

**CHAPTER 6**

**ANIMALS**

**ARTICLE 6-1: Rules and Regulations**

- 6-1-1 Dangerous Animals
- 6-1-2 Killing Dangerous Animals
- 6-1-3 Noises
- 6-1-4 Strays; Housing
- 6-1-5 Swine
- 6-1-6 Cruelty

Section 6-1-1 Dangerous Animals

It is unlawful to permit any dangerous, vicious animal of any kind to run at large within the Town and such animals shall be immediately impounded by the poundmaster. Exhibitions or parades of animals which are *ferae naturae* in the eyes of the law may be conducted only upon securing a permit from the Chief of Police.

Section 6-1-2 Killing Dangerous Animals

The poundmaster is authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

Section 6-1-3 Noises

It is unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

Section 6-1-4 Strays; Housing

Any person who keeps or causes to be kept any horses, mules, cattle, burros, goats, sheep, or other livestock or poultry within the corporate limits of the Town shall keep such livestock or poultry in a pen or similar enclosure to prevent their roaming at large. Any such livestock or poultry running at large may be impounded by the poundmaster. It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.

Section 6-1-5 Swine

It is unlawful to keep any live swine or pigs in the Town.

Section 6-1-6 Cruelty

It is unlawful to maliciously kill, maim or wound an animal which is the property of another, or when having charge or custody of an animal as owner or otherwise, to overdrive, overload, drive when

overloaded, overwork, torture, torment, deprive of necessary sustenance, drink or shelter, cruelly beat, mutilate or cruelly kill an animal, or to subject an animal to needless suffering, or to inflict unnecessary cruelty upon the animal, or to, in any manner, abuse an animal, or cruelly drive, ride or otherwise use the animal when unfit for labor.

ARTICLE 6-2: **Impounding Generally**

- 6-2-1 Poundmaster
- 6-2-2 Deputy Poundmaster
- 6-2-3 Impounding of Animals at Large
- 6-2-4 Notice to Owners of Impoundment
- 6-2-5 Report of Impounded Animals
- 6-2-6 Conditions and Duration of Impoundment
- 6-2-7 Redemption of Impounded Animals
- 6-2-8 Sale of Unredeemed Animals
- 6-2-9 Impounding Fees
- 6-2-10 Impeding Poundmaster
- 6-2-11 Biting Animals

Section 6-2-1 **Poundmaster**

The Council may appoint a poundmaster who shall serve at the pleasure of the Council.

Section 6-2-2 **Deputy Poundmaster**

The poundmaster shall have the right, subject to the approval of the Council, to appoint such deputy poundmaster as he/she may deem necessary for the proper carrying on and performance of the work and duties of the poundmaster and any such deputy so appointed is empowered to perform any of the duties of the poundmaster set forth in this chapter.

Section 6-2-3 **Impounding of Animals at Large**

It shall be the duty of the poundmaster to impound all animals found at large, or not in charge of or under the care or control of some person in the streets, alleys or other public places or vacant or unenclosed lots in the Town, except dogs upon which the license fee has been paid and wearing metal tags as provided in this chapter.

Section 6-2-4 **Notice to Owners of Impoundment**

If the owner of any impounded animal, except dogs, shall be known to the poundmaster and shall reside or have a known place of business in the Town the poundmaster shall notify the owner of such animal personally or by letter through the post office within 24 hours after such animal has been taken up and impounded. The notice shall contain a description of the animal and shall state that unless reclaimed, such animal shall be sold at public auction to the highest bidder at the time and place specified in the notice. Copies of the notice shall be posted at the place of impoundment and at the Town Hall.

Section 6-2-5 Report of Impounded Animals

The poundmaster shall, within 24 hours after taking up and impounding any animal, except a dog, make a report to the Clerk, stating the kind of animal and describing it by color or otherwise or by any marks or brands that may be on it, and when it was taken up and impounded.

Section 6-2-6 Conditions and Duration of Impoundment

The poundmaster shall provide for the keeping of all animals taken up and impounded by the poundmaster or his/her deputies in a safe, convenient and comfortable place within or conveniently near the Town limits and shall feed such animals at least once every 24 hours and treat them in a humane manner during the time they are impounded, which shall not be less than five days, unless sooner claimed by the owner, except dogs which shall be kept as provided in this chapter.

