

## CHAPTER 6 ANIMALS

### ARTICLE 6-1 GENERAL

- 6-1-1 Noises
- 6-1-2 Housing

#### Section 6-1-1 Noises

It is unlawful to harbor or keep any animals that disturb the peace by unreasonable odors or by loud noises at any time of the day or night.

#### Section 6-1-2 Housing

It is unlawful to cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.

### ARTICLE 6-2 RABIES/ANIMAL CONTROL LEASH LAW<sup>1</sup>

- 6-2-1 Definitions
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<sup>1</sup>Ordinance 562-15

## **Section 6-2-1 Definitions**

In this article unless the context otherwise requires:

- A. "Animal" means any animal of a species that is susceptible to rabies, except man.
- B. "At large" means on or off premises of the owner and not under control of the owner or other person acting for the owner. Any dog in a suitable enclosure which actually confines the dog shall not be considered to be running at large.
- C. "Collar" means a band, chain, harness or suitable device worn around the neck of a dog to which a county license can be affixed.
- D. "County animal shelter" means any establishment authorized for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent in the performance of his official duties.
- E. "Department" means the state department of health services.
- F. "Dog" means a member of the *Canis Familiaris* family.
- G. "Enforcement agent" means that person in each county who is responsible for the enforcement of this article and the regulations promulgated thereunder.
- H. "Humane officer" means the enforcement agent or the designated deputy.
- I. "Impound" means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized county animal shelter in accordance with the provisions of this article.
- J. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains dogs under controlled conditions.
- K. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
- L. "Owner" means any person keeping an animal other than livestock for more than six consecutive days.
- M. "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
- N. "Rabies vaccination certificate" means a method of recording and duplicating rabies information that is in compliance with the county enforcement agent's licensing system and/or county enforcement agent's prescribed forms.
- O. "Stray dog" means any dog running at large that is not wearing a valid license tag.
- P. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian or in authorized county animal shelter by employees trained by a veterinarian.

- Q. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
- R. "Veterinary hospital" means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals or birds for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages or kennels for quarantine, observation or boarding.
- S. "Vicious animal" means any animal other than an animal used by law enforcement agency, that:
  - 1. has a propensity to bite, scratch or otherwise inflict injury on a human being without provocation. One incident of causing injury may be sufficient to establish a propensity; or
  - 2. has a propensity to approach human beings without provocation in a menacing or terrorizing manner so as to confine the movement of or instill fear in a reasonable person and;
  - 3. is declared vicious after a hearing before a justice of the peace or a town magistrate.

#### **Section 6-2-2 Powers and Duties of the State Veterinarian and the Livestock Board**

- A. The state veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.
- B. The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

#### **Section 6-2-3 Powers and Duties of State Department of Health Services**

- A. The state department of health services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.
- B. The state department of health services may require the enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aid in the control of rabies.

## **Section 6-2-4 Powers and Duties of Enforcement Agent**

- A. The enforcement agent:
  - 1. Shall enforce the provisions of this article and the regulations promulgated thereunder.
  - 2. May issue citations for the violation of the provisions of this article and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice.
  - 3. Shall be responsible for declaring a rabies quarantine area within area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the department of health services and the game and fish department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the state veterinarian.
- B. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.
- C. The enforcement agent may designate deputies.

## **Section 6-2-5<sup>1</sup> License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification**

- A. The council shall set an annual license fee which shall be paid for each dog three months of age or over that is kept, harbored or maintained within the boundaries of the town for at least thirty consecutive days of each calendar year. License fees shall become payable at the discretion of the council. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety days. A penalty fee of two dollars shall be paid if the license application is made less than one year subsequent to the date on which the dog is required to be licensed under this article. If the license application is made one year or later from the date on which the dog is required to be licensed, an additional penalty fee of ten dollars shall be paid for each subsequent year up to a maximum of twenty-two dollars. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty consecutive days.
- B. Durable dog tags shall be provided. Each dog licensed under the terms of this article shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the county, the number of the license and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while not in a confined, secure area or as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the enforcement agent.
- C. License fees may be lower for dogs permanently incapable of procreation. An applicant

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<sup>1</sup>Amended by Ordinance 270-03

for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.

- D. Any person who fails within fifteen days after written notification from the enforcement agent to obtain a license for a dog required to be licensed, counterfeits or attempts to counterfeit an official dog tag, or removes such tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is guilty of a class 1 misdemeanor.

