

WHEN RECORDED, RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 14-21

AN ORDINANCE OF THE CITY OF BUCKEYE, MARICOPA COUNTY, ARIZONA, AMENDING THE BUCKEYE CITY CODE OF ORDINANCES, CHAPTER 6, ANIMAL REGULATIONS, ARTICLE 6-1, ANIMAL CONTROL, BY AMENDING SECTION 6-1-19, VIOLATION; CLASSIFICATION; RELATED TO ANIMAL REGULATIONS VIOLATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the City of Buckeye (the “City”) desires to amend Section 6-1-19, Violation; Classification, of the Buckeye City Code; and

WHEREAS, the Mayor and Council of the City of Buckeye, Arizona (the “City Council”) have determined that it is in the best interest of the City and of the health, safety, and welfare of animals therein to provide reasonable regulations for the protection of said animals.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Buckeye, Maricopa County, Arizona, as follows:

Section 1. The recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That Chapter 6, Animal Regulations, Article 6-1, Animal Control, of the Buckeye City Code is hereby amended by deleting Section 6-1-19, Violation; Classification, in its entirety and replacing it with the following:

6-1-19 – Violation; Classification

A. Except as otherwise provided in this chapter, a violation of any provision of this chapter shall be a civil offense and subject to civil penalties. A person found to be responsible for a violation of any provision of this chapter shall be subject to civil penalties in an amount not less than \$150.00 and not exceeding \$2,500.00 for a first offense, not less than \$300.00 and not exceeding \$2,500.00 for a second offense, and not less than \$500.00 and not exceeding \$2,500.00 for a third and subsequent offense. Each day that a violation continues shall constitute a separate civil offense.

B. After having been found responsible for committing three or more civil offenses of the same code provision in any 24-month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, a person is a habitual offender and may be charged with a Class I misdemeanor. For purposes of calculating the 24-month period under this subsection, the dates of the commission of the offenses shall be used. Any person found guilty of a Class I misdemeanor under this subsection shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00, exclusive of penalty assessments prescribed by law or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Buckeye City Code are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Buckeye City Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. Violations of this Ordinance are subject to the following penalties:

A. Except as otherwise provided in this chapter, a violation of any provision of this chapter shall be a civil offense and subject to civil penalties. A person found to be responsible for a violation of any provision of this chapter shall be subject to civil penalties in an amount not less than \$150.00 and not exceeding \$2,500.00 for a first offense, not less than \$300.00 and not exceeding \$2,500.00 for a second offense, and not less than \$500.00 and not exceeding \$2,500.00 for a third and subsequent offense. Each day that a violation continues shall constitute a separate civil offense.

B. After having been found responsible for committing three or more civil offenses of the same code provision in any 24-month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, a person is a habitual offender and may be charged with a Class I misdemeanor. For purposes of calculating the 24-month period under this subsection, the dates of the commission of the offenses shall be used. Any person found guilty of a Class I misdemeanor under this subsection shall be punished by a fine of not less than \$500.00 nor more than \$2,500.00, exclusive of penalty assessments prescribed by law or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 21st day of September, 2021.

Eric W. Orsborn, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

The signed version of Ordinance No. 14-21 is on file
in the Office of the City Clerk located at 530 E
Monroe Avenue, Buckeye, AZ, 85326

Shiela B Schmidt, City Attorney