Item 14

CITY COUNCIL REPORT

Meeting Date: November 10, 2026
General Plan Element: ***Public Services & Facilities***
General Plan Goal: ***Provide a safe environment for all citizens, visitors, and private interests***

ACTION

Adopt Ordinance No. 4725 amending Chapter 4, Article I of the Scottsdale Revised Code, relating to animal custody, rescue, and forfeiture.

BACKGROUND

The proposed ordinance repeals Sections 4-1 through 4-14 of Chapter 4, Article I of the Scottsdale Revised Code and replaces them with new Sections 4-1 through 4-8, governing the seizure, custody, care, and disposition of animals.

The current Article I was adopted in 2003 (Ordinance No. 3497). It contains local animal-cruelty offenses and a pre-conviction procedure for seizure, bond, and forfeiture. Since then, the Arizona Legislature has amended the primary state animal-cruelty statute, A.R.S. § 13-2910, which now covers a broader range of misdemeanor and felony conduct and expressly authorizes officers to use reasonable force to rescue an animal from a vehicle. Because the state statutes now comprehensively address this conduct, the City's separate offenses in Article I are largely duplicative and, in some respects, narrower than state law, which raises potential preemption concerns. The ordinance repeals them, and animal-related crimes will continue to be charged under the corresponding state statutes, as has been the practice for several years.

A.R.S. § 13-4281 sets a statewide procedure for seizure notices, a declaration of ownership to request a hearing, a hearing within fifteen business days, a cost-of-care bond, and abandonment. Under A.R.S. § 13-4281(D)(3), a city may apply its own bonding and forfeiture ordinance only if the ordinance imposes requirements that are equal to or more stringent than the state statute. The City's current procedure does not track the statute in several respects. For example, it has no declaration-of-ownership step, uses a different hearing timeline, and uses a tiered bond schedule. It also has no mechanism for animals left without care when an owner is arrested, hospitalized, or dies. This will benefit both animals and owners alike.

The proposed ordinance rectifies the issues discussed above and as further discussed below.

ANALYSIS & ASSESSMENT

Action Taken _____

As stated above, the proposed ordinance repeals Sections 4-1 through 4-14 of Chapter 4, Article I of the Scottsdale Revised Code and replaces them with new Sections 4-1 through 4-8, governing the seizure, custody, care, and disposition of animals. The proposed ordinance does the following.

1. Alignment with state law. The ordinance tracks the notice, declaration, hearing, bond, and abandonment requirements of A.R.S. § 13-4281, so the City's procedure rests on firmer footing under the local-ordinance exception.

2. Displaced animals. State law does not address the temporary safekeeping of animals whose owners are suddenly unable to care for them. The ordinance creates a separate, non-punitive safekeeping impoundment with no bond, hearing, or forfeiture unless a criminal charge is filed.

3. Clear roles and authority. The ordinance defines who may act (peace officers, designated animal control officers, and personnel of the City's contract animal care facilities) and what each may do.

4. Due process and predictability. Owners receive a written notice with a declaration form and clear deadlines. The City bears the burden at the hearing, and the court may waive or reduce the bond amount due to financial hardship.

5. Cost recovery. A $ 500-per-animal bond and post-conviction reimbursement place the cost of care on responsible owners rather than on taxpayers.

The proposed ordinance updates Article I to align with current state law, addresses the needs of displaced animals, and places the cost of animal care on responsible owners.

RESOURCE IMPACTS

None. Existing staff will be able to carry out the provisions of the ordinance.

OPTIONS & STAFF RECOMMENDATION

City Staff recommends adopting Ordinance No. 4725 repealing Sections 4-1 through 4-14 of Chapter 4, Article I of the Scottsdale Revised Code and replacing them with new Sections 4-1 through 4-8, governing the seizure, custody, care, and disposition of animals.

RESPONSIBLE DEPARTMENT(S)

City Attorney

STAFF CONTACTS (S)

Luis E. Santaella, City Attorney, lsantaella@scottsdaleaz.gov

APPROVED BY

Luis E. Santaella, City Attorney
(480) 312-2405, lsantaella@scottsdaleaz.gov

10/21/2026
Date

ATTACHMENTS

1. Ordinance No. 4725

ORDINANCE NO. 4725

AN ORDINANCE OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 4, ARTICLE I OF THE SCOTTSDALE REVISED CODE, RELATING TO ANIMAL CUSTODY, RESCUE, AND FORFEITURE.

