

Title 6

ANIMALS

Chapters:

6.04 Dogs and Cats

6.16 Dangerous and Prohibited Animals

	Chapter 6.04		
	DOGS		
Sections:		6.04.240	Running at large prohibited.
6.04.010	Definitions.	6.04.250	Leash required.
6.04.020	Authority of the mayor and council.	6.04.255	Public buildings.
6.04.030	Violations—Penalties.	6.04.260	Stray dogs impounded.
6.04.040	Issuance of citations for violations.	6.04.270	Vicious or dangerous dogs confined.
6.04.050	Duty to care for dogs.	6.04.280	Maintenance of public nuisance dog or cat unlawful.
6.04.060	Vaccination required.	6.04.290	Citation of owner.
6.04.070	Vaccination certificate prerequisite to license.	6.04.300	Impoundment time, notice and costs.
6.04.080	Regulations governing vaccinations.	6.04.310	Impounding, vaccination of unvaccinated dogs.
6.04.090	Certificate of vaccination required—Contents.	6.04.320	Impounding, disposition of biting dogs or cats or dogs or cats suspected of rabies.
6.04.100	Vaccination other than in city.	6.04.325	Proper care, maintenance and destruction of impounded animals.
6.04.110	License required.	6.04.330	Interference with enforcement officer prohibited.
6.04.120	License fee.	6.04.340	Adoption of dogs.
6.04.130	Guide dogs exempt from fee.	6.04.350	City to be held harmless.
6.04.140	Duration of license.		
6.04.150	Application for license.	6.04.010	Definitions.
6.04.160	Enforcement officer to keep records.		
6.04.170	When fees delinquent—Delinquency penalty.		
6.04.180	Issuance—Contents of tags.		
6.04.190	Tag to be worn.		
6.04.200	Duplicate license tag.		
6.04.210	Transfer of license.		
6.04.220	Tags not transferable to other dogs.		
6.04.230	Counterfeiting or transferring tags prohibited.		
6.04.235	Dogs in motor vehicles		

In this chapter, unless the context otherwise requires:

“At large” means off the premises of the owner, and not under the control of the owner, or other person acting for the owner, either by leash, cord, chain or other physical device.

“Cat” means a member of the Felis Catus Family.

“City enforcement officer” means a person designated by the city who is responsible for the enforcement of this chapter and the regulations promulgated thereunder.

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

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

“Owner” means any person owning, keeping, possessing, harboring, maintaining or having custody or otherwise having control of a dog within the city for more than two consecutive days. As it relates to cats, ownership shall attach upon a single or subsequent feeding(s) of any cat, feral or otherwise, upon premises where fed, kept or harbored.

“Public nuisance cat or dog” means any cat or dog that unreasonably annoys humans or substantially interferes with the rights of citizens, other than their owner, to the enjoyment of life or property. “Public nuisance cat or dog” means and includes, but is not limited to, any cat or dog that:

1. Has been the subject of an adjudication three (3) or more times for any violation in this chapter within a six month period.
2. Damages the property of anyone other than its owner;
3. Molests, intimidates, or injures pedestrians or passersby; or chases vehicles
4. Causes foul or offensive odors, dust, accumulation of animal waste/excrement, or other obnoxious or putrescible material or for any like reason.
5. Makes excessively disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the dog is kept or harbored;

6. Defecates on any public property or on any private property that is not owned by the owner of the dog. It shall not be a violation of this section if the dog owner removes the defecation in a prompt and sanitary manner. (Ord. 14-1031 §1, 2014).

“Secure enclosure” means an enclosure that meets the following guidelines:

1. It will be of sufficient size to provide the animal with the appropriate exercise space and shall be constructed in such a manner to minimize the risk of injury;

2. The enclosure shall be constructed of masonry, chain link or other fabricated metal for walls or screen barriers of a material strong enough to prevent the animal from escape and shall include a cover. For purposes of Section 6.04.050 a cover shall not be required;

3. It will contain a floor or footing that will prevent the animal from escape:

- a. The floor will be made from concrete, cement, or of blocks or bricks set in concrete; or

- b. The footing will be made of concrete or block that starts at the ground level and is at least one foot in depth.

