

## CHAPTER 4 – ANIMALS

### Sec. 4-42. Livestock, fowl, rodents; impounding and summary sale.

(a) The City or its agent or designee may apprehend and impound any livestock, fowl or rodent that is at large within the city. The city shall have the limited authority to enter upon private property for the purpose of apprehending or impounding such livestock, fowl or rodent. Such entry upon private property shall be reasonable and shall not include the entry into a residence or enclosure upon the property unless it is with the consent of the owner or the occupant of the residence or the enclosure. After entry the city shall take reasonable steps to apprehend and impound such livestock, fowl or rodent. If any livestock, fowl or rodent that is at large within the city leaves the city limits during an attempt by the city to impound or apprehend the livestock, fowl or rodent, the city may take reasonable steps to pursue the livestock, fowl or rodent for the purpose of impounding or apprehending it.

(b) After impoundment at a city facility or a private facility, the city shall make a reasonable effort to contact the owner of the impounded livestock, fowl or rodent and give the owner a reasonable opportunity to reclaim the impounded livestock, fowl or rodent. The City may request assistance from the Arizona Livestock Department in contacting the owner. It shall be presumed to be a reasonable effort to contact the owner of the brand on the livestock impounded. Prior to releasing any impounded livestock, fowl or rodent to the owner, the city shall collect from such owner the actual costs and expenses incurred by the city in apprehending and impounding the livestock, fowl or rodent. The city may release any impounded livestock, fowl or rodent to the custody of the Arizona Livestock Department or the Arizona Game and Fish Commission if the appropriate agency agrees to collect the city's actual costs and expenses from the owner prior to releasing the livestock, fowl or rodent.

(c) If the owner fails within Ten (10) days after notice to reclaim any impounded livestock, fowl or rodent by paying the city's actual costs and expenses of apprehension and impoundment, the City shall post notices in three public places and publish a notice once in a newspaper of general circulation in the city that the impounded livestock, fowl or rodent will be sold. The sale shall be conducted in a reasonable manner. The proceeds of such sale shall be applied first to paying the city's actual costs and expenses of impoundment, apprehension and sale. The city shall pay the remaining sale proceeds, if any to the owner of the livestock, fowl or rodent that was sold. Alternatively, the city may release any impounded livestock, fowl or rodent to the custody of the Arizona Livestock Department, if the Livestock Department agrees to pay the city's actual costs and expenses of impoundment and apprehension out of the proceeds of any sale of such livestock, fowl or rodent.

(Ord. No. 97-111, 11/18/97, enacted)

State law reference(s) -- Livestock, A.R.S. § 3-1201.