Pima Animal Care declares that an animal is dangerous, the owner, as defined in Section 6.04.020 of this chapter, shall be notified and issued an order of compliance. Once an animal is declared dangerous the animal is dangerous until a hearing officer or judge determines otherwise. If the owner is known, he shall be provided with a written notice of his right to file, within five (5) days of receipt of the notice, a written request with Pima Animal Care for a hearing to determine if the animal is dangerous. If the owner's whereabouts cannot be determined or the animal poses a threat to public safety or domestic animals, the animal shall be impounded and notice shall be posted on the property or mailed forthwith to him at his last known address by registered or certified mail, return receipt requested. The owner is responsible for payment of any and all impound costs and fees.

C.

Hearing—Burden of proof—Appeal.

1.

The owner of the animal may request a hearing to contest the declaration of dangerousness under subsection (A)(1)(b) of this section, but not under subsection (A)(1)(a) of this section, or contest the confinement conditions

ordered by the Pima animal care officer under subsection (D)(1) of this section.

2. If the owner of an impounded animal fails to contact Pima Animal Care within ten (10) days of receipt of Notice of Impoundment in order to arrange for an evaluation of the animal, the animal shall be forfeited to Pima Animal Care to be placed by adoption in a suitable home or humanely destroyed.

3. If the owner of an impounded animal fails to appear at a hearing or fails to request a hearing, the animal shall be forfeited to the Pima Animal Care upon the expiration of the time provided by the order of compliance if the owner does not demonstrate obedience with the order of compliance. An animal forfeited to Pima Animal Care shall be humanely destroyed.

4. An impounded animal, as described in subsections (C)(2) and (C)(3) of this section, shall not, under any circumstances, be returned to its owner until any order of compliance issued has been obeyed.

5. If the owner of a nonimpounded animal fails to appear at a hearing or fails to request a hearing, the animal is declared to be dangerous and the order of compliance shall remain in effect.

6. After a request for a hearing, Pima Animal Care shall set a hearing date within five (5) working days at a time and place designated by Pima Animal Care. The hearing shall be conducted by a hearing officer selected by Pima Animal Care.

   a. The hearing shall be conducted in an informal manner without adherence to the rules of evidence required in judicial proceedings. Any evidence offered may be admitted subject to a determination by the hearing officer that the evidence offered is relevant and material and has some probative value to the facts at issue. A record thereof shall be made by stenographic transcription or by electronic tape recording.

   b. It is the burden of Pima Animal Care to establish by a preponderance of the evidence that the animal is dangerous. All parties may be represented by counsel and present witnesses at their cost.

c.

The hearing officer shall make a written decision within five (5) working days of the hearing and notify the owner of the animal of the decision.

1)

If the declaration of dangerousness is sustained by the hearing officer, the owner of the animal shall obey the order of compliance issued by the Pima animal care officer within the time given by the order of compliance or ten (10) days, whichever is more.

ii.

If the animal is found not to be dangerous, the order of compliance is null and void. The finding that an animal is not dangerous does not prevent the Pima Animal Care from declaring an animal dangerous again if a Pima animal care officer has additional reasons, which arise after the hearing, to believe the animal is dangerous after a new evaluation of the animal is conducted.

d.

Appeal of the decision of the hearing officer shall be by way of special action to the superior court on the record of the hearing. If either party claims the record to be incomplete or lost, and the hearing officer who conducted the hearing so certifies, a new hearing shall be conducted before that officer. The appealing party shall bear the cost of preparing the record of the bearing on appeal.

D.

Order of Compliance—Provisions. When an animal is declared dangerous, Pima Animal Care shall issue an order of compliance requiring the owner within thirty days to:

1.

Confine the animal sufficiently to prevent the animal's escape as follows:

a.

Pima Animal Care shall determine the appropriate fencing requirements for the size and nature of the animal, which may require: A fence including gates to be up to six feet in height; the fence, from five feet in height to six feet in height to incline to the inside of the confinement area at a forty-five degree angle from the vertical; or that the confinement area be wholly covered by a material strong enough to keep the animal from escaping.

b.