“Stray dog” means any dog, licensed or unlicensed, which is in or on any public road, highway, street, alley, square, park, school ground or other public place, or in or upon any lot, premises or property of another when not accompanied in the near vicinity by the person owning, having interest in, harboring, having charge, care, control, custody or possession of such dog.

“Vicious or dangerous dog” means any dog that has a propensity to attack, that bites, attempts to bite, endangers, injures or causes an injury to a human being(s) or other animal(s) without provocation as determined by the city enforcement officer; or has been declared so

after a hearing by the court having jurisdiction, and the determination is made based upon injury or intimidation.

“Unconfined” means that while on the premises of its owner or other responsible person having charge, care, custody or control, the animal is not within a secure enclosure, or the owner’s building.

“Vaccination” means an anti-rabies vaccination using a type of vaccine approved by the State Veterinarian. (Ord. 787 § 1, 2001) (Ord. 09-963 § 1, 2009) (Ord. 09-972 §1, 2009)

6.04.020 Authority of the mayor and council.

The mayor and council are authorized to enter into contracts or agreements for the pick-up, holding, licensing, vaccination and disposal of animals on terms and conditions as may be appropriate. (Ord. 787 § 2, 2001)

6.04.030 Violations—Penalties.

A. Unless and until the City of Douglas Magistrate Court obtains jurisdiction to handle criminal matters and/or is consolidated with the local Justice Court, any person who does not comply with this chapter shall be responsible of a civil violation. Unless otherwise specified herein, the following fees will be assessed for each violation and may be suspended.

1. First Offense. Not less than sixty-five dollars or more than one hundred dollars, plus any restitution. (Ord. 09-972 §1, 2009)

2. Second Offense. Not less than seventy-five dollars or more than one hundred fifty dollars, plus any restitution.

3. Third and Subsequent Offenses. Fees assessed herein shall not be suspended and shall be not less than one hundred fifty dollars

or more than five hundred dollars, plus any restitution. In addition to the fees assessed and at the discretion of the court, pursuant to a citation made by a humane officer or by motion of the City Attorney, the Court may order or grant the permanent denial of the return/reclamation of a nuisance dog or cat that has been the subject of an adjudication three (3) or more times for any violation in this chapter within a six month period. Upon adjudication the subject dog shall be placed for adoption or disposed of in as humane a manner as possible.

B. Any person violating Sections 6.04.230 or 6.04.330 shall be guilty of a Class 2 misdemeanor.

C. Pursuant to A.R.S. § 9-500.21 the City of Douglas Municipal Court shall have authority to issue cumulative judgment(s) for non-payment of any civil penalty herein this chapter. (Ord. 09-963 § 1, 2009)

4. Vicious dog fines shall be not less than Five hundred fifty dollars or more than One thousand dollars, which shall not be waived or suspended, plus restitution. (Ord. 09-972 §1, 2009)(Ord. 14-1031 § 1, 2014)

6.04.040 Issuance of citations for violations.

Any city enforcement officer or peace officer of the city shall enforce the provisions of this chapter and is authorized to issue citations to owners for any violation of this chapter. (Ord. 787 § 4, 2001)

6.04.050 Duty to care for dogs.

It is unlawful for any person owning or having the custody of any dog to fail, refuse or neglect to provide such dog with adequate food; potable water; and shade or reasonable shelter. (Ord. 787 § 5, 2001) year round. Dogs shall not be permanently tied up or restrained

by rope or chain. Dogs shall be kept in a secure enclosure as defined under that term inclusive only of numbers 1 and 2 as set forth therein. (Ord. 09-972 §1, 2009)

6.04.060 Vaccination required.

It is unlawful to own, keep, possess, harbor or maintain a dog over the age of four months in the city without having such dog vaccinated in accordance with the provisions of this chapter. (Ord. 787 § 6, 2001)

6.04.070 Vaccination certificate prerequisite to license.

No license shall be issued for any dog until the owner has presented a vaccination certificate signed by a veterinarian, duly licensed in the United States, containing the information required by this chapter. (Ord. 787 § 7, 2001)

6.04.080 Regulations governing vaccinations.

The type or types of anti-rabies vaccination that may be used for vaccination of dogs, the period of time between vaccination and revaccination, and the dosage and method of administration of the vaccine shall be in accordance with the rules and regulations designated by the State Veterinarian as required by Arizona Revised Statutes, § 11-1002, as amended. The fee for rabies vaccination at the animal control center shall not exceed fifteen dollars. (Ord. 787 § 8, 2001)

