

Proposed Ordinance

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING TITLE 6 OF THE SAN LUIS CITY CODE BY ADDING A NEW CHAPTER 6.20 ABUSE OF ANIMALS; IMPOSING PENALTIES FOR VIOLATION; REPEALING ANY CONFLICTING PROVISIONS AND ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, under Arizona law, it is not illegal to hit your dog; and

WHEREAS, an incorporated city may adopt an ordinance with misdemeanor provisions at least as stringent as the misdemeanor provisions of A.R.S. § 13-2910(F); and

WHEREAS, A.R.S. § 13-2910(F) requires that any ordinance adopted shall **not** prohibit or restrict:

- any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock
- or the activity is permitted by or pursuant to Arizona Revised Statutes Title 3.

THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of San Luis, Arizona:

Section 1: This Ordinance adds a new Chapter, numbered 6.20 and titled “Cruelty to Animals,” to the San Luis City Code under Title 6, Animals:

Chapter 6.20

CRUELTY TO ANIMALS

Section 6.20.010 Definitions.

As used in this chapter, the term “animal” shall have the following meanings unless the context clearly indicates that a different meaning is intended:

ANIMAL. A vertebrate, living creature not including a human being and not including a fish.

Section 6.20.020 Abuse of animals; exceptions.

A person commits abuse of animals if the person does any of the following:

(A) Intentionally, knowingly, or recklessly uses physical force to beat, batter, thump, pound, pummel, punch, or repeatedly hit, strike, slap, or smack any animal under the person's custody or control.

(B) It is no defense to subsection A of this section that the animal is struck to impose punishment or discipline.

(C) It is no defense to subsection A of this section that actual physical injury did not occur.

(D) The use of physical force against an animal, which would otherwise constitute an offense, is justifiable and not criminal when and to the extent a reasonable person would believe that physical force is immediately necessary to protect himself or herself, a third person, or a domestic animal to prevent another animal's aggressive conduct.

(E) Nothing in subsection A of this section shall be deemed to prohibit any action by a licensed veterinarian done per accepted standards of veterinary medicine.

Section 6.20.030 Poisons

(A) No person shall administer poison to any animal nor knowingly leave any poisonous substance of any kind or ground glass in any place with the intent to injure any animal.

(B) this chapter does not apply to:
(1) licensed veterinarians administering poison to animals for humanitarian purposes.
(2) licensed exterminators using poisons as part of a pest control program
or
(3) any person using commercially available insecticides and rodent baits to control insects and wild rodents.

Section 6.20.990 Penalty and its classification

A person who violates Section 6.20.020(A) is guilty of a class 1 misdemeanor.

Section 2: In the event of a conflict between the provisions of this ordinance and any other ordinance, resolution, order, regulation, or policy of the City of San Luis, this ordinance repeals, supersedes, and replaces such conflicting provisions, and the provisions of this ordinance shall govern.

Section 3: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

PASSED, ADOPTED, and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona, this ____day of April 2022.

Gerardo Sanchez, Mayor

ATTEST:

APPROVED AS TO FORM:

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney