

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO ANIMALS; AMENDING PIMA COUNTY CODE TITLE 6, CHAPTER 6.04 SECTIONS 6.04.090 AND 6.04.180 BY ADDING FURTHER REQUIREMENTS FOR ALTERING PETS AND RELEASING PETS TO DULY INCORPORATED NONPROFIT ORGANIZATIONS

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

1. It is in the best interest of the County to modify Pima County Code Section 6.04.090 to require both adopted and redeemed dogs and cats to be surgically sterilized. Currently the Code only requires dogs and cats adopted, but not dogs and cats redeemed, from Pima Animal Care Center to be surgically sterilized prior to release unless specifically exempted.
2. It is in the best interest of the County to eliminate its homeless pet population to include providing for trap, neuter and return of healthy, un-owned community cats and further requirements for altering pets as key provisions in achieving that goal.
3. The Pima Animal Care Center partners with humane societies and other nonprofit animal welfare organizations.
4. The Pima Animal Care Center can increase its life-saving capacity and effectiveness by transferring unaltered dogs and cats to such organizations.
5. It is in the best interests of the County to authorize the Pima Animal Care Center to release unaltered, unclaimed animals to duly incorporated humane societies and other nonprofit corporate organizations and further require those organizations to alter the pets before they are adopted to suitable homes from the organization.

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

SECTION 1: Pima County Code Title 6, Chapter 6.04, 6.04.090 is amended to require redeemed, as well as adopted, dogs and cats to be altered prior to release from the Pima Animal Care Center, with some exceptions and to require alteration of pets transferred to certain duly incorporated nonprofit organizations; and 6.04.180 is amended to authorize the Center to release pets to certain duly incorporated nonprofit organizations and further require those organizations to alter the pets before they are released to a community cat program or adopted to a suitable home:

CHAPTER 6.04

ANIMAL CONTROL REGULATIONS

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6.04.090 Mandatory spay/neuter program for dogs and cats.

~~The following standards are approved for the adoption of any unclaimed dog or cat:~~

~~A. Any dog or cat held by the Pima Animal Care Center for the period required by law and not reclaimed by its owner may be released for adoption subject to the following conditions:~~

- ~~1. The adopting owner must pay a fee pursuant to Section 6.04.060. A transportation fee of no more than six dollars per dog or cat may also be charged to adoption owners.~~
 - ~~2. Pima Animal Care Center will insure that all such animals are spayed or neutered and microchipped prior to release to the adopting owner unless the veterinarian determines that the animal has medical contraindications that would prevent or require postponement of surgery.~~
 - ~~3. If the veterinarian determines that medical contraindications for surgery exist that would require postponement of surgery, a spay/neuter certificate will authorize postponement of the surgery until such time that the veterinarian determines that surgery can be performed in a safe, humane manner.~~
 - ~~4. If the veterinarian determines the animal is permanently disqualified for surgery and would be capable of reproduction the animal will be returned to Pima Animal Care Center, the adoption will be cancelled, and the adopting owner will be refunded all applicable fees.~~
 - ~~5. The adopting party shall reclaim the animal following surgery as directed by the veterinarian. Failure to comply will result in a charge for extra board. Unclaimed animals may be declared abandoned.~~
- ~~B. The agreement to adopt an animal from Pima Animal Care Center shall require the adopting party to agree to hold harmless and defend the county, its officers and employees for loss, injury or damages arising out of or in connection with services of this program.~~

The following standards are established for the adoption, redemption by the owner, or transfer of any dog or cat from the Pima Animal Care Center or another county shelter unless the animal cannot be released for legal reasons:

A. Subject to the following conditions, any dog or cat may be redeemed by its owner and any dog or cat held for the period required by law and not reclaimed by its owner from the Center or other county shelter may be released for adoption to a suitable home or transferred to another shelter, as defined by Arizona Revised Statutes Sec.