6.04.090 Certificate of vaccination required—Contents.

The person causing a dog to be vaccinated shall demand and be given an official certificate certifying to the fact of such vaccination and the date thereof, stating the

owner's name and address and giving a brief description of the dog, date of vaccination and type thereof, manufacture and serial number of the vaccine used, and the date revaccination is due. (Ord. 787 § 9, 2001)

6.04.100 Vaccination other than in city.

A dog vaccinated in any area outside of the city, prior to entry into the city may be licensed in the city, provided that, at the time of licensing, the owner of such dog presents a vaccination certificate signed by a veterinarian, duly licensed in the United States, and the certificate shall contain the information required by this chapter, and the regulations promulgated thereunder. (Ord. 787 § 10, 2001)

6.04.110 License required.

All dogs owned, possessed, harbored or maintained in the city for more than thirty days shall be licensed, if over four months of age, in accordance with this chapter. (Ord. 787 § 11, 2001)

6.04.120 License fee.

No dog license shall be issued by the city until the payment of a license fee of ten dollars has been made, except as provided in Section 6.04.130. The license fee shall be reduced to five dollars if application is made after July 1st of the calendar year, unless the application is delinquent pursuant to Section 6.04.170. (Ord. 787 § 12, 2001)

6.04.130 Guide dogs exempt from fee.

A guide dog belonging to a legally blind, visually impaired or deaf person who is a resident of the state shall be licensed pursuant

to this chapter without payment of a license fee. (Ord. 787 § 13, 2001)

6.04.140 Duration of license.

Dog licenses shall be issued for a period not to exceed one year, and shall be valid from the first day of January in each calendar year, and shall expire on the thirty-first day of December of the same year. (Ord. 787 § 14, 2001)

6.04.150 Application for license.

At the time application is made for a license, the owner shall provide his name and address, and the name, breed, color and sex of each dog licensed by such owner. (Ord. 787 § 15, 2001)

6.04.160 Enforcement officer to keep records.

The city enforcement officer shall keep a register of all dogs licensed, and any other records necessary for the enforcement of this chapter. (Ord. 787 § 16, 2001)

**6.04.170 When fees delinquent—
Delinquency penalty.**

Each dog license fee which is not paid by March 31st is delinquent, and there shall be added to such fee, and collected in addition thereto, a penalty of ten dollars. (Ord. 787 § 17, 2001)

6.04.180 Issuance—Contents of tags.

Upon issuance of a license it shall be the duty of the city enforcement officer, or other city designee, to issue a tag for each dog so licensed. Upon each tag for each dog so licensed shall be inscribed the name of the city of Douglas, Arizona, the number of the license, and the date it expires. (Ord. 787 § 18, 2001)

6.04.190 Tag to be worn.

Every owner shall be required to provide each dog licensed by such owner with a collar to which the license tag must be affixed and it shall be the duty of such owner to see that the collar and tag are constantly worn by each dog. (Ord. 787 § 19, 2001)

6.04.200 Duplicate license tag.

Whenever a dog license tag is lost, a duplicate license tag will be issued upon application by the owner and the payment of five dollars to the city. (Ord. 787 § 20, 2001)

6.04.210 Transfer of license.

Whenever the ownership of a dog has been changed, the new owner must secure a transfer of license to such owner. A transfer fee of five dollars shall be charged to transfer any license. (Ord. 787 § 21, 2001)

6.04.220 Tags not transferable to other dogs.

Dog license tags shall not be transferable from one dog to another. (Ord. 787 § 22, 2001)

6.04.230 Counterfeiting or transferring tags prohibited.

Any person who counterfeits or attempts to counterfeit an official dog license tag, or causes such a tag to be removed from any dog for the purpose of willful and malicious mischief or places such tag upon a dog other than the dog to which the tag was issued, is guilty of a Class 2 misdemeanor. (Ord. 787 § 23, 2001) (Ord. 09-63 § 1, 2009)

6.04.235 Dogs in Motor Vehicles

Confinement of dogs in motor vehicles; responsibility of persons; authorization for peace officer or enforcement agent to enter vehicle.