Pima Animal Care may require the bottom of the confinement area to be of concrete, cement or asphalt, or of blocks or bricks set in concrete or cement or if such bottom is not provided, then a footing of such material shall be placed along the whole perimeter of the confinement area to a depth of one foot below ground level or deeper, if required by Pima Animal Care.

c.

The gates to the confinement area shall be locked at all times with a padlock except while entering or exiting.

d.

Pima Animal Care may require temporary confinement measures until the order of compliance has been obeyed or the hearing officer determines that the animal is not dangerous. If the owner does not immediately comply with the temporary confinement requirements, the animal shall be impounded.

2.

Restrain the animal outside of the confinement area with a leash, chain, rope or similar device not more than six feet in length sufficient to restrain the animal. When outside the confinement area, the animal must be under the control of a person capable of preventing the animal from engaging in any prohibited activity. Pima Animal Care may require that the dog be muzzled when outside of the confinement area.

3.

Post a sign on every gate or entry way to the confinement area stating: "Beware of dangerous animal. Per Pima County Code Section 6.04.150." The sign shall be provided by Pima Animal Care.

4.

Obtain and maintain liability insurance in a single incident amount of fifty thousand dollars, or post bond in that amount of either cash or property, unless the animal has been declared to be vicious or destructive pursuant to Section 6.04.120 of this chapter, in which case the amount of insurance or bond shall be no less than two hundred fifty thousand dollars, to cover any damage or injury that may be caused by the dangerous animal. Pima Animal Care shall maintain a registry of dangerous animals, owners and the insurance carrier or bonding agent for each dangerous animal.

5.

Owner must license the animal at the declared dangerous or vicious rate as indicated in subsection 6.04.070, have the animal spayed or neutered, microchipped and tattooed with an identification number, by the Pima Animal

Care Center or a licensed veterinarian, at their own expense. Pima County Animal Care shall maintain a registry of tattoo and microchip numbers and the owners of the animals. If a licensed veterinarian performs these procedures outside of the Pima Animal Care Center, a written certification must be obtained.

E.

Owner's consent to inspection; failure to obey order of compliance—Penalties.

1.

By continuing to own an animal declared dangerous, an owner gives consent to Pima Animal Care Officers or any law enforcement officer to inspect the animal declared dangerous, the premises where the animal is kept and the liability insurance or bond documents required for the animal(s), and the veterinarian's certification of spaying or neutering, microchipping and tattooing for the animal(s).

2.

Pima Animal Care may seize and impound the dangerous animal if the owner fails to obey the order of compliance. Pima Animal Care shall humanely destroy the impounded animal, unless the owner demonstrates obedience to the order of compliance or judicial proceedings are pending. The owner of the animal is responsible for any impound costs and fees. If the owner of the animal demonstrates proof that the order of compliance has been obeyed then the animal will be returned to the owner after payment of impound costs and fees. Any action taken under this section shall be in addition to any criminal penalties set out in subsection (G) of this section.

F.

Required acts—Prohibited activities.

1.

An owner of an animal declared dangerous shall obey the order of compliance.

2.

An owner of an animal declared dangerous shall not sell, give away, abandon or otherwise dispose of the animal without notifying Pima Animal Care in writing in advance.

3.

An owner of an animal declared dangerous shall provide proof of licensure at the rate indicated in subsection 6.04.070, proof of liability insurance or bonding, and the veterinarian's certificate of spaying or neutering, microchipping and tattooing to the Pima Animal Care officer upon demand.

4.

An owner of an animal declared dangerous shall not prevent or try to prevent inspection of the animal or the premises where the animal is kept.

5.

When the owner of an animal is notified that Pima Animal Care is evaluating an animal or wishes to evaluate an animal to determine if the animal is dangerous, the owner of the animal shall make the animal available for evaluation at its usual place of abode within twenty-four hours of a request by Pima Animal Care. The owner shall not sell, give away, hide or otherwise prevent Pima Animal Care from making an evaluation of the animal.