#### **Section 6-2-6 Kennel Permit; Fee; Violation; Classification**

- A. A person operating a kennel shall obtain a license issued by the county enforcement agent of the county where the kennel is located except if each individual dog is licensed.
- B. The kennel will be in compliance with the county and town health and zoning ordinances and regulations before authorization is issued. The premises will be inspected by the county enforcement agent.
- C. Applicant must have written authorization from local authorities to have kennel in area requested. This must accompany the application fee.
- D. The annual fee for the kennel license is set by Maricopa County.
- E. All dogs in the kennel four months and over shall be properly vaccinated for rabies by a veterinarian licensed to practice in Arizona pursuant to this article.
- F. A dog remaining within the kennel is not required to be licensed individually under A.R.S. § 24-367. A dog leaving the controlled kennel conditions shall be licensed under A.R.S. § 24-367, except if the dog is only being transported to another kennel which has a license issued under this section.
- G. A person who fails to obtain a kennel license under this section is subject to a penalty of twenty-five dollars in addition to the annual fee.
- H. A person who knowingly fails to obtain a kennel license within thirty days after written notification from the county enforcement agent is guilty of a class 1 misdemeanor.
- I. The kennel will be constructed and maintained according to county health regulations.

#### **Section 6-2-7 Anti-Rabies Vaccination; Vaccination and License Stations**

- A. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used, and date revaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or

before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this article and the regulations promulgated thereunder.

- B. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in the state or a veterinarian employed by a governmental agency in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article and the regulations promulgated thereunder.
- C. The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

#### **Section 6-2-8 Rabies Control Fund**

- A. The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this article in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this article and the regulations promulgated thereunder.
- B. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

#### **Section 6-2-9 Dogs Not Permitted at Large; Wearing License<sup>1</sup>**

- A. No dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that a dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property.
- B. Any dog over the age of three months on or off the premises of the owner and not under physical control of the owner or persons acting for the owner, or any dog not in a suitable enclosure which actually confines the dog, shall wear a collar or harness to which is attached a valid license tag. Any dog over the age of three months on the premises of the owner and either confined or under physical control of the owner or persons acting for the owner need not wear a collar or harness with a valid license tag attached provided that they are properly vaccinated, licensed and in compliance with all sections of this ordinance. Dogs used for control of livestock or while being used or trained for hunting, or dogs while being exhibited or trained at a kennel club event, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.
- C. If any dog is at large on the public streets, public parks or public property, then said dog's owner or custodian is in violation of this article.

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<sup>1</sup>Amended by Ordinance 270-03

- D. Any person whose dog is at large is in violation of this article. A dog is not at large if:
1. Said dog is restrained by a leash, chain, rope or cord of not more than six feet in length and of sufficient strength to control action of said dog.
  2. Said dog is used for control of livestock, or while being used or trained for hunting, or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission.
  3. While said dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer, provided that the person training said dog has in his possession a dog leash of not more than six feet in length and of sufficient strength to control said dog, and further, that said dog is actually enrolled in or has graduated from a dog obedience training school.
  4. Said dog whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in paragraph 1 of this subsection or is within a suitable enclosure which actually confines the dog.
- E. The owner or persons acting for the owner of a dog is responsible for the acts and conduct of the dog at all times when the dog is in a public park. All dogs three months of age or older in or upon the premises of a public park must be currently licensed and shall wear a collar or harness to which is attached a valid license tag.
- F. The owner or persons acting for the owner of a dog must restrain and control the dog at all times when in a public park by securing the dog with a leash of not more than six feet in length, except when the dog is in an enclosed area within the park, which has been designated by the (county/municipality) as a dog exercise area.
- G. At all times when a dog is off leash in a designated dog exercise area as provided in subsection F of this section, the dog must be accompanied by and under control of the owner or persons acting for the owner. Additionally, the owner or persons acting for the owner must at all times, have a leash of not more than six feet in length in his or her possession.
- H. At all times when a dog is off leash and participating in a dog show, exhibition or obedience class as provided in subsection D of this section:
1. the dog must be accompanied by and under control of it's owner or persons acting for the owner or trainer or handler, who must at all times have a leash in his or her possession; and
  2. the owner or persons acting for the owner or trainer or handler or authorized representative of a club or organization to whom a permit has been issued, shall have the permit on their person at all times and shall present the permit for inspection upon request, to any police officer or authorized member of the public parks staff or enforcement agent.
- I. Any dog at large shall be apprehended and impounded by an enforcement agent.
1. Said agent shall have the right to enter upon private property when it is necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog and shall not include

entry into a domicile or enclosure which confines a dog unless it be at the invitation of the occupant.

