

TITLE 6 ANIMALS

CHAPTER 6.04

§ 6.04.010 DEFINITIONS.

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. **AGGRESSIVE ANIMAL.** Any animal that has bitten a person or domestic animal without provocation or that has a known history of attacking persons or domestic animals without provocation.

B. **ANIMAL.** Any animal of a species that is susceptible to rabies, except man. A mammal, bird, reptile, or amphibian.

C. **ANIMAL CONTROL OFFICER.** Persons appointed by the city to enforce the provisions of this title and applicable state and federal laws, including police officers as necessary. Animal control officers may commence an action or proceeding before a court for any violation of a state statute or local ordinance relating to rabies and animal control, which occurs within the city.

D. **ANIMAL SHELTER.** Any establishment authorized by the city for the confinement, maintenance, safekeeping, and control of animals that come into the custody of an animal control officer.

E. **AT LARGE.** An animal being neither confined by an enclosure nor physically restrained by a leash.

F. **COYOTE.** A wolf like carnivorous animal of the species *Canis latrans*.

G. **CRUEL MISTREATMENT.** To torture or otherwise inflict unnecessary serious physical injury on an animal or kill an animal in a manner that causes protracted suffering to the animal.

H. **CRUEL NEGLECT.** To fail to provide an animal with necessary food, water or adequate shelter. Adequate shelter under this definition means any natural or artificial cover accessible to an animal throughout the year which is structurally sound, maintained in good repair to protect the animal from injury, and of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner; it must protect the animal from extreme weather conditions, have adequate ventilation and drainage, and be maintained in a manner which minimizes the risk of disease, infestations, or parasites.

I. **HANDLER.** 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.

J. **LIVESTOCK.** Horses, mules, burros, asses, cattle, sheep, goats, swine, pigs, fowl (domestic and/or wild, male and/or female, singular and/or plural, including egg producing poultry), and equine.

K. **OWNER.** A person(s) who has possession of, harbors, is in charge of, is in control of, keeps, or maintains any animal within the city.

L. **SERVICE ANIMAL.** ~~Any dog or miniature horse that is individually trained or in training to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. **SERVICE ANIMAL** does not include other species of animals, whether wild or domestic or trained or untrained. Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability.~~

M. **STRAY DOG.** Any dog three months of age or older running at large that is not wearing a valid license tag.

N. **VACCINATION.** The administration of an approved anti-rabies vaccine to animals by a veterinarian.

O. **VICIOUS ANIMAL.** Any animal other than a working animal used by a law enforcement agency that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation, or that has been so declared after a hearing before a justice of the peace or a city magistrate.

P. **WILD ANIMAL.** An animal or reptile which is wild by nature and not customarily domesticated.

QP. **WORKING ANIMAL.** 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.

§ 6.04.020 DOG LICENSE REQUIRED.

A. All dogs 3 months of age and over kept, harbored, or maintained in the city must be licensed. A license application must be remitted to the city or designee with the applicable license fee.

B. If there is a change in ownership of a dog, the new owner shall have 30 days from date of transfer to change the ownership information.

C. Prior to a dog license being issued, the owner of the dog to be licensed must provide current proof of vaccination.

D. All dog licenses will be issued for 1 to 3 years beginning with the date of issuance and must be renewed for the life of the dog on or before the expiration of the license.

E. Upon compliance with the provisions of this chapter, a dog license and tag shall be issued to the owner of the dog.

F. Tags and licenses are nontransferable.

G. The city may establish an administrative procedure to permit any licensed veterinarian to issue dog licenses and tags for dogs that are vaccinated.

H. Other animals may be licensed upon payment of all applicable fees.

I. A violation of this section shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation.

§ 6.04.030 DOG LICENSE FEE.

A. There is a license fee for dogs that reside in the city.

B. Discounted fees may be offered for the following:

1. *Altered dogs.* To receive a discounted license fee for altered dogs, verification that the dog is spayed or neutered must be provided with the license application.

2. *Seniors.* To receive a discounted license fee for senior owners, verification that the owner is at least 65 years of age must be provided with the license application. This discount applies to altered dogs only and to a maximum of 2 license fees.

