

SUBMITTED BY: Kraig Fullen, Chief of Police

MANAGEMENT TEAM REVIEW: Ana Urquijo, City Manager

FOCUS AREA: Community Enhancement

ORGANIZATIONAL IMPROVEMENTS: N/A

SUBJECT: **SECOND READING of ORDINANCE NO. 23-1157**, an Ordinance of the Mayor and Council of the City of Douglas, Cochise County, Arizona, **AMENDING** Title 6 of the **ANIMAL CODE**, relating to the regulation of **ANIMALS; AMENDING VIOLATIONS AND PENALTIES; ESTABLISHING AUTHORITY FOR REMOVAL OF NUISANCE ANIMALS AND ORDERS TO SHOW CAUSE;** establishing severability of components of ordinance; and establishing an effective date thereof.

EXECUTIVE SUMMARY:

Staff has identified, and seek to remedy, conflicting provisions within Article 8.28.020 and Title 6 of the Douglas Municipal Code. Additional amendments to Title 6 are necessary for general housekeeping and to improve the efficiency and effectiveness in addressing repetitive complaints/violations involving nuisance animals.

BACKGROUND:

The definition of a public nuisance cat or dog presently includes a provision that the animal be the subject of an adjudication three (3) or more times for any violation in this chapter within a six-month period. In order to improve the efficiency and effectiveness in addressing repetitive complaints/violations involving nuisance animals, staff is recommending that the definition of a public nuisance cat or dog be amended to public nuisance animal and reduced to a period of 90-days.

Staff is requesting to amend section 6.04.030 Violations – Penalties to reflect the same 90-day period for the first, second and third violation with a reduced fine for each offense. The Magistrate has the discretion to suspend the fines for the first and second violation, but not the third which carries a fine of not less than \$150 or more than \$500.

Staff is requesting to add Section 6.04.035 Impoundment and Orders to Show Cause to ensure due process for the offending animal and/or the animal's owner/custodian which is currently absent in the ordinance. The Magistrate has the final authority based on the preponderance of the evidence to determine whether to release the animal back to the owner/custodian or to have the animal surrendered to the Douglas Animal Shelter for disposition through adoption or humane euthanasia, with adoption being priority.

Lastly, staff is requesting to switch the provisions under sections 6.04.345 and 6.04.350 as a housekeeping item to have the hold harmless clause following the section on adoptions rather than following after the cremation fees.

DISCUSSION:

Staff recommends that Title 6 be amended as noticed in the ordinance.

FISCAL IMPACT:

None

Fiscal Year: **Amount Requested:** \$ **Budgeted:** Y / N

Account (s):

The FY 2022-2023 Operating Budget establishes the revenues and expenditures for the City of Douglas for the upcoming fiscal year

“...I MOVE THAT THE MAYOR AND COUNCIL APPROVE THE SECOND READING OF ORDINANCE NO. 23-1157 BY NUMBER AND TITLE ONLY.”