A. No person having charge, custody or ownership of a dog, shall place or confine such dog or allow such dog to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time that may endanger the health or well-being or such dog due to heat, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering disability or death.

B. When in the judgment of an enforcement officer, a dog has been placed or confined in a motor vehicle under such conditions and for such period of time that constitutes a violation of this section and is likely to result in the death of the dog and the owner or person having control over the motor vehicle is not available, the enforcement officer may take such steps as reasonably necessary to enter the vehicle and impound the dog in the manner provided by this chapter. (Ord. 09-963 § 1, 2009)

6.04.240 Running at large prohibited.

A. Every person owning, having charge, care, custody, or control of any dog of any age shall keep that dog exclusively upon his or her own premises. However, the dog may be off of the premises while under the control, custody, charge, or possession of the owner, or other responsible person of sufficient size and age to handle and control the dog, and restrained by a substantial chain, leash, rope or cord of sufficient strength to enable the person to control the dog.

B. Dogs while participating in dog training classes approved by the city enforcement officer shall be exempt from the provisions of subsection A of this section, provided that the dog is accompanied by and under the control of his owner or trainer.

C. No person in charge of any dog shall permit such dog in a public park or upon any city or public school property or upon the property of a third party, unless the dog is physically restrained by a leash, enclosed in a car, cage or other similar safe enclosure, or being exhibited or trained at a recognized kennel club, event, public school or city sponsored event.

D. Whenever any dog is found at large, the enforcement officer may take one or more of the following actions:

1. The dog may be apprehended and impounded. The enforcement officer shall have the right to enter upon private property when it is necessary to apprehend any dog or wild animal that has been running at large. Entrance upon private property shall be in reasonable pursuit of a dog and shall not include entry into a domicile or enclosure which confines a dog except with consent from the homeowner or a valid court order.

2. In the judgment of the enforcement officer, 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. All animals slain under this section shall be diagnosed for rabies prior to release to the owner and or disposal. Public records will be maintained by the city for each slaying incident, including the results or the rabies diagnosis on the animal.

E. A violation of this section shall be pursuant to fine schedule in 6.04.030 herein,

which shall not be waived or suspended. (Ord. 09-963 § 1, 2009) (Ord. 09-972 §1, 2009)

F. Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when such damages were inflicted. (Ord. 787 § 24, 2001)

6.04.250 Leash required.

It is unlawful for any person to permit any dog owned, harbored, or controlled by him to be on any public street, alley, lane, park or place of whatever nature open to and used by the public in the incorporated areas of the city unless such dog is securely leashed and the leash is held continuously in the hand of a responsible person of sufficient size and age capable of controlling such dog. Dogs traveling in open vehicles, including, but not limited to the back of a truck, shall be secured by a leash, unless said dog is securely confined inside the vehicle. (Ord. 787 § 25, 2001)

6.04.255 Public Buildings

Dogs, unlawful keeping and maintaining, taking into public buildings, prohibited, exceptions, violations.

A. It is unlawful to keep, harbor or maintain a dog within the city except as provided by the terms in this chapter.

B. Except as provided in subsection (c) of this section, it shall be unlawful for any person to bring into any public building under the control and jurisdiction of the City any dog.

C. Any legally blind person, deaf person, physically handicapped person, dog guide trainer, or service dog trainer may make use of a guide dog or service dog while in a public

building under the control and jurisdiction of the City. (Ord. 09-963 § 1, 2009)

6.04.260 Stray dogs impounded.

Any stray dog, licensed or unlicensed, shall be immediately seized and impounded by the city enforcement officer. (Ord. 787 § 26, 2001)

6.04.270 Vicious or dangerous dogs confined.

A. Any person having charge, care, custody, or control of a dangerous or vicious dog as defined by Section 6.04.010, shall not permit the animal out of the building or secure enclosure unless the animal is under the direct control, charge, or possession of the owner, or other responsible person, either by substantial leash, chain, rope, or cord, and securely muzzled.

B. Any dog described in subsection A of this section, which is found at large or unconfined, shall be impounded by the city enforcement officer and may only be redeemed by the owner at the discretion of the city enforcement officer or by authorization from any court having jurisdiction while citations are pending or after adjudication.