3. *Payment for multiple years.* Owners may pay license fees in advance up to a maximum of 3 years at a discounted license fee.

4. *Service animal.* No fee will be charged to owners with a disability who use a service animal and sign a written statement that the dog is a service animal as defined in this chapter. A person who makes a false statement pursuant to this division B.4. is guilty of a petty offense and a fine not to exceed ~~\$1,000~~ \$1,000 per violation.

5. *Search or rescue dog.* No fee will be charged to owners of a search and rescue dog that provide adequate proof satisfactory to the Police Department that the dog is a search or rescue dog.

C. An owner may obtain a duplicate tag upon payment of required fee.

D. Licenses lapsing more than 60 days from date of expiration will be assessed a delinquency fee in addition to the regular license fees.

E. All fees referenced in this title are established pursuant to the provisions of Lake Havasu City Code [Chapter 3.20](#).

F. A violation of this section shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation.

§ 6.04.040 MISUSE.

A. It is unlawful for a person to counterfeit or to attempt to counterfeit a tag, license, or proof of vaccination, or to take from an animal a tag legally placed upon it, or place a tag upon an animal unless the tag is specifically issued for that particular animal.

~~A.B.~~ A violation of this section shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation.

§ 6.04.050 DOG LICENSE TAG.

A. Owners are required to securely fasten an issued tag to the dog's collar or harness, which must be worn at all times unless the dog is engaged in a sporting or exhibition event or inside a residential dwelling.

B. A violation of this section shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation.

§ 6.04.060 REFUSING TO SHOW LICENSE, TAG, OR PROOF.

Failure or refusal to show a dog license, tag, or proof of vaccination upon request by an animal control officer is a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation.

§ 6.04.070 EXCEPTIONS.

A. The provisions of this chapter do not require a tag or a license for:

1. A dog owned by or in the custody of a non-resident of the city traveling through or temporarily staying in the city for a period less than 30 days.;

2. A dog brought into the city for the exclusive purpose of entering in a show, dog exhibition, field trials and/or competition for a period not to exceed 30 days.

3. A dog brought or sent into the city for the exclusive purpose of receiving veterinary care in an animal hospital and is kept within such hospital at all times.

CHAPTER 6.08: VACCINATION

§ 6.08.010 VACCINATION REQUIREMENTS.

A. All dogs over 3 months of age within the city must be vaccinated with the anti-rabies vaccine by a licensed veterinarian and revaccinated within a period of not more than:

1. Twelve months if the dog was between 3 months and 1 year of age at the time of the initial vaccination.

2. Thirty-six months after each prior vaccination, or prior to the expiration of the vaccination.

B. A violation of this section shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation.

§ 6.08.020 PROOF OF VACCINATION.

A. Any person licensed in veterinary medicine who vaccinates a dog with the anti-rabies vaccine must immediately issue to the dog's owner proof of vaccination signed by the veterinarian. A copy of the proof of vaccination must be submitted to the city or its designee monthly containing the following information:

1. The name and address of the owner of the vaccinated dog;

2. The kind of vaccine used, the name of the manufacturer of the vaccine with the manufacturer's serial or lot number, the date of the vaccination, and the expiration of the vaccination; and

3. The breed, age, color and sex of the dog.

B. A violation of this section shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation.

CHAPTER 6.12: IMPOUNDMENT AND CAPTURE/CUSTODY OF ANIMALS

§ 6.12.010 AT LARGE.

A. No person owning, keeping, possessing, harboring, or maintaining an animal shall allow the animal to be at large.

B. ~~The~~ A first violation of this section within a twelve-month period shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation. Subsequent violations of this section within a twelve-month period shall be charged as a class 2 misdemeanor.

§ 6.12.020 IMPOUNDMENT.

A. It is the duty of the animal control officers to apprehend and return or impound any stray and/or at large animal found within the city or any dog found without a current valid license/tag.