Section 6-2-7 Redemption of Impounded Animals

If the owner of any animal other than a dog shall within five days after such animal has been taken up and impounded, apply to the poundmaster and pay the fees and charges provided by this chapter, the poundmaster shall deliver any such animal to the owner.

Section 6-2-8 Sale of Unredeemed Animals

All animals, other than dogs, taken up and impounded under the provisions of this article which have not been claimed and the fees and charges have not been paid to the Town by the owner within five days, shall at the time provided in the notice of sale, be sold by the poundmaster at public auction at the place of impoundment, to the highest cash bidder and he/she shall immediately pay to the Clerk the proceeds of the sale of any such animal, which proceeds, after deduction therefrom the fees and charges, shall be paid to the owner of the animal if he/she appears and claims the same within 30 days after the sale, and if not, then the proceeds shall be paid into the general fund of the Town. The poundmaster shall execute a bill of sale in favor of the purchaser of such animal and upon payment of the amount bid shall deliver the bill of sale to the purchaser.

Section 6-2-9 Impounding Fees

The poundmaster shall collect from the owner of animals taken up and impounded and duly claimed by the owner, before delivering any such animals, the sum of fifteen dollars (\$15.00) for every animal so taken up, and in addition thereto for the taking care of, watering and feeding any impounded animal two dollars and fifty cents (\$2.50) per day. All fees collected shall be paid into the general fund of the Town.

Section 6-2-10 Impeding Poundmaster

It is unlawful for any person to in any manner intervene, impede, prevent, obstruct or intimidate the poundmaster in the discharge of his/her duties in taking up or attempting to take up and impound any and all animals which it shall be his/her duty to impound under the provisions of the chapter, or who shall rescue or attempt to rescue any animal so taken up or to release any animal so impounded.

Section 6-2-11 Biting Animals

Whenever any animal, except a dog, bites a person, the person so bitten and the owner of the animal shall immediately notify the poundmaster, which shall cause an examination of the animal to be made by a duly licensed physician or a duly licensed veterinarian, and shall order the animal held on the owner's premises or shall have it impounded as long as necessary for a complete examination. If it is determined that the animal is infected with rabies or other dangerous, contagious and infectious disease, it shall be the duty of the poundmaster to destroy such animal in as humane a manner as is reasonably possible. If at the end of the quarantine or impoundment, a veterinarian is convinced that the animal is free from such diseases, the animal shall be released. If the animal dies during the period of quarantine or impoundment, its head shall be sent to the state department of health for examination.

ARTICLE 6-3: Dogs

- 6-3-1 Definitions
- 6-3-2 Licenses and Tags Generally
- 6-3-3 Running at Large
- 6-3-4 Dangerous Dogs
- 6-3-5 Vaccination as Prerequisite to License
- 6-3-6 Appointment and Duties of Poundkeeper
- 6-3-7 Impoundment
- 6-3-8 Biting Dogs

Section 6-3-1 Definitions

In this chapter unless the context requires otherwise:

- A. "At large" means off the premises of the owner not under the control of the owner, or other persons acting for the owner.
- B. "Collar" means a band, chain, harness, or suitable device worn around the neck of a dog to which a license may be affixed.
- C. "Dog" means a member of the *canis familiaris* family.
- D. "Owner" means any person, owning, keeping, possessing, harboring, or maintaining a dog.
- E. "Pound" means any establishment authorized by the Town for the confinement, maintenance, safekeeping, and control of dogs that come into the custody of the poundkeeper.
- F. "Vaccination" means an anti-rabies vaccination using a type of vaccine approved by the state veterinarian.

Section 6-3-2 Licenses and Tags Generally

- A. All dogs kept, harbored, or maintained in the Town of Jerome must be licensed and registered if over four months of age. Dog licenses shall be issued by the Town Clerk upon payment of a license fee of five dollars (\$5.00).
- B. The owner shall state at the time application is made for such license his/her name and address, the name, breed, color and sex of each dog owned or kept by him/her.
- C. It is the duty of such owner to cause to be attached securely around the dog's neck, the metal license tag and said tag shall be kept there at all times whenever the dog is outside the owner's residence during the license period. Dog licenses shall be issued for a period of one year and shall run from the first day of January in each calendar year to the following January first.