For stray or dogs running at large, and vicious dogs the City Magistrate may issue an order for humane officer(s) to enter an owners yard or enclosure (but not living quarters at the domicile) accompanied by Police Officer(s). City Magistrate can issue said order after Notice and Hearing upon a finding that public health, safety and welfare are at risk and the City's burden of proof shall be by clear and convincing evidence. (Ord. 09-972 §1, 2009)

C. When, in the judgment of a licensed veterinarian or the city enforcement officer, a

dog should be destroyed for humane reasons, such animal may not be redeemed.

D. The city enforcement officer shall destroy a dangerous or vicious dog upon an order from the court having jurisdiction. The court may issue an order after notice to the owner, if any and completion of a hearing to determine the status of the animal. (Ord. 787 § 27, 2001)

6.04.280 Maintenance of public nuisance dog or cat unlawful.

It is unlawful for any person to maintain a dog or cat in such a manner that it constitutes a public nuisance, as defined in Section 6.04.010. (Ord. 787 § 28, 2001)

6.04.290 Citation of owner.

When a dog is found unconfined, at large, or a public nuisance, and the city enforcement officer knows ownership, the dog need not be impounded to have court action initiated against the owner. (Ord. 787 § 29, 2001)

6.04.300 Impoundment time, notice and costs.

A. Upon impounding any licensed dog, the owner shall be promptly notified and such owner may reclaim his dog within seven days from the date of actual notice, or mailing of notice, upon proof of ownership and payment of all costs and charges incurred in impounding and maintaining said dog.

B. Impounding costs may be set from time to time by the city council to include an assessment of twenty-five dollars for the impoundment of any dog.

C. If an impounded dog is unlicensed, the owner may reclaim such dog within three days upon paying all costs and charges as provided

by this chapter and after securing a vaccination and a license for such dog. Any dog not claimed within the prescribed time, whether licensed or unlicensed, shall be placed for adoption or disposed of in as humane a manner as possible.

D. Any licensed or unlicensed dog which apparently is suffering from serious injuries and is in great pain and probably would not recover, or which has evidence of rabies, mange or other infectious disease which is a danger to other dogs, may be destroyed by the city enforcement officer in as humane a manner as possible after reasonable efforts to notify the owner, if any, have failed. (Ord. 787 § 30, 2001)

6.04.310 Impounding, vaccination of unvaccinated dogs.

If a dog is impounded and found to be unvaccinated, the animal control officer is authorized to cause such dog to be vaccinated at a cost to be borne by the owner. The vaccination shall be performed by a licensed veterinarian, who shall issue a certificate of vaccination. (Ord. 787 § 31, 2001)

6.04.320 Impounding, disposition of biting dogs or cats or dogs or cats suspected of rabies.

A. Whenever an unlicensed or unvaccinated dog or cat has bitten any person so as to break the skin, the city enforcement officer shall, impounded or, on request and at the expense of the owner placed with a licensed veterinarian for observation for not less than ten days. A dog properly licensed and vaccinated pursuant to this chapter that has bitten any person so as to break the skin shall be impounded at the animal shelter for observation, or confined and

quarantined at the home of the owner, or wherever the dog is harbored and maintained, with the consent of, and in the manner prescribed by, the city enforcement officer for not less than ten days.

B. If the city enforcement officer has placed a dog with a veterinarian, the city enforcement officer shall be deemed to have acted as agent of the owner, and all veterinarian charges shall become a lien upon the dog, and the owner thereof shall be responsible for such charges.

C. Unless some other violation of this chapter is involved, a dog which has bitten any person so as to break the skin and is not suspected of having rabies shall be held or kept under observation for a period of not more than fourteen days.

D. If a dog or cat is found to be free of rabies symptoms after a quarantine period it shall not be released to the owner. (Ord. 787 § 32, 2001) unless one of the following applies:

1. The dog has a current dog license at the time the dog entered the pound.
2. The dog or cat has been previously spayed or neutered before impound or has been spayed or neutered and implanted with a microchip before release from the pound.
3. There is no veterinary facility capable of performing surgical sterilization within a Fifty five mile radius of the pound.
4. A veterinarian determines that a medical contraindication for surgery exists that reasonably requires postponement of the surgery until the surgery can be performed in a safe and humane manner.
5. The bite occurred in the premises of the owner and the victim is a member of the same household.

