

ORDINANCE NO. O2020-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 130, ARTICLE 005, OF THE YUMA CITY CODE, AS AMENDED, RELATING TO REGULATION OF ANIMALS DISTURBING THE PEACE

WHEREAS, at the request and direction of City Council, Yuma City Code § 130-005 titled *Animals Disturbing the Peace* shall be amended as a graduated, civil penalty; and,

WHEREAS, for clarification the term “excessively” shall be defined and provocation shall be established as an affirmative defense to a violation of the ordinance; and,

WHEREAS, an amendment of the Yuma City Code must be accomplished by ordinance.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That the Yuma City Code, Title 13, Chapter 130, Article 005: *Animals Disturbing the Peace*, is amended to delete the strikethrough text and insert the bold underlined text in order to read as follows:

§ 130-005 Animals Disturbing the Peace.

It shall be unlawful for any person or legal entity ~~to keep or harbor within the city to permit~~ any animal within the person’s or entity’s care, custody or control to which excessively bark, howl, or make other noises by day or night ~~and~~ that disturbs the peace and quiet of any person ~~or family~~.

For purposes of § 130-005, “animal” is defined as any mammal, bird, or fowl.

For purposes of § 130-005, “excessively” requires complaints from at least two individuals, residing in separate households, with independent knowledge of the noise.

The first violation of § 130-005 shall result in a written warning. The warning shall place the violator on notice of the requirements of § 130-005 and that future violations may result in a civil penalty.

It shall be an affirmative defense if the animal was provoked into creating the noise at issue.

SECTION 2: Penalty. A violation of § 130-005 is a civil offense. Any person or entity who violates § 130-005 after receiving a warning in the previous twelve (12) months is guilty of a civil offense and shall be fined in the amount of \$50. If in the twelve (12) months preceding a violation, the person or entity has a previous finding of responsibility for a violation of § 130-005, the fine shall be increased to \$100.00. If in the twelve (12) months preceding a violation, the person or entity has two or

more previous findings of responsibility for a violation of § 130-005, the fine shall be increased to \$200.

Adopted this _____ day of _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney