

Chapter 8 ANIMALS¹

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Cross reference—Animals on airport property, § 4-14; nuisances and noise, § 23-11 et seq.; offenses against public health, § 23-44 et seq.; disposal of animal waste, § 27-8; zoning, ch. 41.

State Law reference—General authority relative to animals, A.R.S. §§ [9-499.01](#), [9-240\(B\)\(16\)](#); animal control generally, A.R.S. § [11-1001](#) et seq.

ARTICLE I. IN GENERAL

8-1 Definitions.

The following definitions shall apply to this chapter:

Adjoining lot or parcel of land means any lot or parcel of land which in any way and at any point abuts, adjoins or otherwise meets the property line of another lot or parcel of land and includes a lot or parcel of land which is divided by a dedicated alley and which but for the alley would be abutting, adjoining or otherwise meeting the property line of another lot or parcel of land.

Animal means any animal of a species that is susceptible to rabies, except man.

Animal shelter means any establishment maintained by the Maricopa County Board of Supervisors or the City of Phoenix for the confinement and maintenance of dogs and other animals that come into the custody of the County or City in the performance of its official duties together with any establishment maintained by a nonprofit organization for the relief of suffering of dogs and other animals provided that such establishment maintains facilities under the supervision of a licensed veterinarian for the confinement, maintenance, safekeeping and control of dogs and other animals that come into its custody.

At large means being neither confined by an enclosure nor physically restrained by a leash, whether on or off premises of the owner or custodian.

Cat means a member of the *Felis catus* family. +1

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

Department means the State Department of Health Services.

Director means the Director of the City of Phoenix Parks and Recreation Department or designee.

Dog means a member of the *Canis familiaris* family.

Dog park means a fenced area designated by the Parks Board or Director as a location where dogs are permitted to be off leash without meeting the requirements of Section [8-14\(D\)\(5\)](#).

Enforcement agent means that person designated by the City who is responsible for the enforcement of this chapter and the regulations promulgated thereunder.

Humane officer means the enforcement agent or his designated deputy.

Impound means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this chapter.

Kennel means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.

Livestock means meat animals, horses, sheep, goats, swine, mules and asses.

Occupant means any person who is at least eighteen years of age and who has a present legal right to immediate possession of a residence or lot or parcel of land.

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

Pet dealer means a person who owns or operates a pet shop. +1

Pet shop means any establishment at which are kept for sale any animals generally considered to be household pets, but excluding kennels or livery stables.

Pound means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.

Rabies vaccination certificate means a method of recording and duplicating rabies information that is in compliance with the County enforcement agent's licensing system and/or County enforcement agent's prescribed forms.

Stray dog means any dog three months of age or older running at large that is not wearing a valid license tag.

Veterinarian, unless otherwise indicated, means any veterinarian licensed to practice in this State or any veterinarian employed in this State by a governmental agency.

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

Vicious animal means any animal other than an animal used by a law enforcement agency, that:

- (a) Has a propensity to bite, scratch or otherwise inflict injury on a human being without provocation. One incident of causing injury may be sufficient to establish a propensity; or
- (b) Has a propensity to approach human beings without provocation in a menacing or terrorizing manner so as to confine the movement of or instill fear in a reasonable person; and
- (c) Is declared vicious after a hearing before a justice of the peace or a City magistrate.

(Code 1962, § 8-1; Ord. No. G-1367, § 1; Ord. No. G-1872, § 1; Ord. No. G-1909, § 1; Ord. No. G-2932, § 1; Ord. No. G-3091, § 1; Ord. No. G-3224, § 1; Ord. No. G-4578, § 1, passed 2-11-2004, eff. 2-11-2004; Ord. No. G-4988, § 1, adopted 10-3-2007, eff. 11-2-2007; new style in use as of 8-1-2011)

Date of Addition/Revision/Deletion - Section 8-1

+1 Addition on 12-18-2013 by Ordinance No. G-5873, eff. 1-17-2014

Cross reference—Definitions and rules of construction generally, § 1-2.

8-2 Barking or howling dogs.

- A. No person shall keep a dog within the City limits which is in the habit of barking or howling or disturbing the peace and quiet of any person within the City.
- B. A person who violates this section is guilty of a Class 1 misdemeanor, however, the City Prosecutor may authorize the filing of certain cases or classes of cases as civil violations unless the person has previously been found responsible or guilty of violating this section.
- C. A person found responsible for a civil violation of this section is subject to a sanction of not less than one hundred fifty dollars nor more than two thousand five hundred dollars.
- D. In addition to any other penalty authorized by law, a person found guilty of a criminal violation of this section shall pay a fine of not less than one hundred fifty dollars.

(Code 1962, § 8-2; Ord. No. G-4762, § 1, adopted 12-14-2005, eff. 1-13-2006)

Cross reference—Nuisances and noise, § 23-11 et seq.

8-3 Animal cruelty.

A. A person commits animal cruelty if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
2. Intentionally, knowingly or recklessly fails to provide medical care and treatment necessary to prevent unreasonable suffering to any animal under the person's custody or control. *1
3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal.
4. Recklessly subjects any animal to cruel mistreatment.
5. Intentionally, knowingly or recklessly kills or attempts to kill any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with, strikes, kills or harms a working or service animal without either legal privilege or consent of the owner.
7. Strikes an animal with a vehicle resulting in injury to the animal, and leaves the scene without rendering aid and assistance in the care of such animal if such action can be taken with reasonable safety. For the purposes of this subsection, *animal* means any animal of a species that is susceptible to rabies, except man.
8. Intentionally or knowingly poisons or attempts to poison any animal. Attempt to poison includes the act of placing food, water, or lure of another sort which contains poison or contains health threatening foreign objects, such as glass or metal, in a location where any animal may be attracted to it. For the purposes of this subsection, *animal* means any animal of a species that is susceptible to rabies, except man.
9. Intentionally, knowingly or recklessly making use of a baited trap for the purpose of trapping an animal, or making use of any mechanical device to capture an animal in such a manner so as to cause its death or injury, or causing a pet to be kept for a period in excess of 24 hours from its owner without making an attempt to return the pet to its owner, to a proper governmental authority, or to a recognized humane organization for purposes of return to its owner. Nothing contained in this paragraph shall be construed to prohibit governmental agencies or recognized animal humane groups or any entity licensed to perform such function from engaging in trapping and capturing of animals for the welfare of those animals.

B. It is a defense to subsection A of this section if:

1. Any person exposes poison to be taken by a dog which has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of protecting the person or the person's livestock or poultry, and the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed, and the poison is removed by the person exposing the poison after the threat to the person, or the person's livestock or poultry, has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice which is posted shall be readable at a distance of 50 feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning."

2. Any person uses poisons, baited trap or a mechanical device in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling rodents as otherwise allowed by the laws of the State.

C. It is not a defense to subsection A of this section if:

1. The animal was trespassing on property owned or controlled by the person alleged to have violated this section.

2. The animal was not restrained in compliance with any leash law, including Section [8-14](#).

3. The person alleged to have violated this section did not know that the animal was under the custody or control of another person.