6. The owner pays a fifty dollar recovery fee, in addition to any fees or costs otherwise required pursuant to this article. (Ord. 09-972 §1, 2009).

6.04.325 Proper care, maintenance and destruction of impounded animals.

- A. Any animal impounded in a county, city or town pound shall be given proper and humane care and maintenance.
- B. Any animal destroyed while impounded in a county, city or town pound shall be destroyed only by the use of one of the following:
 1. Sodium pentobarbital or a derivative of sodium pentobarbital.
 2. T-61 euthanasia solution or its generic equivalent.
- C. If an animal is destroyed by means specified in subsection B, paragraph 1 or 2 of this section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to ARS section 3-1213.
- D. The governing body of any county, city or town which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections B and C of this section. (Ord. 09-972 §1, 2009)

6.04.330 Interference with enforcement officer prohibited.

It is unlawful for any person to impede any investigation by the city enforcement officer in the performance of his duties. Impeding an investigation shall include but not be limited to, interfering with or knowingly making a false,

fraudulent or unfounded report or statement; or knowingly misrepresenting a fact for the purpose of interfering with the orderly performance of the city enforcement officer in the enforcement of this chapter. Any person violating this section of the ordinance shall be guilty of a Class 2 misdemeanor. (Ord. 787 § 33, 2001)

6.04.340 Adoption of dogs and cats.

A. Any dog or cat held at the city animal shelter for the prescribed period and not reclaimed by its owner or pursuant to court order under authority of section 6.04.030 (A)(3), may be released for adoption, based upon its suitability, as determined by the city enforcement officer, or other city designee. The city enforcement officer, or other city designee, shall have the discretion to determine if the animal and the owner are suitable for the proposed adoption. (Ord. 14-1031 §1, 2014).

B. The fee for the adoption of dogs from the city animal shelter shall be ten dollars, plus the costs of vaccination, license, and spaying or neutering, if applicable.

C. A dog or cat shall not be released for adoption from the city animal shelter unless one of the following applies:

1. The dog or cat has been first surgically spayed or neutered.
2. There is no veterinary facility capable of performing surgical sterilization with a twenty mile radius of the shelter.
3. The veterinarian determines that a medical contraindication for surgery exists that reasonably requires postponement of the surgery until the surgery can be performed in a safe and humane manner.

D. If subsection C, paragraph 2 or 3 applies, the adopting party shall sign an

agreement to have the dog or cat spayed or neutered by a veterinarian within thirty days or within fifteen days of a veterinarian's determination that surgical sterilization may be performed in a safe and humane manner and shall deposit with the shelter an amount sufficient to ensure that the dog or cat will be sterilized. (Ord. 819 § 1, 2002; Ord. 787 § 34, 2001)

6.04.350 City to be held harmless.

The adoption contract shall require the adopting party to agree to hold harmless and defend the city, its officers, employees, and designees, from any loss, injury, or damages arising out of or in connection with services of this program. (Ord. 787 § 35, 2001)

Chapter 6.16

DANGEROUS AND PROHIBITED ANIMALS

Sections:

- 6.16.10 Keeping and selling certain animals prohibited.**
- 6.16.015 Keeping and Maintaining Fowl**
- 6.16.020 Exceptions to chapter regulations.**
- 6.16.030 Enforcement—Authority to seize animals.**
- 6.16.040 Seizure of animal—Notice—Species identification—Bond for holding charges.**
- 6.16.050 Violation—Penalty—Forfeiture of animals.**

6.16.010 Keeping and selling certain animals prohibited.

No person shall bring into, keep, maintain, offer for sale or barter or release anywhere in the city, any of the following animals:

- A. Any poisonous or venomous biting or injecting species of amphibian, arachnid or reptile, including snakes;
- B. Any snake not indigenous to this state;
- C. Cattle, horses, mules, burros, swine, goats or sheep. (Ord. 558 § 1, 1990)(Ord. 15-1050 § 1).

6.16.015 Keeping and Maintaining Fowl.

Definitions:

1. Public Nuisance fowl: shall mean any fowl that unreasonably annoys humans or substantially interferes with the rights of

citizens, other than their owner, to the enjoyment of life or property and affects the public health, safety and welfare. It shall include fowl that cause damage to the property of anyone other than its owner; molests, intimidates, or injures pedestrians or passersby; causes foul or offensive odors, accumulation of fowl waste/excrement, or other obnoxious or putrescible material or for any like reason inclusive of excessive dust, flies or mosquitos.

