

ORDINANCE O-23-06

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BISBEE, ARIZONA, AMENDING CITY OF BISBEE CODE CHAPTER 6 ANIMALS, ARTICLE 6.1 ANIMALS IN GENERAL, ADOPTING A NEW SUBSECTION 6.1.18 UNLAWFUL PUBLIC SALE OF ANIMALS, FOR THE PURPOSE OF REGULATING THE SALE OF ANIMALS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the City Code of the City of Bisbee is intended to protect, enhance and promote the health, safety and welfare of the City of Bisbee and its citizens; and,

WHEREAS, the City Code current regulates animals, but is not specific as to regulations related to the public sale of animals; and,

WHEREAS, the City Council has determined it is in the best interests of the City of Bisbee to provide for the regulation and prohibition of of the public sale of animals on public property and to provide for regulations of the sale of animals on commercial property within the City of Bisbee to better protect the health and safety of the citizens.

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 City Code of Bisbee, Arizona, Chapter 6 Animals, Article 6.1 Animals in General, is hereby amended to add a new Subsection 6.1.18 entitled "Unlawful Public Sale of Animals," as set forth as follows:

6.1.18 Unlawful Public Sale of Animals

- A. A person commits the unlawful public sale of animals by knowingly selling an animal on:
1. Any public highway, street or park or any public property adjacent to a public highway, street or park.
 2. Any commercial private property without the express written consent of the owner or lessee of the property and prior to the sale, file a copy of the consent with the Animal Shelter with the date and location of the sale.
- B. Subsection A does not apply to:
1. Retail sales on the premises of a pet store.
 2. Sales by a publicly operated or private, charitable nonprofit pound, humane society, animal rescue organization or educational or agricultural organization.

- 3. Any rodeo, auction market, county fair, stock show or other sanctioned livestock exhibit event.
- C. A person who is found responsible for a violation of this section is subject to a civil penalty of not more than one hundred dollars.
- D. For the purposes of this section:
 - 1. "Animal" means any living species of mammal, bird, amphibian or reptile.
 - 2. "Pet store" has the same meaning prescribed in section A.R.S. § 44-1799.

Section 2. Providing for Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with this Ordinance or any part of the Code adopted herein by reference 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.

Section 4. A person who is found responsible for a violation of this Ordinance is subject to a civil penalty of not more than one hundred dollars.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 4th day of April, 2023.

APPROVED:

Ken Budge, Mayor

ATTEST:

Ashlee Coronado, City Clerk

APPROVED AS TO FORM:

Joseph Estes, City Attorney
Gust Rosenfeld, PLC