2. Said agent may issue a citation to the dog owner when the dog is at large. The procedure for the issuance of notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this article shall be subject to provisions of A.R.S. § 13-3899. In lieu of issuing a citation, a report may be submitted to the county attorney or town prosecutor.
3. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain.
4. Any dog impounded under this section may be kept impounded until there is a final disposition of any criminal complaint arising from the alleged violation of this section, provided that the criminal complaint is filed within thirty days of the alleged violation.

J. Penalties

1. A violation of this section is a class 1 misdemeanor.
2. A second violation of this section within twenty-four months shall be punishable by fine of not less than one hundred dollars.
3. A third or subsequent violation of this section within twenty-four months shall be punishable by a fine of not less than five hundred dollars.
4. Any violation of this section when the dog has previously been determined to be vicious pursuant to this article shall be punishable by a fine of not less than five hundred dollars and imprisonment for a term of not less than five days.



5. In no case shall a person convicted of violating this section be eligible for suspension or commutation of sentence unless such person is placed on probation with the condition that the minimum fine be paid and term of imprisonment be served.

**Section 6-2-10 Establishment of Pounds; Impounding and Disposing of Dogs and Cats; Reclaiming Impounded Dogs and Cats; Pound Fees**

- A. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.
- B. Each stray dog or any cat impounded shall be kept and maintained at the county animal shelter for a minimum of seventy-two hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all fees and complies with the licensing and vaccination provisions of this article. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease.
- C. Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent, provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all county animal shelter fees. If the dog or cat is not reclaimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. Any person purchasing such dog or cat shall pay all pound fees.

**Section 6-2-11 Handling of Biting Animals; Responsibility for Reporting Animal Bites; Petition for Determination of Vicious Animals; Authority to Euthanize Animals<sup>1</sup>**

- A. An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in a county animal shelter or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by an authorized Maricopa County Animal Control Enforcement Agent (the "Enforcement Agenda").
- B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in a county animal shelter or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days, provided that livestock shall be confined and quarantined for the fourteen day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the Enforcement Agent.

<sup>1</sup>Ordinance 562-15

- C. Any wild animal which bites any person may be euthanized and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.
- D. Whenever an animal bites any person, the incident shall be reported to the Enforcement Agent immediately by any person having direct knowledge.
- E. If an Enforcement Agenda has investigated and determined that there is probable cause to believe that an animal is potentially dangerous or vicious, the aggrieved victim (or guardian, if the victim is a minor or disabled person), Supervisor of Maricopa County Animal Control, The Maricopa County Sheriff's Office or their designee may file a petition to have the animal declared potentially dangerous or vicious. The petition must be filed with the Town of Gilbert Municipal Court in accordance with all established procedures and policies. The petition shall be a form prescribed by the Town of Gilbert Municipal Court.
- F. The County Enforcement Agent may euthanize any animal confined and quarantined pursuant to this article prior to the termination of the minimum confinement period for laboratory examination for rabies if:
  - 1. Such animal shows clear clinical signs of rabies.
  - 2. The owner of such animal consents to its euthanization.
- G. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.
- H. The County Enforcement Agent shall euthanize a vicious animal upon an order of a Justice of the Peace or a Town of Queen Creek authorized Magistrate, or the Magistrate of another jurisdiction serving as the Town of Queen Creek Magistrate, pursuant to an Intergovernmental Agreement (the "Queen Creek Magistrate"). A Justice of the Peace or Town of Queen Creek Magistrate may issue such an order after notice to the owner, if any, and a hearing.
- H. Any animal impounded under this section may be kept impounded until there is a final disposition of any criminal complaint arising from the alleged violation of this section, provided that the criminal complaint is filed within thirty days of the alleged violation.

### **Section 6-2-12 Criminal Complaints**

Any animal impounded under this article may be kept impounded until there is a final disposition of the criminal complaint arising from the alleged violation of this article provided that the criminal complaint is filed within thirty days of the alleged violation.

