



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**STUDY SESSION
TUESDAY, OCTOBER 17, 2017
6:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

AGENDA

- 1) CALL TO ORDER; ROLL CALL
- 2) Review and discussion regarding Ordinance No. 17-834 amending the Chino Valley Town Code, Chapter 90 Animals.
- 3) ADJOURNMENT

Dated this 12th day of October, 2017.

By: **Jami C. Lewis, Town Clerk**

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter>, and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Study Session

2)

Meeting Date: 10/17/2017
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Council
Estimated length of Staff Presentation:
Physical location of item: N/A

Information

AGENDA ITEM TITLE:

Review and discussion regarding Ordinance No. 17-834 amending the Chino Valley Town Code, Chapter 90 Animals.

SITUATION & ANALYSIS:

On September 12, 2017, Council considered Ordinance No. 17-834, which would amend the Town Code, Chapter 90 Animals. As Councilmembers and the public had many questions and expressed some concerns, Council directed staff to bring the item back to a study session for further review and discussion.

The attached version of the Code amendments ("Town Code Amendments, post 9-12-17") are redlined to show new recommended changes by staff resulting from Council's discussion on 9-12-17.

Attachments

9-12-17 Agenda Item Staff Report
 Town Attorney Comments
 Ordinance 17-834
 Town Code Amendments, post 9-12-17

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.a.

Meeting Date: 09/12/2017
Contact Person: Chuck Wynn, Police Chief
 Phone: 928-636-2646 x-1258
Department: Police
Item Type: Action Item
Estimated length of staff presentation: 10 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve Ordinance No. 17-834 amending the Chino Valley Town Code, Title IX General Regulations, Chapter 90 Animals by amending the following sections: 90.02 Definitions, 90.03 Injury by Vehicle, 90.04 Stray Dogs, 90.05 Dogs at Large; Designation as Aggressive Dog, 90.06 Impoundment of Dogs; Destruction; Emergency Seizure, 90.07 Powers and Duties of the Animal Control Officer, 90.08 License Fee for Dogs; Issuance of Tags; Records; Penalties, 90.09 Anti-Rabies Vaccinations; Vaccination and License Standards, 90.10 Wearing License Tags, 90.11 Handling of Biting Dogs; Responsibility for Reporting Dog Bites, 90.12 Nuisance Barking, 90.13 Unlawful Interference with Officers, 90.14 Keeping of Aggressive Dogs, 90.15 Adequate Exercise Space for Dogs, 90.99 Violation; Penalty; and (2) by adopting new Section 90.16 Animal Cruelty, all as set forth in that document entitled the "Town of Chino Valley Animal Regulations Amendments, Dated September 12, 2017," which document is adopted and incorporated into Ordinance No. 17-834 by reference. (Chuck Wynn, Police Chief)

RECOMMENDED ACTION:

Approve Ordinance No. 17-834 amending the Chino Valley Town Code, Title IX General Regulations, Chapter 90 Animals as set forth in the "Town of Chino Valley Animal Regulations Amendments, Dated September 12, 2017", which is adopted by reference.

SITUATION AND ANALYSIS:

Issue Statement

Several areas of concern were encountered with the current Animal Code for the Town of Chino Valley. Staff has spent over 2 years working with stakeholders to improve the Animal regulations. We feel these ordinances will provide the tools and resources necessary to allow Chino Valley Animal Control to work with the citizens for the safety and well being of animals and citizens.

Applicable "Policy"

N/A

Satisfaction of “Policy”

N/A

Summary of Issues and Staff Rationale

We believe this will allow for better teamwork with the community to ensure animal and public safety.

Findings of Fact

Some of these revisions include decriminalizing various offenses to broaden our ability to work with our community and to ensure compliance with these regulations.

Fiscal Impact**Fiscal Impact?:** No**If Yes, Budget Code:****Available:****Funding Source:**

Attachments

Town Attorney Comments

Ordinance 17-834

Ordinance 17-834 - Exhibit being Adopted

Town Attorney Comments on Proposed Animal Code Amendments

§ 90.01 Purpose – No changes from present provisions.

§ 90.02 Definitions – No need to change the first sentence but consider Town Attorney's revision.

There is no need to number the definitions and it is not a good idea because if, in the future, you wish to add or delete definitions, all the other definitions need to be renumbered.

There is also no reason to revise the format of the current definitions by inserting a hyphen and the word "means".

Aggressive Dog definition

- was moved to beginning because it was out of alphabetical order.
- The prior definition of "Dangerous Dog" provides more clarity and specific means to determine whether a dog is "dangerous."
- What Court has jurisdiction to convict a dog of "biting, molesting or attacking a person, dog and/or livestock, without provocation off the owner's property"? Section 90.05 says there is a hearing to determine whether a dog is aggressive, so I added Hearing Officer.
- The definition says the dog is "aggressive" if it bites, attacks or molests a person, etc once and is deemed by a court to be aggressive or it is convicted of biting, attacking or molesting a person, etc. twice. The provision in Section 90.05 to determine if a dog is aggressive only permits a determination after a hearing if there are 2 incidents. This is confusing. Since the procedure to designate a dog as "aggressive" is set forth in § 90.05, we revised the definition to reference that section.
- The prior Dangerous Dog definition included a provision that puts the onus on the owner – a dog whose *owner or responsible person knows or has reason to know that the dog has a propensity to attack* This is more similar to the statutory definition of "Vicious Animal": "any animal of the order carnivora that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation, or that has been so declared after a hearing before a justice of the peace or a city magistrate."

Dangerous Dog is shown as being deleted from current Code provisions. See additional comments above.

Dog at Large – How is "under control of the owner or responsible person" determined? If the owner says that even though he did not have the animal in an enclosure or physically restrained, he could call to the dog at any time and the dog would respond – is that considered "under control"? What about if the dog was perceived by another person as being aggressive and not "under control" of the owner? Who determines? That is why saying "physically restrained" is preferable.

Dog Owner. Deleted phrase added nothing to the meaning since “having control or custody of a dog” is already part of the definition whether or not it is on behalf of the owner.

Impound. The prior version was more grammatically correct because the new version splits the subject from the verb with intervening

Neglect. Deleted “an overt act” because by definition, the word “neglect” is a failure to act.

Proper Enclosure for a Dangerous Dog. Since this only applies to Aggressive Dogs, I moved it to § 90.14, which is the section that sets forth the requirements for Aggressive Dogs.

§ 90.03 Injury by Vehicle. The provision calls for the person who hit the dog to contact the Animal Control Officer or the Police Department. Would it be possible for them to call 911 or just the PD and PD would call the Animal Control Officer?

§ 90.04 Stray Dogs. Do you want the finder to notify both PD and Animal Control Officer or just the Animal Control Officer? And consider whether making the finder legally responsible to try to locate the owner would make people less likely to catch or assist a stray dog. Should a person who is doing a good deed by picking up a stray be held responsible for trying to find its owner?