6.

The owner of an animal declared dangerous shall prevent the animal from running at large as defined in Section 6.04.030 of this chapter.

7.

The owner of an animal declared dangerous shall prevent the animal from biting, injuring or attacking any person or domestic animal outside of the confinement area.

G.

Penalties—Mandatory minimum.

1.

A person convicted for the first time of any offense prohibited by subsections (F)(1) through (F)(6) of this section, in addition may be punished by imprisonment for not less than twenty-four hours nor more than four months and shall pay a fine of not less than one hundred dollars nor more than seven hundred fifty dollars. A person convicted of a second or subsequent offense prohibited by subsections (F)(1) through (F)(6) of this section shall be punished by imprisonment for not less than ten days nor more than four months and by a fine of not less than two hundred dollars nor more than seven hundred fifty dollars. No judge may grant probation in lieu of, or otherwise suspend, the imposition of a minimum jail sentence or fine prescribed herein upon a conviction of any offense prohibited in subsections (F)(1) through (F)(6) of this section. In addition, a person convicted of any offense prohibited in subsections (F)(1) through (F)(6) may be placed on probation for not more than two years and the dangerous animal may be ordered humanely destroyed or banished from the county after first being microchipped, tattooed and spayed or neutered by a licensed veterinarian at the owner's expense. If the animal is not microchipped, tattooed and spayed or neutered within the time given by the court, the animal shall be forfeited to Pima Animal Care to be humanely destroyed. This shall not be construed to

affect, in any way, the imposition of any mandatory minimum penalties provided herein.

2. A person convicted of violating subsection (F)(7) of this section may be punished by imprisonment for not less than thirty days nor more than four months and shall pay a fine of not less than five hundred dollars nor more than seven hundred fifty dollars. No judge may grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed herein upon a person convicted of violating subsection (F)(7) of this section. In addition, a person convicted of violating subsection (F)(7) may be placed on probation for not more than two years and the dangerous animal shall be ordered humanely destroyed. This shall not be construed to affect, in any way, the imposition of the mandatory minimum fine provided herein.

3. Wherever in this section any act is prohibited or declared to be unlawful, the violation of such provision of this section is a misdemeanor punishable (except for the penalties already set forth in subsection (F) of this section) by a fine of not less than one hundred dollars and not more than seven hundred fifty dollars and/or by imprisonment of not more than four months. No judge may grant probation in lieu of, or otherwise suspend, the imposition of the minimum fine prescribed herein. In addition, a person may be placed on probation for not more than two years. This shall not be construed to affect, in any way, the imposition of the mandatory minimum penalties provided herein.

4. Each day any violation continues or occurs shall constitute a separate offense.

(Ord. 2009-27 § 2 (part), 2009; Ord. 2005-45 § 1 (part), 2005; Ord. 2004-17 § 1 (part), 2004; Ord. 1990-13 §§ 1, 2, 1990; Ord. 1988-164 § 1, 1988; Ord. 1988-13 § 2, 1988)

6.04.160 - Excessive noise caused by animals or birds.

A. Definitions. In this section, unless the context otherwise requires:

1. "Property line" means the line which represents the legal limits of property (including an apartment, condominium, room or other dwelling unit) owned, leased or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the "property line" shall be the nearest boundary of the public right-of-way.

B.

Prohibited Activity.

1.

The following activities are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted and they disturb the public peace and quiet or comfort of the neighboring inhabitants.

a.

Owning, possessing, harboring or controlling any animal or animals or bird or birds which frequently or for continuous duration howls, barks, meows, squawks or makes other sounds.

C.

Enforcement. The provisions of this section shall be enforced and administered by Pima Animal Care and appropriate local law enforcement.

D.

Penalty.

1.

A violation of any provision of this section is a civil infraction and will be adjudicated by a hearing officer, as set forth in Section 6.04.160(F), and the written rules of procedure for hearings adopted by the board of supervisors. If an owner is found responsible for two violations, any subsequent violation shall be filed in Pima County Justice Court. Citations, using a uniform traffic ticket and complaint for civil traffic cases, and court proceedings shall follow the rules of procedure in civil traffic cases adopted by the Arizona Supreme Court, modified as applicable.

