



## **BOARD OF SUPERVISORS AGENDA ITEM REPORT**

**Requested Board Meeting Date:** January 19, 2016

**Title:** An Ordinance Amending Pima County Code 6.04.070 Dog vaccinating, licensing and permitting procedure and fees within county limits.

### **Introduction/Background:**

Pima County Code 6.04.070 itemizes dog licensing fees. The Pima County Animal Care Advisory Committee recommends that the senior/disabled unaltered dog and the ten year old dog licensing fees be eliminated. Additionally, the committee moved and approved additional staff proposed service dog and rabies vaccination enforcement language. Staff concurs with this recommendation and has generated the proposed ordinance to change dog licensing fees.

### **Discussion:**

Pima County Code 6.04.070 Dog vaccinating, licensing and permitting procedure and fees within county limits, was last updated on May 19, 2015 to eliminate the low income unaltered dog license fee. At that meeting, the Board of Supervisors proposed that the licensing fee for law enforcement working dogs be eliminated. This ordinance includes a provision accomplishing this Board desire.

Additionally, in response to requests and concerns from the disability community and in consultation with the Pima County Attorney's Office, Pima County Code 6.04.070 service dog language has been updated to be consistent with the State of Arizona definition of a service animal, and fees associated with service animals have been eliminated.

In recent years the County, its citizens and many animal welfare partners have invested significantly in low cost spay/neuter programs to provide affordable options for low income owners as part of our comprehensive strategy to reduce pet overpopulation. Elimination of the senior/disabled unaltered and ten year old dog fee categories would be consistent with that position.

Owners who whose dogs cannot be altered due to the surgical risks of the procedure or underlying health of the animal will still be eligible for the altered dog fee upon presenting a veterinarian's certificate documenting the reasons for the inability to comply with the alteration requirement. The cities of Tucson and South Tucson and the Town of Marana have a similar provision in their dog licensing code.

Additionally, in response to a recommendation of the Pima County Attorney's Office, enforcement capabilities have been added to the language providing the County the ability to appropriately respond to violations.

Finally, staff recommends replacing the term "Senior" with "Person(s) aged 65 or older" throughout the Chapter to better define at what ages senior citizen discounts apply.

At its December 17, 2015 meeting, the Advisory Committee concurred with these recommendations and passed a motion to eliminate the senior/disabled unaltered dog fee as well as the ten year old dog license fee and to support the Board's working dog language as well as the service dog language changes. They also expressed the view that unaltered service dogs should be assessed the unaltered dog licensing fee.

The Pima County Board of Health heard these proposed provisions at their December 9, 2015 meeting.

Pursuant to Arizona Revised Statute 11.251.13, the proposed fee changes were posted to the County's Proposed Taxes and Fees page on November 18, 2015.

The ordinance is projected to be advertised in the Daily Territorial on December 30 and 31, 2015.

**Conclusion:**

The proposed changes to Pima County Code Chapter 6.04 supports the County's initiative to maximize alteration of dogs in Pima County while providing for health alternatives. Furthermore, the changes simplify enforcement language, clarify that animal control officers can enforce rabies vaccination provisions and identifies what age senior citizen discounts are authorized.

**Recommendation:**

Staff recommends the Board adopt Ordinance 2016- \_\_\_\_\_ Amending Pima County Code Title 6, Chapter 6.04.

**Fiscal Impact:**

Staff projects insignificant to no fiscal impact.

**Board of Supervisor District:**

- 1
- 2
- 3
- 4
- 5
- All

Department: Health

Telephone: 724-7776

Department Director Signature/Date:

*Jm* 12/23/15

Deputy County Administrator Signature/Date:

*[Signature]* 12/23/15

County Administrator Signature/Date:

*C. Deuelbay* 12/23/15

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO ANIMALS; AMENDING PIMA COUNTY CODE CHAPTER 6.04 TO ALLOW ENFORCEMENT OF THE COUNTY RABIES VACCINATION REQUIREMENT; AMEND SENIOR CITIZEN, SERVICE DOG AND LAW ENFORCEMENT WORKING DOG EXEMPTIONS AND ELIMINATING CERTAIN UNALTERED DOG LICENSE PROVISIONS**

**THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, FINDS THAT:**

1. The Board of Supervisors has authority under A.R.S. §§ 11-251(17), 11-251.05 and 11-1008 to set dog licensing fees.
2. Currently, there is no provision that allows Animal Care or law enforcement officers to enforce the mandated rabies vaccination provision of the Pima County Code. Therefore, it is in the best interest of the County to provide the authority to enforce the rabies vaccination provision and update enforcement sections.
3. It is in the best interest of the County to clarify senior citizen age.
4. It is in the best interests of the County to update the service dog language and add a dog licensing exemption for law enforcement working dogs.
5. It is in the best interest of the County to support spay and neuter of cats and dogs. Eliminating discounted licensing fees for unaltered dogs best supports that interest.

**THEREFORE BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:**

**SECTION 1:** Section 1 of Ordinance No. 2015-22 and subsections 6.04.050 (A), 6.04.060 (L) and 6.04.070(B) and (J) of the Pima County Code are amended to read as follows:

CHAPTER 6.04

ANIMAL CONTROL REGULATIONS

**6.04.050 Enforcement Authority – Disposition of fines**

- A. The animal care enforcement officers ~~may issue citations for the violation of Sections 6.04.030, 6.04.110 and 6.04.120 of this chapter.~~ are authorized to enforce the provisions of this chapter and to issue citations for violations of this chapter.

**6.04.060 - Pound fees.**

L. Persons aged 65 or older Senior-citizens will receive a ten percent reduction of adoption fees.

**6.04.070 - Dog vaccinating, licensing and permitting procedure and fees within county limits.**

B. The licensing fees for dogs three months of age or over which are kept within the boundaries of the county for at least thirty consecutive days are as follows:

1. Regular, unaltered dog — sixty dollars.
2. Regular, altered dog—fifteen dollars.
3. Dogs declared dangerous or vicious—one hundred dollars.
4. ~~Senior/disabled citizen owner, unaltered dog (limit four discounted dog licenses per household)—seventeen dollars.~~
- 4.5. Person aged 65 or olderSenior/disabled citizen owner, altered dog (limit four discounted dog licenses per household) --- ten dollars.
5. Upon showing a veterinarian's certificate stating that a dog cannot be altered for health reasons - the regular, altered dog fee will apply. Dogs ten years of age or older fifteen dollars.
6. A dog owner with a household income below the federal poverty level is eligible for an eight dollar dog licensing fee per altered dog (limit four discounted dog licenses per household).
8. ~~A guide dog belonging to a blind person who is a resident within Pima County, or a dog certified, in writing, as being trained to the standards of a service animal by a national recognized service dog training agency belonging to a resident within Pima County shall be licensed pursuant to this article without payment of a fee.~~
7. A service animal, or a dog training to be a service animal, as defined by Arizona Revised Statute section 11-1024 may be licensed under this section without payment of a fee. An applicant for a license fee waiver for a service animal must sign a written certification that the dog is a service animal, or is in training to be a service animal, as defined in A.R.S. section 11-1024. The written certification must be in substantially the same language as in A.R.S. section 11-1008(F)(2). A person who makes a false certification under this section is guilty of a petty offense and subject to a fine that does not exceed fifty dollars.
8. An active working dog belonging to a law enforcement agency, or an altered retired law enforcement working dog, may be licensed under this section without payment of a fee.
9. Processing/Postage fee per license, one dollar.

J. Penalty. The owner of any dog who fails to vaccinate and license or permit such dog pursuant to this section is guilty of a Class 2 misdemeanor, which is punishable by a fine of not less than one hundred fifty dollars nor more than seven hundred fifty dollars, four months in jail, two years' probation, or any combination thereof. No judge may grant probation in lieu of, or otherwise suspend, the imposition of the minimum

fine prescribed herein; provided however that where a violation of this section is charged, the fine shall be reduced to seventy-five dollars upon a showing to the court of proof of vaccination and licensing or permitting, as is required for such dog, within fifteen days of issuance of the complaint.

**SECTION 2.** This Ordinance is effective 30 days after the date of adoption.

**PASSED AND ADOPTED** by the Board of Supervisors, Pima County, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Chair, Board of Supervisors

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy County Attorney