§ 90.05 We changed the title because there is no definition of or other mention of “Nuisance Dog”

(A) We deleted the addition of the Penalty since it is included specifically in § 90.99.

§ 90.06(F). We revised it so that the dog does not become the property of the Town. There are statutes dealing with destruction of Town property and we would rather not have to deal with the legal issues involved in that process.

(G) Emergency Seizure. Is this meant to be only for dogs? In some places it refers only to dogs and in others it appears to apply to all animals. We added a provision dealing with the disposition of the dog. We are not sure what should be done with the dog but if nothing is said, there is no information for the court (or anyone else) to determine what happens to the dog.

§ 90.08 Licensing. State law requires licenses for dogs 3 months of age or over. The Town’s ordinance is required to be equal to or more stringent than state law, pursuant to ARS § 11-1018.

§ 90.10(A). State law requires tags for dogs 3 months or older. See above.

§ 90.11(G) New fees (the \$25.00 fee to pick up a dog) must be posted on the Town’s website for at least 60 days prior to adoption by the Council and a report or data supporting the new fee must be filed with the Town Clerk.

§ 90.12. We reorganized it to make excessive noise and nuisance behavior be violations. Town’s version merely defined nuisance behavior without making it a violation.

§ 90.15 (B) and (C). These provisions seemed to be essentially the same – B was “when not at the residence with the dog” and (C) was “whether they are home or not”. I combined them to say “whether present or not”. It is possible that they could be securing the dog by such means at a place other than their own residence and if the ordinance is limited to whether or not they are at home or at their residence, then they presumably could attach a dog to a tie-out somewhere other than their own home.

§ 90.16. I’m not sure why you changed “animal” in the state law to “dog or cat” in some places, but you may want to consider keeping “animal” in case there are birds, hamsters, pigs, goats, or other animals being abused.

(B)(2) makes reference to Section 17-101. This reference is to a definition in ARS § 17-101. I added the reference but consider revising to read “excluding ~~any fur-bearing animals as defined in section 17-101~~ muskrats, raccoons, otters, weasels, bobcats, beavers, badgers and ringtail cats” (which is how § 17-101 defines “fur-bearing animal”).

(C) also includes a reference to the Arizona Revised Statutes without including the reference.

§ 90.17 This was moved to § 90.05 Dogs at Large to consolidate the provisions, since one deals with the violation and the other says that the owner is responsible for any property damage caused by a dog running at large.

§ 90.99(B). We prefer, when possible, to refer back to the Town’s general penalty for violations and to keep the wording consistent. Our revisions to this section reflect that with respect to the 1st Offense and 2nd offense civil, 3rd offense Class 1 misdemeanor. We lose the enhanced penalty for 2nd offense but gain the limitation to within a certain time period for the look back.

ORDINANCE NO. 17-834

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED "TOWN OF CHINO VALLEY ANIMAL REGULATIONS AMENDMENTS, DATED SEPTEMBER 12, 2017" AS A PUBLIC RECORD; ADOPTING THE "TOWN OF CHINO VALLEY ANIMAL REGULATIONS AMENDMENTS, DATED SEPTEMBER 12, 2017" BY REFERENCE; AMENDING THE TOWN OF CHINO VALLEY TOWN CODE, TITLE IX GENERAL REGULATIONS AS FOLLOWS: (1) BY AMENDING THE FOLLOWING SECTIONS: 90.02 DEFINITIONS, 90.03 INJURY BY VEHICLE, 90.04 STRAY DOGS, 90.05 DOGS AT LARGE; DESIGNATION AS AGGRESSIVE DOG, 90.06 IMPOUNDMENT OF DOGS; DESTRUCTION; EMERGENCY SEIZURE, 90.07 POWERS AND DUTIES OF THE ANIMAL CONTROL OFFICER, 90.08 LICENSE FEE FOR DOGS; ISSUANCE OF TAGS; RECORDS; PENALTIES, 90.09 ANTI-RABIES VACCINATIONS; VACCINATION AND LICENSE STANDARDS, 90.10 WEARING LICENSE TAGS, 90.11 HANDLING OF BITING DOGS; RESPONSIBILITY FOR REPORTING DOG BITES, 90.12 NUISANCE BARKING, 90.13 UNLAWFUL INTERFERENCE WITH OFFICERS, 90.14 KEEPING OF AGGRESSIVE DOGS, 90.15 ADEQUATE EXERCISE SPACE FOR DOGS, 90.99 VIOLATION: PENALTY; AND (2) BY ADOPTING NEW SECTION 90.16 ANIMAL CRUELTY, ALL AS SET FORTH IN THE "TOWN OF CHINO VALLEY ANIMAL REGULATIONS AMENDMENTS, DATED SEPTEMBER 12, 2017" AND ALL RELATED TO CHANGING THE DESIGNATION OF "DANGEROUS DOG" TO "AGGRESSIVE DOG", REVISING THE DEFINITION OF "DOG", CLARIFYING THE REGULATIONS FOR IDENTIFYING AND KEEPING AGGRESSIVE DOGS, PROVIDING PROCESSES AND REGULATIONS RELATED TO EMERGENCY SEIZURE OF DOGS, REVISING THE REQUIREMENTS FOR ANTI-RABIES VACCINES TO CONFORM TO STATE LAW, CLARIFYING THE RESPONSIBILITIES OF DOG OWNERS/PERSONS IN CONTROL RELATED TO AGGRESSIVE DOGS AND DOG BITES, EXCESSIVE BARKING, AND OTHER NUISANCE BEHAVIORS, CRIMINALIZING ANIMAL CRUELTY, AND UPDATING THE PENALTY PROVISIONS FOR VIOLATIONS OF CHAPTER 90; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. In General.

1. That certain document entitled "Town of Chino Valley Animal Regulations Amendments, Dated September 12, 2017" is hereby declared to be a public record and three paper copies or one paper copy and one electronic copy maintained in compliance with Arizona Revised

Statutes § 44-7041, are filed in the office of the Town Clerk and kept available for public use and inspection.

2. The Town Code of the Town of Chino Valley, Arizona, Title IX General Regulations, Chapter 90 Animals is hereby amended by (1) by amending the following sections: 90.02 Definitions, 90.03 Injury by Vehicle, 90.04 Stray Dogs, 90.05 Dogs at Large; Designation as Aggressive Dog, 90.06 Impoundment of Dogs; Destruction; Emergency Seizure, 90.07 Powers and Duties of the Animal Control Officer, 90.08 License Fee for Dogs; Issuance of Tags; Records; Penalties, 90.09 Anti-Rabies Vaccinations; Vaccination and License Standards, 90.10 Wearing License Tags, 90.11 Handling of Biting Dogs; Responsibility for Reporting Dog Bites, 90.12 Nuisance Barking, 90.13 Unlawful Interference with Officers, 90.14 Keeping of Aggressive Dogs, 90.15 Adequate Exercise Space for Dogs, 90.99 Violation; Penalty; and (2) by adopting new Section 90.16 Animal Cruelty, all as set forth in that document entitled the "Town of Chino Valley Animal Regulations Amendments, Dated September 12, 2017," which document is hereby adopted and incorporated into this ordinance by reference.

Section 2. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the 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 4. Providing for Penalties

Any person found responsible for violating any provision of this Ordinance punishable by civil sanctions shall be subject to the civil sanctions and habitual offender provisions and any person found guilty of a violation of any provision of this Ordinance that is designated as a criminal violation shall be subject to imprisonment and penalties, all as set forth in Section 90.99 of the Town Code, as amended by and set forth in that document entitled "Town of Chino Valley Animal Regulation Amendments, Dated September 12, 2017."

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 12th day of September, 2017 by the following vote:

AYES: _____

ABSENT: _____

NAYS: _____

ABSTAINED: _____

APPROVED this ____ day of September, 2017.

Darryl Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, Town Attorney

The following exhibits are attached hereto and incorporated herein:

1. Town of Chino Valley Animal Regulations Amendments, Dated September 12, 2017

I, JAMI LEWIS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-834 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF CHINO VALLEY ON THE ____ DAY OF _____, 2017, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2017.

Jami C. Lewis, Town Clerk

Chino Valley Town Code Chapter 90: Animals

§ 90.01 Purpose.

The purpose of this chapter is to aid and assist the Town and its appropriate staff in the enforcement of A.R.S. §11-1002, Powers and duties of the state veterinarian and the Arizona Department of Agriculture; A.R.S. §11-1003, Power and Duties of the Department of Health Services; A.R.S. §11-1010, Anti-rabies Vaccination; Vaccination and License Stations; A.R.S. §11- 1016, Removing Impounded Animals; A.R.S. §11-1017, Unlawful Keeping of Dogs; and A.R.S. §11-1020, Dogs; Liability.

§ 90.02 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning OTHERWISE:

AGGRESSIVE DOG. ANY DOG THAT HAS BITTEN, ATTACKED OR MOLESTED A PERSON, DOMESTIC ANIMAL, FOWL, POULTRY, PET AND/OR LIVESTOCK AND HAS BEEN DEEMED AS SUCH BY A HEARING OFFICER OR COURT OF JURISDICTION PURSUANT TO § 90.05.

Animal Control Officer. A person who has the authority and is responsible for enforcement of the provisions and regulations of this Chapter.

Animal Control Shelter. Any established location authorized by the Chief of Police for the confinement, maintenance, safekeeping and control of dogs that come into the custody of an animal control officer or police officer in the performance of their duties.

Collar. A band, harness, or suitable device worn around the neck or body of a dog to which a license tag may be attached.

~~Dangerous Dog.~~ ~~Any dog:~~

~~—(1) Whose owner or responsible person knows, or has reason to know, that the dog has a propensity to attack, to cause injury, or otherwise endanger the safety of human beings or domestic animals without provocation;~~

~~—(2) That has been previously found to be dangerous or vicious by a court of competent jurisdiction, the owner having received notice thereof, and the dog again having aggressively bitten, attacked or endangered the safety of humans or domestic animals;~~

~~—(3) That, without provocation, inflicts severe injury to a human being;~~

~~—(4) That menaces, maims or kills domestic animals when off its owner's property;~~

~~—(5) That is used in the commission of a crime, including but not limited to, dog fighting; or~~

~~—(6) That, unprovoked, chases or approaches a person upon the streets, or any public grounds, in a menacing fashion or apparent attitude of attack, or that causes injury or otherwise threatens the safety of humans or domestic animals.~~

Dog. A member of the canine familiaris family, DOMESTICATED WOLVES AND/OR OFFSPRING OF A DOG CROSS-BRED WITH WILD ANIMALS OR DOMESTICATED WOLVES.

Dog at Large. A dog that is not on the premises of the owner or responsible person, and is not under the control of the owner or responsible person. Any dog in a suitable enclosure or physically restrained by the owner or responsible person shall not be considered to be at large.

Dog Owner. Any person OWNING, possessing, harboring, keeping, having an interest in, or having control or custody of a dog.

Dog Violation Citation. A document issued by an animal control officer or police officer to a person who has violated any provision of this chapter.

Enclosure. A fence or structure suitable to prevent the escape of a dog or the entry of young children.

Impound. The act of taking or receiving any dog into THE custody by OF an animal control officer or police officer for the purpose of confinementING IT in the Chino Valley Animal Control Shelter in accordance with the provisions of this chapter.

Microchip. To implant an animal with a microchip tag linked to a national computer network for the purpose of identification.

Neglect. Failure to provide for the health and safety, including, but not limited to failure to provide adequate food, water, shelter, exercise or necessary veterinary care to a dog or cat or to adequately confine a dog in a manner appropriate to its breed, age and condition.

Person. See § 10.05.

Proper Enclosure for a Dangerous Dog ~~means while on the owner's or responsible person's property, the secure confinement of a dangerous dog, either indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure shall have secure sides, top and floor, and be constructed in a manner that does not allow the dog's head to protrude through the pen or structure. Such pen or structure shall also provide protection from the elements for the dog, along with fresh food and water and exercise area to maintain the dog in good health.~~

Responsible Person. An owner or ~~any~~ OTHER person who has the responsibility for the possession, care, custody, or control of a dog and has the authority and ability to act on behalf of, or in the interest of the owner.

Restraint. Confinement of a dog within the real property limits of its owner, or secured by a leash or lead or otherwise under control of a responsible person, or confinement within a vehicle in a manner that prevents escape.

Severe Injury. A physical injury, INCLUDING BUT NOT LIMITED TO ~~which results in~~ broken bones, puncture wounds, or lacerations, AND POSSIBLY requiring sutures and/or cosmetic surgery.

Shelter. A structure capable of protecting a dog from present and potential environmental hazards.

Stray Dog. A dog that is at large and is not wearing a valid license tag and/or microchip device.

Tag. Proof of a license that is worn by the licensed dog.

~~**Tattoo**—an indelible mark or figure fixed upon the body by insertion of pigment under the skin.~~

Under Control. Physically restrained by a leash, rope, cord or chain or other device and/or under the direct supervision and control of the owner or responsible person.

Vaccination. The administration of an anti-rabies vaccine to dogs by a veterinarian.

Veterinary Hospital. Any establishment operated by a veterinarian licensed to practice in the State of Arizona which provides clinical facilities and houses dogs or birds for dental, medical, or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pen, stalls, cages or kennels for quarantine, observation or boarding.

§ 90.03 Injury by Vehicle.

Any person who accidentally or otherwise hits a dog with a vehicle ~~must~~ SHALL make a reasonable effort to contact the owner of the dog. In the event the owner cannot be contacted, the operator of the vehicle shall at once contact the Police Department or Animal Control Officer to report the incident.