B. Impounded animals will be confined in a humane manner for a period of at least 5 days for tagged animals and 3 days for non-tagged animals, and if not claimed by an owner before the expiration of 5 days or 3 days, the animal will become the property of the animal shelter and may be disposed of in a humane manner in accordance with state law and/or the procedures established by the state veterinarian.

C. An impounded animal may be reclaimed provided the owner pays all applicable costs, charges, and fees. Impoundment costs include a charge for each time the animal is impounded and a fee for board each day the animal is impounded.

§ 6.12.030 NOTICE.

Upon the impounding of an animal with a collar or identification, the owner will be notified, in person, by mail, electronically, or by telephone, and may reclaim such animal upon payment of all costs, charges, and fees incurred in the capturing, impounding, and maintaining of the animal.

§ 6.12.040 CAPTURE AND CUSTODY OF ANIMALS.

A. Animal control officers may capture and take into custody:

1. All unlicensed dogs;
2. Any other uncontrolled animals, wild or domestic, licensed, and/or unlicensed;

3. Any animal being kept or maintained in violation of this title, or any other city code or applicable state law;
4. Animals running at large;
5. Sick, injured, stray, unwanted or abandoned animals;
6. Dogs which are unvaccinated; or
7. Animals for which the owner(s) is unable to care due to imprisonment or other contingencies in which the owner(s) cannot be contacted or found.

§ 6.12.050 DESTRUCTION OF IMPOUNDED ANIMALS.

A. Any animal impounded, which is apparently suffering from serious injuries and will probably not recover; is in great pain; or has evidence of any infectious disease which is a danger to other animals or to humans, may be destroyed in as humane a manner as possible in accordance with state law and/or the procedures established by the state veterinarian after reasonable efforts to notify the owner have failed. When determined an animal must be destroyed for humane reasons, the animal may not be released.

B. If any dangerous, vicious, or fierce animal cannot, in the discretion of the animal control officer, be safely impounded, such animal may be disposed of or destroyed immediately, and further provided, that any animal control officer, at his/her discretion, for any humane reason, immediately dispose of or destroy any animal that is in violation of this title.

§ 6.12.060 ADOPTION.

A. A dog or cat will not be released for adoption from an animal shelter unless the dog or cat has been surgically spayed or neutered.

B. After the expiration of the impoundment period, any person may claim an impounded animal provided such person pays all applicable costs, charges, and fees and complies with the licensing and vaccination provisions of this title.

§ 6.12.070 WILD ANIMALS.

No wild animals may be kept within the city, except by circuses, zoos, and educational institutions for exhibition purposes, in accordance with regulations established by the city and state.

CHAPTER 6.16: CRUELTY, NEGLECT, AND DANGEROUS ANIMALS

§ 6.16.010 CRUELTY TO ANIMALS.

- A. A person commits cruelty to animals 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 any animal under the custody or control of another person without either legal privilege or consent of the owner.
6. Recklessly interferes with, kills, or harms a working or service animal without either legal privilege or consent of the owner.
7. Intentionally, knowingly, or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.
8. Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.
9. Intentionally or knowingly subjects any animal to cruel mistreatment.
10. Intentionally or knowingly interferes with, kills, or harms a working or service animal without either legal privilege or consent of the owner.
11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill, or cause physical injury to a service animal.
12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill, or cause physical injury to a service animal.
13. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.
- [14. Intentionally or knowingly subjects a domestic animal to cruel mistreatment.](#)
- [15. Intentionally or knowingly kills a domestic animal without either legal privilege or consent of the domestic animal's owner or handler.](#)
- [16. Intentionally or knowingly harasses a working animal that is in a law enforcement vehicle or trailer without either legal privilege or consent of the owner.](#)

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

1. Any person exposes poison to be taken by a dog that 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, 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 that 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 in and immediately around buildings owned, leased, or controlled by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state, excluding any fur-bearing animals as defined in A.R.S. § 17-101.

C. This section does not prohibit or restrict:

1. The taking of wildlife or other activities permitted by or pursuant to A.R.S. Title 17.
2. Activities permitted by or pursuant to A.R.S. Title 3.
3. Activities regulated by the Arizona Game and Fish Department or the Arizona Department of Agriculture.