### **Section 6-2-13 Unlawful Interference with Enforcement Agent**

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.

### **Section 6-2-14 Removing Impounded Animals**

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this article and the regulations promulgated thereunder.

### **Section 6-2-15 Unlawful Keeping of Dogs**

It is unlawful for a person to keep, harbor or maintain a dog within the town except as provided by the terms of this article.

### **Section 6-2-16 Violation; Classification**

Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a class 1 misdemeanor, and may be subject to imprisonment for a maximum period of six months or fined a maximum of \$1000.00 or both.

### **Section 6-2-17 Dogs; Liability**

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog's owner or person or persons responsible for the dog when such damages were inflicted.

### **Section 6-2-18 Confinement of Animals in Motor Vehicles**

- A. Confining Animals. No person having charge or custody of an animal, as owner or otherwise, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink or such other circumstances as may reasonably be expected to cause suffering, disability or death.
- B. Responsibility of Motor Vehicle Owner. No person having dominion or control over a motor vehicle, as owner or otherwise, shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such a period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink or such other circumstances as may reasonably be expected to cause suffering, disability or death.

- C. Exceptions. Nothing in this article shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.
- D. Authority of Peace Officer or Humane Officer. A peace officer or a humane officer who finds an animal in a motor vehicle in violation of this article may break and enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to an animal shelter or other place of safekeeping and shall in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner thereof. The animal will be surrendered to the owner if the owner claims the animal within ten days from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal. The person or animal shelter having custody of the animal will make reasonable efforts to contact the owner and give notice that the animal is in their custody and may be reclaimed by the owner upon payment of the reasonable maintenance charges. In the event the owner cannot be contacted, or expresses no interest in reclaiming the animal within three (3) days after contact or efforts to contact, the person or animal shelter having custody of the animal may dispose of the animal in any reasonably humane manner.
- E. Dogs Riding in Motor Vehicles; Restrictions; Application; Exception.
1. A person driving a motor vehicle on a highway shall not allow a dog to ride in that portion of the motor vehicle that is open in such a manner which would permit the dog to jump out of the motor vehicle or to be thrown from the vehicle by acceleration or stopping of the vehicle or in an accident involving the vehicle.
  2. Paragraph 1 of this subsection applies to open areas of a motor vehicle including the open bed of a truck, the interior of a convertible motor vehicle which has the top down or removed, the rear storage portion of a station wagon or van with the tailgate open or the trunk or hatchback portion of a motor vehicle with the trunk or hatchback open, but paragraph 1 does not apply:
    - a. If the dog is confined to a cage of adequate construction and design to prevent its escape from the motor vehicle;
    - b. to a portion of a motor vehicle which is fully enclosed except for open windows;
    - c. to a motor vehicle with an installed means of preventing the dog from being discharged;
    - d. if the dog is secured to the motor vehicle in a humane manner which will prevent the dog from being thrown in the event of an accident or from escaping from the motor vehicle.

#### **Section 6-2-19 Sterilization of Impounded Dogs and Cats; Definition**

- A. A dog or cat shall not be released for adoption from a county or town shelter or from an animal shelter unless either:
1. The dog or cat has been first surgically spayed or neutered.

2. The adopting party signs an agreement to have the dog or cat spayed or neutered within thirty days or before sexual maturity and deposits with the pound or shelter an amount sufficient to ensure that the dog or cat will be sterilized.
- B. If the adoption fee includes the cost of spaying or neutering, then no deposit is required. The amount of the deposit required by subsection A, paragraph 2 of this section shall be determined by the pound or shelter to be comparable to the lowest fee charged by veterinarians in the county. The pound or shelter shall refund to the adopting party any monies deposited pursuant to the agreement if within the time provided in the agreement there is presented written statement signed by a licensed veterinarian that the adopted dog or cat has been spayed or neutered.

- C. Any deposit monies that are not refunded under subsection A, paragraph 2 of this section shall be used only for the following purposes:
  - 1. Spaying or neutering dogs and cats.
  - 2. Public education to prevent overpopulation of dogs and cats.
  - 3. Costs of confirming that adopted dogs and cats are spayed or neutered.
- D. This section does not apply to a county or incorporated town that adopts an ordinance or resolution for dog and cat sterilization that exceeds the requirements of this section.
- E. For purposes of this section, "animal shelter" means a facility that is used or designated for use to house or contain any dog or cat and that is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit corporate organization devoted to the welfare, protection and humane treatment of animals.