§ 90.04 Strays DOGS.

(A) It is unlawful for any person to harbor or keep any lost or stray dog within the town without notifying the Animal Control Officer.

(B) WHEN A DOG IS THAT APPEARS TO BE LOST OR STRAY IS FOUND, THE FINDER SHALL MAKE A REASONABLE EFFORT TO LOCATE THE OWNER AND SHALL NOTIFY THE ANIMAL CONTROL OFFICER OR THE POLICE DEPARTMENT AS SOON AS POSSIBLE. ~~Penalty, see section 90.99-B~~

§ 90.05 Running DogS at Large; DESIGNATION AS AGGRESSIVE DOG.

(A) It is unlawful for an owner or responsible person of a dog to allow it to be at large within the Town limits. The owner or responsible person of a dog shall provide adequate fencing and/or enclosures to keep it contained on his or her property. ~~or, If A DOG IS off the OWNER OR PERSON IN CONTROL'S property, THE OWNER OR PERSON IN CONTROL are~~ SHALL MAINTAIN ~~under the owner's or responsible person's~~ direct supervision and control OF THE DOG AT ALL TIMES.

(B) Any dog at large may be apprehended and impounded by an animal control officer or police officer.

(1) Animal control officers may issue citation(s) for a dog at large to the owner or responsible person of that dog.

(2) The procedure for the issuance of a notice to appear shall be as provided for peace officers in A.R.S §13-3903, except the animal control officer shall not make an arrest before issuing the notice.

(3) The issuance of citations pursuant to this chapter shall be subject to the provisions of A.R.S. §13-3899.

(C) THE OWNER OR PERSON RESPONSIBLE FOR THE DOG SHALL BE LIABLE FOR ANY INJURY TO A PERSON OR DAMAGE TO ANY PROPERTY RESULTING FROM A DOG AT LARGE IN VIOLATION OF THIS SECTION.

(€D) A dog is not at large:

(1) If it is engaged in obedience training, accompanied by and under the control of its owner or trainer.

(2) While it is being used for legitimate hunting purposes.

(3) While it is being exhibited in a sanctioned event.

(4) If while off the premises of the owner or responsible person, it is under the owner's, or responsible person's direct supervision and control OR BY USE OF A LEASH OR OTHER APPROVED TETHER DEVICE.

(5) If it is being utilized as a service dog for a handicapped person or a seeing-eye

dog in assisting a legally blind person, AND SUFFICIENT CONTROL IS EXERCISED BY THE HANDLER.

(6) If IT is being used to control livestock.

(7) WHILE IT IS BEING USED TO ASSIST A POLICE OFFICER ENGAGED IN LAW ENFORCEMENT DUTIES.

(E) A DOG OWNER OR RESPONSIBLE PERSON SHALL CONTROL THE DOG IN A MANNER THAT PREVENTS THE DOG FROM BITING, ATTACKING, MOLESTING, OR INTERFERING WITH A PERSON, DOMESTIC ANIMAL, FOWL, POULTRY, PET AND/OR LIVESTOCK OR CHASING VEHICLES.

(F) A PERSON IS NOT IN VIOLATION OF SUBSECTION (E) IF:

(1) THE DOG IS ON THE OWNERS' PROPERTY AND THE BITING, ATTACKING, MOLESTING, OR INTERFERING OCCURS AFTER PROVOCATION FROM THE PERSON, DOMESTIC ANIMAL, FOWL, POULTRY, PET OR LIVESTOCK THAT WAS BIT, ATTACKED, MOLESTED OR INTERFERED WITH; OR

(2) THE DOG IS OWNED BY A GOVERNMENTAL AGENCY AND IS IN USE FOR MILITARY OR POLICE WORK; OR

(3) THE DOG IS A SERVICE DOG AND THE INCIDENT OCCURRED WHILE THE DOG WAS PROVIDING A SERVICE TO THE OWNER;

(4) THE DOG WAS ENGAGED IN THE LAWFUL ACT OF HUNTING, RANCHING, FARMING OR OTHER AGRICULTURAL PURPOSE.

(G) AFTER A CONVICTION OF A VIOLATION OF 90.05(E) INVOLVING THE ATTACKING AND/OR BITING OF A PERSON, DOMESTIC ANIMAL, FOWL, POULTRY, PET AND/OR LIVESTOCK, THE PROSECUTOR MAY REQUEST A HEARING TO ESTABLISH PROBABLE CAUSE TO HAVE THE DOG CLASSIFIED BY THE COURT AS AN AGGRESSIVE DOG.

(H) IF A DOG IS INVOLVED IN TWO OR MORE VIOLATIONS OF § 90.05(E) INVOLVING THE ATTACKING AND/OR BITING OF A PERSON, DOMESTIC ANIMAL, PET AND/OR LIVESTOCK OFF THE OWNER'S PROPERTY THE DOG SHALL, UPON THE SECOND OR SUBSEQUENT CONVICTION, BE DEEMED BY THE COURT TO BE AN AGGRESSIVE DOG, WHICH MAY ONLY BE KEPT IN CONFORMANCE WITH THE PROVISIONS OF § 90.16.

(I) AN OWNER WHOSE DOG IS DEEMED TO BE AN AGGRESSIVE DOG MAY PETITION THE COURT TO DE-CLASSIFY THE DOG AS AGGRESSIVE. THE PETITION SHALL REQUEST A HEARING AT WHICH THE OWNER MAY PRESENT FACTS AND CIRCUMSTANCES TO THE COURT SUPPORTING THE REQUEST. WHILE THE

REQUEST IS PENDING AND UNTIL THE HEARING OFFICER MAKES A DETERMINATION THAT THE DOG IS NOT AN AGGRESSIVE DOG, THE DOG SHALL BE MAINTAINED IN CONFORMANCE WITH § 90.16.

§ 90.06 ImpoundingMENT of Dogs; DESTRUCTION; EMERGENCY SEIZURE.

(A) Any stray dog shall be impounded. All impounded dogs shall be given proper care and maintenance.

(B) Each impounded licensed, OR micro chipped ~~or tattooed~~ dog shall be kept and maintained at the Animal Control Shelter for a minimum of ~~10~~TEN days, unless claimed by its owner or responsible person. An unlicensed dog ~~will~~SHALL be kept and maintained at the Animal Control Shelter for a minimum of ~~3~~THREE days. Any dog found without a tag, OR microchip device, ~~or tattoo~~ identifying its owner shall be deemed not owned.