D. This section does not prohibit or restrict:

1. The taking of wildlife or other activities permitted by or pursuant to Title 17, Arizona Revised Statutes.

2. Activities permitted by or pursuant to Title 3, Arizona Revised Statutes.

3. Activities regulated by the Arizona Game and Fish Department or the Arizona Department of Agriculture.

E. A person who violates subsection A of this section is guilty of a Class 1 misdemeanor.

F. In addition to any other penalties allowed by law, if a person convicted of violating subsection A.1, 2, 3 or 4 of this section owns, possesses, keeps, harbors or maintains ten or more animals, the Court shall require the person to undergo a Court-approved psychological evaluation prior to sentencing. +1

G. If a person convicted under this section is placed on probation, the Court may: +1

1. Order the person to complete counseling at the person's expense. +1
2. Order the person to submit to reasonable periodic property inspections by law enforcement. +1
3. Prohibit the person from owning, possessing, keeping, harboring or maintaining any animals. +1

H. If a person is convicted of a violation of subsection A of this section, the Court shall require the convicted person to make restitution to the owner of the animal in the full amount of the owner's economic loss, unless the convicted person and the owner are the same. The full amount of economic loss shall include, but not be limited to, the costs of veterinary care, boarding, and necropsy; value of the animal; costs of a replacement animal; costs of training a replacement animal; and, in the case of a working or service animal, any additional costs incurred to replace the services of the working or service animal while the animal remains unavailable to its owner. *1

I. Upon conviction of any person under subsection A.1, 2, 3 or 4 of this section for cruelty to an animal that is under the person's custody or control, the Court shall order the animal that was subjected to animal cruelty forfeited to the City and disposed of as authorized in this chapter. For purposes of forfeiture, a conviction may result from a verdict or plea including a no contest plea. All right, title and interest to the animal is deemed to have vested in the City on the commission of the act or omission under this section giving rise to the forfeiture. The Court also shall order the convicted person to make restitution to the City or to any person, agency, or volunteer who has contracted with the City to care for an animal that is seized and impounded pursuant to this or other provisions of this section for the cost of care for the animal incurred from the time of seizure or impoundment to the time of conviction. *1

J. No owner's interest in an animal may be forfeited under this section if the owner establishes all of the following: *1

1. The owner acquired the interest before or during the conduct giving rise to forfeiture.
2. The owner did not empower any person whose act or omission gives rise to forfeiture with legal or equitable power to convey the interest, as to a bona fide purchaser for value, and the owner was not married to any such person or if married to such person, held the property as separate property.
3. The owner did not know and could not reasonably have known of the act or omission or that it was likely to occur.

Further, no owner's interest in an animal may be forfeited under this section if the owner establishes all of the following:

1. The owner acquired the interest after the conduct giving rise to forfeiture.
2. The owner is a bona fide purchaser for value not knowingly taking part in an illegal transaction.
3. The owner was at the time of purchase and at all times after the purchase and before the filing of a criminal proceeding under this section relating to the animal, reasonably without notice of the act or

omission giving rise to forfeiture and reasonably without cause to believe that the animal was subject to forfeiture.

K. In this section, unless the context otherwise requires: *1

1. *Animal* means a mammal, bird, reptile or amphibian, but excludes rodents, which may be controlled as otherwise allowed by the law of the State of Arizona. The exclusion of rodents from the definition of *animal* shall not apply to rodents classified as fur-bearing animals as defined in Section 17-101, Arizona Revised Statutes, or to any particular rodent known by the person alleged to have violated this section to be kept as a pet or any rodent clearly marked and denominated as being a pet, such as rodents wearing collars or harnesses.

2. *Cost of care* means any expense related to the care and treatment of a seized or forfeited animal, including but not limited to housing, feeding, and veterinary care.

3. *Cruel mistreatment* means to torture or otherwise inflict unnecessary serious physical injury upon an animal, or to kill an animal in a manner that causes unreasonable suffering to the animal. *1

4. *Cruel neglect* means to fail to provide an animal with necessary food that is appropriate for the species and fit for consumption, water that is suitable for drinking or shelter suitable for weather conditions. *1

5. *Handler* means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.

6. *Owner* means a person who has an interest in an animal, whether legal or equitable. A person who holds an animal for the benefit of or as an agent for another is not an owner. An owner with power to convey an animal binds other owners, and a spouse binds his or her spouse, by his or her act or omission.

7. *Service animal* means an animal that has completed a formal training program, that assists its owner in one or more daily living tasks that are associated with a productive lifestyle and that is trained to not pose a danger to the health and safety of the general public.

8. *Working animal* means a horse or dog that is used by a law enforcement agency, that is specially trained for law enforcement work and that is under the control of a handler.

(Ord. No. G-4388, § 3, passed 10-3-2001, eff. 12-1-2001; Ord. No. G-5445, § 1, adopted 10-21-2009, eff. 11-20-2009; new style in use as of 8-1-2011)

Date of Addition/Revision/Deletion - Section 8-3

+1 Addition on 6-5-2013 by Ordinance No. G-5810, eff. 7-5-2013

*1 Revision on 6-5-2013 by Ordinance No. G-5810, eff. 7-5-2013

8-3.01 Seizure of animals subjected to cruelty; cost of care.



A. An animal subject to forfeiture under Section 8-3 may be seized:

1. By a Peace Officer on process issued pursuant to the provisions of title 13, Arizona Revised Statutes, including a search warrant.
2. By a Peace Officer upon reasonable grounds to believe that very prompt action is required to protect the health or safety of the animal or the health or safety of other animals. When a Peace Officer determines that prompt action is required under this paragraph, the officer shall immediately seize the animal and the Police Department and the Court shall comply with the postseizure hearing requirements of Section 8-3.02A.

B. In all cases where there is not a prior judicial determination of probable cause and the need for immediate seizure is not present as provided in paragraph A(2) above, the Police Department shall provide the owner or keeper of the animal with the opportunity for a hearing pursuant to Section 8-3.02B. prior to any seizure or impoundment of the animal.

C. Nothing in this section shall be construed to prohibit the City, after seizure of an animal by a Peace Officer, from taking possession of and keeping the animal when the City deems the animal to be of evidentiary value in any criminal prosecution relating to the condition of the animal. If the City intends to take possession of and retain an animal as evidence in any criminal prosecution, the City shall promptly provide written notice to the Police Department.

D. The City may contract with any person or agency, including volunteers, to care for an animal that is seized and impounded for evidentiary purposes or pursuant to other provisions of this section.

E. The City shall be responsible for the cost of care incurred for a seized or impounded animal, if any of the following occur:

1. The City causes the animal to be seized or held for evidentiary purposes.
2. The Court determines in a postseizure hearing held under Section 8-3.02, that the seizing officer did not have reasonable grounds to believe very prompt action, including seizure of the animal, was required to protect the health or safety of the animal or the health or safety of other animals.
3. The owner's interest in the animal is not forfeited pursuant to Section 8-3 or 8-3.03

F. Except as provided in subsection E, the owner of an animal properly seized and impounded under this section is liable for the cost of care for the animal. Unless the seizure or impoundment of an animal is for evidentiary purposes, supported by a written notice of intent as required by subsection C, or the Court determines at a postseizure hearing that the seizure or impoundment was not justified, the owner shall post with the Court a bond in the form of cash or a surety's undertaking to defray some of the cost of care for the animal. The bond shall be in the amount of five hundred dollars per animal seized or impounded. The owner shall post the bond within ten

days of the date of the notice provided under Section 8-3.02A.(1) or within five days after the conclusion of the preseizure or postseizure hearing, whichever is later, excluding weekends and City holidays. If the owner fails to post the bond within the specified time, the owner shall be deemed to have abandoned the animal. The City may dispose of the abandoned animal as authorized in this Ordinance.

G. Upon forfeiture of an animal, the Court shall forfeit the bond to pay the cost of care incurred for the animal. If the bond exceeds cost of care, the Court shall exonerate the bond amount and order the security returned to the owner only to the extent the bond exceeds the cost of care incurred for the animal. If at the conclusion of the case, the animal is not forfeited under Section 8-3 or 8-3.03 the Court shall order the bond exonerated and the security returned to the owner minus cost of care incurred for the animal.

(Ord. No. G-4388, § 3, passed 10-3-2001, eff. 12-1-2001; Ord. No. G-4417, § 1, passed 3-20-2002, eff. 3-20-2002; Ord. No. G-5445, § 1, adopted 10-21-2009, eff. 11-20-2009)

8-3.02 Preseizure and postseizure hearings.

A. Whenever a Peace Officer under Section 8-3.01(A)(2) seizes or impounds an animal based on a reasonable belief that very prompt action is required to protect the health or safety of the animal or the health or safety of other animals, the owner or keeper of the animal, may request a postseizure hearing to determine the validity of the seizure or impoundment, or both. The postseizure hearing shall be commenced as follows.

1. The Police Department or the City, prior to the commencement of any criminal proceedings authorized under Section 8-3 and within forty-eight hours, excluding weekends and City holidays, of the seizure or impoundment, shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice of the seizure or impoundment, or both, to the owner or keeper, if known or ascertainable after reasonable investigation. The notice shall include all of the following:
 - a. The name, business address, and telephone number of the person providing the notice.
 - b. A description of the animal seized, including any identification upon the animal.
 - c. The authority and purpose for the seizure, or impoundment, including the time, place, and circumstances under which the animal was seized.
 - d. A statement that, in order to receive a postseizure hearing, the owner or person authorized to keep the animal, or his or her agent, shall request the hearing by signing and returning to the court an enclosed declaration of ownership or right to keep the animal within ten days, including weekends and City holidays, of the date of the notice. The declaration may be returned by personal delivery or by mail. The declaration will be deemed received at the time it is personally served or, if mailed, upon receipt.
 - e. A statement that the owner is responsible for the cost of care for an animal that was properly seized and impounded to protect the health or safety of the animal or the health or safety of other animals.
 - f. A statement that the owner is required to post a bond with the court to defray the cost of care for an animal that has been properly seized and impounded to protect the health or safety of the animal or the health or safety of other animals.

g. A warning that if the owner fails to post the bond within ten days of the seizure or five days after the conclusion of the postseizure hearing, whichever is later, excluding weekends and City holidays, the animal will be deemed abandoned and disposed of by the City.

2. The Court shall conduct the postseizure hearing within forty-eight hours of the Court's receipt of the request, excluding weekends and City holidays.

3. Failure of the owner or keeper, or the owner's or keeper's agent, to request or to attend a scheduled hearing shall result in a forfeiture of any right to a postseizure hearing.

B. Where there is not a prior judicial determination of probable cause and the need for immediate seizure under Section 8-3.01 is not present, the owner or keeper of an animal may request a hearing prior to any seizure or impoundment of the animal. The owner or keeper shall produce the animal at the time of the hearing unless, prior to the hearing, the owner or keeper has made arrangements with the Police Department to view the animal upon request of the Police Department, or unless the owner or keeper can provide verification that the animal has been humanely destroyed by a licensed veterinarian, Animal Control Agency or Animal Welfare Organization. The pre-seizure hearing shall be commenced as follows.

1. The Police Department or the City Prosecutor, prior to the commencement of any criminal proceedings authorized under Section 8-3, shall cause a notice to be affixed to a conspicuous place where the animal was situated or personally deliver a notice to the owner or keeper, if known or ascertainable after reasonable investigation, stating the grounds for believing the animal should be seized to protect the health or safety of the animal or the health or safety of other animals. The notice shall include all of the following:

a. The name, business address, and telephone number of the person providing the notice.

b. A description of the animal to be seized, including any identification upon the animal.

c. The authority and purpose for the possible seizure or impoundment.

d. A statement that, in order to receive a pre-seizure hearing, the owner or person authorized to keep the animal, or the owner's or keeper's agent, shall request the hearing by signing and returning to the court an enclosed declaration of ownership or right to keep the animal within two days, excluding weekends and City holidays, of the date of the notice.

e. A statement that the owner is responsible for the cost of care for an animal that is properly seized and impounded to protect the health or safety of the animal or the health or safety of other animals.

f. A statement that the owner is required to post with the court a bond to defray the cost of care for an animal that has been properly seized and impounded to protect the health or safety of the animal or the health or safety of other animals.

g. A warning that if the owner fails to post the bond within five days of the seizure, excluding weekends and City holidays, the animal will be deemed abandoned and disposed of by the City.

2. The Court shall conduct the pre-seizure hearing within forty-eight hours of the Court's receipt of the request, excluding weekends and City holidays.

3. Failure of the owner or keeper, or the owner's or keeper's agent, to request or to attend a scheduled hearing shall result in a forfeiture of any right to a pre-seizure hearing.

4. The court, after the hearing, may affirm or deny the owner's or keeper's right to custody of the animal and, if reasonable grounds are established, may order the seizure or impoundment of the animal for care and treatment.

C. In the event of an acquittal or final discharge without conviction of a person who was charged under Section 8-3 or animals have not been forfeited pursuant to 8-3.03, the Court shall, upon demand, direct the release of seized or impounded animals that have not been forfeited upon a showing of proof of ownership. Any questions regarding ownership shall be determined in a separate hearing by the Court and the Court shall hear testimony from any persons who may assist the Court in determining ownership of the animal. If the owner is determined to be unknown or the owner is prohibited or unable to retain possession of the animal for any reason, the Court shall order the animal released to the appropriate public agency for lawful disposition. This subsection shall not be construed to cause the release of an animal seized or impounded pursuant to any other local, State or Federal law or regulation. The Court shall, upon demand, forfeit the bond to pay the cost of care incurred for the animal. If the bond amount exceeds cost of care, the Court shall exonerate the bond amount and order the security returned to the owner only to the extent the bond exceeds the cost of care incurred for the animal.

D. A person who violates subsection B by failing to produce the animal at the time of the hearing, make arrangements with and allow the Police Department to view the animal upon request, or provide verification that the animal has been humanely destroyed is guilty of a Class 1 misdemeanor.

(Ord. No. G-4388, § 3, passed 10-3-2001, eff. 12-1-2001; Ord. No. G-4417, § 2, passed 3-20-2002, eff. 3-20-2002; Ord. No. G-5445, § 1, adopted 10-21-2009, eff. 11-20-2009)

8-3.03 Disposition of seized or impounded animals.

A. A Peace Officer who has seized or impounded an animal pursuant to Section 8-3.01 or 8-3.02, on a showing of probable cause that the animal has been cruelly mistreated or cruelly neglected, may request a disposition hearing before a City Magistrate to determine whether the animal has suffered cruel mistreatment or cruel neglect as defined in this section. The hearing shall be set within fifteen business days after the request has been filed.

B. The Peace Officer who has requested a hearing under subsection A of this section shall cause a notice to be affixed to a conspicuous place at the owner's residence. If the owner fails to appear at the hearing or if the City Magistrate determines by a preponderance of the evidence that the animal has been cruelly mistreated or cruelly neglected, the City Magistrate may order the animal forfeited to the officer or any person or agency, including volunteers, contracted with the City to care for an animal that is seized and impounded pursuant to other provisions of this section, or humanely destroyed. The owner shall pay cost of care. The hearing shall be recorded.

C. The procedures and remedies provided for in this section shall neither require nor preclude other enforcement action on the same facts, including a criminal prosecution of the owner. The procedures and remedies provided for in this chapter are remedial and not punitive and are not precluded by an acquittal or conviction in a criminal proceeding. This section shall not be construed as precluding the destruction of any animal if 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.

