

ORDINANCE NO. G-4988

AN ORDINANCE AMENDING SECTIONS 8-1 AND 8-14,  
PHOENIX CITY CODE; PRESCRIBING DEFINITIONS OF  
DOG AT LARGE; AND MAKING CONFORMING  
CHANGES.

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as

follows:

SECTION 1. Section 8-1, Phoenix City Code, is amended to read:

Sec. 8-1. Definitions.

The following definitions shall apply to this chapter:

*Adjoining lot or parcel of land* means any lot or parcel of land which in any way and at any point abuts, adjoins or otherwise meets the property line of another lot or parcel of land and includes a lot or parcel of land which is divided by a dedicated alley and which but for the alley would be abutting, adjoining or otherwise meeting the property line of another lot or parcel of land.

*Animal* means any animal of a species that is susceptible to rabies, except man.

*Animal shelter* means any establishment maintained by the Maricopa County Board of Supervisors or the City of Phoenix for the confinement and maintenance of dogs and other animals that come into the custody of the County or City in the performance of its official duties together with any establishment maintained by a nonprofit organization for the relief of suffering of dogs and other animals provided that such establishment maintains facilities under the supervision of a licensed veterinarian for the confinement, maintenance, safekeeping and control of dogs and other animals that come into its custody.

*At large* means BEING NEITHER CONFINED BY AN ENCLOSURE NOR PHYSICALLY RESTRAINED BY A LEASH, WHETHER on or off premises of the owner or custodian.

*Collar* means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.

*Department* means the State Department of Health Services.

*DIRECTOR* MEANS THE DIRECTOR OF THE CITY OF PHOENIX PARKS AND RECREATION DEPARTMENT OR DESIGNEE.

*Dog* means a member of the *Canis Familiaris* family.

*DOG PARK* MEANS A FENCED AREA DESIGNATED BY THE PARKS BOARD OR DIRECTOR AS A LOCATION WHERE DOGS ARE PERMITTED TO BE OFF LEASH WITHOUT MEETING THE REQUIREMENTS OF SECTION 8-14 (D)(5).

*Enforcement agent* means that person designated by the City who is responsible for the enforcement of this ordinance and the regulations promulgated thereunder.

*Humane officer* means the enforcement agent or his designated deputy.

*Impound* means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this ordinance.

*Kennel* means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.

*Livestock* means neat animals, horses, sheep, goats, swine, mules and asses.

*Occupant* means any person who is at least eighteen years of age and who has a present legal right to immediate possession of a residence or lot or parcel of land.

*Owner* means any person owning, keeping, possessing, harboring or maintaining an animal other than livestock for more than six consecutive days.

*Pet shop* means any establishment at which are kept for sale any animals generally considered to be household pets, but excluding kennels or livery stables.

*Pound* means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.

~~*Rabies quarantine area* means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.~~

*Rabies vaccination certificate* means a method of recording and duplicating rabies information that is in compliance with the County enforcement agent's licensing system and/or County enforcement agent's prescribed forms.

*Stray dog* means any dog three months of age or older running at large that is not wearing a valid license tag.

*Veterinarian*, unless otherwise indicated, means any veterinarian licensed to practice in this State or any veterinarian employed in this State by a governmental agency.

*Veterinary hospital* means any establishment operated by a veterinarian licensed to practice in the State of Arizona that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.

*Vicious animal* means any animal other than an animal used by a law enforcement agency, that:

(a) Has a propensity to bite, scratch or otherwise inflict injury on a human being without provocation. One incident of causing injury may be sufficient to establish a propensity; or

(b) Has a propensity to approach human beings without provocation in a menacing or terrorizing manner so as to confine the movement of or instill fear in a reasonable person; and

(c) Is declared vicious after a hearing before a justice of the peace or a City magistrate.

SECTION 2. Section 8-14, Phoenix City Code, is amended to read:

Sec. 8-14. Dogs not permitted at large; wearing licenses; penalties.

A. No dog shall be permitted at large. Each dog shall be confined within an enclosure on the owner's or custodian's property, secured so that the dog is confined entirely to the owner's or custodian's property, or on a leash not to exceed six feet in length and directly under the owner's or custodian's control when not on the owner's or custodian's property. The provisions of this subsection shall not apply to a park, or an area within a park, that is designated by the DIRECTOR OR THE Parks and Recreation Board as A DOG PARK. NOTHING IN THIS SECTION SHALL PREVENT THE DIRECTOR OR THE PARKS AND RECREATION BOARD FROM PROHIBITING DOGS OR UNRESTRAINED DOGS IN A PARTICULAR PARK, PRESERVE OR AREA UNDER ITS JURISDICTION, OR ANY PART THEREOF

B. Any dog over the age of three months which is off the owner's or custodian's property shall wear a collar or harness to which is attached a valid license tag. Dogs that are used for control of livestock, being used or trained for hunting or dogs, being exhibited or trained at a kennel club event or engaged in races approved by the Arizona Racing Commission, and while the dogs are being transported to and from such events,

need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

C. Any owner, custodian, or other person acting for the owner allowing his or her dog to be at large is in violation of this section.

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 used or trained for hunting~~ 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 ~~subsection D~~, paragraph 1 of this ~~section~~ 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 ~~subsections A and~~ 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.

PASSED by the Council of the City of Phoenix this 3<sup>rd</sup> day of October,  
2007.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk  
APPROVED AS TO FORM:

\_\_\_\_\_  
Acting City Attorney  
REVIEWED BY:

\_\_\_\_\_  
City Manager

SKH:car, CM#89, 10-3-07, 676723