

ORDINANCE NO. 613 N.S.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, AMENDING THE TOLLESON CITY CODE, BY AMENDING CHAPTER 9 ANIMALS, ARTICLE 9-1 GENERAL RULES AND REGULATIONS, SECTION 9-1-20 CONTROL OF CATS; AND ARTICLE 9-2 CRUELTY AND NEGLECT OF ANIMALS, SECTION 9-2-4 NEGLECT PROHIBITED AND SECTION 9-2-7 IMPOUNDING AND DISPOSING OF DOGS AND CATS; RECLAIMING IMPOUNDED DOGS AND CATS; POUND FEES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the City of Tolleson, Arizona (the "City") desires to amend the City's Code to clarify the duties of the enforcement agent and the vaccinations or licensing required for cats in Maricopa County; and

WHEREAS, the City desires to amend the Code to provide for the seizure and impoundment of abandoned animals in certain circumstances.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON ARIZONA, as follows:

Section 1. The recitals above are hereby incorporated as if fully set forth herein.

Section 2. The Tolleson City Code, Chapter 9, Animals, is hereby amended by amending Article 9-1 General Rules and Regulations, Section 9-1-20 Control of Cats, to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

CHAPTER 9: – ANIMALS

ARTICLE 9-1: – GENERAL RULES AND REGULATIONS

§ 9-1-20 – CONTROL OF CATS

* * *

~~(C) It shall be the duty of the enforcement agent to impound all cats found at large in violation of this chapter, or not in charge or under the care or control of some person in the street, alleys or other public places or vacant or enclosed lots in the city.~~

~~(D) The city may, by resolution, require the payment of appropriate fees, vaccinations and licenses for cats within the city limits.~~

~~(E)~~(C)-The Council specifically finds, by this section, that if any person is the owner or has possession of more than four cats in any dwelling or property less than one acre in size

within the city limits, that possession or ownership on the same property of any more than four cats shall be considered a public nuisance and that the nuisance shall be immediately abated. For purposes of this division, it is contemplated that newborn kittens shall not be counted until they reach the age of three months. The burden of establishing the birth date of any kitten shall be on the cat owner.

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Section 3. The Tolleson City Code, Chapter 9, Animals, by amending Article 9-2 Cruelty and Neglect of Animals, Section 9-2-4 Neglect Prohibited and Section 9-2-7 Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees, to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

CHAPTER 9: – ANIMALS

ARTICLE 9-2: – CRUELTY AND NEGLECT OF ANIMALS

§ 9-2-4 – NEGLECT PROHIBITED

* * *

(C) Provide access to natural or artificial shelter to the animal throughout the year. The shelter must be maintained in good repair to protect the animal from injury and the elements and must be of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. ~~Livestock and fowl are not included in this section;~~

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§ 9-2-7 – IMPOUNDING AND DISPOSING OF DOGS AND CATS; RECLAIMING IMPOUNDED DOGS AND CATS; POUND FEES

* * *

(D) ANY ANIMAL ABANDONED AS A RESULT OF OWNER ARREST, HOSPITALIZATION, EVICTION OR DEATH IN WHICH NO OTHER PERSON HAS APPEARED TO EXERCISE THE OWNER’S PROPERTY RIGHTS OF THE ANIMAL MAY BE SEIZED BY AN ENFORCEMENT AGENT. ANIMALS ABANDONED IN THIS MANNER WILL BE HELD FOR 72 HOURS AND THE ANIMAL MAY BE TEMPORARILY PLACED WITH AN IMPOUND FACILITY UNTIL RECLAIMED BY THE OWNER OR THEIR DESIGNEE AND THE IMPOUND OR CARETAKER FEES ARE PAID. UNCLAIMED ANIMALS SHALL BE DISPOSED OF OR REHOMED AS DETERMINED BY THE CITY.

Section 4. Providing for Repeal of Conflicting Ordinances.

All ordinances, parts of ordinances and resolutions in conflict with the provisions of this Ordinance, or any part of the City Code adopted here by reference, are repealed.

Section 5. Providing for Severability.

If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Providing for Penalties.

Pursuant to Section 1-1-8 of the Tolleson City Code, any person found guilty of violating any provisions of this ordinance shall be guilty of a class one misdemeanor and, upon conviction, shall be punished pursuant to the terms set forth in the A.R.S. § 13-707, § 13-802, and § 13-902, as amended. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Section 7. The Mayor, City Manager, City Clerk and City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Tolleson, Arizona, on this 14th day of January, 2025.

Juan F. Rodriguez, Mayor

ATTEST: _____
Crystal Zamora, City Clerk

APPROVED AS TO FORM: _____
Justin Pierce, City Attorney