

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: July 1, 2010**

SUBJECT: Repeal and Re-enact Chapter 6 “ANIMALS” of the Town Code

SUBMITTING DEPARTMENT: Legal Department

PREPARED BY: Carol Cornell, Paralegal, for Colleen Auer, Deputy Town Attorney

AGENDA LOCATION: Comments/Communications , Consent , Work/Study ,
New Business , Public Hearing , Second Reading (Check appropriate box)

ATTACHMENTS: a) Ordinance No. 746, b) Resolution No. 1707, c) Document entitled “Re-enacted Chapter 6 ‘Animals’”

SUMMARY/BACKGROUND: Since the initial enactment of Chapter 6 “Animals” of the Town Code in 1979, the Arizona Legislature has enacted statutory provisions for the proper care, maintenance and destruction of impounded animals and for the disposition of abused and vicious animals. (A.R.S. §§11-1021 and 11-1029). Cities and towns which operate impound facilities are required under A.R.S. §11-1021(D) to establish procedures for the humane destruction of impounded animals by the methods prescribed in A.R.S. §11-1021(B) and (C). These most recently-proposed amendments to Chapter 6 attempt to better correlate with these state requirements for impoundment and destruction. Also, when an animal control officer or peace officer can show probable cause that an animal has been cruelly mistreated or cruelly neglected or that an animal is vicious or may be a danger to the safety of any person or other animal, the officer may request a disposition hearing pursuant to A.R.S. §11-1029. Subsection C exempts cities and towns from the application of this statute provided the city or town adopts an ordinance or resolution providing for the forfeiture of an animal that has suffered mistreatment or cruel neglect or has been deemed vicious. These amendments establish procedures for disposition hearings and provide for forfeiture of an animal found to be mistreated or neglected or deemed vicious.

In recent years there has also been an increase in the number of reports of persons keeping, harboring or maintaining wildlife or exotic animals within the corporate limits of the Town. With few exceptions, the keeping and maintaining of wildlife or exotic animals by persons in Arizona is strictly prohibited by the Arizona Game and Fish Commission. This Ordinance amends Chapter 6 to prohibit the keeping and maintaining of wildlife and exotic animals within Town limits except by those who have obtained special permits from the Arizona Game and Fish Commission.

The remaining proposed amendments to Chapter 6 update and clarify current code provisions as a general housekeeping matter.

OPTIONS ANALYSIS: N/A For discussion only.

ACTION OPTION: N/A For discussion only.

RECOMMENDATION: N/A For discussion only.

FISCAL ANALYSIS: There are no anticipated future and/or indirect impacts.

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____