[Ord. 205, 2/11/1986; Ord. 225, 3/21/1989]

Section 6-3-3 Running at Large

- A. No dog shall be at large within the Town of Jerome. In the event that a dog is at large, the criminal responsibility for violation of this ordinance shall be upon the person owning, keeping, possessing, harboring or maintaining the dog. A dog is not deemed to be at large:
  - 1. If said 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 action of said dog;
  - 2. While said dog is actively engaged in dog obedience training, accompanied by and under the control of his/her owner or trainer, provided that the person training said dog has in his/her possession a dog leash of not more than six feet in length and of sufficient strength to control said dog, and further, that said dog is actually enrolled in or has graduated from a dog obedience training school which has been approved by the pound master or police officer of the Town of Jerome;
  - 3. While said dog is being used for hunting purposes;
  - 4. While said dog is being exhibited at an American Kennel Club approved show; or
  - 5. While said dog is engaged in races approved by the Arizona Racing Commission.
- B. The poundmaster or a police officer of the Town of Jerome may apprehend and impound any dog running at large contrary to the provisions of this Section. The poundmaster or a police officer of the Town of Jerome shall have the right to enter upon private property when it be necessary to do so in order to apprehend and impound any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog.
- C. Any person found guilty of violating any provision of this Section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed three

hundred dollars (\$300.00), or by imprisonment for a period not to exceed three months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

(Ord. 181, 7/26/1979)

Section 6-3-4 Dangerous Dogs

No vicious, dangerous, or ferocious dog, or dog sick with or liable to communicate hydrophobia or other contagious or infectious diseases, shall be permitted to run at large in the Town.

Section 6-3-5 Vaccination as Prerequisite to License

No dog license or dog tag shall be issued except upon the certificate of a licensed veterinarian that the dog has been vaccinated against rabies.

Section 6-3-6 Appointment and Duties of Poundkeeper

- A. The poundkeeper may be appointed by the Council and serve at the pleasure of the Council.
- B. Immediately after the impoundment of any dog hereunder, it shall be the duty of the poundkeeper to enter upon the records of the poundkeeper the date of impounding, a description of the dog impounded, and a record as to whether or not such dog has been licensed and tagged as required by the ordinances.
- C. Public notice of the impounding of such dog shall be given by posting one copy of the description of such dog and date of impounding at the place of impounding and one copy at the Town Hall.

Section 6-3-7 Impoundment

- A. The pound master or Jerome police officer may apprehend and impound any dog found running at large.
- B. Each unlicensed dog impounded shall be kept and maintained at the pound for a minimum of three days. At the expiration of the impoundment period, anyone may claim the dog, provided, that such person pays all established pound fees and complies with the licensing provision of this article. If no person claims the dog, the poundkeeper may dispose of the dog in a humane manner.
- C. Impoundment costs shall be established from time to time by the Council.

[Ord. 181, 7/26/1979]

Section 6-3-8 Biting Dogs

- A. Whenever a dog bites any person the incident shall be reported to the Town pound master immediately by any person having direct knowledge.
- B. Any dog that bites any person shall be quarantined and impounded or, at the request of and at the expense of the owner, placed in a veterinary hospital for a period of not less than seven days. The owner of any dog that has bitten a person may voluntarily deliver the dog to the poundkeeper at the pound; otherwise, there shall be an assessment against the owner if the pound master must pick up the dog. If the dog is impounded in the pound for observation as a result of a dog bite incident, there shall be a charge for board, and no other impoundment fees shall be charged under these circumstances.
- C. If it is determined that the dog is infected with rabies or other dangerous, contagious and infectious disease, it shall be the duty of the poundkeeper to destroy such dog in as humane a manner as is reasonably possible. If at the end of the quarantine or impoundment, a veterinarian is convinced that the dog is free from such diseases, the dog shall be released. If the dog dies during the period of quarantine or impoundment, its head shall be sent to the state department of health for examination.

ARTICLE 6-4: **Confinement of Animals in Motor Vehicles**

- 6-4-1 Definitions
- 6-4-2 Responsibility of Animal Owner
- 6-4-3 Responsibility of Motor Vehicle Owner
- 6-4-4 Exceptions
- 6-4-5 Authority of Peace Officer or Poundmaster
- 6-4-6 Violation; Penalty

Section 6-4-1 Definitions

In this article, unless the context otherwise requires:

- A. "Animal" means all species of mammals, except humans, and all species of birds.
- B. "Pound" means any establishment authorized by the Town for the confinement, maintenance, safekeeping, and control of dogs that come into the custody of the Poundmaster.
- C. "Poundmaster" means the Town of Jerome's enforcement agent or his/her assigned deputy.