D. A peace officer, animal control enforcement agent, or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in division A.7. of this section.

E. A person who is convicted of a violation of division A.6. or 10. of this section is liable as follows:

1. If the working or service animal was killed or disabled, to the owner or agency that owns the working or service animal and that employs the handler or to the owner or handler for the replacement and training costs of the working or service animal and for any veterinary bills.
2. To the owner or agency that owns a working or service animal for the salary of the handler for the period of time that the handler's services are lost to the owner or agency.
3. To the owner for the owner's contractual losses with the agency.

F. Nothing in this title prohibits or restricts any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to A.R.S. Title 3.

G. A person who violates ~~this section division A.1., 2., 3., 4., 5., 6., 7. or 12. of this section~~ is guilty of a class 1 misdemeanor. ~~A person who violates division A.8., 9., 10., 11. or 13. of this section is guilty of a class 6 felony.~~

§ 6.16.020 CRUELTY EXEMPTIONS.

A. Section [6.16.010](#) does not apply in the following circumstances:

1. Care or treatment of an animal by a state licensed veterinarian under the Arizona Veterinary Practice Act;
2. Commonly accepted care or treatment of a law enforcement animal by a police officer in normal course of their duties;
3. Research activity done by a research facility that is currently in accordance and compliance with local, state and federal laws;

4. Commonly accepted practices of hunting, fishing, or trapping while lawfully engaged in such activity;
5. Commonly accepted practices occurring in conjunction with rodeos, animal racing, or pulling contests, while lawfully engaged in said activity;
6. Humane killing of an animal by the owner or their agent or state licensed veterinarian upon the owner's request;
7. Commonly accepted practices of animal husbandry with respect to farm animals, including their transport from one location to another and non-negligent actions taken by personnel or agents of the Arizona Department of Agriculture or the United States Department of Agriculture in the performance of duties prescribed by law;
8. Use of reasonable force against an animal, other than an on duty law enforcement animal, if the animal is injuring or posing an immediate threat to any person or other animal;
9. Commonly followed practices occurring in conjunction with the slaughter of animals for food or byproducts; or
10. Commonly accepted animal training practices.

§ 6.16.030 ~~TETHERED ANIMALS~~UNLAWFUL RESTRAINT OF DOG.

A. For purposes of this section:

"Collar" means any collar constructed of nylon, leather, metal, or similar material, specifically designed to be used on a dog.

"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.

"Owner" means a person who owns or has custody or control of a dog.

"Properly fitted" means a collar that measures the circumference of a dog's neck plus one inch.

"Restraint" means a rope, tether, leash, cable, or other device other than a chain that attaches a dog to a stationary object or trolley system.

B. An owner shall not restrain a dog outside by use of a choke collar or pinch collar, or 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 adequate shelter at all times.

C. Penalty.

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

~~—A. No person(s) shall leave an animal tethered, chained, or fastened upon any public sidewalk, public property or street, and further cause the animal injury and/or pain or restrict it from reaching shelter, food, and water.~~

~~—B. If any animal is restrained by a chain, leash, wire cable or similar restraint, the restraint shall be designed and placed to prevent choking or strangulation or entanglement with other objects. Any tethering device must be attached to a properly fitted collar or harness. Choke chain collars, prong or pinch collars, or any collar devised for training is prohibited for the purposes of tethering an animal. The tethering device must restrict the animal from leaving the property on which it is tethered.~~

§ 6.16.040 AGGRESSIVE ANIMALS.

A. An owner of and/or any person keeping, possessing, harboring, or maintaining an aggressive animal is in violation of this section if that animal is:

1. Off leash;
2. Left unattended;
3. Uncontrolled; or
4. Not safely secured in an area to prevent any attack upon a person(s) or animal(s).

B. An animal may be declared aggressive if any of the following occur:

1. The animal engages in unprovoked aggressive behavior that requires immediate defensive action by any person(s) or animal(s) on public or private property to prevent bodily harm, physical pain or injury, illness, or any impairment of physical condition.