A. It shall be unlawful for the owner or any custodian or employee in possession, charge or control of any fowl to permit the same to be or run at large upon any public street or other public place, or upon any private premises without the permission of the affected owner. Fowl must be kept in an entirely enclosed fenced-in area or enclosure sufficiently strong and otherwise constructed so as to efficiently accommodate the fowl and retain therein the fowl which are placed in such enclosure, within the city limits. Fowl found to be at large will be subject to immediate disposal under the provisions outlined in section 6.04.325.

B. Commercial Sale of Fowl is permitted within city limits. Unless kept by a commercial establishment for purposes of sale, there shall be a limit of four (4) fowl and these shall be prohibited from being kept in front yards or front parts of lots. Fowl must be kept in back-yards or the rear portion of lots. Owners of fowl shall comply with related state laws, inclusive of animal cruelty laws and county health regulations.

C. A violation of any section herein shall be administered by city enforcement officers pursuant to fine schedule in

Chapter 6, Section 6.04.030 of the Douglas Municipal Law. (Ord. 15-1050 § 2)

6.16.020 Exceptions to chapter regulations.

This chapter does not prohibit:

A. The display of prohibited animals in parades or at a circus;

B. The display of prohibited animals as a part of a private or public school education program;

C. The display or keeping of prohibited animals by medical institutions for educational or scientific purposes;

D. The keeping or display of prohibited animals by the city parks and recreation department as a part of its regular activities;

E. The transport into or out of the city of prohibited animals in conjunction with any of the permitted keeping or display of animals described in subsections A through D of this section;

F. Activity described in Section 6.16.010 which is incidental to the lawful transport of animals in the stream of lawful commerce. (Ord. 558 § 2, 1990)

G. The keeping and maintaining of animals on property annexed into the city pursuant to a pre-annexation allowable use, as long as use is continuous and not interrupted by more than twelve (12) consecutive months. (Ord. 800 § 1, 2001)

6.16.030 Enforcement—Authority to seize animals.

A. Any peace officer or other officer employed and authorized by the city to enforce the provisions of this chapter shall have the authority to take possession of any animal which the officer reasonably believes has been taken, employed, used or possessed in violation

of this chapter. The authorized officer shall take the prohibited animal into his/her custody (1) if authorized by the owner, apparent owner or custodian, or (2) if the animal is abandoned, and (3) if this can be done without breach of the peace. If the person in possession of such animal refuses to relinquish possession of the animal, a police officer or other authorized city employee shall obtain an appropriate court order, with the assistance of the city attorney, to obtain possession.

B. This chapter shall not be interpreted to authorize or attempt to authorize entry into places not open to the public, without either consent of the owner or search warrant or other court order. (Ord. 558 § 3, 1990)

6.16.040 Seizure of animal—Notice—Species identification—Bond for holding charges.

A. Any animal seized shall be held by the officer until the animal is identified to ascertain if the animal is an endangered species. At any time after such identification, the city may seek an order from a court of competent jurisdiction for the care, custody and control of the animal.

B. The city may also request the court to order the defendant to post a bond in an amount sufficient to satisfy the costs of holding the animal pending full adjudication and/or lawful disposition of possession or ownership rights of the animal.

C. Notice of seizure shall be given to an owner, apparent owner and custodian and forfeiture proceedings shall be conducted pursuant to the provisions of Arizona Revised Statutes Section 13-4301 et seq. (Ord. 558 § 4, 1990)

**6.16.050 Violation—Penalty—
Forfeiture of animals.**

A. Anyone violating this chapter shall, in addition to any other penalty, and after notice and an opportunity for hearing, forfeit the animal to the city for destruction or other appropriate disposition. Prior to such forfeiture, the officer may direct a transfer of the animal to a qualified zoological, educational or scientific institution or qualified private propagator, for safekeeping, with costs to be assessed to and paid by the defendant.

B. Any person, firm or corporation violating any provision of this chapter shall be guilty of a petty offense for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 558 § 5, 7, 1990)