

Sec.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 attention necessary to prevent protracted suffering to any animal under the person's custody or control.
 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 paragraph, "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 paragraph, "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 twenty-four 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.

Sec.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 post-seizure hearing requirements of Section 8-3.02A.

Sec.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)

Sec.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.

Sec.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.

Sec.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)

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).

Sec.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)