WHEREAS, the Arizona Legislature has amended Arizona Revised Statutes §§ 13-2910 and 13-4281, which, respectively, criminalize various forms of animal cruelty and establish procedures for the seizure and forfeiture of animals; and

WHEREAS, state law does not provide for the temporary safekeeping of animals displaced due to the incapacity of their owners; and

WHEREAS, the City Council finds it necessary to revise Chapter 4, Article I of the Scottsdale Revised Code to reflect current state law, clarify the responsibilities of animal care agents, and establish procedures for the care and disposition of animals lawfully seized;

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

Section 1. Chapter 4, Article I, Sections 4-1 through 4-14 of the Scottsdale Revised Code are hereby repealed in their entirety and replaced by new Sections 4-1 through 4-8, to read as follows:

ARTICLE I. ANIMAL CUSTODY, RESCUE, AND FORFEITURE

DIVISION I. PURPOSE AND DEFINITIONS

Sec. 4-1. Purpose.

The purpose of this article is to establish the lawful authority for the removal, custody, care, and disposition of animals that are subject to neglect, cruelty, endangerment, or displacement, or whose owner or custodian is otherwise unavailable to provide care. This article is enacted to protect the health, safety, and welfare of the public and animals by ensuring the proper impoundment, sheltering, and disposition of such animals, including those displaced due to the arrest, hospitalization, death, absence, or other incapacitating event of their owner, custodian, or alternative caregiver. This article shall also apply to animals seized in connection with any violation of the Arizona Revised Statutes involving cruelty, abuse, neglect, endangerment, abandonment, or sexual conduct with animals, including but not limited to A.R.S. §§ 13-2910, 13-2910.01, and 13-1411.

Sec. 4-2. Definitions.

(a) *Animal* means any nonhuman mammal, bird, reptile, amphibian, or fish.

(b) *Animal care agent* means an individual employed by or volunteering for a designated animal care facility, a peace officer, or a city employee designated as an animal control officer by the chief of police.

(c) *Animal-related offense* means any violation of the Arizona Revised Statutes involving cruelty, abuse, neglect, endangerment, abandonment, sexual conduct, or unlawful possession or use of animals.

(d) *Cost of care* means all reasonable expenses incurred for the care of an animal, including but not limited to transportation, boarding, veterinary care, medication, and necropsy/euthanasia if necessary.

(e) *Declaration of ownership* means a written statement, on a form approved by the court, by which a person claims ownership of or the right to keep a seized animal and requests a post-seizure hearing.

(f) *Designated animal care facility* means a facility or agency under city contract to provide animal rescue, control, and/or care.

(g) *Displaced animal rescue* means the rescue of an animal whose owner, custodian, or alternative caregiver is unable to provide immediate care due to arrest, hospitalization, death, absence, or other incapacitating event, and for which no responsible party is available. Displaced animals may be impounded for safekeeping, and the cost of care may be recoverable from the owner, the owner's estate, next of kin, or an agent acting on behalf of the owner.

(h) *Necropsy* means a postmortem examination of an animal.

(i) *Post-seizure hearing* means a judicial proceeding held after the seizure of an animal to determine whether the owner's possessory rights should be terminated, whether the animal should be returned to the owner, custodian, or alternative caregiver, or whether continued impoundment is warranted.

(j) *Rescue* means the act of impounding, taking, or receiving into custody by an animal care agent an animal for the purpose of confinement and care in accordance with the provisions of this article.

(k) *Service animal* means a working animal that has completed a formal training program to assist humans in search and rescue, law enforcement, or daily living functions.

Sec. 4-3. Reserved.

DIVISION II. PRE-CONVICTION PROCEDURE

Sec. 4-4. Seizure and impoundment; notice of seizure; removal from motor vehicles; safekeeping.

(a) A peace officer or an animal care agent may lawfully seize an animal if there is probable cause to believe that the animal is involved in a criminal offense, including, but not limited to, an animal-related offense as defined in this article. Seizure may also be authorized pursuant to applicable law, including but not limited to A.R.S. § 13-4281 or other relevant provisions of state or federal law.