D. Appeal by either party of the decision of the City Magistrate shall be by way of special action to the Superior Court on the record of the hearing. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than five days after the decision, excluding weekends and City holidays.

(Ord. No. G-5445, § 1, adopted 10-21-2009, eff. 11-20-2009)

8-3.04 Home slaughter of livestock.¹

- A. It shall be unlawful for any person to kill livestock for the purpose of human or animal consumption on any residential lot or parcel of land.
- B. The provisions of subsection A of this section shall not apply to single-family residential lots or parcels of land with an area of ten thousand square feet or more.
- C. When not otherwise prohibited, the killing of livestock shall be conducted in a humane manner in accordance with A.R.S. § 3-2016.

(Ord. No. G-4020, § 1, passed 6-11-1997, eff. 7-11-1997; Ord. No. G-4388, § 2, passed 10-3-2001, eff. 12-1-2001)

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Editor's note—Ord. No. G-5445, § 1, adopted Oct. 21, 2009, effective Nov. 20, 2009, added a new Section 8-3.03.

Inasmuch as there already exists a Section 8-3.03, the existing Sections 8-3.03 and 8-3.04 have been renumbered to Section 8-3.04 and Section 8-3.05 to facilitate the incorporation of the new Section 8-3.03. An ordinance will be passed at a later date to correct the section numbering.

8-3.05 Equine tripping or diving.¹

- A. Any person who commits equine tripping or diving is guilty of a Class One misdemeanor. *1
- B. For purposes of this Section;
1. *Equine* means a horse, pony, mule, donkey or hinny.
 2. *Tripping* means intentionally or knowingly, for the purpose of entertainment or sport, causing an equine to lose its balance or fall, by use of a wire, pole, stick, rope or any other object or by any other means.
 3. *Diving* means intentionally or knowingly, for the purpose of entertainment, demonstration or exploitation, causing an equine to plunge into a body of water. +1
- C. *Penalty*:
1. A person convicted of subsection A of this section is guilty of a Class One misdemeanor punishable by jail for a term of not less than 48 consecutive hours and a fine of not less than \$1,000.
 2. Upon a second conviction, a person convicted of subsection A of this section is guilty of a Class One misdemeanor punishable by jail for a term of not less than 30 consecutive days and a fine of not less than \$2,000.
 3. Upon a third conviction, a person convicted of subsection A of this section is guilty of a Class One misdemeanor punishable by jail for a term of not less than 90 consecutive days and a fine of not less than \$2,000.

(Ord. No. G-5274, § 1, 11-12-2008, eff. 12-12-2008; new style in use as of 8-1-2011)

Date of Addition/Revision/Deletion - Section 8-3.05

+1 Addition on 4-18-2012 by Ordinance No. G-5697, eff. 5-18-2012

*1 Revision on 4-18-2012 by Ordinance No. G-5697, eff. 5-18-2012

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Editor's note—Ord. No. G-5445, § 1, adopted Oct. 21, 2009, effective Nov. 20, 2009, added a new Section [8-3.03](#).

Inasmuch as there already exists a Section [8-3.03](#), the existing Sections [8-3.03](#) and [8-3.04](#) have been renumbered to Section [8-3.04](#) and [8-3.05](#) to facilitate the incorporation of the new Section [8-3.03](#). An ordinance will be passed at a later date to correct the section numbering.

8-3.06 Prohibition on sale of dogs or cats. +1

A. No pet shop or pet dealer shall display, sell, deliver, offer for sale, barter, auction, give away, broker or otherwise transfer or dispose of a dog or cat except for a dog or cat obtained from:

1. An animal shelter;
2. A private, nonprofit humane society or nonprofit animal rescue organization; or
3. An animal shelter, nonprofit humane society or nonprofit animal rescue organization that operates out of or in connection with a pet shop.

B. All pet shops and pet dealers shall maintain records, for a period of one year from the date of acquisition, listing the source of all dogs or cats under their ownership, custody or control. Records shall be immediately available, upon request, to law enforcement, code compliance officials, and any other City employees charged with enforcing the provisions of this section.

C. This section does not apply to:

1. A person or establishment, other than a pet shop or pet dealer, which displays, sells, delivers, offers for sale, barter, auctions, gives away, brokers or otherwise transfers or disposes of only dogs and cats that were bred and reared on the premises of the person or establishment;
2. An animal shelter;
3. A private, nonprofit humane society or nonprofit animal rescue organization; or
4. An animal shelter, nonprofit humane society or nonprofit animal rescue organization that operates out of or in connection with a pet shop.

D. Nothing in this section shall prevent a pet shop or pet dealer from providing space and appropriate care for animals owned by an animal shelter, nonprofit humane society or nonprofit animal rescue agency and maintained at a pet shop for the purpose of adopting those animals to the public.

Date of Addition/Revision/Deletion - Section [8-3.06](#)

+1 Addition on 12-18-2013 by Ordinance No. G-5873, eff. 1-17-2014

8-3.07 Live animals as prizes or inducements. +1

No person shall use any live animal, reptile, fish, amphibian, bird or insect as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement.

Date of Addition/Revision/Deletion - Section [8-3.07](#)

+1 Addition on 12-18-2013 by Ordinance No. G-5873, eff. 1-17-2014

8-3.08 Unlawful restraint of dog. +1

A. For purposes of this section:

1. *Extreme weather conditions* means:
 - a. The actual or effective outdoor temperature is below 32 degrees Fahrenheit or above 100 degrees Fahrenheit;
 - b. A heat advisory has been issued by a local, State, or national authority for the area; or
 - c. A monsoon, hurricane, tropical-storm, dust-storm or tornado warning has been issued for the area by a local, State, or national authority.
2. *Collar* means any collar constructed of nylon, leather, metal, or similar material, specifically designed to be used on a dog.
3. *Owner* means a person who owns or has custody or control of a dog.
4. *Properly fitted* means a collar that measures the circumference of a dog's neck plus one inch.
5. *Restraint* means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

B. An owner shall not restrain a dog outside by use of a restraint that unreasonably limits the dog's movement or during extreme weather conditions.

A restraint unreasonably limits a dog's movement if the restraint:

1. Uses a collar that is not properly fitted to the dog;
2. Is in length shorter than ten feet;
3. Places the dog in unsafe or unsanitary conditions;
4. Causes injury to the dog; or
5. Does not permit the dog access to food, water, shade, dry ground, or shelter.

C. *Penalty*:

1. A person found responsible for violating subsection B of this section must be assessed a fine not less than \$250.00.
2. Upon a second conviction under subsection B of this section, a person is guilty of a class one misdemeanor punishable by jail for a term of not less than 48 hours and a fine of not less than \$1,000.00.
3. Upon a third conviction under subsection B of this section, a person is guilty of a class one misdemeanor punishable by jail for a term of not less than 15 consecutive days and a fine of not less than \$2,000.00.

D. A person who has restrained a dog in compliance with subsection (B)(2) of this section is not in violation of Section [8-14\(A\)](#).

Date of Addition/Revision/Deletion - Section [8-3.08](#)

+1 Addition on 6-1-2016 by Ordinance No. G-6167, eff. 7-1-2016

8-3.09 Animal hoarding; exception. +1 

A. A person commits animal hoarding if a person owns, possesses, keeps, harbors, or maintains ten or more animals under circumstances injurious to the health or welfare of any animal or person. These circumstances may include: abandonment; unsanitary, overcrowded, or other inhumane conditions; failure to provide appropriate medical care; or failure to provide suitable water or food for the species.

