



Legislation Text

File #: 17-239, **Version:** 1

ORDINANCE NO. O17-25

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING THE CODE OF THE CITY OF GLENDALE, CHAPTER 6 (ANIMALS); AND SETTING FORTH AN EFFECTIVE DATE.

Staff Contact: Rick St. John, Police Chief

Purpose and Recommended Action

This is a request for City Council to waive reading beyond the title and adopt an ordinance amending the Code of the City of Glendale, Chapter 6 (Animals), adding Article III, Sections 6-26 through 6-29, relating to animal cruelty and neglect and animal seizure and related procedure.

Background

Arizona Revised Statutes (A.R.S.) §13-2910(A) addresses animal cruelty and neglect, and A.R.S. §13-4281 addresses animal seizures in cruelty and neglect cases and sets forth the process for notifications, forfeitures, bonds and hearings. While Arizona state laws address the issues, the laws are not as strong as they could be. Additionally, the state law process may be lengthy and it places the burden for costs related to animal care during the legal proceedings on cities and towns.

Under state law, animal owners accused of animal cruelty and neglect have 10 days to request a hearing, and the court has 15 days to schedule a hearing. After the hearing, the appeal process can take months, and the entire process may take up to 8 months. Meanwhile, the charges for care and treatment of the animals falls on the municipality. The City of Glendale, as well as other cities that have dealt with animal cruelty, neglect, and hoarding under existing state law continue to face enormous expense for animal care during legal proceedings. Additionally, because the involved animal(s) may not be released to the owner or offered for adoption until a resolution has been reached, the involved animal(s) may suffer ill-effects, as a lengthy stay in an unfamiliar environment can be taxing.

Although Glendale City Code Chapter 6 currently addresses several issues relating to animals within the City, e.g. vicious animals and leash law, it does not address cruelty or neglect. An ordinance that specifically addresses animal cruelty, neglect, and hoarding, along with the animal seizure and related procedure, will allow the City to more effectively deal with the issues and better manage care for the affected animals. An ordinance would also allow the City to shift the cost of care for the animals involved to the owners, instead of placing the financial burden on the City. A.R.S. §13-2910(F) authorizes cities and towns to adopt ordinances "at least as stringent as the misdemeanor provisions of this section."

Analysis

The Glendale Police Department is proposing an ordinance with the following features:

- Makes animal cruelty and animal neglect a Class 1 Misdemeanor under City Code
- Provides for seizure of mistreated and neglected animals
- Requires the posting a \$500 bond, per animal, on filing for a post seizure hearing
- Shifts some of the financial burden for the cost of care from the City to the owner during litigation
- Provisions for expedited trial court proceedings
- Provides for expedited appeal by special action, thereby expediting final resolution of cases

The proposed ordinance is not an attempt to remove the rights of pet owners, but instead a way to improve the process for the sake of the animal(s) involved in cruelty and neglect. Staff is requesting that Council waive reading beyond the title and adopt the proposed ordinance amending the Code of the City of Glendale, Chapter 6 (Animals), adding Article III, Sections 6-26 through 6-29, relating to animal cruelty and neglect and animal seizure and related procedure.

Previous Related Council Action

At the May 16, 2017 workshop, staff presented information to City Council regarding Glendale City Code, Chapter 6 (Animals), with respect to a proposed ordinance creating Article III, relating to animal cruelty and neglect.

Community Benefit/Public Involvement

The current process under A.R.S. can be cumbersome and difficult to navigate. The proposed ordinance provides for due process but streamlines the procedure and minimizes the opportunity for excessive delays, which can be challenging for the animal(s) involved. The proposed ordinance provides benefits including what's best for the animals, a cost savings for the City, and enhanced efficiency for those involved.

Budget and Financial Impacts

There is no negative fiscal impact to the City.