

ORDINANCE G-6167

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE I, PHOENIX CITY CODE, BY ADDING SECTION 8-3.08, RELATING TO ANIMALS, UNLAWFUL RESTRAINT OF DOG; DEFINITIONS; PENALTY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:

SECTION 1, Chapter 8, Article I, Phoenix City Code is amended by adding Section 8-3.08 to read:

Sec. 8-3.08. UNLAWFUL RESTRAINT OF DOG.

A. FOR PURPOSES OF THIS SECTION:

1. "EXTREME WEATHER CONDITIONS" MEANS:
 - i. THE ACTUAL OR EFFECTIVE OUTDOOR TEMPERATURE IS BELOW 32 DEGREES FAHRENHEIT OR ABOVE 100 DEGREES FAHRENHEIT;
 - ii. A HEAT ADVISORY HAS BEEN ISSUED BY A LOCAL, STATE, OR NATIONAL AUTHORITY FOR THE AREA; OR
 - iii. A MONSOON, HURRICANE, TROPICAL-STORM, DUST-STORM OR TORNADO WARNING HAS BEEN ISSUED FOR THE AREA BY A LOCAL, STATE, OR NATIONAL AUTHORITY.
2. "COLLAR" MEANS ANY COLLAR CONSTRUCTED OF NYLON, LEATHER, METAL, OR SIMILAR MATERIAL, SPECIFICALLY DESIGNED TO BE USED ON A DOG.

3. "OWNER" MEANS A PERSON WHO OWNS OR HAS CUSTODY OR CONTROL OF A DOG.
4. "PROPERLY FITTED" MEANS A COLLAR THAT MEASURES THE CIRCUMFERENCE OF A DOG'S NECK PLUS ONE INCH.
5. "RESTRAINT" MEANS A CHAIN, ROPE, TETHER, LEASH, CABLE, OR OTHER DEVICE THAT ATTACHES A DOG TO A STATIONARY OBJECT OR TROLLEY SYSTEM.

B. AN OWNER SHALL NOT RESTRAIN A DOG OUTSIDE BY USE OF A RESTRAINT THAT UNREASONABLY LIMITS THE DOG'S MOVEMENT OR DURING EXTREME WEATHER CONDITIONS.
A RESTRAINT UNREASONABLY LIMITS A DOG'S MOVEMENT IF THE RESTRAINT:

1. USES A COLLAR THAT IS NOT PROPERLY FITTED TO THE DOG;
2. IS IN LENGTH SHORTER THAN 10 FEET;
3. PLACES THE DOG IN UNSAFE OR UNSANITARY CONDITIONS;
4. CAUSES INJURY TO THE DOG; OR
5. DOES NOT PERMIT THE DOG ACCESS TO FOOD, WATER, SHADE, DRY GROUND, OR SHELTER.

C. PENALTY:

1. A PERSON FOUND RESPONSIBLE FOR VIOLATING SUBSECTION B OF THIS SECTION MUST BE ASSESSED A FINE NOT LESS THAN TWO HUNDRED AND FIFTY DOLLARS.
2. UPON A SECOND CONVICTION UNDER SUBSECTION B OF THIS SECTION, A PERSON IS GUILTY OF A CLASS ONE MISDEMEANOR PUNISHABLE BY JAIL FOR A TERM OF NOT LESS THAN FORTY-EIGHT HOURS AND A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS.
3. UPON A THIRD CONVICTION UNDER SUBSECTION B OF THIS SECTION, A PERSON IS GUILTY OF A CLASS ONE MISDEMEANOR PUNISHABLE BY JAIL FOR A TERM OF NOT LESS THAN FIFTEEN CONSECUTIVE DAYS AND A FINE OF NOT LESS THAN TWO THOUSAND DOLLARS.

D. A PERSON WHO HAS RESTRAINED A DOG IN COMPLIANCE WITH
SUBSECTION B(2) OF THIS SECTION IS NOT IN VIOLATION OF
SUBSECTION 8-14A.

PASSED by the Council of the City of Phoenix this 1st day of June, 2016

Greg Stanton
MAYOR

ATTEST:

Cris Meyer City Clerk

APPROVED AS TO FORM:

Patricia Boland Acting City Attorney

REVIEWED BY:

Ed Zuercher City Manager

VH:cv:1235449v1: (CM #29) (Item #34) - 6/1/16