



ARIZONA STATE SENATE
Fifty-Sixth Legislature, First Regular Session

FACT SHEET FOR S.B. 1237

working animals; restrictions; prohibition

Purpose

Prohibits a city, town or county from enacting any ordinance, resolution or policy that prohibits or restricts a person from using a working animal in lawful commerce or for an animal enterprise.

Background

The corporate powers of an incorporated town must be exercised through the common council or for an incorporated city, exercised through the city council (A.R.S. §§ [9-231](#) and [9-271](#)). Cities and towns must make, amend, repeal and enforce all ordinances necessary or proper for carrying into effect of the powers vested in the corporation. Unless specifically prohibited by statute, a city or town may classify ordinance violations as criminal or civil offences and can define the punishment for the violation of such ordinance ([A.R.S. § 9-240](#)). By ordinance, a city or town may appoint animal control officers who can bring before a court any violation of statute or ordinance relating to rabies and animal control that occurs within the city or town ([A.R.S. § 9-499.04](#)).

A county board of supervisors (BOS) must exercise the powers of the county including regulating animal control ([A.R.S. § 11-201](#)). A county BOS may adopt, amend, repeal and enforce all ordinances necessary or proper to carry out the duties, responsibilities and functions of the county. An ordinance adopted by a county BOS may apply to unincorporated or incorporated areas in the county ([A.R.S. § 11-251.05](#)). A county BOS must make and enforce ordinances for the protection and disposition of domestic animals subject to inhumane, unhealthy or dangerous conditions or circumstances and creating civil penalties for violations of animal ordinances or animal statute ([A.R.S. § 11-1005](#)). A *domestic animal* is an animal kept as a pet and not primarily for economic purposes ([A.R.S. § 11-251](#)). A county BOS must employ a county enforcement agent to enforce and issue tickets for violations of animal control ordinances ([A.R.S. § 11-1007](#)). A county BOS must appoint a hearing officer to hear the cases of animal control violations ([A.R.S. § 11-1006](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Prohibits a city, town or county from enacting any ordinance, resolution or policy that prohibits or unduly restricts a person from using a working animal in lawful commerce or for an animal enterprise.

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2. Excludes, from the prohibition on enacting any ordinance, resolution or policy, any:
 - a) municipal or county zoning ordinance enacted to conserve and promote the public health, safety and general welfare;
 - b) municipal or county ordinance or resolution enacted relating to public health or safety; and
 - c) other Arizona law related to animal care, animal cruelty, noise, public health or public safety.
3. Defines *working animal* as an animal used primarily to perform a specific duty or function in commerce or for an animal enterprise.
4. Defines *animal enterprise* as a rodeo or agricultural operation.
5. Excludes, from the definition of *working animal*, rabbits, llamas, cattle, swine, sheep, goats, poultry or any other animal that is used primarily to produce food.
6. Becomes effective on the general effective date.

Prepared by Senate Research

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RA/sdr