

**ORDINANCE NO. 2021-1**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF TOMBSTONE, COCHISE COUNTY, ARIZONA, AMENDING THE CITY CODE, TITLE 5, "POLICE REGULATIONS", CHAPTER 2, "ANIMALS AND FOWL", SECTION 5-2-12, "PUBLIC HEALTH AND NUISANCE" AND DECLARING AN EMERGENCY.**

**BE IT NOW ORDAINED BY THE MAYOR AND COMMON COUNCIL:**

**SECTION 1:** The City Code of Tombstone, Arizona, Title 5, "Police Regulations", Chapter 2, "Animals and Fowl", Section 5-2-12, "Public Health and Nuisance", as presently published is hereby repealed in its entirety.

**SECTION 2:** The City Code of Tombstone, Arizona, Title 5, "Police Regulations", Chapter 2, "Animals and Fowl", Section 5-2-12, "Public Health and Nuisance", shall now read as follows:

- A. Any time that a domesticated animal or fowl or a house pet becomes detrimental to the public health or creates a nuisance through noise, odor and/or attracting flies, and a complaint is registered with the common council by offended residents, the common council may order the animal or fowl removed from within the city limits. In case the nuisance is not abated as directed the marshal shall report the fact to the city attorney, who shall immediately commence legal proceedings to abate such nuisance. (1972 Code)
- B. It shall be unlawful for the owner or person having custody of any dog to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such dog on public property or deposited upon private property without the consent of the person in control of the property. This subsection shall not apply to blind persons, persons with mobility disabilities, police officers or other law enforcement officers accompanied by police dogs while on an emergency. A violation of this subsection shall be a civil infraction and shall be punishable by a fine of up to two hundred fifty dollars (\$250.00).

**SECTION 3:** All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the public record adopted by reference are hereby repealed.

**SECTION 4:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the public record 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 portion thereof.

**SECTION 5:** Whereas, as it is necessary for the preservation of the peace, health and safety of the citizens of the City of Tombstone, Arizona, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage and adoption.

**SECTION 6:** Pursuant to A.R.S. §§ 9-812, 9-813 and 39-204, the City Clerk is directed to publish the text of this Ordinance for two (2) consecutive weeks in a newspaper of general circulation, and further, to post a copy of this Ordinance in three (3) or more public places within the City.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF TOMBSTONE, ARIZONA, this 9<sup>th</sup> day of March, 2021.**

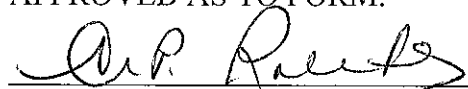
CITY OF TOMBSTONE, ARIZONA

  
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DUSTIN ESCAPULE, Mayor

ATTEST:

  
\_\_\_\_\_  
BRENDA IKIRT, Interim City Clerk

APPROVED AS TO FORM:

  
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ANN P. ROBERTS, City Attorney