(C) An impounded licensed or unlicensed dog may be adopted upon expiration of the impoundment period, provided the ADOPTING person pays the appropriate adoption fees and complies with licensing and vaccinating provisions of this chapter. Adoption fees may be waived for recognized nonprofit dog rescue groups. No dog ~~will~~SHALL be released for use in medical research. Animal control officers may destroy impounded sick, or injured dogs whenever the destruction is DEEMED BY A LICENSED VETERINARIAN TO BE necessary to prevent the dog from suffering or to prevent the spread of disease, ~~provided such is confirmed by a licensed veterinarian.~~

(D) Any licensed impounded dog ~~impoundment~~ may be reclaimed by its owner or responsible person within ~~10~~TEN days, provided the person reclaiming the dog furnishes proof of the right to do so, proof of rabies vaccination, pays all dog shelter fees, medical fees, service and license fees as applicable. If the dog is not reclaimed within the impoundment period, the animal control officer shall take possession and may place the dog for adoption or may dispose of the dog in a humane manner as prescribed by a licensed veterinarian.

(E) A DOG SHOWING SIGNS OR SYMPTOMS OF RABIES, ~~Any dog, except those showing signs of rabies, which it is necessary to destroy, shall~~MAY be destroyed ~~only~~ by a state licensed veterinarian OR ANY OTHER MEANS DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH AND SAFETY.

F. ~~Any dog~~UPON surrender OF A DOG by its owner or responsible person to THE TOWN FOR DESTRUCTION, ~~be destroyed, A DOG SHALL become the property of the town~~ SHALL BECOME THE PERSON RESPONSIBLE FOR THE DOG. PRIOR TO THE SURRENDER, THE OWNER OR RESPONSIBLE PERSON SHALL PAY All associated fees ~~will be paid by the owner or responsible person that~~ TO THE TOWN ~~surrenders the dog.~~

(G) EMERGENCY SEIZURE ASSISTANCE OF ANIMAL. ~~IF PROBABLE CAUSE IS PRESENT AND THE ADDITIONAL TIME NEEDED TO OBTAIN A SEARCH WARRANT MAY RESULT~~ **A POLICE OFFICER OR ANIMAL CONTROL OFFICER OBSERVES AN ANIMAL IN IMMINENT DANGER OF DEATH OR INHUMANE SUFFERING, THE PEACE OFFICER OR ANIMAL CONTROL OFFICER MAY ASSIST THE ANIMAL AS**

~~NEEDED.~~ IN THE DEATH OR INHUMANE SUFFERING OF AN ANIMAL, A PEACE OFFICER OR ANIMAL CONTROL OFFICER MAY:

~~—— (1) —— ENTER THE PREMISES AND/OR PROPERTY AT WHICH THE DOG IS LOCATED; AND~~

~~—— (2) —— SEIZE THE DOG FACING DEATH OR INHUMANE SUFFERING;~~

~~—— (3) —— IMPOUND THE DOG AT THE SHELTER OR VETERINARIAN FACILITY AS DEEMED APPROPRIATE BY THE PEACE OFFICER OR ANIMAL CONTROL OFFICER AFTER CONSULTATION WITH A LICENSED VETERINARIAN;~~

~~—— (4) —— SERVE NOTICE TO THE OWNER OF THE SEIZURE AND PENDING PROBABLE CAUSE HEARING FILING BY THE TOWN ATTORNEY.~~

~~(H) —— THIS SECTION SHALL NOT RELIEVE THE DUTY OF AN OFFICER TO OBTAIN A WARRANT IF TIME AND CIRCUMSTANCES ALLOW FOR THE WARRANT PROCESS WITHOUT UNREASONABLE RISK TO THE HEALTH AND SAFETY OF THE DOG.~~

~~(I) —— IF A DOG IS SEIZED WITHOUT A SEARCH WARRANT PURSUANT TO SUBSECTION (G) ABOVE, THE TOWN ATTORNEY OR PROSECUTOR SHALL, WITHIN FIFTEEN DAYS OF THE SEIZURE, REQUEST A HEARING BEFORE THE MAGISTRATE TO ESTABLISH PROBABLE CAUSE FOR THE SEIZURE FOR MISTREATMENT AND/OR NEGLECT.~~

~~—— (1) —— IF THE MAGISTRATE DOES NOT FIND PROBABLE CAUSE, ALL FEES AND COSTS ASSOCIATED WITH THE CARE, IMPOUNDMENT OR TREATMENT OF THE DOG DURING THE SEIZURE SHALL BE BORNE BY THE TOWN AND THE DOG SHALL BE RETURNED TO THE OWNER OR PERSON RESPONSIBLE BY THE END OF THAT BUSINESS DAY.~~

~~—— (2) —— IF THE MAGISTRATE FINDS PROBABLE CAUSE:~~

~~—— (a) —— THE COURT SHALL REQUIRE THE OWNER OR PERSON RESPONSIBLE TO PAY THE TOWN FOR ALL FEES AND COSTS INCURRED IN THE CARE, IMPOUNDMENT AND/OR TREATMENT OF THE DOG EITHER AT THE TIME OF THE PROBABLE CAUSE HEARING OR AT A SUBSEQUENT FEE HEARING WHICH SHALL BE HELD WITHIN THIRTY DAYS OF THE PROBABLE CAUSE HEARING.~~

~~—— (b) —— THE COURT SHALL DETERMINE WHETHER TO THE TOWN SHALL RETAIN CUSTODY AND CONTROL OF THE DOG OR WHETHER THE DOG MAY BE RETURNED TO THE OWNER OR PERSON IN CONTROL.~~

§ 90.07 Powers and Duties of the Animal Control Officer.

(A) The animal control officer shall:

- (1) Enforce the provisions of this chapter and the regulations promulgated hereunder;
- (2) Issue citations for violations of this chapter and the regulations promulgated hereunder. The procedure of the issuance of notices to appear shall be provided for peace officers in A.R.S. §13-3903, except that the Animal Control Officer shall not make an arrest before issuing the notice;
- (B) The issuance of citations pursuant to this section shall be subject to the provision of A.R.S. §13-3899.
- (C) The animal control officer is a member of the Police Department and, where applicable, shall function in accordance with Police Department policies and procedures.

§ 90.08 License Fee for Dogs; Issuance of Tags; Records; Penalties.

- (A) The Town Council shall set an annual license fee, which shall be paid for each dog ~~3~~ THREE months of age or over that is kept, harbored or maintained withIN the boundaries of the Town for at least 30 ~~consecutive~~ days of the calendar year. License fees shall ~~become payable~~ SET AT the discretion of the Council. The licensing period shall not exceed the period of time for revaccination as designated by the State Veterinarian.
- (B) License fees shall be paid within ~~90~~30 days of acquisition of the dog AND/OR THE DOG BECOMES ELIGIBLE FOR LICENSING. A penalty shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this subchapter.
- (C) Durable license tags shall be provided. Each dog licensed under the terms of this chapter shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the town, the number of the license and the year for which it is valid. The license tag shall be attached to a collar or harness which shall be worn by the dog at all times except when the dog is confined on the owner's property or due to medical condition certified by a licensed veterinarian in which case the owner will provide proof of said condition signed by a licensed veterinarian. Whenever a tag is lost, a duplicate tag shall be issued upon application and payment of a fee by the owner.
- (D) License fees for dogs permanently incapable of procreation shall be at a lower rate. An application for a license for a dog incapable of procreation shall furnish adequate proof satisfactory to the animal control officer that the dog has been surgically altered to be permanently incapable of procreation.
- (E) After written notification from the animal control officer, the owner will have ~~15~~FIFTEEN days to obtain a license for a dog required to be licensed. It is ~~also~~ a violation of this chapter to counterfeit, attempt to counterfeit an official dog tag, or to remove a tag from any dog for the purpose of willful and malicious mischief or to place a dog tag upon a dog unless the tag was issued for that particular dog. ~~Penalty, see section 90.99.~~
- (F) Impounding fees shall be established by the Council in conformance with current state fees for the impounding and maintenance of dogs of like species and circumstances.

