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Town of Eagar
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Sent Via Email

Re: Title 6 – ANIMALS*

To whom it may concern,

I have reviewed the Title 6 Rules and Regulations and I wanted to send my input for review, and clarification.

Chapter 6.16.010 – Enforcement provision, states: *Unless otherwise provided herein, any person found violating any provision of this title shall be guilty of a misdemeanor, punishable in accordance with applicable state law. Any person violating Section 6.04.040 (public nuisance), Section 6.04.050 (animals at large), Section 6.04.060 (disturbing the peace), Section 6.10.010 (large animals), Section 6.12.050 (vaccination required), and Section 6.12.060 (dog at large), shall be guilty of a petty offense, punishable in accordance with applicable state law. If any violation is continuing, each day's violation shall be deemed a separate violation. If any person has two prior petty offense convictions (or defaults) for violations of this title, within twenty-four months, such person may be charged with a misdemeanor for any subsequent violation.*

My suggestion is to amend section 6.16.010 in its entirety to reflect: *Unless otherwise provided herein, any person found violating any provision of this title shall be guilty of a misdemeanor, punishable in accordance with applicable state law. If any violation is continuing, each day's violation shall be deemed a separate violation.*

Often when the court gets a citation for a Petty Offense, the Defendant will allow the case to default to a fine, because there are no consequences if they do not pay the fine or come to court. This amendment would leave the discretion to the city prosecutor, whether to amend the charge to a petty offense, grant a dismissal, or keep the original charge, on a case-by-case basis. When defendants are charged with a Petty Offense or a Civil charge, rather than a Criminal charge, it makes it difficult for the state or the court to enforce the charges. By amending this title, the state

would be able to look at each unique case individually and come to a fair conclusion with the defendant.

My hope for this amendment is that it will help lessen the animal issues in the towns of Eagar and Springerville and will encourage animal owners to comply with the city codes, as well as holding them accountable.

Please feel free to reach out to me with any questions or concerns.

Regards,



Butch L. Gunnels, Eagar & Springerville Magistrate