#### **Section 6-2-20 Proper Care, Maintenance and Destruction of Impounded Animals**

- A. Any animal impounded in a county or town shelter shall be given proper and humane care and maintenance.
- B. Any animal destroyed while impounded in a county or town shelter shall be destroyed only by the use of one of the following:
  - 1. Sodium pentobarbital or a derivative of sodium pentobarbital.
  - 2. Nitrogen gas.
  - 3. T-61 Euthanasia solution or its generic equivalent.
- C. If an animal is destroyed by means specified in subsection B, paragraphs 1 or 3 of this section, it shall be done by a licensed veterinarian or by personnel trained by a veterinarian.
- D. The governing body of any county or town which operates a shelter shall establish procedures for the humane destruction of impounded animals by the methods described in subsections B and C of this section.

## **ARTICLE 6-3 BEES AND BEE KEEPING<sup>1</sup>**

- 6-3-1 Definitions
- 6-3-2 Permits
- 6-3-3 Requirements
- 6-3-4 Prohibited Acts
- 6-3-5 Exceptions
- 6-3-6 Penalty
- 6-3-7 Abandoned Hives, Colonies and Apiaries

### **Section 6-3-1 Definitions**

In this article, unless the context otherwise requires:

- A. "Apiary" means one or more hives or colonies of bees at one location.
- B. "Colony" means the inhabitation of the hive including the queen, drones, worker bees and brood.
- C. "Hives" means the domicile of bees including any receptacles or containers inhabited by bees.
- D. "Swarm" means a population of transient bees that have not permanently established themselves.

### **Section 6-3-2 Permits**

- A. Prior to the keeping of any hive, colony or apiary within the limits of the town, all persons shall be required to obtain a beekeeping license issued by the town clerk. The application form for the license shall include the name, address and telephone number of the person seeking the license as well as the name, address and telephone number of the property owner. If the applicant is other than the property owner, then the application shall also include written permission of the owner for the use of the property for keeping a hive, colony or apiary. The form shall also include a drawing of the property indicating the location for the keeping of the hive, colony or apiary and an acknowledgment that prior to the placing of the hive, colony or apiary upon the property that an adequate supply of water is available on the property in close proximity to the hive, colony or apiary.
- B. An annual fee of ten dollars shall be charged and collected for the issuance of each license and a separate license will be required for each separate location at which bee keeping will occur.

### **Section 6-3-3 Requirements**

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<sup>1</sup>Ordinance 52-94

- A. Any receptacle or container inhabited by bees shall be marked on the outside in such a manner as to reflect the license number issued by the town.
- B. A permanent and adequate water supply must be available on the property at all times within thirty feet of the hive, colony or apiary.
- C. In residential zones classified R-1-35 or smaller, all hives, colonies and apiaries must be located no closer than thirty feet to any exterior property line. In residential zones classified R-1-43 or greater and in commercial or industrial zones, the thirty foot limitation shall only apply along the property line that abuts residential property zoned R-1-35 or smaller.

#### **Section 6-3-4 Prohibited Acts**

The following are prohibited:

- A. The keeping of bees whether or not for commercial purposes without first having obtained a permit.
- B. Failure to provide adequate water supply as set forth in Section 6-3-3.
- C. Any act or omission the result of which is to allow bees to be kept in such a manner so that they present a hazard to the public health, safety and welfare of the residents.

#### **Section 6-3-5 Exceptions**

The provisions of this Article do not apply to any property owner upon whose property a swarm of transient bees are attempting to or have established a domicile.

#### **Section 6-3-6 Penalty**

Upon conviction of a violation of any provision of this Article, the first offense shall be punished as a petty offense and all subsequent convictions within a two year period shall be treated as class I misdemeanors.

#### **Section 6-3-7 Abandoned Hives, Colonies and Apiaries**

Any hive, colony or apiary which does not contain the marking requirements of subsection A of Section 6-3-3 and the water supply requirement of subsection B of Section 6-3-3 and for which no permit required by Section 6-3-2 has been issued shall be presumed to be abandoned. The town upon a complaint may take all action necessary to remove the abandoned hive, colony or apiary from the property.