§ 90.09 Anti–Rabies Vaccinations: Vaccination and License Standards.

(A) Before a license is issued for any dog, the owner must present a rabies vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used, and date revaccination is due. A duplicate of each rabies vaccination certificate issued to a resident of Chino Valley shall be transmitted to the animal control officer on or before the 10th day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions and regulations of this chapter.

(B) The owner of a dog ~~3THREE~~ months of age over which, for medical purposes, is unable to receive a rabies vaccination may request a waiver of the unaltered license fees. The owner may be granted this waiver only after supplying ~~to the animal control officer~~ a certified veterinarian recommendation from a licensed veterinarian ~~TO THE ANIMAL CONTROL OFFICER~~.

(C) A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing, its owner presents a vaccination certificate, signed by a veterinarian licensed to practice in the state or a veterinarian employed by a governmental agency in that state. The vaccination certificate must state the owner's name and address, and provide a description of the dog, its date of vaccination, and type, manufacturer and serial number of the vaccine used.

(D) The vaccination must be in conformity with the provisions and regulations of this chapter.

§ 90.10 Wearing License Tags.

(A) Any dog over the age of ~~3THREE~~ months, ~~THAT IS OFF THE OWNERS PROPERTY,~~ shall ~~either be implanted with a permanent microchip device or~~ wear a collar or harness to which is attached a valid license tag pursuant to § 90.08 above.

B. EXCEPTIONS:

1. IF A DOG IS MICROCHIPPED AND THE OWNER INFORMATION ON FILE WITH THE MICROCHIP COMPANY, INCLUDING A VALID PHONE NUMBER, IS CURRENT AND THE OWNER OF THE DOG CAN PRODUCE PROOF OF CURRENT RABIES VACCINATION THE DOG NEED NOT WEAR A LICENSE TAG.

2. Dogs used for the control of livestock, while being trained for hunting or dog obedience training, or while being exhibited or trained at a kennel club event, and ~~the dogs while~~ being transported to and from such events, need not wear a collar or harness with a valid license attached, provided they are properly vaccinated, licensed and controlled.

~~C. Penalty, see section 90.99–~~

§ 90.11 Handling of Biting Dogs; Responsibility for Reporting Dog Bites.

(A) A dog whether licensed, unlicensed or unvaccinated, that bites any person shall be confined and quarantined in an authorized animal control shelter ~~(as defined in section 90.02)~~, with the owner or responsible person liable for all fees and expenses. Upon the request of and at the expense of the owner or responsible person, the dog may be quarantined at a veterinary hospital, or at a location deemed appropriate by the animal control officer for a period of not less than ~~10~~TEN days.

(B) Whenever a dog bites any person, the incident shall be reported to the animal control officer or Police Department immediately by any person having direct knowledge. The officer shall be responsible for making reports of dog bites and other dog related incidents and procedures, including the disposal of dog remains and transportation of dogs to be scientifically examined.

(C) Any dog confined and quarantined pursuant to this chapter may be destroyed prior to the termination of the minimum confinement period for laboratory examination for rabies if:

- (1) The dog shows clear clinical signs of rabies in accordance with state law; and
- (2) The owner or responsible person of the dog consents to its destruction.

(D) Any dog found without a tag, OR microchip device, ~~or tattoo~~, identifying its owner shall be deemed not owned.

(E) Dogs that expire or become ill during quarantine shall be examined by medical authorities to scientifically determine causes for the condition or death of the dog and if a communicable disease is present. All associated fees will be paid by the owner or responsible person.

(F) In any case, where the dog is determined to be diseased, the owner or responsible person of the dog and the victim of the attack or bite shall be immediately notified so medical treatment may be administered as necessary. In cases where the victim is in or on a public place or lawfully in or on a private place at the time of the attack or bite, all associated reasonably necessary fees shall be paid by the owner or responsible person.

(G) THE OWNER OF ANY DOG THAT HAS BITTEN A PERSON SHALL DELIVER THE DOG TO THE CHINO VALLEY ANIMAL SHELTER AT THE REQUEST OF THE ANIMAL CONTROL OFFICER AND/OR POLICE OFFICER. IF THE OWNER REFUSES OR DOES NOT BRING THE DOG TO THE CHINO VALLEY ANIMAL SHELTER, AND THE DOG IS RETRIEVED BY THE POLICE DEPARTMENT OR ANIMAL CONTROL OFFICER, THE OWNER SHALL PAY THE TOWN A \$25.00 FEE. AS AN ALTERNATIVE TO DELIVERING THE DOG TO THE CHINO VALLEY ANIMAL SHELTER, THE OWNER MAY TIMELY TAKE THE DOG TO A LICENSED VETERINARIAN CLINIC WHERE IT

SHALL REMAIN FOR THE QUARANTINE PERIOD AND, IN WHICH CASE, THE \$25.00 FEE SHALL NOT APPLY.

§ 90.12 ~~Nuisance Barking~~ EXCESSIVE BARKING; NUISANCE BEHAVIOR

(A) ~~No dog shall cause~~ IT SHALL BE UNLAWFUL FOR A DOG TO:

(1) CAUSE a disturbance TO THE PEACE AND ENJOYMENT OF ANY REASONABLE PERSON RESIDING WITHIN THE TOWN LIMITS by excessive barking or other noise making ~~that causes a disturbance~~, including, but not limited to, howling, screeching, yelping, or baying. ~~as specified below;~~

(2) ENGAGE IN NUISANCE BEHAVIOR INCLUDING, DAMAGING, SOILING, DEFILING, OR DEFECATING ON PRIVATE PROPERTY OTHER THAN THE OWNER'S OR ON PUBLIC SIDEWALKS, TRAILS, OR RECREATION AREAS, UNLESS SUCH WASTE IS IMMEDIATELY REMOVED AND PROPERLY DISPOSED OF BY THE OWNER OR PERSON RESPONSIBLE.

