

City Code Chapter 14 Updates

**Community Safety Subcommittee
October 23, 2023**





Timeline

- Police and Law departments began discussing potential Chapter 14 amendments several years ago
- May 2022 – hearing held on animal seizure case in Chandler Municipal Court
 - Court Administrator provided input on the post-seizure hearing process to make it more consistent with best practices
- February 2023 – More revisions were made to add new animal cruelty offenses under which police officers could arrest violators and seize and impound animals
- February 2023 - August 2023 – revisions were circulated for consideration and edits among the Law Department and Police Department
- August 2023 – draft ordinance amending Chapter 14 was submitted to City Manager’s Office for initial review



Outreach

- Staff provided draft Chapter 14 amendments to several animal welfare organizations for review and/or comment:
 - Arizona Humane Society
 - Arizona State Veterinary Medical Examining Board
 - AZ Pet Project
 - Maricopa County Animal Care and Control
 - Arizona Animal Welfare League (declined to review)



Current Challenges

- Current Chapter 14 outdated language:
 - Too narrowly defines animal cruelty
 - Does not adequately address the issue of animals seized for safekeeping purposes in non-cruelty cases
 - Current Code does not provide adequate regulations relating to the hoarding of animals in unsafe and/or unsanitary conditions
 - Post-seizure hearings currently are based on State law and do not provide adequate procedures in addressing lawfulness of the seizure in Chandler Municipal Court



Background

- **City's role when an animal is seized**
 - Officer provides the owner of the animal with a Notice of Animal Seizure
 - Officer contacts Arizona Humane Society (AHS) to provide transportation, housing, and care for animals.
 - Officer files proof of service with the Chandler Municipal Court
 - Owner of the animal can contest the seizure in the Chandler Municipal Court
- **Police response protocols**
 - Officers use Fourth Amendment principles for animal cruelty seizures
 - Consent to search exception requires consent from the property owner to enter the property



Background

- **Potential charges for different forms of abuse**
 - Common cases of animal cruelty are designated as class 1 misdemeanors
 - More serious cases of cruel neglect or abandonment resulting in serious physical injury to the animal are designated as class 6 felonies
 - Most serious cases of abuse such as intentionally or knowingly subjecting a domestic animal to cruel mistreatment is a class 5 felony



Background

- Animal rescue shelter working out of a home is considered a home-based business and not granted by right
 - Currently, animal rescues and kennels are only permitted in C-3, Regional Commercial
 - Conditional use permit is required to operate in residential areas
 - Planning staff would need to gauge several variables to consider approval
 - Number of animals
 - How waste is managed
 - Neighborhood compatibility
 - Planning staff has no recollection of any instances where animal shelters were granted approval to operate as home-based businesses within the city limits.



Other Municipalities

- Cities that have implemented a dedicated animal hoarding ordinance, setting a minimum threshold of 10 or more animals:
 - Marana
 - Phoenix
- Cities that have ordinances similar to a hoarding regulation but do not directly regulate animal hoarding based on the number of animals:
 - Scottsdale
 - Goodyear
 - Peoria
 - Flagstaff
- Cities that grant authorization for the seizure of animals in cases associated with hoarding:
 - Gilbert
 - Glendale
 - Surprise
 - Tempe
 - Tucson



Proposed Changes

- More clearly define “Animal Cruelty” to include specific situations such as:
 - Failing to provide medical attention necessary to prevent unreasonable suffering
 - Intentionally leaving an animal unattended in a motor vehicle
 - Allow any dog to interfere, kill or cause physical injury to a service animal
- Add section on Animal Hoarding
 - If person possesses animals under circumstances injurious to the health or welfare of any animal
 - Abandonment
 - Unsanitary, overcrowded, other inhumane conditions
 - Failure to provide medical care
 - Failure to provide suitable water and necessary food appropriate for the species



Proposed Changes

- Add language to section on unlawful restraint of dog
 - Collar not properly fitted to the dog
 - Length is shorter than 10 feet
 - Places the dog in unsafe or unsanitary conditions
 - Causes injury to the dog
 - Does not allow dog to access food, water, shade, and shelter
- Update language on authority to seize and impound animals subjected to cruelty
 - Peace officer has reasonable grounds to believe that very prompt action is required to protect the health or safety of the animal



Next Steps

- October 23, 2023: Community Safety Subcommittee
- November 9, 2023: Introduce Ordinance Amending Chapter 14
- December 7, 2023: Final Adoption of Ordinance Amending Chapter 14
- January 2024: Ordinance Effective Date

Thank you!



Questions?