

Review of Proposed Changes to Chapter 14 of the Chandler City Code

Eon,

Please find my thoughts and suggestions. Also know that I have shared this with a few rescue organizations who are part of the PACC911 partnership. I hope you also get some feedback from them and I hope this is helpful.

Specific Definition of Animal Cruelty:

A note on this subject:

A major obstacle in defining animal cruelty properly and finding the appropriate penalties for the often-heinous acts committed on animals, is the fact that they are still considered “property” in the laws upheld in most cities. Animal rights organizations for years have tried to change this status to be able to institute harsher penalties on those who prey on companion animals. Instead of “ownership” of an animal we would suggest referring to those who have animals as part of their families as “guardians”.

Animals are salient beings who know love, and experience fear and pain. They suffer as humans do and deserve to be recognized as the living beings they are. They are not inanimate objects as those possessions that we all have. Companion animals are part of our families.

Perhaps the city of Chandler can consider this change of language as you update and revise your laws, becoming a leader in animal welfare by espousing this change in language.

Definition:

Animal Cruelty must cover all possible types of abuse of a salient being including:

Physical abuse of any kind

Neglect or deprivation of basic needs as food, water, shelter.

Medical Neglect, which can also include proper grooming for those with long hair that mats and can cause the eyes to shut or the mouth to not open, the nails to curl into the feet if not cut regularly.

Abandonment

Tethering on a chain

(if tethered at all, must use lightweight tethers and have adequate water accessible and adequate shade in hot months). Animals should not be held outside if temperatures are above 100 degrees.

Confinement to a cage for prolonged hours every day wherein the animal gets no exercise or escape from the caged life.

Introduce a New section addressing animal Hoarding:

What constitutes "Hoarding"

Generally, too many animals without the finances to care for them properly,

lack of spay/neuter protocols,

lack of medical treatment and grooming,

lack of proper space to house animals comfortably. (Animals are often crated for their entire lives, never exercised),

Unclean conditions

City of Chandler must define the conditions that constitute hoarding and establish protocols for intervention and assistance for hoarders, while removing the animals and working with the non-profit sector to safely place those removed needing care and medical assistance. No animals should ever be returned to the hoarder. All animals must be spayed and neutered when healthy enough to do so.

There should be a registry of hoarders that is available to rescue organizations and the public sector.

Strengthening Unlawful Restraint laws:

Set Clear standards for the proper housing and confinement of animals. Define suitable enclosures and tethering restrictions and the length of time animals may be lawfully restrained. If tethered, chains should be prohibited, food, water, shade must be easily accessible.

Authority to Seize Animals:

Grant city peace officers authority to seize animals in cases of cruelty, hoarding or unlawful restraint. Clearly outline these circumstances under which this action can be taken ensuring due process and safeguards for animals and their owners.

Disposition of Animals in Emergencies:

Establish protocols for the care and rehoming of animals that have been displaced due to recent death, injury, or arrest of their owner. This would involve collaboration with other non-profit animal rescues such as PACC911 and its affiliates, or Arizona Humane Society to insure the well-being of these animals. Such agencies should be granted immediate access to the homes or apartments where animals have been left due to tragic circumstances so that they are not left for days with no food, water or care.

This would be contractual with such agency.

Post Seizure hearings and forfeiture:

Hearings should be held to determine the lawfulness of any seizure and potential forfeiture of animals subjected to cruelty, hoarding or unlawful restraint.

Guidelines for the process should be clearly defined and should include notification to the owner.

Education and Outreach

City of Chandler should consider partnering with non- profit agencies who serve schools and provide funding for educational programs to raise awareness about responsible Pet ownership and animal welfare including the need for spay /neuter to keep populations in check.

Establish a mechanism for regular reviews of animal protection laws to ensure they remain relevant and effective in addressing emerging issues and challenges.

Encourage public participation in the legislative process regarding animal protection laws and allow people to be heard.

Bari Mears

PACC911

President/Founder

From: Leanna Taylor <ltaylor@azpetproject.org>
Sent: Tuesday, October 24, 2023 9:56 AM
To: Kelly Schwab <Kelly.Schwab@chandleraz.gov>
Subject: Re: Chander City Code Amendments

Hi Kelly,

Thank you so much for following up. I had a chance to review the document but haven't sat down to organize my thoughts. I'm still going to try and get you something more comprehensive, but my schedule is really terrible this week. In the meantime, I want to share some overarching thoughts.

First, we really appreciate you taking the time to solicit broad input. It's very refreshing.

Our hope is that ordinance enforcement is *always* a last resort after other interventions are attempted. For the most part, pet owners in violation of ordinances aren't acting with cruelty or malice, and simply don't have the financial resources to address a situation when it arises. There are groups like ours that will provide supportive services to those individuals to help bring them into compliance if given the chance.

My main concern is that the ordinance doesn't have a phased approach written into the code. The most success comes from a warning, the provision of a list of agencies that can assist, and then a follow-up visit. When terrible cases like the one you are dealing with right now happen, the kneejerk reaction is to increase punitive measures, but the reality is this doesn't prevent hoarding or cruelty and instead punishes low-income families, especially seniors on a fixed income. We need to be able to delineate between someone like April and a grandma with a sick cat she can't afford to treat.

There has been a flurry of recent literature and the issuance of best practices from national organizations that provide guidance on enforcement, and how to move from punishment to support. Here is a study from the National Institute of Health.
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7602950/>.

The Arizona Pet Project is committed to the City of Chandler in providing services for individuals in violation, who can't afford the cost to come into compliance.

Please let me know if you would like to discuss this further, and thanks again for reaching out.

Leanna

From: Tracey Miiller <tmiiller@azhumane.org>
Sent: Friday, October 20, 2023 10:39 AM
To: Ean White <Ean.White@chandleraz.gov>
Cc: Kelly Schwab <Kelly.Schwab@chandleraz.gov>
Subject: RE: Chandler Ordinance

Good morning. I have added a few comments/questions in the document. Not sure if they are doable, but I thought I would ask. Dr. Hansen was wondering if the wording could be changed for the failure to treat section. Here are his comments:

I have read the document and agree with your comments Tracey. My only addition is the bar is high with medical care "necessary to prevent unreasonable suffering." For me there is no reasonable suffering. But what language is better?

Necessary to provide minimum quality of life that a typical person would deem appropriate.

Necessary to provide a quality of life that a reasonable person would provide.

Necessary to provide basic health and welfare.

Necessary to maintain a quality of life free from pain, fear, distress and suffering.

Thanks again for all of your hard work with putting this together. If you need anything else from me just let me know.

Tracey