B. Subsection A of this section excludes feral cats. A feral cat is a cat that is not domesticated or has become wild or is a free-roaming cat.

C. *Penalty:*

1. A violation of subsection A of this section is a Class 1 misdemeanor.
2. The Court shall order a person convicted of violating subsection A of this section to complete a Court-approved mental health evaluation and any recommended treatment at the convicted person's expense.
3. The Court shall order the convicted person to pay restitution to the City and to any person or agency who has contracted with the City to care for an animal that is seized and impounded under this chapter, or as otherwise authorized by law, for the cost of care for the animal from the time of seizure or impoundment to the time of conviction.
4. In addition to any other penalties allowed by law, if a person is placed on probation, the Court may:
 - a. Order the person to submit to periodic property inspections by law enforcement.
 - b. Prohibit the person from owning, possessing, keeping, harboring or maintaining any animals.

D. For the purposes of this section:

1. *Animal* means a mammal, bird, reptile or amphibian, but excludes rodents, which may be controlled as otherwise allowed by the law of the State of Arizona. The exclusion of rodents from the definition of *animal* shall not apply to rodents classified as fur-bearing animals as defined in Section [17-101](#), Arizona Revised Statutes, or to any particular rodent known by the person alleged to have violated this section to be kept as a pet or any rodent clearly marked and denominated as being a pet, such as rodents wearing collars or harnesses.
2. *Cost of care* means any expense related to the care and treatment of a seized or forfeited animal, in accordance with Section [8-3](#), [8-3.01](#), [8-3.02](#), or [8-3.03](#), including but not limited to housing, feeding, and veterinary care.

Date of Addition/Revision/Deletion - Section [8-3.09](#)

+1 Addition on 10-19-2016 by Ordinance No. G-6225, eff. 11-18-2016

8-4 Selling, dyeing, or coloring baby chickens, ducklings or young rabbits.

It shall be unlawful for any person to sell, offer for sale, barter or give away baby chickens or ducklings under five weeks of age or rabbits under two months of age in less than one dozen lots as premiums, novelties, prizes, pets or toys, or to color, dye, stain or otherwise change the natural color of baby chickens or duckling or rabbits, or to bring or transport the same into the City; provided, that this section shall not be construed to prohibit the sale or display of baby chickens or ducklings or rabbits in proper facilities that comply with the provisions of the Sanitary Code or other rules and regulations of the Board of Health by breeders and those engaged in the business of selling for commercial breeding and raising purposes.

(Code 1962, § 8-5)

ARTICLE II. KEEPING AND MAINTAINING

8-5 Manner of keeping generally.

- A. It is unlawful for any person to keep or maintain any animal or bird in the City in a manner likely to disturb the peace, comfort or health of any person residing within the City.
- B. A person who violates this section is guilty of a Class 1 misdemeanor, however, the City Prosecutor may authorize the filing of certain cases or classes of cases as civil violations unless the person previously has been found responsible or guilty of violating this section.
- C. A person found responsible for a civil violation of this section is subject to a sanction of not less than one hundred fifty dollars and not more than two thousand five hundred dollars.
- D. In addition to any other penalty authorized by law, a person found guilty of a criminal violation of this section shall pay a fine of not less than one hundred fifty dollars.

(Code 1962, § 8-6; Ord. No. G-1367, § 1; Ord. No. G-4776, § 1, adopted 2-8-2006, eff. 3-10-2006)

8-6 Reptiles or wild animals.

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

(Code 1962, § 8-7; Ord. No. G-5444, § 3, adopted 10-21-2009, eff. 11-20-2009)

8-7 Poultry and rodents.

- (a) Except as otherwise provided in this article, it is hereby declared to be a nuisance and it shall be unlawful for any person to keep rodents or poultry within the City. No poultry or rodents shall be kept in an enclosure within

eighty feet of any residence within the City. Poultry may be kept within eighty feet of a residence if written permission consenting to the keeping of poultry less than eighty feet from a residence is first obtained from each lawful occupant and each lawful owner of such residence. Poultry shall not be kept in the front yard area of any lot or parcel within the City. Poultry and rodents shall be kept in an enclosure so constructed as to prevent such poultry and rodents from wandering upon property belonging to others.

(b) No more than twenty head of poultry nor more than twenty-five head of rodents nor more than twenty-five head comprising a combination of rodents and poultry shall be kept upon the first one-half acre or less. An additional one-half acre shall be required for each additional twenty head of poultry or for each additional twenty-five head of rodents or for each additional twenty-five head comprising a combination of poultry and rodents. For areas larger than two and one-half acres the number of poultry or rodents shall not be limited.

(c) No male poultry shall be kept within the City limits except such male poultry as are incapable of making vocal noises which disturb the peace, comfort or health of any person residing within the City.

(d) All such enclosures shall be kept in such condition that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any inhabitant of the neighborhood thereof.

(Code 1962, § 8-8; Ord. No. G-1207, § 1; Ord. No. G-1367, § 1)

8-7.01 Unlawful keeping of pigeons; classification.

A. It is unlawful for a person to keep pigeons within the City.

B. Subsection A does not apply to a person who keeps pigeons if all of the following apply:

1. The pigeons are kept in an enclosure that is not located in the front yard area of the property on which the pigeons are kept.
2. The enclosure has not less than one square foot of floor space for each mature pigeon kept or housed in the enclosure.
3. The enclosure is in compliance with applicable provisions of the Zoning and Building Codes.
4. The person feeds and waters the pigeons within the confines of the enclosure and does not provide food and water for pigeons outside of the enclosure.
5. The enclosure is kept in such condition that no smell or odor arises from the enclosure to the injury, annoyance or inconvenience of a reasonable person of ordinary sensitivities.

C. A person who violates this section is guilty of a Class 1 misdemeanor, however, the City Prosecutor may authorize the filing of certain cases or classes of cases as civil violations unless the person previously has been found responsible or guilty of violating this section.

D. A person found responsible for a civil violation of this section is subject to a sanction of not less than one hundred fifty dollars and not more than two thousand five hundred dollars.

E. In addition to any other penalty authorized by law, a person found guilty of a criminal violation of this section shall pay a fine of not less than one hundred fifty dollars.

*F. For the purposes of this section:

1. *Enclosure* means a pen, cage, loft, coop, aviary, shed, or any other fully enclosed structure or area where pigeons are kept or housed and confined.

2. *Mature pigeon* means a pigeon aged thirty days or older.

3. *Pigeon* means any bird of the family columbidae and species *columba livia*, commonly known as the rock dove, homing pigeon or carrier pigeon.

(Ord. No. G-4776, § 2, adopted 2-8-2006, eff. 3-10-2006)

***Editor's note**—Ord. No. G-4776, adopted Feb. 8, 2006, effective Mar. 10, 2006, added said subsection numbered as 8-7.01D. Inasmuch as there already existed a subsection 8-7.01D, and to maintain alphabetical sequence, at the direction of the City Attorneys' Office said subsection was renumbered as subsection 8-7.01F.

8-7.02 Feeding pigeons prohibited. +1

A. It is unlawful for any person to feed pigeons within the City.

B. This prohibition does not apply to pigeons kept in accordance with Section [8-7.01\(B\)](#) nor does it prohibit the feeding of other birds using practices or devices designed to prevent pigeons from obtaining food. Further, this section does not prohibit the feeding of pigeons in accordance with a government-approved plan for wildlife management.

C. A person who violates this section is guilty of a Class 1 misdemeanor; however, the City Prosecutor may authorize the filing of certain cases or classes of cases as civil violations unless the person previously has been found responsible or guilty of violating this section.

D. A person found responsible for a civil violation of this section is subject to a sanction of not less than \$150.00 and not more than \$2,500.00.

E. In addition to any other penalty authorized by law, a person found guilty of a criminal violation of this section shall pay a fine of not less than \$150.00.

F. An action for a violation of this section on private property will not be initiated except upon receipt of a written complaint, signed by at least three witnesses in separate households with independent knowledge of the violation.

G. For the purposes of this section:

1. *Feed* means to knowingly provide food.
2. *Food* includes grain, seeds, greens, bread, breadcrumbs, fishmeal, waste food, food scraps, or other feed or nutritive substances including garbage not properly disposed of or contained.
3. *Pigeon* has the same meaning prescribed in Section [8-7.01](#)(F)(3).

Date of Addition/Revision/Deletion - Section [8-7.02](#)

+1 Addition on 6-5-2019 by Ordinance No. G-6598, eff. 7-5-2019

8-8 Regulations for keeping within City.

(a) The maintaining or keeping of all animals within the City shall be allowed as stated above only so long as they do not cause, create or contribute to or become a health nuisance due to noise, the presence of flies, mosquitoes, insects, vermin, rodent harborage, odors, dust, ponded water, accumulation of manure, garbage, refuse or other obnoxious or putrescible material, or for any other like reason. Manure and droppings shall be removed from pens, stables, yards, cages, and other enclosures at least twice weekly and shall be removed from the premises at least twice each week. For the purposes of this provision "premises" means the lot or parcel of ground upon which the pen, stable, yard, cage or other enclosure is located.

(b) No swine shall be kept within the City limits, except purebred miniature Vietnamese potbelly pigs and other similar purebred miniature pigs. Miniature pigs shall not exceed one hundred twenty-five pounds. No more than three miniature pigs shall be allowed per household. This ordinance shall not apply to or affect any prosecutions filed prior to the effective date of this ordinance.

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

(d) No person owning, keeping, possessing, harboring or maintaining any animal, as defined in section [8-1](#), shall allow such animal to run at large.

(e) The premises upon which fowl, rodents, cattle, horses, sheep or goats are kept shall always be sanitary and subject to inspection and regulation by the City Health Officer.

(f) *Keeping of bees.*

- (1) It shall be unlawful for any person to keep bees on any lot or parcel of land consisting of less than six thousand square feet in area without first having obtained written permission, subject to the provisions of section [8-9](#), consenting to the keeping of bees on such lot or parcel from all of the lawful occupants and the lawful owners of adjoining lots or parcels of land, as defined in section [8-1](#), which are located in the immediate vicinity of the property whereon the bees are kept.

(2) It shall be unlawful for any person to keep or maintain more than one hive or colony of bees for each one thousand seven hundred square feet of area within any lot or parcel of land upon which bees are kept or maintained.

(3) No hive or colony of bees shall be kept or maintained within five feet of any boundary line of the lot or parcel upon which the bees are kept.

(4) Any person keeping or maintaining bees within the City shall provide a constant and easily accessible supply of water of sufficient quantity to meet the needs of all bees being maintained.

(Code 1962, § 8-9; Ord. No. G-1063, § 1; Ord. No. G-1367, § 1; Ord. No. G-1482, § 1; Ord. No. G-3399, § 1; Ord. No. G-5558, § 1, adopted 10-20-2010, eff. 11-19-2010)

8-9 Written permission; revocation.

A. Written permission as provided in Section 8-7, subsection A, and Section 8-10, subsection B, shall be signed by the occupant or owner so consenting and is effective when it is filed with the Director of the Neighborhood Services Department or the Director's designee and expires five years from its effective date.

B. Except as otherwise provided in subsection C, written permission is irrevocable by the occupant or owner so consenting for a period of five years from its effective date.

C. Written permission is revoked for the purpose of complying with the exceptions of Section 8-7, subsection A, and Section 8-10, subsection B, under any of the following circumstances:

1. A lawful occupant who has given written permission gives up legal possession of the residence or property covered under section 8-7, subsection A, or Section 8-10, subsection B.
2. A lawful owner of property who has given written permission is divested of all interest in the property by the recordation with the Maricopa County Recorder of transfer of legal ownership.
3. A lawful owner or lawful occupant of property who has given written permission files a signed revocation of written permission with the Director of the Neighborhood Services Department or the Director's designee prior to the filing of the written permission.

(Code 1962, § 8-10; Ord. No. G-1367, § 1; Ord. No. G-4705, § 1, adopted 6-8-2005, eff. 7-8-2005)

8-10 Minimum area limitation; nuisance.

(a) Except as otherwise provided in this section, it is hereby declared to be a nuisance and it shall be unlawful for any person to keep any animal, as defined in section 8-1 of this chapter, within the City on any lot or parcel of land consisting of less than ten thousand square feet in area.

(b) Poultry may be kept on a lot or parcel of land within the City consisting of an area less than ten thousand square feet if written permission consenting to the keeping of poultry on such lot or parcel is first obtained from all of the lawful occupants and the lawful owners of adjoining lots or parcels of land, as defined in section 8-1, which are located in the immediate vicinity of the property whereon the poultry is kept.

(c) The provisions of subsections (a) and (b) above shall not apply to the keeping of:

- (1) Small household pets to include, but not be limited to, dogs and cats; or
- (2) Animals for commercial purposes where such use is established as a lawful use under the Zoning Ordinance of the City of Phoenix.

(Code 1962, § 8-10.1; Ord. No. G-1367, § 1)

ARTICLE III. DOGS AND VICIOUS ANIMALS

8-11 Powers and duties of enforcement agent.

A. The enforcement agent:

1. Shall enforce the provisions of this article; [and] the regulations promulgated thereunder.
2. May issue citations for the violation of the provisions of this chapter; [and] the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
3. Shall be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared the enforcement agent shall meet with the State Veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within area. Any regulations restricting or involving movements of livestock within area shall be subject to approval by the State Veterinarian.

B. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899, A.R.S. § 13-3903 or Local Rules of Practice, Phoenix Municipal Court.

C. The enforcement agent may designate deputies.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2; Ord. No. G-3224, § 2; Ord. No. G-3832, § 1)

8-12 License fees for dogs; classification of fees; issuance of dog tags; records; penalties.



A. Except as otherwise provided in this subsection, the owner shall pay an annual license fee of sixteen dollars for each altered dog and forty dollars for each unaltered dog that is three months of age or over and that is kept,

harbored or maintained within the boundaries of the City for at least thirty consecutive days of each calendar year. An owner who is at least sixty-five years of age, upon furnishing adequate proof of age, shall pay a discounted license fee of six dollars for each altered dog that is three months of age or over and that is kept, harbored or maintained within the boundaries of the City for at least thirty consecutive days of each calendar year, provided that the discounted license fee is available to not more than two altered dogs per household. The licensing period shall not exceed the period of time for revaccination as designated by the State Veterinarian. The license fee shall be due when each such dog reaches the age of three months, and on the anniversary date of the original license for each year thereafter, and the license fee shall be paid within ninety days to the enforcement agent or his authorized representative. A penalty fee of two dollars for each altered dog and four dollars for each unaltered dog shall be added to the license fee in the event that application is made less than one year subsequent to the date on which the dog is required to be licensed under the provisions of this article. If the license application is made one year or later but less than two years from the date on which the dog is required to be licensed, a penalty fee of two dollars for each altered dog and four dollars for each unaltered dog shall be added to the license fee. If the license application is made two years or later from the date on which the dog is required to be licensed, a penalty fee of two dollars for each altered dog and four dollars for each unaltered [unaltered] dog shall be added to the license fee. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty consecutive days prior to the date for requirement of licensing herein.