(B) ~~ANY~~ persons desiring to pursue CIVIL OR criminal charges against any person ~~keeping or maintaining a dog that is in the habit of barking, howling or otherwise disturbing the peace and quiet of any reasonable persons residing within the town limits~~ FOR A VIOLATION OF SUBSECTION (A) ABOVE, ~~must~~ SHALL complete a witness statement (provided by the animal control officer or other representative of the Police Department) and assist in the prosecution. ~~Penalty, see § 90.99.~~

§ 90.13 Unlawful Interference with ~~Animal Control~~ Officers

It is unlawful for any person to interfere with an animal control officer-OR PEACE OFFICER in the performance of his or her duties. ~~Penalty, see section 90.99~~

§ 90.14 ~~Dangerous~~ KEEPING OF AGGRESSIVE Dogs.

It is unlawful for an owner to have a ~~dangerous~~ AN AGGRESSIVE dog within the Town limits without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

(A) An animal control officer shall issue a certification~~ion~~ of registration to the owner of such dog if the owner presents to the animal control officer sufficient evidence of:

(1) A proper enclosure for a ~~dangerous~~ THE AGGRESSIVE dog to confine the ~~dangerous~~ AGGRESSIVE dog and the posting of the premises with a clearly visible warning sign that there is a ~~dangerous~~ AN AGGRESSIVE dog on the property. ~~In addition, the owner shall conspicuously display a~~ THE sign with SHALL INCLUDE a warning symbol that informs children of the presence of a ~~dangerous~~ AN AGGRESSIVE dog.

(2) A surety bond issued by a surety insurer, in the form acceptable to the Town Prosecutor in a sum of no less than \$100,000.

(3) A policy of liability insurance, such as homeowner's insurance, issued by a qualified insurer, in the amount of at least \$300,000, insuring the owner for any personal injuries inflicted by the ~~dangerous~~AGGRESSIVE dog.

(B) It is unlawful for the owner of a ~~dangerous~~AN AGGRESSIVE dog to permit the dog to be outside of the proper enclosure unless the dog is under control of the owner or a responsible person AND IS RESTRAINED BY A LEASH.

(C) A dog shall not be declared to be ~~dangerous~~AGGRESSIVE if the bite or attack was deemed accidental or with reasonable cause, or if the threat or damage was sustained by a person who, at that time, was committing a willful trespass or other criminal act upon the premises occupied by the owner of OR PERSON RESPONSIBLE FOR the dog, or was tormenting, abusing or assaulting the dog, or has in the past been observed or reported to have tormented, abused or assaulted the dog, ~~or committing or attempting to commit a crime.~~

(D) Any ~~dangerous~~AGGRESSIVE dog shall be immediately confiscated by an animal control officer if:

(1) The dog is not validly registered ~~under division~~AS REQUIRED BY SUBSECTION (A) above;

(2) The owner does not secure the REQUIRED liability insurance coverage;

(3) The dog is not maintained in the proper enclosure;

(4) The dog is outside the dwelling of the owner, or outside of the proper enclosure and not under control of the owner or responsible person, IN WHICH CASE, ~~—In addition,~~ the owner or responsible person shall be guilty of a Class 1 misdemeanor.

(5) The dog was previously found to be a ~~dangerous~~AN AGGRESSIVE dog under this Chapter and attacks or bites a person or another domestic dog. In this event, the owner or responsible person ~~is subject to~~SHALL REASONABLY ACT TO protect the public or other dogs. In addition, the aggressive dog shall be placed in quarantine for the proper length of time and thereafter, upon order of the court, shall be destroyed in an expeditious and humane manner.

(6) The dog aggressively attacks and causes severe injury or death of any human, regardless of whether the dog has previously been declared potentially dangerous or dangerous. In addition, the dog shall immediately be placed in quarantine for the proper length of time and thereafter, upon order of the court, shall be destroyed in an expeditious and humane manner. In addition, the owner or responsible person shall be guilty of a Class 1 Misdemeanor.

(E) Notwithstanding the requirements set forth in paragraphs (A)(1) through(A)(3) above, the Town shall not be liable for the owner's failure to secure and maintain a proper enclosure, a surety bond, or a policy of liability insurance.

(F) FOR PURPOSES OF THIS SECTION "PROPER ENCLOSURE" SHALL MEAN THE SECURE CONFINEMENT, EITHER INDOORS OR IN A SECURELY ENCLOSED AND LOCKED PEN OR STRUCTURE WITH SECURE SIDES, TOP, AND FLOOR, DESIGNED

TO PREVENT THE DOG FROM ESCAPING AND THE ENTRY OF YOUNG CHILDREN. THE DOG'S HEAD SHALL NOT BE ABLE TO PROTRUDE OUT OF THE ENCLOSURE. THE ENCLOSURE SHALL PROTECT THE DOG FROM THE ELEMENTS AND ALLOW FOR THE PROVISION OF FRESH FOOD AND WATER AND AN EXERCISE AREA IN ORDER TO MAINTAIN THE DOG IN GOOD HEALTH.

§ 90.15 Adequate Exercise Space for Dogs

(A) Every enclosure for a dog shall be constructed in a manner to minimize the risk of injury to the dog and shall encompass sufficient useable space to keep the dog in good condition.

(B) It shall be unlawful for the owner or responsible person of a dog, WHETHER PRESENT OR NOT, to INTENTIONALLY, KNOWINGLY OR RECKLESSLY secure ~~the~~ A dog by means of a tie-out, including but not limited to, chains, leashes, ropes, wire or cable attached to a swivel, pulley system or fixed point, ~~unless the dog is under the direct supervision of the owner~~ THAT DOES EITHER OF THE FOLLOWING:

- (1) PREVENTS OR RESULTS IN DENYING THE DOG ACCESS TO WATER OR SHELTER;
 - (2) INFLECTS INJURY OR DEATH UPON THE DOG; OR
 - (3) RESULTS IN OR FACILITATES INJURY OR DEATH TO THE DOG.
- Penalty, see 90.99

§ 90.16 ANIMAL CRUELTY

(A) A PERSON COMMITS CRUELTY TO ANIMALS IF THE PERSON DOES ANY OF THE FOLLOWING:

- (1) INTENTIONALLY, KNOWINGLY OR RECKLESSLY SUBJECTS ANY ANIMAL UNDER THE PERSON'S CUSTODY OR CONTROL TO CRUEL NEGLECT OR ABANDONMENT.
- (2) INTENTIONALLY, KNOWINGLY OR RECKLESSLY FAILS TO PROVIDE MEDICAL ATTENTION NECESSARY TO PREVENT PROTRACTED SUFFERING TO ANY ANIMAL UNDER THE PERSON'S CUSTODY OR CONTROL.
- (3) INTENTIONALLY, KNOWINGLY OR RECKLESSLY INFLECTS UNNECESSARY PHYSICAL INJURY TO ANY ANIMAL.
- (4) RECKLESSLY SUBJECTS ANY ANIMAL TO CRUEL MISTREATMENT.