[Ord. 201, 08/13/1985]

Section 6-4-2 Responsibility of Animal Owner

No person having charge or custody of an animal, as owner or otherwise, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink, or other such circumstances as may reasonably be expected to cause suffering, disability or death.

[Ord. 201, 08/13/1985]

Section 6-4-3 Responsibility of Motor Vehicle Owner

No person having dominion or control over a motor vehicle as owner or otherwise, shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such a 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 be expected to cause suffering, disability or death.

[Ord. 201, 08/13/1985]

Section 6-4-4 Exceptions

Nothing in this article shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers, or other vehicles designed and constructed for such purposes.

[Ord. 201, 08/13/1985]

Section 6-4-5 Authority of Peace Officer or Pound Master

A peace officer who finds an animal in a motor vehicle in violation of this article may break and enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to the pound or other place of safekeeping and shall, in the event the person having custody cannot otherwise be located, leave in a prominent place in the motor vehicle, a written notice bearing his/her name and office and the address where the animal may be claimed by the owner thereof. The animal will be surrendered to the owner if the owner claims the animal within five days from the time the animal was removed from the vehicle and pays all reasonable charges that have accrued for the maintenance of the animal. If the owner fails to claim the animal within five days after its removal from the vehicle, the person or poundmaster having custody of the animal will make reasonable effort to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon the payment of the reasonable maintenance charges. In the event the owner cannot be contacted or expresses no interest in reclaiming the animal, within five days after contact, the person or pound having custody of the animal may dispose of the animal in any reasonable, humane manner.

[Ord. 201, 08/13/1985]

Section 6-4-6 Violation; Penalty

A person who violates any provision of this article is guilty of a Class II misdemeanor punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days, or both.

[Ord. 201, 8/13/1985]

ARTICLE 6-5: **Commercial Use of Animals and Animal-Drawn Conveyances and Tours**

- 6-5-1 Commercial Use of Animals and Animal-Drawn Conveyances and Tours
- 6-5-2 Unlawful Interference with Permitted Activity

Section 6-5-1 Commercial Use of Animals and Animal-drawn Conveyances and Tours

- A. Permit required. It shall be unlawful for any person to utilize, for commercial purposes, any animal or animal-drawn conveyance upon the public streets of the Town of Jerome without first obtaining a permit.
- B. Permit application
  - 1. Insurance requirements.
    - a. No permit shall be issued or remain in effect unless the permittee, at the permittee's expense and without cost to the Town, procures, maintains in force and files with the Town Clerk, a certificate of insurance for personal injury and general liability in the amount of at least one million dollars (\$1,000,000) per incident naming the Town of Jerome as an additional insured and providing thirty (30) days notice to the Town in event of any material change or cancellation.
    - b. Such insurance coverage constitutes a minimum requirement and shall in no way be deemed to limit or lessen the liability of the permittee under the terms of such permit.
    - c. Any permit issued under this ordinance shall be immediately terminated upon the effective date of cancellation or revocation of the required insurance.
  - 2. Application Contents. Application for a permit shall include the following:
    - a. Applicant shall provide the Town with a copy of his/her valid Arizona motor vehicle operator's license; and
    - b. Names, identifying information and color pictures of each animal to be used, including full side, front and rear views of each animal; and

- c. A certificate or statement of good health and suitability from a veterinarian licensed by the State of Arizona as to the physical condition of each animal to be used pursuant to the permit; and
    - d. Intended travel route(s), staging area, scheduled stops, boarding points and parking.
  3. The driver of the conveyance shall not have any violations of Town, state and federal traffic laws within one year of issuance of the permit.
  4. The Town reserves the right to limit the number of permits and number of conveyances based on traffic considerations and public safety.
- C. Designated hours and areas of operation and routes.
  1. The Town shall designate appropriate routes for use of commercial use of animals and/or animal-drawn conveyances and tours on public rights-of-way within the Town.
  2. It shall be unlawful for any person to use any animal and/or animal-drawn conveyance for tours or commercial use at any location or upon any route other than those designated by the Town or as otherwise approved by the Town as stated in the permit.
  3. No persons, owners or operators of an animal-drawn conveyance shall pick up passengers from any location other than the stops, boarding points or parking areas approved by the Town. This section does not prohibit a person, owner or operator from picking up a passenger from a pre-arranged location on private property.
  4. Hours of operation for commercial use of animals and/or animal-drawn conveyances and tours shall be limited to daylight hours.
- D. Waste Control.
  1. Any person, owner or operator utilizing working animals and/or animal-drawn conveyances shall be responsible for animal waste by the use of diaper or other effective manner of waste control deemed acceptable by the Town. Any release of animal waste upon public streets or thoroughfares must be promptly removed. A police officer or other Town enforcement officer may order application of sanitizer and/or deodorizer to any area affected by the release of animal waste.
  2. Failure to control animal waste and to promptly and effectively sanitize inadvertent release of waste upon public streets may result in revocation of a permit.

