



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

June 17, 2020

DEPARTMENT:

Animal Control

DIVISION:

Yuma Police Department

- ☐ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☒ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Yuma City Code Text Amendment: Animals Disturbing the Peace

SUMMARY RECOMMENDATION:

Amend Title 13, Chapter 130, Article 5 (Yuma City Code § 130-005) to define "excessively," update the definition of "animal," clarify that provocation exists as a defense, and modify the penalty to civil sanctions with a warning provision. (City Attorneys Office) (Richard Files)

REPORT:

On October 15, 2019 and February 4, 2020, City staff presented information to Mayor and City Council regarding enforcement of this ordinance, to include the legal and ethical requirements of prosecutors and law enforcement officers, the definition of probable cause, legal standards within the criminal justice system, as well as the specific language of the ordinance and what evidence is required for ordinance enforcement. City Council requested staff define "excessive," modify the penalty to a civil penalty rather than criminal, and include both a warning provision and the recognition of provocation as a defense.

Regarding concerns whether "care, custody and control" language would subject dog-sitters, or persons with new dogs still-in-training to civil enforcement; this language does expand the number of individuals that can be held responsible, but it also strengthens the ability of Animal Control Officers to enforce the ordinance. The cited individual's status as it relates to the offending animal can be presented to the responding Officers, to the prosecutor, or to the court for consideration in charging, negotiations, or at trial. The inclusion of a warning provision protects against immediate sanctions and provides protection for an individual dog-sitting, or whose dog is still settling in.

The proposed language identified within this amendment is intended to clarify and improve the overall enforceability of Yuma City Code § 130-005.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5. IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip Rodriguez		5/27/2020	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		5/26/2020	
SIGNATURES	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
	Emily Hart		3/17/2020	
SIGNATURES	WRITTEN/SUBMITTED BY:		DATE:	