B. Durable dog tags shall be provided. Each dog licensed under the terms of this ordinance shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the County, the number of the license, and the year in which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times, except as otherwise provided in this ordinance. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee of four dollars to the enforcement agent.

C. 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 four dollars shall be charged to transfer any license.

D. The City Council may provide for lower license fees for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.

E. Any person who fails within fifteen days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, or counterfeits or attempts to counterfeit an official dog tag, or remove such tag from any dog for the purpose of intentional and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a Class 2 misdemeanor.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2253, § 1; Ord. No. G-2932, § 2; Ord. No. G-3362, § 1; Ord. No. G-3846, § 1; Ord. No. G-4578, § 2, passed 2-11-2004, eff. 2-11-2004; Ord. No. G-4756, § 1, adopted 11-30-2005, eff. 12-30-2005; Ord. No. G-4910, § 1, adopted 5-30-2007, eff. 6-29-2007)

8-12.01 County kennel permit. 

No language in this chapter shall be construed to prohibit Maricopa County from enforcing the provisions of A.R.S. § 24-367.01 [A.R.S. § 11-1009] (Kennel permit; fee; violation; classification) within the City.

(Ord. No. G-2932, § 3)

8-13 Rabies control fund.

A. The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this ordinance in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this ordinance and the regulations promulgated thereunder.

B. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3)

8-14 Dogs not permitted at large; wearing licenses; penalties.

A. No dog shall be permitted at large. Each dog shall be confined within an enclosure on the owner's or custodian's property, secured so that the dog is confined entirely to the owner's or custodian's property, or on a leash not to exceed six feet in length and directly under the owner's or custodian's control when not on the owner's or custodian's property. The provisions of this subsection shall not apply to a park, or an area within a park, that is designated by the Director or the Parks and Recreation Board as a dog park. Nothing in this section shall prevent the Director or the Parks and Recreation Board from prohibiting dogs or unrestrained dogs in a particular park, preserve or area under its jurisdiction, or any part thereof.

B. Any dog over the age of three months which is off the owner's or custodian's property shall wear a collar or harness to which is attached a valid license tag. Dogs that are used for control of livestock, being used or trained for hunting or dogs, being exhibited or trained at a kennel club event or engaged in races approved by the Arizona Racing Commission, and while the dogs are being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

C. Any owner, custodian, or other person acting for the owner allowing his or her dog to be at large is in violation of this Section.

D. A dog is not at large if:

1. The dog is restrained by a leash, chain, rope or cord of not more than six feet in length and of sufficient strength to control the dog. For the purposes of this paragraph, an electronic collar does not satisfy the requirement that the dog be restrained by a leash, chain, rope or cord.
2. The dog is being used for control of livestock or being exhibited or trained at a kennel club event or at an organized dog sport event approved by the City Manager or the City Manager's authorized representative, or is engaged in races approved by the Arizona Racing Commission.

3. The dog, whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in Paragraph (1) of this subsection, or is within a suitable enclosure which actually confines the dog.

4. The dog is a working animal under the control of a handler. For purposes of this Paragraph (4):

a. *Working animal* means a dog that is used by or at the direction of a Law Enforcement Agency, or that is specifically trained or is being trained for law enforcement or search and rescue work, and that is under the control of a handler.

b. *Handler* means a Peace Officer who has successfully completed a course of training or who is being trained in a course prescribed by a Law Enforcement Agency and who is using a working animal under the direction of a Law Enforcement Agency.

5. The dog is in a city park where dogs or off-leash dogs have been permitted and all of the following apply:

a. The dog is demonstrably under control of the person training the dog.

b. The dog is at the time actively participating in training.

c. The dog has a dog sport performance title certificate that is from a nationally recognized dog sport organization, or a canine good citizen title from the American Kennel Club or the American Mixed Breed Obedience Registration, that is in the possession of the person training the dog and that is produced for inspection immediately upon the request of a Peace Officer, Enforcement Agent or Park Ranger.

d. For purposes of this Paragraph 5:

i. *Demonstrably under control* means that the person training the dog has a leash for the dog in the person's possession, that the dog is within sight and voice range of such person and that the dog does not, without regard to circumstances or distractions:

(aa) Charge, chase, or otherwise display aggression toward any person or behave toward any person in a manner that a reasonable person would find harassing or disturbing;

(bb) Charge, chase, or otherwise display aggression toward any animal;

(cc) Chase, harass, or disturb wildlife; or

(dd) Fail to return by a direct route to and stay with the person training the dog promptly upon command by such person.

A dog is not demonstrably under control unless the person training the dog exercises sufficient auditory or visual commands or cues at all times to keep the dog within the requirements of this definition, and such person has all other dogs in the park that are within the person's custody or control restrained as provided in Subsection D, Paragraph 1 of this Section or actually confined within a suitable enclosure.

ii. *Training* means educating and instructing a dog that is being trained for any nationally recognized dog sport, including, but not limited to, conformation, obedience, rally obedience, free style obedience, agility, hunting or field trials, tracking, herding, service animal training, flyball, scent hurdling, lure coursing, or earthdog, but specifically excluding protection or security work.

E. When any dog is found at large, the enforcement officer may take the following actions:

1. The dog may be apprehended and impounded. The enforcement agent shall have the right to enter upon private property when necessary to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog, and shall not include entry into a domicile or enclosure which confines a dog except at the invitation of the occupant or owner.

2. In addition to impoundment, the enforcement agent may issue a citation(s) to the dog owner or person acting for the owner when the dog is at large. The procedure for the issuance of criminal complaints shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of civil complaints shall be as provided in Local Rule 2, Local Rules of Practice, Phoenix Municipal Court. The issuance of misdemeanor citation(s) pursuant to this ordinance shall be subject to provisions of A.R.S. § 13-3899. In lieu of issuing a citation a report may be submitted to the County Attorney or City Prosecutor.

3. In the judgment of the enforcement agent and field supervisor, 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 animal control officers who may be called upon to slay a vicious animal as described above will receive periodic training in the firearm used for this purpose in a manner mutually agreed upon by the City and the enforcement agent. All vicious animals slain will be diagnosed for rabies prior to disposal. Public records will be maintained by the enforcement agent for each vicious animal slaying incident, including the result of the rabies diagnosis performed on the animal.

4. Any dog impounded under this section may be kept impounded until there is a final disposition of any criminal complaint or payment in full of all civil sanctions imposed arising from the alleged violation of this section, provided that the criminal or civil complaint is filed within thirty days of the alleged violation.