2. The animal, when unprovoked or non-defensively, has bitten a person(s) or animal(s) on public or private property, causing injury.

3. The animal has a known propensity, tendency or disposition to attack unprovoked, causing injury or otherwise threatening the safety of a person(s) or animal(s) as witnessed and/or documented by Animal Control or a law enforcement agency.

C. Any animal that has been declared aggressive and the owner is found to be in violation of this section, shall upon court order have the animal spayed or neutered at the owner's expense and provide proof of alteration to Animal Control within 14 days of sentencing. Failure or refusal by owner is a violation of this section.

D. An animal found in violation of this section twice in any consecutive 12-month period, may then be deemed a vicious animal.

§ 6.16.050 VICIOUS ANIMALS.

A. It is unlawful for any person(s) to own, keep, or harbor a vicious animal within the city; except animals under the control of a law enforcement or military agency. For the purpose of this chapter an animal may be deemed vicious if any of the following are met:

1. The animal, when unprovoked or non-defensively, has bitten or attacked a person or persons or other animals on private or public property causing severe wounds or injuries resulting in muscle tears, disfiguring lacerations, requiring multiple sutures, corrective or cosmetic surgery, one or more broken bones or that creates a potential danger to the health and life of the victim(s).

2. The animal could not be controlled or restrained by the owner at the time of the bite or attack on a person to prevent the occurrence.

3. The animal has bitten any person(s) or animal(s) 3 times in a consecutive 12 month period.

4. The animal has a known and/or exhibits propensity, tendency or disposition to attack unprovoked, causing serious injury or otherwise threatening in past or present conduct the safety of a person(s) or animal(s) as witnessed and/or documented by an animal control officer or a law enforcement agency.

B. Any animal deemed vicious shall be immediately impounded and held by the animal shelter. The owner shall be issued a citation and given a court date. The animal shall not be released from the animal shelter at any time unless court ordered by the court, and only be released to the owner.

C. Any animal declared to be vicious by the court, shall be humanely destroyed pursuant to court order.

D. The owner of a vicious animal shall be responsible for payment of any expenses incurred by the city for impounding, keeping, and/or destroying said animal, including expenses incurred by Animal Control during the disposition of the animal. Failure to pay incurred expenses within 15 days after destruction of said animal is a violation of this section.

§ 6.16.060 BITING DOGS; REPORTING, HANDLING AND DESTRUCTION.

A. An unvaccinated dog that bites any person(s) or animal(s) shall be confined and quarantined by the animal shelter, or on request of and at the owner's expense at a veterinary hospital, for a period of not less than 10 days. The quarantine period starts on the day of the biting incident. If the biting incident date is unknown, the quarantine period starts on the first day of impoundment.

B. A vaccinated dog that bites any person(s) or animal(s) may be confined and quarantined at the owner's home with the consent of and in a manner prescribed by Animal Control.

C. A dog that is impounded as a result of biting any person(s) or animal(s) shall not be released from the animal shelter prior to the 10 day impoundment period to its owner unless the dog has a current dog license pursuant to this title at the time of impoundment or the owner obtains a license and all applicable fees are paid.

D. Any domestic animal, other than a dog or a pet rodent or rabbit, that bites any person(s) or animal(s) shall be confined and quarantined at the animal shelter, or on the request at the owner's expense at a veterinary hospital, for a period of not less than 14 days. Livestock shall be confined and quarantined for the 14 day period in a manner regulated by the Arizona Department of Agriculture. Caged or pet rodents or rabbits shall not be quarantined or laboratory tested.

E. If an animal bites any persons or animal(s), the incident shall be reported to Animal Control immediately by any person(s) having direct knowledge. [A violation of this subsection shall be a civil offense punishable by a fine fixed by the Court not to exceed \\$1,000 per violation.](#)

F. A confined and quarantined animal may be destroyed pursuant to this section before the termination of the minimum confinement period for laboratory examination for rabies if:

1. The animal shows clear clinical signs of rabies.
2. The animal's owner consents to its destruction.

CHAPTER 6.20: MISCELLANEOUS

§ 6.20.010 ANIMALS IN CITY PARKS.

