ORDINANCE NO. 796

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 90.04 AND 90.17 AMENDING THE DEFINITION OF AND CARE PROVIDED TO EXOTIC ANIMALS. (EXOTIC ANIMALS)

WHEREAS, the Town of Payson, through the Town Council, regulates the keeping of animals, including exotic animals, within the Town; and

WHEREAS, the regulation of exotic animals is necessary to protect the health and safety of the citizens of the Town as well as the exotic animals themselves; and

WHEREAS, the Town desires to amend the definition of an 'exotic animal' and the care required for keeping such animals,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. The definition of EXOTIC ANIMAL in Section 90.04 of the Code of the Town of Payson is hereby amended and shall read as follows:

EXOTIC ANIMAL. Any live non-human primate ~~monkey~~, alligator, crocodile, cayman, raccoon, skunk, fox, bear, bison, deer, elk, moose, sea mammal, poisonous reptile ~~snake~~, constrictor more than six (6) fee in length, member of the feline species including hybrids other than domestic cat, member of the canine species including hybrids other than domestic dog, or any other animal that would require a standard of care and control greater than that required for customary household pets ~~sold by commercial pet shops,~~ or domestic farm animals.

Section 2. Section 90.17(A) of the Code of the Town of Payson is hereby amended and shall read as follows:

90.17 KEEPING OF EXOTIC ANIMALS; SWINE

~~(A) Exotic animals. It shall be unlawful for anyone to own, harbor or permit at large any exotic animal without the written permission of the Chief of Police. Permission shall be given only if it is demonstrated to the satisfaction of the Chief of Police that the animal will not constitute a threat to public health or safety.~~

(A) Keeping of exotic animals. It shall be unlawful for anyone to own, keep, harbor or permit at large any exotic animal without the written permission of the Chief of Police. Prior to giving such permission, it shall be determined to the satisfaction of the Chief of Police that:

(1) the health and safety of the exotic animal will be adequately cared for; and

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FIRST READING AND PUBLIC HEARING

SECOND READING AND PUBLIC HEARING

(2) the exotic animal will not constitute a threat to public health or safety.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. If any section, subsection, or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Common Council of the Town of Payson declares that they would have adopted this Ordinance and each section, subsection, or portion thereof despite the fact that any one or more sections, subsections, or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2011, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Timothy M. Wright, Town Attorney