(5) INTENTIONALLY, KNOWINGLY OR RECKLESSLY KILLS ANY ANIMAL UNDER THE CUSTODY OR CONTROL OF ANOTHER PERSON WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.

(6) RECKLESSLY INTERFERES WITH, KILLS OR HARMS A WORKING OR SERVICE ANIMAL WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.

(7) INTENTIONALLY, KNOWINGLY OR RECKLESSLY LEAVES AN ANIMAL UNATTENDED AND CONFINED IN A MOTOR VEHICLE AND PHYSICAL INJURY TO OR DEATH OF THE ANIMAL IS LIKELY TO RESULT.

(8) INTENTIONALLY OR KNOWINGLY SUBJECTS ANY DOG ~~OR CAT~~ UNDER THE PERSON'S CUSTODY OR CONTROL TO CRUEL NEGLECT OR ABANDONMENT THAT RESULTS IN SERIOUS PHYSICAL INJURY TO THE ANIMAL.

(9) INTENTIONALLY OR KNOWINGLY SUBJECTS ANY ANIMAL TO CRUEL MISTREATMENT.

(10) INTENTIONALLY OR KNOWINGLY INTERFERES WITH, KILLS OR HARMS A WORKING OR SERVICE ANIMAL WITHOUT EITHER LEGAL PRIVILEGE OR CONSENT OF THE OWNER.

(11) INTENTIONALLY OR KNOWINGLY ALLOWS ANY DOG THAT IS UNDER THE PERSON'S CUSTODY OR CONTROL TO INTERFERE WITH, KILL OR CAUSE PHYSICAL INJURY TO A SERVICE ANIMAL.

(12) RECKLESSLY ALLOWS ANY DOG THAT IS UNDER THE PERSON'S CUSTODY OR CONTROL TO INTERFERE WITH, KILL OR CAUSE PHYSICAL INJURY TO A SERVICE ANIMAL.

(13) INTENTIONALLY OR KNOWINGLY OBTAINS OR EXERTS UNAUTHORIZED CONTROL OVER A SERVICE ANIMAL WITH THE INTENT TO DEPRIVE THE SERVICE ANIMAL HANDLER OF THE SERVICE ANIMAL.

(B) IT IS A DEFENSE TO SUBSECTION A OF THIS SECTION IF:

(1) ANY PERSON EXPOSES POISON TO BE TAKEN BY A DOG THAT HAS KILLED OR WOUNDED LIVESTOCK OR POISON TO BE TAKEN BY PREDATORY ANIMALS ON PREMISES OWNED, LEASED OR CONTROLLED BY THE PERSON FOR THE PURPOSE OF PROTECTING THE PERSON OR THE PERSON'S LIVESTOCK OR POULTRY, THE TREATED PROPERTY IS KEPT POSTED BY THE PERSON WHO AUTHORIZED OR PERFORMED THE TREATMENT UNTIL THE POISON HAS BEEN REMOVED AND THE POISON IS REMOVED BY THE PERSON EXPOSING THE POISON AFTER THE THREAT TO THE PERSON OR THE PERSON'S LIVESTOCK OR POULTRY HAS CEASED TO EXIST. THE POSTING REQUIRED SHALL PROVIDE ADEQUATE

WARNING TO PERSONS WHO ENTER THE PROPERTY BY THE POINT OR POINTS OF NORMAL ENTRY. THE WARNING NOTICE THAT IS POSTED SHALL BE READABLE AT A DISTANCE OF FIFTY FEET, SHALL CONTAIN A POISON STATEMENT AND SYMBOL, AND SHALL STATE THE WORD "DANGER" OR "WARNING".

(2) ANY PERSON USES POISONS IN AND IMMEDIATELY AROUND BUILDINGS OWNED, LEASED OR CONTROLLED BY THE PERSON FOR THE PURPOSE OF CONTROLLING WILD AND DOMESTIC RODENTS AS OTHERWISE ALLOWED BY THE LAWS OF THE STATE, EXCLUDING ANY FUR-BEARING ANIMALS AS DEFINED IN SECTION 17-101 OF THE ARIZONA REVISED STATUTES.

(C) THIS SECTION DOES NOT PROHIBIT OR RESTRICT:

(1) THE TAKING OF WILDLIFE OR OTHER ACTIVITIES PERMITTED BY OR PURSUANT TO ARIZONA REVISED STATUTES, TITLE 17.

(2) ACTIVITIES PERMITTED BY OR PURSUANT TO ARIZONA REVISED STATUTES, TITLE 3.

(3) ACTIVITIES REGULATED BY THE ARIZONA GAME AND FISH DEPARTMENT OR THE ARIZONA DEPARTMENT OF AGRICULTURE.

(D) A PEACE OFFICER, ANIMAL CONTROL OFFICER OR ANIMAL CONTROL DEPUTY MAY USE REASONABLE FORCE TO OPEN A VEHICLE TO RESCUE AN ANIMAL IF THE ANIMAL IS LEFT IN THE VEHICLE AS PRESCRIBED IN SUBSECTION (A), PARAGRAPH (7) OF THIS SECTION.

§ 90.99 VIOLATION; PENALTY.

(A) Any person CONVICTED OF violating any provision of this chapter for which no specific penalty is prescribed shall be guilty of a Class 1 misdemeanor, PUNISHABLE AS SET FORTH IN § 10.99 OF THIS CODE.

(B) Any person CONVICTED OF violating any provisions of sections 90.03, 90.04, ~~90.05~~, 90.08, 90.10, 90.12(B), 90.13, or 90.15 of this Chapter shall be guilty of a Class 3 misdemeanor, PUNISHABLE BY A FINE NOT TO EXCEED \$500, IMPRISONMENT FOR A PERIOD NOT TO EXCEED 30 DAYS, OR BY ANY COMBINATION OF SUCH FINE AND IMPRISONMENT.

(C) ANY PERSON CONVICTED OF VIOLATING ANY PROVISION OF SECTION 90.12(A) OR § 90.05 THAT DOES NOT INVOLVE BITING OR ATTACKING SHALL BE GUILTY OF A CIVIL OFFENSE PUNISHABLE AS SET FORTH IN § 10.99 OF THIS CODE AND SUBJECT TO THE HABITUAL OFFENDER PROVISIONS SET FORTH IN SECTION 10.99(D).

(D) ANY PERSON CONVICTED OF VIOLATING ANY PROVISION OF § 90.05 THAT INVOLVES BITING OR ATTACKING SHALL BE GUILTY OF A CLASS 3 MISDEMEANOR, PUNISHABLE AS SET FORTH IN THIS SECTION.

(E) ANY FINE, FEE OR MONETARY RESTITUTION AMOUNT ASSESSED FOR LOSS OF PROPERTY DUE TO THE UNLAWFUL ACTIONS OF A DOG MAY BE ORDERED BY THE COURT AT THE TIME OF SENTENCING IF PAYMENT WAS NOT RECEIVED PRIOR TO SENTENCING.