F. Penalties.

1. Any dog owner, custodian, or other person acting for the owner or custodian who fails to comply with subsection A or B of this section is guilty of a Class 1 misdemeanor.
2. Any dog owner, custodian, or other person acting for the owner or custodian who fails to comply with Subsection C but who is otherwise in compliance with Subsection B is responsible for a civil violation subject to a civil sanction not to exceed two hundred fifty dollars.
3. A second misdemeanor violation of this section within twenty-four months shall be punishable by a fine of not less than one hundred dollars.
4. A third or subsequent misdemeanor violation of this section within twenty-four months shall be punishable by a fine of not less than five hundred dollars.
5. Any misdemeanor violation of this section when the dog has previously been determined to be vicious pursuant to Section 8-16.01 shall be punishable by a fine of not less than five hundred dollars and imprisonment for a term of not less than five days.
6. In no case shall a person convicted of a misdemeanor violation of this section be eligible for suspension or commutation of sentence unless such person is placed on probation with the condition that the minimum fine be paid and term of imprisonment be served.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2; Ord. No. G-3224, § 2; Ord. No. G-3832, § 2; Ord. No. G-4578, § 3, passed 2-11-2004, eff. 2-11-2004; Ord. No. G-4988, § 2, adopted 10-3-2007, eff. 11-2-2007)

State law reference—Dogs at large, A.R.S. § 11-1012; penalty for ordinance violations, A.R.S. §§ 9-499.01, 9-240(B)(28).

8-15 Establishment of pounds; impounding and disposing of dogs and cats; reclaiming impounded dogs and cats; pound fees.



- A. All stray dogs shall be impounded. All dogs and other animals impounded shall be given proper care and maintenance.
- B. Each stray dog or any other animal impounded shall be kept and maintained at the pound for a minimum of seventy-two hours unless claimed by its owner. Any person may purchase such a dog or animal upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of this ordinance. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or animal is to be used for medical research, no license or vaccination shall be required. The enforcement agent may destroy impounded sick or injured dogs or other animals whenever such destruction is necessary to prevent such dog or animal from suffering or to prevent the spread of disease.
- C. Any impounded licensed dog or any other animal may be reclaimed by its owner or such owner's agent provided that the person reclaiming the dog or animal furnished proof of right to do so and pays all pound fees. If

the dog or animal is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or animal for sale or may dispose of the dog or animal in a humane manner. Any person purchasing such a dog or animal shall pay all pound fees.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2)

State law reference—Impoundment of dogs, A.R.S. § 11-1013.

8-16 Handling of biting animals; responsibility for reporting animal bites; authority to destroy animals.



A. Any dog or cat that bites any person shall be confined and quarantined in a County pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent.

B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in a County pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days, provided that livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the enforcement agent.

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

D. Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.

E. The County enforcement agent may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if:

(1) Such animal shows clear clinical signs of rabies.

(2) The owner of such animal consents to its destruction. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unknown.

F. Any animal quarantined under the provisions of this section may be impounded and kept beyond the quarantine period pending the resolution of any criminal complaint or petition filed pursuant to section 8-16.01 arising out of or connected with the biting incident, provided that such complaint or petition is filed within thirty days of the biting incident.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2; Ord. No. G-3224, § 2)

State law reference—Biting animals, A.R.S. § 11-1014.

8-16.01 Viciousness determination.

- A. Any person having reasonable grounds to believe an animal is vicious may petition a justice of the peace or a City magistrate for a determination that the animal is vicious.
- B. Any time after the petition is filed the court may, if it finds that there are reasonable grounds to believe that the animal poses a risk of injury to any person, order that the animal be impounded on such terms as the court deems necessary to protect public safety.
- C. After notice to the owner of the animal, the justice of the peace or City magistrate shall conduct a hearing. The hearing shall be informal and open to the public. Oral and documentary evidence may be taken from any interested party and considered in determining whether the animal is vicious. Any owner who fails to appear after notice may be deemed to have waived any right to introduce evidence. The decision shall be based on the preponderance of evidence.
- D. A viciousness determination may be conducted in conjunction with and as a part of a criminal proceeding for any violation of this chapter if viciousness is alleged in the complaint.
- E. Any fee for filing a petition or fees for service of hearing notices pursuant to this section may be deferred or waived by the court.

(Ord. No. G-3224, § 2; Ord. No. G-4051, § 1, passed 10-22-1997, eff. 11-21-1997)

State law reference—Vicious animals, A.R.S. § 13-1208.

8-16.02 Disposition of vicious animals.

- A. Upon determining an animal to be vicious, the court shall enter such orders as it deems necessary to protect the public. The court may order, but is not limited to the following:
 - (1) That the owner of the vicious animal display in a prominent place on the premises where the animal is kept a sign in three-inch letters, easily readable by the public, using the words "Vicious Animal."
 - (2) That the owner obtain public liability insurance in a single incident amount of at least one hundred thousand dollars for bodily injury or death of any person or for damage to property caused by the vicious animal.
 - (3) That the animal be destroyed.
 - (4) That the animal at all times be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled.
 - (5) That the animal be spayed or neutered.

(6) That the animal be defanged or declawed.

(Ord. No. G-3224, § 2)

State law reference—Destruction of vicious animals, A.R.S. § 11-1014.

8-17 Proper care, maintenance and destruction of impounded animals.

- A. Any impounded animal shall be given proper and humane care and maintenance.
- B. Any dog or cat destroyed while impounded in an authorized pound shall be destroyed only by the use of one of the following:
 - 1. Sodium pentobarbital or a derivative of sodium pentobarbital.
 - 2. Nitrogen gas.
 - 3. T-61 euthanasia solution or its generic equivalent.
- C. The governing body which operates an authorized pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsection B. If an animal is destroyed by means specified in subsection B, paragraph 1 or 3, of this section, it shall be done by a licensed veterinarian or pursuant to A.R.S. § 3-1213.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2)

State law reference—Similar provisions, A.R.S. § 11-1021.

8-18 Unlawful interference with enforcement agent.

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3)

State law reference—Similar provisions, A.R.S. § 11-1015.

8-19 Incorporation by reference.

A.R.S. § 11-1002 (powers and duties of the State Veterinarian and the Arizona Department of Agriculture), A.R.S. § 11-1003 (powers and duties of Department of Health Services), A.R.S. § 11-1010 (anti-rabies vaccination—vaccination and license stations), A.R.S. § 11-1016 (removing impounded animals), A.R.S. § 11-1017 (unlawful keeping of dogs), and A.R.S. § 11-1020 (dogs; liability) be and same are hereby incorporated by reference into this ordinance as if such sections were fully set forth herein.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2)

8-20 Penalties. ...

Unless otherwise provided by law, any owner or other person who violates any provisions of this article shall be guilty of a Class 1 misdemeanor.

(Ord. No. G-1872, § 3; Ord. No. G-1909, § 3; Ord. No. G-2932, § 2; Ord. No. G-3224, § 2)

ARTICLE IV. CONFINEMENT OF ANIMALS IN MOTOR VEHICLES¹

8-21 Confining animals. ...

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

(Ord. No. G-1222, § 1)

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Cross reference—Vehicles and traffic, ch. 36.

State Law reference—Cruelty to animals, A.R.S. § 13-2910.

8-22 Responsibility of motor vehicle owner. ...

No person having dominion or control over a motor vehicle, as owner or otherwise, shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability, or death.

(Ord. No. G-1222, § 1)

8-23 Exceptions. ...

Nothing in this article shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.

(Ord. No. G-1222, § 1)

8-24 Authority of peace officer or humane officer. ...

A peace officer or a humane officer who finds an animal in a motor vehicle in violation of this article may break and enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to an animal shelter or other place of safekeeping and shall in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner thereof. The animal will be surrendered to the owner if the owner claims the animal within ten days from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal. If the owner fails to claim the animal within five days after its removal from the motor vehicle, the person or animal shelter having custody of the animal will make reasonable effort to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon payment of the reasonable maintenance charges. In the event the owner cannot be contacted, or expresses no interest in reclaiming the animal within five days after contact or efforts to contact, the person or animal shelter having custody of the animal may dispose of the animal in any reasonably humane manner.

(Ord. No. G-1222, § 1)