A. Pets and other animals under the care, custody, or control of a park user are not permitted in city parks except as follows:

1. Service animals that have been specifically trained to assist persons with visual, hearing or other physical disabilities, which are in the actual custody of the disabled individual are permitted in all city parks.

2. Dogs are permitted in city parks, except Rotary Park, under the following conditions:

- a. Dogs shall be under control of the owner or handler at all times in all areas of the park; and
- b. Dogs shall be kept on a leash no longer than 6 feet at all times except while in the designated off leash areas; and
- c. Dogs are not permitted on or within 10 feet of playground equipment within any city park; and

d. Dogs are not permitted on athletic fields including, but not limited to fields for baseball, softball, t-ball, soccer, football, and track, unless specified elsewhere in this section or authorized by the city; and

e. The person in custody or control of any dog in a park must promptly clean up any feces deposited in the park and dispose of it in an appropriate or designated trash receptacle.

B. A violation of this section shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation.

§ 6.20.020 LIVESTOCK AND POULTRY CONFINEMENT.

A. Only where permitted, any person(s) who possess horses and livestock including but not limited to, mules, cattle, burros, goats, sheep or poultry must be kept in a pen or similar enclosure to prevent roaming at large. Any livestock or poultry running at large may be impounded by Animal Control. It is unlawful to cause or allow any stable or place where any animal is or may be kept to ~~become unclean or unwholesome~~ fail to be an adequate shelter.

A.B. ~~A violation of this section shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation.~~

§ 6.20.030 SWINE.

A. —It is unlawful to keep any live swine or pigs in the city.

A.B. ~~A violation of this section shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation.~~

§ 6.20.040 FEEDING OF COYOTES.

A. It is unlawful for any person to intentionally feed or in any manner provide food to coyotes.

B. ~~A violation of this section shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation. Any person violating any provision of this section shall be guilty of a Class 1 misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment for a period not to exceed 10 days, or by both such fine and imprisonment.~~

~~—C. Any penalty assessment levied by the City Magistrate pursuant to applicable law, shall not be considered as part of the fine for purposes of determining the minimum fine to be imposed.~~

§ 6.20.050 WASTE REMOVAL.

A. Failure to immediately remove and dispose of, in a sanitary manner, any solid waste deposited on public and/or private property by a dog or other domesticated animal without the consent of the person(s) that own and/or have control of the property is a violation of this section.

B. Failure to remove and dispose of any solid waste deposited on property that creates excessive piles or spreads throughout a property, or is perceptible by odor or sight from outside the property, is a violation of this section.

C. This section does not apply to police officers accompanied by law enforcement dogs during and while on duty.

D. A violation of this section shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation.

§ 6.20.060 ANIMALS DISTURBING THE PEACE.

A. It is a violation of this section for any owner, either willfully or through failure to exercise proper control, to allow an animal to habitually bark, howl, crow, or make noise in a manner at any time, day or night, that causes general annoyance or discomfort to a neighboring inhabitant. The standard of general annoyance or discomfort is determined by a reasonable person standard in that the noise would cause a reasonable person, under the same or similar circumstances, to suffer annoyance or discomfort.

B. It is not a violation of this section if a person is trespassing or threatening to trespass upon private property upon which the animal is situated, or if the animal is provoked, which causes the animal to bark, whine, howl, or make other objectionable noise.

C. The first violation of this section within a twelve-month period shall be a civil offense punishable by a fine fixed by the Court not to exceed \$1,000 per violation. Subsequent violations of this section within a twelve-month period shall be charged as a class 2 misdemeanor.

§ 6.20.070 ANIMAL HOARDING.

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, including but not limited to housing, feeding, and veterinary care.

CHAPTER 6.24: ENFORCEMENT AND PENALTIES

§ 6.24.010 INTERFERENCE.

A.—It is unlawful for any person to intervene, impede, prevent, obstruct, or intimidate, or attempt to intervene, impede, prevent, obstruct, or intimidate, an animal control officer in the discharge of their duties under this title.

