

An Initiative Measure

Proposing an Amendment to Chapter 3, Article 1, Section 3.3 of the South Tucson City Code pertaining to animal cruelty and neglect.

Be it enacted by the People of South Tucson:

Chapter 3, Article 1, Section 3.3 is proposed to be amended as follows if approved by a majority of the qualified electors voting thereon:

Sec. 3-3. Cruelty and neglect.

(b) *Neglect.* The purpose of this subsection is to guarantee that animals under human custody or control are housed in healthy environments and are provided with proper food, water, shelter, medical care, exercise space and ventilation. Any person owning or having care, control or custody of any animal shall provide:

(1) That the animal receives food that is free from contamination and is sufficient quantity and nutritive value to maintain the animal in good health. NO PERSON SHALL KNOWINGLY FEED A DOG UNCOOKED OR RAW MEAT FROM DISEASED, DYING, OR DISABLED ANIMALS OR ANIMALS DEAD UPON ARRIVAL AT THE SLAUGHTERHOUSE.

(2) That potable water is accessible to the animal at all times, either free-flowing or in a clean receptacle.

(3) That the animal receives care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering. NO PERSON SHALL GIVE OR ADMINISTER ANABOLIC STEROIDS AS DEFINED IN THE UNITED STATES CODE AND RELEVANT SECTIONS OF THE CODE OF FEDERAL REGULATIONS TO ANY DOG TO ARTIFICIALLY ENHANCE PERFORMANCE OR TO SUPPRESS ESTRUS.

(4) That the animal is given adequate exercise space as follows:

a. Within an enclosure that shall be constructed of material, and in a manner, to minimize the risk of injury to the animal and shall encompass sufficient usable space to keep the animal in good condition; NO PERSON SHALL CONFINE A DOG TO A CRATE OR CAGE SMALLER THAN 35 INCHES HIGH BY 45 INCHES LONG BY 35 INCHES WIDE FOR MORE THAN A TOTAL OF EIGHTEEN HOURS IN ANY TWENTY-FOUR HOUR PERIOD UNLESS SUCH CONFINEMENT IS DEEMED MEDICALLY NECESSARY BY A VETERINARIAN LICENSED BY THE STATE OF ARIZONA;

b. Tieouts are prohibited.

(5) That the animal has access to adequate ventilation and is protected from temperature extremes at all times. In this connection, it is unlawful for any person to keep any animal in a vehicle or other enclosed space in which the temperature is either so high or so low, or the ventilation is so inadequate, as to endanger the animal's life or health. Any peace officer or county animal control officer is authorized to use whatever force is reasonable and necessary to remove any animal from a vehicle or other enclosed space whenever it appears that the animal's life or health is endangered by extreme temperatures or lack of ventilation within the vehicle or other enclosed space.

No peace officer or county animal control officer shall be liable for damages to property caused by the use of reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.

~~(C) [Treatment.] Any of the provisions of this section "W" may be waived as dictated by treatment under direction of a licensed veterinarian.~~