11-1022(H), in Pima County:

1. The adopter or redeeming owner must pay an applicable fee or fees pursuant to this Chapter.
2. The animal may be implanted with a microchip for the purposes of identification.
3. Mandatory spay/neuter before adoption or redemption.

a. The Center or other county shelter will ensure that any dog or cat released for adoption or redemption to its owner must first be surgically spayed or neutered, unless the animal is not capable of reproduction, or unless one of the following applies:

i. There is no veterinary facility capable of performing surgical sterilization within a twenty mile radius of the pound or shelter.

ii. The veterinarian determines that a medical contraindication for surgery exists that reasonably requires postponement of the surgery until the surgery can be performed in a safe and humane manner.

iii. an exception is granted pursuant to procedures established by the Pima County Health Director.

b. If Subsection A Paragraph 3 subparagraph a. i or ii applies, the adopting party or redeeming owner shall sign an agreement to have the dog or cat spayed or neutered by a licensed veterinarian within fifteen days under a.i. or within fifteen days of the licensed veterinarian's determination that surgical sterilization may be performed in a safe and humane manner under a.ii., and shall deposit a recovery fee with the Center to ensure that the dog or cat will be sterilized.

c. The Center shall refund the deposit to the adopting party or redeeming owner pursuant to the agreement if within the time provided in the agreement there is presented a written statement signed by a licensed veterinarian that the adopted or redeemed dog or cat has been spayed or neutered.

d. Absent such statement, and if the animal has not been sterilized as agreed, the Center or any Peace Officer shall impound the animal and any of its offspring to be sterilized by a licensed veterinarian at the adopter's or redeeming owner's expense and returned to the same; or the Center at its discretion may deem the animals

relinquished and forfeited to the Center. This procedure is remedial and not punitive.

The agreement shall include these terms.

e. Any deposit monies that are not refunded under Subsection A

Paragraph 3 Subparagraph c shall be used only for the following purposes:

i. Spaying or neutering of dogs and cats.

ii. Public education to prevent overpopulation of dogs and cats.

iii. Costs of confirming that adopted dogs and cats are spayed or

neutered

4. Mandatory spay/neuter after transfer:

An animal may be transferred from the Center to another shelter, as defined by Arizona Revised Statutes Sec. 11-1022 H , in Pima County before it has been spayed or neutered and without a spay/neuter . Should the shelter be found in violation of A.R.S. 11-1022 or this Title, PACC may re-posses all pets remaining in the shelter's possession that were transferred from the Center.

B. For animals altered at the Center, the adopting or redeeming party shall reclaim the animal following surgery as directed by the veterinarian. Failure to comply will result in a charge for extra board. Animals unclaimed from the Center after seven (7) days following the animal's scheduled surgery date may be declared abandoned.

C. In addition to the terms described in Subsection A.3.d., the agreement to adopt or redeem an animal from Pima Animal Care Center shall require the adopting or redeeming party to agree to hold harmless and defend the county, its officers and employees for loss, injury or damages arising out of or in connection with services of this program.

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SECTION 2: Pima County Code Section 6.04.180 is amended to read as follows:

6.04.180 Disposition of animals.

Any animal forfeited, abandoned, ownerless or unclaimed, and any other animals to be disposed of by the county enforcement agent, shall be placed by adoption in a suitable home, released to a duly incorporated humane society or other nonprofit corporate organization devoted to the welfare, protection and humane treatment of animals which places the pet by adoption in a suitable home, released to a duly incorporated humane society or other nonprofit corporate organization devoted to the welfare, protection and humane treatment of animals that sponsors a community cat program, or humanely destroyed.

For the purposes of this section, a "Community cat program" means a program in which healthy, unowned free roaming cats are surgically sterilized, vaccinated against rabies, ear-tipped, and returned to the location in which they were found.

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SECTION 3. 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 _____, 2014.

Chair, Pima County Board of Supervisors

Date

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

DRAFT