E. Control of Animals.

1. Any person, owner or operator utilizing working animals and/or animal-drawn conveyances shall ensure that such animal(s) are tended at all times by a responsible adult while on the public right-of-way.
2. The Town Police Chief or Town Council may suspend operation of any activity utilizing working animal(s) and/or animal-drawn conveyance if conditions exist, or are planned, that would impact the public health, safety or welfare or the safety of the animals. Such conditions include, but are not limited to, hazardous roads or weather conditions, road construction, and high traffic volumes.

F. Equipment. All equipment shall be clean and in safe working condition. The Town may inspect any equipment used in connection with any working animal at any time and, if said equipment is deemed not to be safe, the Town may suspend the permit until such time as the equipment is deemed safe based upon accepted industry standards.

G. Working conditions.

1. Animals shall not be worked on Town public streets when the combined temperature humidity index (thi) is over 140 or the ambient air temperature is over 95 degrees fahrenheit measured four feet above the pavement on Main Street in Jerome.
2. Horses will be required to be fitted with and wear proper shoes for walking the asphalt and rock surfaces of the streets in Jerome.
3. Adequate fresh water and food must be available to all working animals at the staging area, and at any location where the animals are kept for more than a two-hour period.

H. Inspections.

1. Any animal(s) used in a commercial operation permitted under this ordinance may be inspected by the Jerome police, the state livestock inspector, county animal control officer, or a licensed veterinarian selected by the permittee and acceptable to the Town. If, upon written request by the Town, the permittee is unable or unwilling to select a licensed veterinarian within two weeks, the Town may select a licensed veterinarian to inspect the animal.
2. Inspections shall be done in a manner that does not substantially interfere with the business, unless it is determined by the person inspecting the animal or vehicle that it is or may be a substantial risk to the health, safety or welfare of the animal or public.
3. Notwithstanding the requirements of Subsection 1 of this Section, the Town may hire a licensed veterinarian without the owner's consent in a situation deemed by the Town to constitute an emergency. If said inspection finds the animal to be neglected, injured,

mistreated or abused, the permittee shall pay all costs associated with the inspection and shall be responsible for costs associated with treating the animal.

- I. Term. A permit issued pursuant to this Article shall be valid for one year and shall only be valid for the person to whom it is issued and the specific animal(s) and/or conveyance(s) specified in the application and permit.
- J. Fees. Fees for permits shall be two hundred dollars (\$200.00) per year.
- K. Indemnity. The holder of any permit issued under the terms of this Article shall always release and indemnify, defend and save harmless the Town, its officers, agents and employees from and against any and all claims, actions, causes of action, demands, judgments, costs, expenses, and all damages of any kind and nature incurred by or inuring to any person whatsoever predicated upon injury to or death of any person or damage to property, public or private, or whatever ownership, or damage to business, provided such injury, death, loss or damage shall arise out of or be connected directly or indirectly with the exercise of any right or privilege granted by such permit.
- L. Revocation of Permit. The Town Council may revoke any permit issued hereunder upon the failure of the permittee to comply with the terms and conditions of said permit, because of the manner in which it is being conducted, or for any other reason, may be jeopardizing public safety or welfare.

[Ord. 347, 8/27/2007]

Section 6-5-2 Unlawful Interference with Permitted Activity.

It is unlawful for any person to unreasonably obstruct, impede or interfere with any working animal and/or animal-drawn conveyance or with any person, vehicle or animal engaged in such activity for which a permit has been granted in accordance with the provisions of this Chapter.

[Ord. 347, 8/27/2007]