2.

If the owner of the animals or birds which have engaged in an activity prohibited by this section cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation.

3.

Each day's continuance of a violation under this section shall be deemed a separate offense.

4.

A fine of no less than fifty dollars and no more than five hundred dollars shall be imposed for each violation. Monies collected for civil penalties shall be deposited in the Pima Animal Care Center financial center of the county general fund. The justice of the peace may also grant injunctive relief and such other and further relief as appropriate against a party found responsible for a violation of this article to prevent future violations.

E.

Exemptions. Persons wishing to continue activities which constitute a violation of this section but were commenced prior to the enactment of the ordinance codified in this section may seek an exemption from the hearing officer. Such an exemption may be granted if the hearing officer finds that strict application of this section would cause undue hardship and that there is no reasonable or productive alternative method of engaging in the activity.

F.

Hearing Officer.

1.

Scope. The hearing officer hears and decides appeals of violations under this section.

2.

Powers and Duties. The hearing officer performs the following duties:

a.

Hearing and deciding complaints alleging civil violations of this section;

b.

Administration of oaths;

c.

The issuance of subpoenas and summonses ordering appearance before the hearing officer;

d.

The making of any other order necessary for the determination and resolution of violations under this section.

3.

Establishment.

a.

Appointment. The hearing officer shall be appointed by the board of supervisors;

b.

Qualifications.

1)

The hearing officer shall have training, experience or familiarity with administrative hearings and this section;

2)

The hearing officer may be an employee of the county, except that the hearing officer shall not be a Pima animal care officer;

3)

Annual Review. The board of supervisors shall conduct an annual review of the hearing officer;

4)

Removal. The board of supervisors has the authority to remove the hearing officer, by majority vote, for neglect of duty, inefficiency or misconduct in office.

4.

Transaction of Business. The hearing officer shall follow the written rules of procedures for hearings on civil violations of the Animal Control Ordinance, Chapter 6.04 of the Pima County Code, as adopted by the board of supervisors.

G.

Judicial Review. The final decision of the hearing officer may be reviewed by the superior court in accordance with Title 12, Chapter 7, Article 6 of the Arizona Revised Statutes.

H.

Additional Remedies. In addition to other remedies provided by law, the board of supervisors, the county attorney, Pima animal care or a private individual or other entity that is specially damaged by a violation of an animal statute or ordinance may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent or abate the violation.

(Ord. 2011-76 § 1, 2011; Ord. 2010-19 § 1, 2010; Ord. 2004-17 § 1 (part), 2004; Ord. 1989-40 § 1, 1989)

6.04.170 - Sale of animals at swap meets and public property prohibited—Exceptions—Penalty.

A.

No animal including birds or reptiles shall be offered for sale, gift or other transfer of ownership, and no animals including birds or reptiles shall be sold, given away or otherwise transferred, on or from any public street, roadway, right-of-way, sidewalk, park or swap meet. A "swap meet" is defined for the purpose of this section as a place of commercial activity popularly known as a swap meet, flea market or park-and-swap, which is open to the general public and composed of enclosed, semi-enclosed or outdoor stalls, stands or spaces rented or leased to persons on a temporary basis for the purpose of display and sale, barter or exchange of new or used merchandise.

B.

Exceptions. Subsection A of this section shall not prohibit the sale, gift, or other transfer of ownership of animals at county fairs, animal exhibitions or shows, 4-H activities, and other activities or events that are regulated by other state or county

agencies. Subsection A of this section shall not prohibit the use of off-site signs or advertising.

C.

Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.

D.

Penalties. A violation of any provision of this section is punishable by a fine of not more than three hundred dollars for any person. Each day such violation continues shall constitute a separate offense.

(Ord. 1993-168 § 1, 1993)

6.04.180 - Disposition of animals.

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

(Ord. 1998-46 § 1 (part), 1998)