

ORDINANCE O-14-07

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE,
COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING ARTICLES 6.2.5,
6.2.6, AND 6.2.7 OF THE CITY CODE BY ADOPTING A “LOW KILL” POLICY
WITH AN EMPHASIS ON STERILIZATION IN ORDER TO ADDRESS THE
HOMELESS OR UNWANTED PET POPUTLATION IN THE CITY OF BISBEE
AND BY PROVIDING FOR REPEAL AND SEVERABILITY**

WHEREAS, the applicable laws of the State of Arizona establish certain requirements for ownership and maintenance of dogs, but do not restrict the authority of cities and towns to adopt their own provisions which are equal or more stringent than these state provisions; and

WHEREAS, the City of Bisbee, pursuant to its City Charter, has the authority to adopt additional provisions regulating the ownership and control of dogs and the protection of its citizens, as may be in the best interests of the City; and

WHEREAS, the existing City Code provisions require the destruction of any dog or other animal under certain circumstances, such as when an owner requests that the Humane Officer dispose of his or her animal, or the animal is brought to the Animal Shelter and not timely redeemed or purchased, and includes other provisions that may be at odds with the City of Bisbee’s interest in maintaining a “low kill” policy and ensuring that citizens shoulder the burden of euthanizing their own animals unless special circumstances apply; and

WHEREAS, the existing City Code provisions fail to consider costs associated with sterilization; and

WHEREAS, the City Code prescribes a clear set of procedures with due process and an opportunity to be heard in the event that a dog may be alleged to be “vicious,” and authorizes the City Magistrate to impose certain remedies, should such a finding be made, but that its provisions fail to consider circumstances in which animal shelter volunteers and others may risk health and safety from handling an otherwise dangerous and/or unhealthy stray animal that has not been timely redeemed; and

WHEREAS, it is in the best interests of the City of Bisbee and its citizens to adopt this amendment to the City Code,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:

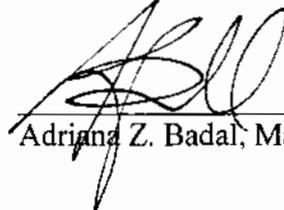
Section 1. The amendments to Articles 6.2.5, Impounding, Notice; 6.2.6, Redemption; and 6.2.7, Disposition of Animals; of the City Code, as stated in the attached Exhibit A, incorporated herein by reference, are hereby adopted.

Section 2. The previously adopted versions of Articles 6.2.5, 6.2.6, and 6.2.7 are hereby repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

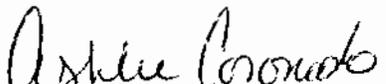
PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 4th day of November, 2014.

APPROVED:



Adriana Z. Badal, Mayor

ATTEST:



Ashlee Coronado, City Clerk

APPROVED AS TO FORM:



Anne Carl, City Attorney

EXHIBIT A

AMENDMENTS TO THE CITY CODE, ARTICLES 6.2.5, 6.2.6, AND 6.2.7

[New Language]

[Deleted Language]

6.2.5 Impounding; Notice

(0-93-24)

A. Any dog or other animal found running at large shall be impounded. If any dangerous, vicious or fierce dog or other animal cannot, in the discretion of the City Humane Officer be safely impounded, such animal may be immediately slain. The City Humane Officer or any police officer may, at his discretion, for any humane reason, immediately kill any dog or other animal found at large within the City.

B. On the impounding of any dog or other animal, the City Humane Officer shall immediately give the owner notice of the impounding, either personally or by certified mail, addressed to the owner's last known address if the owner of the dog or other animal is known or can be ascertained by reasonable investigation.

C. ~~An owner will have~~An animal shall be impounded for no more than three days~~seventy-two hours to redeem unlicensed and untagged/unmicrochipped impounded animals, and no more than one hundred and twenty hours to redeem licensed and tagged/microchipped stray dogs or cats pursuant to Article 6.2.6. Upon the expiration of the applicable time period, animals not redeemed shall become the property of the City, at which point any appropriate person including the owner may purchase the animal for the costs of redemption plus any costs associated with sterilization. Barring special circumstances,~~ Animals impounded for biting a human shall be impounded for no less than fourteen days in quarantine or for a period of time and in a manner consistent with A.R.S. § 11-1014, Biting Animals.

6.2.6 Redemption

Any dog or other impounded animal may be timely redeemed from the animal shelter by the owner upon providing legal right to possession of the dog or other animal and the payment of an impoundment fee of \$10.00 plus a fee of \$3.00 a day for each day the dog or other animal has been confined in the animal shelter in order to defray part of the cost of impounding and maintaining the dog or other animal. If the animal is a dog and unlicensed, the owner must, in addition to the aforementioned fees, pay to the City Treasurer or designee the license fee for the current year and present a current, valid certificate of vaccination against rabies. Any animal subject to licensing that is found without a tag or microchip identifying its owner shall be considered unowned. Tags

and microchips including an owner's or owner agent's current phone number will be used to contact the owner or owner's agent.

6.2.7 Disposition of Animals

(O-93-24)

A. Any dog or other animal, which is not claimed within the time limits specified in Section 6.2.5 (C) may be purchased for the costs of redemption. Any dog or other animal not **timely** redeemed or purchased shall **may** be destroyed.

~~B. Upon the request for disposal of any dog or other animal by the owner~~**The Humane Officer shall not take up and dispose of any dog or other animal upon an owner's request, although a property owner or occupant's request to remove a captured wild animal from his or her private property shall be honored to the extent feasible. Only under circumstances in which a privately owned or cared for dog or other animal poses imminent and substantial risk to life or property, or must be immediately disposed of for humanitarian reasons, may the Humane Officer shall take up and properly dispose of said dog or other animal at its owner's request.**

~~C. If the owner delivers any dog or other animal to the animal shelter for disposal, the City Humane Officer shall properly dispose of the dog or other animal.~~

C. The animal shelter itself does not euthanize animals, and so will not do so upon an owner's or owner's agent's request; however, special circumstances may prompt animal shelter workers to, if necessary and possible, seek an owner's consent to euthanize a properly licensed and tagged animal prior to the end of a timely redemption period.

D. When animal shelter facilities are open and available and animals there are being safely and sustainably kept and cared for, any dog or other animal deemed healthy and safe enough to remain in these facilities and deemed otherwise appropriate for the facility may remain until redeemed or purchased, barring emergency or other special circumstances.

E. Animals received in a condition of terminal illness or mortal injury beyond clinical redemption for any reasonable quality of life will be euthanized.

F. Animals received in a diseased condition may be euthanized if euthanization is necessary to prevent the spread of disease.

G. Animals received in a condition deemed to be aggressive and/or dangerous to people or other animals, and cannot be successfully rehabilitated with reasonable effort and available resources will be euthanized.

H. Animals that have been specifically determined to be “vicious” pursuant to Article 6.2.14, and that are or remain for whatever reason in the care and custody of the animal shelter after that time will be euthanized.

I. Animals that for any other reason are deemed inappropriate for the shelter and for whom no other appropriate facilities are timely and affordably available, may be euthanized for humanitarian reasons.