

**TOWN OF PRESCOTT VALLEY
REQUEST FOR COUNCIL ACTION
Date: August 12, 2010**

SUBJECT: Proposed Repeal and Re-enactment of Town Code Chapter 6 “ANIMALS”

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, and c) Public Record 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).

The proposed revision of Chapter 6 attempts to better correlate with state requirements for impoundment and destruction of animals. 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), a procedure is now provided for the officer to request a disposition hearing and provide for possible forfeiture. In light of an increase over time in the number of reports of persons keeping, harboring or maintaining wildlife or exotic animals within the Town, clarification is provided that this is strictly prohibited in Arizona by the Game and Fish Commission (unless special permits are obtained from the Commission). The remainder of the revisions is essentially housekeeping.

OPTIONS ANALYSIS: Council may take steps to adopt the revisions to Town Code Chapter 6 “ANIMALS”, table the item and direct Staff to make further modifications to Chapter 6 prior to adoption, OR decline to adopt these revisions to Chapter 6.

ACTION OPTION: A) Motion to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1707 declaring the document entitled “Re-Enacted Chapter 6 ‘ANIMALS’” to be a public record, OR Motion not to approve Resolution No. 1707. **VOTE.**

B) Motion to read Ordinance No. 746 adopting by reference that certain document entitled “Re-Enacted Chapter 6 ‘ANIMALS’” by title only on two separate occasions, then to place the same on final passage, OR Motion not to approve Ordinance No. 746. **VOTE.**

[if the vote is in favor of reading Ordinance No. 746, the Mayor instructs the Town Clerk to read the Ordinance by title only for the first reading]

RECOMMENDATION: Staff recommends taking steps towards adoption of these revisions to Town Code Chapter 6 “ANIMALS”.

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

REVIEWED BY:

Management Services Director _____

Town Clerk _____

Town Attorney _____

Town Manager _____

COUNCIL ACTION:

Approved Denied Tabled/Deferred Assigned to _____