B. A violation of subsection A of this section is a Class 1 misdemeanor.

§ 6.24.020 ANIMAL SEIZURE.

A. A peace officer or animal control officer who lawfully seizes an animal under this title shall affix a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice of seizure to the owner or keeper of the animal, if known or ascertainable after reasonable investigation. The officer or agent shall file proof of service with the court. If it is determined that the suffering of the animal does not require humane destruction, the notice shall include the following:

1. The name, business address and telephone number of the person providing the notice.
2. A description of the seized animal.
3. The authority and purpose for the seizure, including the time, place and circumstance under which the animal was seized.
4. A statement that in order to receive a postseizure hearing the owner or person authorized to keep the animal, or the owner or person'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 10 days, including weekends and holidays, after the date of the notice.
5. A statement that the owner is responsible for the cost of care for an animal that was properly seized and that the owner is required to post a bond in the amount of \$25 per animal with the court to defray the cost of care.
6. A warning that if the owner fails to post a bond within 10 days after the seizure, the animal will be deemed abandoned and become the property of the seizing agency.

B. On receipt of a declaration of ownership and postseizure hearing request, the justice of the peace or city magistrate shall set a hearing date within 15 business days. At the hearing, the seizing agency shall have the burden of establishing by a preponderance of evidence that the animal was subjected to cruel mistreatment, cruel neglect or abandonment in violation of this title or will suffer needlessly if humane destruction is delayed. On this finding, the court may terminate the owner's rights in the animal and transfer the rights to the seizing agency or a designated animal care agency and shall forfeit the bond to pay the expenses incurred for the housing, care and treatment of the animal. If at the conclusion of the hearing the animal is not forfeited under this section, the court shall order the bond exonerated and returned to the owner.

C. If the owner or person authorized to keep the animal fails to post bond as prescribed by this section, fails to request a hearing or fails to attend a scheduled hearing, the animal is deemed abandoned and all rights of the owner in the animal are transferred to the seizing agency.

D. This section does not apply to any of the following:

1. Activities permitted by or pursuant to A.R.S. Title 3.
2. The seizure of an equine pursuant to A.R.S. § 3-1721.

§ 6.24.030 EMERGENCY SEIZURE AND DESTRUCTION OF ANIMALS.

A. Animal control officers, in cases of emergency affecting the health, safety, or welfare of the public, may seize and destroy an animal immediately, unless the animal is subject to any waiting period required elsewhere in this title, in which case Animal Control shall confine or impound the animal as provided therein.

B. Animal control officers are authorized to kill an animal when it is necessary for the protection of any persons or property.

§ 6.24.040 ENFORCEMENT.

All rights, duties, responsibilities, and authorities to enforce this title shall be with the Lake Havasu City Police Department, Animal Control Division, and other city enforcement agents as may be designated by the City Manager and/or City Council by contract or appointed by motion or resolution. An animal control officer may in lieu of impoundment, cite the owner into any court of competent jurisdiction.

§ 6.24.050 DUTIES OF CITY MANAGER.

The City Manager, with the approval of the Mayor and City Council, will establish all costs, charges, and fees referenced in this title, and may enter into a contract for the establishment and operation of an animal shelter and/or pound, and delegate to the animal control officers and other city staff the authority to do all things necessary to insure the enforcement of this title.

§ 6.24.060 RIGHT OF ENTRY.

Animal control officers may enter upon private property when necessary to carry out the duties imposed by this title, and in reasonable pursuit to apprehend any animal in violation of this title.

§ 6.24.070 PENALTIES.

- A.—Unless otherwise provided in this title, it is unlawful for any person, firm, or corporation to violate, or cause a violation of, any provision of this title. Any person, firm, or corporation violating any provision of this title shall be guilty of a class 2 misdemeanor unless otherwise indicated. Each separate day or part thereof during which any violation of this title occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.
- B. Unless otherwise provided in this title, the charges, classes, and penalties for criminal offenses shall be the same as classified by the State of Arizona.
- A.C. A person convicted under this title may be placed on probation in conformance with A.R.S. § 13-902.