

WHEN RECORDED RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 09-17

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, AMENDING THE CITY OF BUCKEYE CODE, CHAPTER 6 ANIMAL REGULATIONS, ARTICLE 6-1 ANIMAL CONTROL, BY ADOPTING SECTION 6-1-17 UNLAWFUL RESTRAINT OF DOGS AND SECTION 6-1-18 CONFINEMENT OF ANIMALS IN MOTOR VEHICLES; AND BY RENUMBERING SECTION 6-1-17 VIOLATION; CLASSIFICATION TO SECTION 6-1-19; ALL RELATED TO RESTRICTIONS AGAINST TETHERING OF DOGS, ANIMAL SAFETY, AND CONFINING ANIMALS IN MOTOR VEHICLES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR PENALTIES.

WHEREAS, the City of Buckeye (the “City”) desires to amend the City Code of the City of Buckeye (the “City Code”) to add Section 6-1-17 Unlawful Restraint of Dogs; and Section 6-1-18 Confinement of Animals in Motor Vehicles; and renumber Section 6-1-17 Violation; Classification to Section 6-1-19; and

WHEREAS, the City Council has determined that it is in the best interest of the City and of the health, safety, and welfare of animals to provide reasonable regulations for the protection of said animals.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, as follows:

Section 1. The City Code of the City of Buckeye, Arizona (the “City Code”), Chapter 6, Animal Regulations, Article 6-1 Animal Control is hereby amended to add Section 6-1-17 Unlawful Restraint of Dogs; as follows:

SECTION 6-1-17 - UNLAWFUL RESTRAINT OF DOGS

A. FOR PURPOSES OF THIS SECTION:

1. “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.

“COLLAR” MEANS ANY COLLAR CONSTRUCTED OF NYLON, LEATHER, METAL, OR SIMILAR MATERIAL, SPECIFICALLY DESIGNED TO BE USED ON A DOG.

3. “PROPERLY FITTED” MEANS A COLLAR THAT MEASURES THE CIRCUMFERENCE OF A DOG’S NECK PLUS ONE INCH.
4. “RESTRAINT” MEANS A CHAIN, ROPE, TETHER, LEASH, CABLE, OR OTHER DEVICE THAT ATTACHES A DOG TO A STATIONARY OBJECT OR TROLLEY SYSTEM.

- B. AN OWNER SHALL NOT RESTRAIN A DOG OUTSIDE BY USE OF 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; 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 SHELTER.

- C. A PERSON WHO HAS RESTRAINED A DOG IN COMPLIANCE WITH SECTION 6-1-11(A)(1)(C) IS NOT IN VIOLATION OF THIS SECTION.

Section 2. The City Code, Chapter 6, Animal Regulations, Article 6-1 Animal Control is hereby amended to add Section 6-1-18 Confinement of Animals In Motor Vehicles; as follows:

SECTION 6-1-18 - CONFINEMENT OF ANIMALS IN MOTOR VEHICLES

- A. NO PERSON HAVING CHARGE, CUSTODY OR OWNERSHIP OF AN ANIMAL, SHALL PLACE OR CONFINESUCH 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 OR 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.
- B. NO PERSON HAVING DOMINION OR CONTROL OVER A MOTOR VEHICLE SHALL PLACE OR CONFINESUCH ANIMAL OR ALLOW AN ANIMAL TO BE PLACED OR CONFINED 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 BE REASONABLY EXPECTED TO CAUSE SUFFERING, DISABILITY, OR DEATH.

- C. WHEN IN THE JUDGMENT OF A PEACE OFFICER, AN ANIMAL HAS BEEN PLACED OR CONFINED IN A MOTOR VEHICLE UNDER SUCH CONDITIONS AND FOR SUCH PERIOD OF TIME THAT CONSTITUTES A VIOLATION OF THIS SECTION AND IS LIKELY TO RESULT IN THE DEATH OF THE ANIMAL AND THE OWNER OR PERSON HAVING CONTROL OVER THE MOTOR VEHICLE IS NOT AVAILABLE, THE PEACE OFFICER MAY TAKE SUCH STEPS AS REASONABLY NECESSARY TO ENTER THE VEHICLE AND IMPOUND THE ANIMAL IN THE MANNER PROVIDED BY THIS CHAPTER.

Section 3. The City Code is hereby amended to renumber Section 6-1-17 Violation; Classification to Section 6-1-19.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Animal Regulations adopted herein by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. In the event of any inconsistency, conflict or ambiguity among any section, subsection, sentence, clause, phrase or portion of the Animal Regulations adopted herein by reference, the City Code, or this Ordinance, the documents shall govern in the order listed herein.

Section 6. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

Section 7. Any person found in violation of any provision of this Ordinance shall be guilty of a class one misdemeanor, and upon conviction thereof shall be punished by a base fine not to exceed two thousand five hundred dollars (\$2,500.00) or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein above described.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 21st day of March, 2017.

Jackie A. Meck, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

City Attorney