

**Town of Payson
Council Decision Request**

MEETING DATE: 10-5-06 ITEM NO: SUBJECT: Changes to the current Animal Control Ordinances of the Town of Payson.

SUBMITTAL DATE: 9-25-06

SUBMITTED BY: Donald B. Engler, Police Commander

ADVANCE COPIES:

OK
B

EXHIBITS (If applicable): Attachment #1

EXPENDITURE	AMOUNT	CONTINGENCY FUNDING
ESTIMATE: \$0	BUDGETED: \$0	REQUIRED: \$0

IF IT IS THE WISH OF THE COUNCIL TO SUPPORT RECOMMENDATIONS CONTAINED IN THIS REPORT, THE FOLLOWING MOTIONS ARE SUGGESTED:
I move to authorize the Payson Town Attorney's Office to review and create changes to the Animal Control Ordinance regarding vicious animals and limiting the number of household pets, and return the recommendations to the Town Council for review at a later date.

SUMMARY OF THE TOPIC FOR WHICH A COUNCIL DECISION IS REQUESTED:
The Payson Police Department is requesting that the Council direct the Town Attorney's Office to review the Animal Control ordinances for the Town of Payson and to address the following concerns:

- The number of household pets per dwelling
- Additions to the Animal Control ordinance including Potentially Dangerous Dogs, Dangerous Animals and Vicious Animals as recommended in Attachment #1

The Payson Police Department is recommending that the number of animals kept in each household/dwelling be limited to and shall not exceed a total of (4) household pets. This is with the exception of birds, fish and other pets that are kept fully within the resident's home and that do not create odor or sound that would be detectable at an adjoining lot. The Payson Police Department is recommending an exception be allowed to the limiting of household pets if the owner has full custody of more than the allowed number of pets prior to the adoption of this ordinance. However if one of the pets becomes deceased or is otherwise removed from the property it shall not be replaced with another if it would exceed the limit of four pets.

Public Hearing OCT 05 2006 F.3

**Town of Payson
Council Decision Request**

The Payson Police Department is also recommending that three new additions be made to the Animal Control Ordinance including Potentially Dangerous Dogs, as noted in attachment #1A, Dangerous Animal as noted in attachment #1B, and Vicious Animal as noted in attachment #1C.

The supporting documentation for these proposed changes are due mainly to:

- Increased urbanization
- Greater number of dogs and other animals in the community being kept in close proximity to humans and other animals
- Increased opportunity for animal attacks
- Vicious animals present a public health and safety problem to the community
- The number of animal attacks reported with serious injuries to adults and children have increased significantly
- Vicious dogs attack other domesticated animals

In an attempt to bring this problem under control, the Payson Police Department feels it is necessary to:

- Provide enclosures that are escape-proof for Potentially Dangerous dogs, Dangerous Animals and Vicious Animals
- Post signage identifying premises where Potentially Dangerous dogs, Dangerous Animals or Vicious Animals are housed
- Provide for notifications to be made to Payson Animal Control when Potentially Dangerous dogs, Dangerous Animals or Vicious Animals are sold transferred or permanently removed from the Town of Payson
- Establish a hearing procedure to put owners of vicious and dangerous/potentially dangerous animals on notice to control the confinement of these animals

PROS

Will limit the means in which dangerous/potentially dangerous animals can be maintained within the incorporated limits of the Town of Payson.

Will reduce incidents of attacks on humans and other animals.

Will increase public health and safety of the residents of the Town of Payson.

Will increase the total number of animals that are licensed and properly vaccinated against rabies in town records.

Will encourage spaying and neutering of animals that are vicious.

Will reduce aggressiveness and animals at large.

Will establish a warning and hearing procedure to put the owners of potentially dangerous and vicious dogs on notice.

Will provide for the destruction of animals where other lesser measures have failed or are inappropriate.

**Town of Payson
Council Decision Request**

Will place a limit on the number of household pets that are maintained per household/dwelling.

Restricts the time a litter of animals can be maintained within a premise.

Will allow for a 'Grandfather Clause' for persons who currently exceed four household pets per residence.

CONS

Does place a limitation on the number of animals that are permitted to be kept at each household/dwelling.

Provides for additional care/expenses for maintaining a vicious or potentially dangerous dog in the Town of Payson.

ATTACHMENT #1

A. Potentially Dangerous Dog(s)

- (1) _____ The animal while on the owner or keeper's property shall at all times, be kept secured from which the dog cannot escape. The animal may be off the property of the owner or keeper's property only if it is restrained by a substantial leash, of appropriate length.
- (2) _____ A sign must be posted in a conspicuous place near each entrance to the premises reading "Beware of Dog" of which the lettering must be at least (2) two inches in width and in height.
- (3) _____ The animal shall at all times be properly licensed and vaccinated.
- (4) _____ If the dog dies, or is sold, transferred, or permanently removed from the Town of Payson, the owner shall notify Payson Animal Control of the changed condition and new location of the dog within 72 hours.

B. Dangerous Animal

- (1) _____ The animal while on the owner or keeper's property shall at all times, be kept in a secure enclosure in such a manner as approved by Payson Animal Control, from which the dog(s) cannot escape. The animal may be off the property of the owner or keeper's property only if it is restrained by a substantial leash, of no more than (6) six feet in length and only when it is under the control of a responsible adult.
- (2) _____ A sign must be posted in a conspicuous place at or near each entrance to the premises reading "Beware Dangerous Animal" or "Beware Dangerous Dog" of which the lettering must be at least (2) two inches in width and in height.
- (3) _____ The animal shall at all times be properly licensed and vaccinated, and the licensing authority shall include the "Dangerous" designation in the dog's registration records.
- (4) _____ Before the animal can be sold, transferred, or permanently removed from the Town of Payson, the owner shall notify Payson Animal Control 72 hours in advance of the condition and new location.

C. Vicious Animal

- (1) _____ The animal while on the owner or keeper's property, shall at all times be kept indoors or in a secure enclosure in such a manner approved by Payson Animal Control, from which the dog(s) cannot escape, and into which children cannot trespass. The animal may be off the property of the owner or keeper's property only if it is caged or securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not more than (3) three feet in length and only when it is under the control of a responsible adult.
- (2) _____ All gates entering the secured enclosure or fenced yard must have self-locking latches and are to remain padlocked at all times, signs must be posted at each entrance and in a conspicuous place around the secured enclosure at least every 30 feet, reading "Beware Vicious Animal" or "Beware Vicious Dog" of which the lettering must be at least (2) two inches in width and in height.
- (3) _____ The animal shall at all times be properly licensed and vaccinated, and the licensing authority shall include the "Vicious" designation in the dog's registration records. Also the licensing authority shall charge (\$25.00) twenty-five dollars each year the title of Vicious Animal is associated with the animal in addition to the license registration.
- (4) _____ Before the animal can be sold, transferred, or permanently removed from the Town of Payson, the owner shall submit in writing an advanced notice to Payson

ATTACHMENT #1

Animal Control of not less than 72 hours. The notice shall include the name, address, and phone number of the responsible adult taking possession of the animal.

- D.** A violation of this section shall be cited as a civil violation except in instances where the violation falls within the provisions of A.R.S 13-1208, in which instances the violation shall be cited as a criminal offense.