(b) Upon seizure, the officer or animal care agent shall post a notice of the seizure in a prominent place at the location where the animal was found or personally deliver the notice to the owner, custodian, or alternative caregiver, if known or ascertainable after reasonable investigation. The officer or animal care agent shall file proof of service with the court. The notice shall be

accompanied by a declaration of ownership or right to keep the animal on a form approved by the court. The notice shall include

1. The name and contact information of the person seizing the animal;

2. A description of the animal;

3. The authority and purpose for the seizure, including the time, place, and circumstances under which the animal was seized;

4. A statement that, in order to receive a post-seizure hearing, the owner, custodian, or alternative caregiver, or the owner's agent, shall request the hearing by signing and returning the enclosed declaration of ownership or right to keep the animal to the court within ten (10) calendar days, including weekends and holidays, after the date of the notice, together with instructions for posting a bond under Sections 4-5 and 4-6;

5. A statement that the owner is responsible for the cost of care for the animal and, unless the animal was seized solely for safekeeping under subsection (d), is required to post a bond in the amount of five hundred dollars ($500) per animal with the court to defray the cost of care; and

6. A warning that failure to post a bond or return the declaration of ownership within ten (10) calendar days after the date of the notice, or failure to attend a scheduled post-seizure hearing, will result in the animal being deemed abandoned and all possessory rights in the animal being transferred to the designated animal care facility, except for an animal seized solely for safekeeping under subsection (d).

(c) Upon finding an animal in a motor vehicle and having a good faith belief that the animal is in imminent danger of suffering physical injury or death unless promptly removed, a peace officer or animal control officer may use no more force than is necessary under the circumstances to enter the motor vehicle and remove the animal. The officer shall leave a notice in a prominent place upon the motor vehicle in accordance with subsection (b).

(d) A peace officer or an animal care agent may seize and impound an animal for safekeeping if the animal is found in circumstances where its owner, custodian, or alternative caregiver is unable to provide care due to arrest, hospitalization, death, absence, or other incapacitating event, and no responsible party is available to assume custody. Such seizure shall be treated as a displaced animal rescue under this article. Animals seized solely for safekeeping under this subsection shall not be subject to the bond, hearing, or forfeiture procedures set forth in this article unless a criminal charge involving an animal-related offense is filed. To obtain the release of an animal seized solely for safekeeping, the owner, custodian, alternative caregiver, or the owner's estate, next of kin, or an agent acting on behalf of the owner, must submit a request for return to the seizing peace officer or animal care agent within the time limit provided in Section 4-8.

Sec. 4-5. Pre-conviction termination of possessory rights; hearings.

(a) Except for an animal seized solely for safekeeping under Section 4-4(d), if an animal owner or person in custody and control fails, within ten (10) calendar days after the date of the notice of seizure, including weekends and holidays, to post a bond as required by this article, unless the bond has been waived under Section 4-6(c), or to request a hearing by returning a signed declaration of ownership or right to keep the animal, or fails to attend a scheduled post-seizure hearing, the animal shall be deemed abandoned. Possessory rights shall be forfeited and transferred to the designated animal care facility for disposition.

(b) Post-seizure hearing procedures:

(1) Upon receipt of a signed declaration of ownership or right to keep the animal and a request for a post-seizure hearing, or upon motion by the city, the court shall set a post-seizure hearing within fifteen (15) business days.

(2) At the post-seizure hearing, the city must prove by a preponderance of the evidence that the animal was subjected to cruelty, neglect, or endangerment, or that continued possession poses a risk to the animal or public.

(3) If the court finds in favor of the city, it may terminate the owner's possessory rights and transfer custody to the designated animal care facility for adoption, continued care, or humane euthanasia.

(4) If the owner or custodian requests a hearing under this section, but the city does not seek to terminate possessory rights, the court shall set a hearing to determine whether continued impoundment is necessary to protect the animal's welfare, preserve evidence, or address a continuing public safety concern, and the city shall bear the burden of demonstrating such necessity. The city shall notify the court and the owner in writing if it does not intend to seek termination. The court may order the return of the animal or impose conditions for continued impoundment as justice requires.

Sec. 4-6. Bond.

(a) If an animal is seized under probable cause pursuant to Section 4-4(a), the owner or person in custody and control of the animal is liable for the cost of its care.

(b) If an animal is seized solely for evidentiary purposes, the owner or person in custody and control of the animal is not liable for the cost of its care.

(c) A person who is liable shall post a bond in the form of cash or a surety's undertaking with the court to defray the cost of care. The bond shall be five hundred dollars ($500.00) per animal seized. The court shall order the bond forfeited or exonerated pursuant to A.R.S. § 13-4281(B). If forfeited, the bond may be applied to the reasonable costs of care incurred during the animal's impoundment, and any funds so applied are not refundable. If the person demonstrates financial hardship, the court may waive or reduce the bond requirement. The court may adopt rules or procedures necessary to implement this subsection.

(d) The owner shall post the bond within ten (10) calendar days after the date of the notice of seizure, including weekends and holidays, unless the bond has been waived under subsection (c).

(e) If the court forfeits the bond to pay costs of care, the court shall exonerate the portion of the bond amount that exceeds the cost of care and order it returned to the person who posted the bond.

(f) If an animal is seized solely for safekeeping due to arrest, hospitalization, death, absence, or other incapacitating event of its owner, custodian, or alternative caregiver, and no animal-related criminal charge is filed, the owner shall not be required to post a bond for the cost of care under this section. However, the designated animal care facility may seek reimbursement for actual cost-of-care from the owner, the owner's estate, next of kin, or an agent acting on behalf of the owner.

(g) Nothing in this section shall prohibit the designated animal care facility from recovering the actual cost-of-care for animals that are seized or impounded for safekeeping, provided that such recovery does not exceed the actual expenses incurred, is pursued in accordance with city

contract terms, and is otherwise authorized by law. Cost-of-care recovery occurs outside the city court process established in this section.

DIVISION III. POST CONVICTION AND FINAL DISPOSITION

Sec. 4-7. Sentencing.

(a) Upon conviction, the court shall impose the following.

(1) *Reimbursement to the designated animal care facility*. Regardless of whether the court orders forfeiture, it may require the convicted defendant to repay the reasonable costs of care for each animal involved in the violation. Components of repayment may include, but are not limited to, the following: transport, veterinary care and medication, boarding, and necropsy and/or euthanasia.

(b) Upon conviction, the court may impose the following.

(1) *Termination of possessory rights*.

a. Rights in the animal. The court may require a defendant convicted to forfeit any rights in the victim animal, pursuant to the procedures set forth in Section 4-5.

b. Rights in other property. The court may terminate possessory rights in any property used by the defendant as an instrumentality in the commission of the offense.

(2) *Restitution to the owner*. If a person is convicted of misdemeanor animal cruelty against an animal owned by another person, the court shall require the person to make restitution to the owner. Components of restitution may include the following.

a. Care, boarding, necropsy/euthanasia expenses, if such expenses were incurred from a provider other than the designated animal care facility;

b. Reasonable veterinary after care;

c. The cost of procuring, transporting, and licensing a comparable replacement animal;

d. In the case of a service animal, the cost of training a comparable replacement animal, a substitute during an animal's recovery; and

e. Lost animal income.

(3) *Prohibition against future possession of an animal*. Upon conviction of an animal-related criminal offense prosecuted in the city court, and only in cases where state law does not already impose a mandatory prohibition on animal ownership, the court may, as a condition of sentence or probation, prohibit the defendant from owning, possessing, residing with, or having custody or control of any animal for a period not to exceed five (5) years. A person who violates an order issued under this subsection commits a Class 1 misdemeanor, punishable by any sentence authorized for a Class 1 misdemeanor under Arizona law, which may include fines, probation, jail, or forfeiture of any animal possessed in violation of the order.

(c) This section shall not apply to animals seized solely for safekeeping unless the owner is later convicted of an animal-related criminal offense.

Sec. 4-8. Transfer of ownership following safekeeping impoundment.

If no person, including the owner, the owner's estate, next of kin, or an agent acting on behalf of the owner, claims an animal impounded for safekeeping within fourteen (14) calendar days after

impoundment, the city shall transfer ownership of the animal to the designated animal care facility. The facility may place the animal for adoption, rescue, alternative placement, or humane euthanasia in accordance with Chapter 4, Article II, and Chapter 23, Article III of the Scottsdale Revised Code.

DIVISION IV. RESERVED

PASSED AND ADOPTED by the City Council of the City of Scottsdale this _____ day of _____, 2026.

ATTEST:

CITY OF SCOTTSDALE, an Arizona municipal corporation

_____
Ben Lane, City Clerk

_____
Lisa Borowsky, Mayor

APPROVED AS TO FORM:

_____
Luis E. Santaella, City Attorney