

ORDINANCE O-22-10

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BISBEE, ARIZONA, DECLARING THE DOCUMENT ENTITLED "CITY CODE AMENDMENT ARTICLE 6, SECTION 2.15 DOGS AT LARGE PROHIBITED" AS A PUBLIC RECORD; AMENDING CITY OF BISBEE CODE ARTICLE 6, ADOPTING A NEW SECTION 2.15 DOGS AT LARGE PROHIBITED, FOR THE PURPOSE OF REGULATING AT LARGE DOGS WITHIN THE CITY; AMENDING SECTION 6.1.1(F) DEFINITIONS AND THE HEADING OF SECTION 6.2.9; 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 at large animals, but is not specific as to regulations related to dogs; and,

WHEREAS, the City Council desires to provide for the regulation and prohibition of dogs at large within the City of Bisbee to better protect the health and safety of the citizens; and,

WHEREAS, it is in the best interests of the City of Bisbee and its citizens to adopt the amendment to City Code, Article 6, adopting a new Section 2.15 Dogs at Large Prohibited, as set forth in Exhibit A hereto.

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

Section 1. That document entitled "City Code Amendment Article 6, Section 2.15 Dogs at Large Prohibited," three (3) copies of which are on file in the office of the City Clerk of the City of Bisbee, Arizona, is hereby declared to be a public record.

Section 2. The City Code of Bisbee, Arizona, Article 6, is hereby amended to add a new Section 2.15 entitled "Dogs at Large Prohibited," as set forth in that certain document entitled "City Code Amendment Article 6, Section 2.15 Dogs at Large Prohibited," which document is a public record and attached hereto as Exhibit A, and incorporated herein by reference. Sections 6.1.1(F) and 6.2.9 of the City Code are further amended as follows, with additions in all capital letters and removals in ~~strikeout~~:

6.1.1 Definitions

F. "Humane officer" means the humane officer and any assistant humane officers, appointed by the chief of police, ALSO REFERENCED HEREIN AS THE ANIMAL CONTROL OFFICER OR "ACO."

6.2.9 ~~Reporting of Animal Bites~~ SECURING OF DOGS

Section 3. 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 4. 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 5. A violation of this Ordinance is subject to the following penalties:

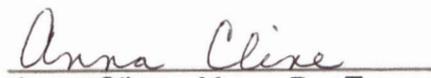
1. Except as otherwise provided in Code 6.2.15, an initial violation of 6.2.15 is a civil infraction. Any such violation may be prosecuted as a general violation under the City Code and any responsible party shall be subject to a general penalty determined by the City Fee Schedule.

2. A violation of Code 6.2.15 is a class 2 misdemeanor if the owner of the animal has been found responsible or guilty of a violation of 6.2.15 within the 12-month period prior to the date of offense.

3. A violation of Code 6.2.15 is a class 1 misdemeanor if the owner of the animal has knowledge that the animal has been declared vicious, aggressive or destructive after an opportunity for a hearing before the city magistrate or that has been so declared by another jurisdiction after the owner has been provided notice and an opportunity to be heard.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 6th day of September, 2022.

APPROVED:


Anna Cline, Mayor Pro Tempore

ATTEST:


Ashlee Coronado, City Clerk

APPROVED AS TO FORM:


Joseph Estes, City Attorney
Gust Rosenfeld, PLC

**CITY CODE AMENDMENT – ARTICLE 6, SECTION 2.15
DOGS AT LARGE PROHIBITED**

6.2.15 Dogs At Large Prohibited.

A. No dogs shall be permitted at large in the city. Any dog owned, possessed, harbored, kept or maintained on public streets, sidewalks, alleys, parks or other public property shall be restrained by a leash, chain, rope, cord, or similar device of sufficient strength to restrain the dog, and not to exceed six feet in length. Any person handling the dog shall use the leash, chain, rope, cord, or similar device as it was designed and intended to be used to control the dog.

B. Any dog owned, possessed, kept, harbored or maintained upon or about the private property of any person, including the property of the dog's owner, shall be confined inside a house or other building, or confined entirely by a fence or similar enclosure of sufficient strength and height, to prevent the dog from escaping from the property.

C. Dogs may be at large as an exception to this Section under the following circumstances:

1. While participating in field trials, obedience classes or kennel club events, or while engaging in races approved by the Arizona Racing Commission, provided that the dog is accompanied by and under the control of the dog's owner or trainer.
2. While being used or trained for legal hunting or for control of livestock.
3. While being exhibited or trained at a kennel club or similar event.
4. While assisting a peace officer engaged in law enforcement duties.
5. While within an enclosed area within a park, which has been designated and posted by the city as a dog exercise area; provided, that the dog must be accompanied by and under the control of the owner or persons acting for the owner and the owner or persons acting for the owner has in their possession a dog leash of not more than six feet in length and of sufficient strength to control said dog.
6. While said dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer; provided, that the person training said dog has in his possession a dog leash of not more than six feet in length and of sufficient strength to control said dog; and further, that said dog is actually enrolled in or has graduated from a dog obedience training school.
7. While acting as a service animal and assisting an individual with a disability and only if the individual with a disability is unable because of the disability to restrain the service animal by leash, chain, rope, cord or similar device, or the use of a leash, chain, rope, cord or similar device would interfere with the service

animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the individual's control, by voice control, signals or other effective means.

D. If any dog is at large on the public streets, public parks or public property, then said dog's owner or custodian is in violation of this Section and is subject to the following penalties:

1. Except as otherwise provided in this Section, an initial violation of this Section is a civil infraction. Any such violation may be prosecuted as a general violation under the City Code and any responsible party shall be subject to a general penalty determined by the City Fee Schedule.

2. A violation of this Section is a class 2 misdemeanor if the owner of the animal has been found responsible or guilty of a violation of this Section within the 12-month period prior to the date of offense.

3. A violation of this Section is a class 1 misdemeanor if the owner of the animal has knowledge that the animal has been declared vicious, aggressive or destructive after an opportunity for a hearing before the city magistrate or that has been so declared by another jurisdiction after the owner has been provided notice and an opportunity to be heard.

E. Any dog at large shall be apprehended and impounded by the ACO or other law enforcement officers as provided for in this Section.

1. The ACO shall have the right to enter upon private property when it is necessary to do so in order 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 unless it be at the invitation of the occupant.

2. The ACO may issue a citation to the dog owner when the dog is at large. The procedure for the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the ACO shall not make an arrest before issuing the notice. The issuance of citations pursuant to this article shall be subject to provisions of A.R.S. § 13-3899.

3. In the judgment of the ACO, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be immediately slain.

F. Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when such damages were inflicted.