

MINUTES OF THE STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

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

The Town Council of the Town of Chino Valley, Arizona, met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, October 17, 2017.

Present: Mayor Darryl Croft; Vice-Mayor Mike Best; Councilmember Annie Lane; Councilmember Corey Mendoza; Councilmember Jack Miller; Councilmember Lon Turner

Absent: Councilmember Cloyce Kelly

Staff Town Manager Cecilia Gritman; Police Chief Chuck Wynn; Police Lieutenant Vince

Present: Schaan; Deputy Town Clerk Michelle Greenstreet (videographer); Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Croft called the meeting to order at 6:01 p.m.

(Councilmember Lane attended via conference phone.)

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

Lt. Vince Schaan reported that he and the Police Chief received feedback from several councilmembers and made further alterations to Section 90.06(G) of the proposed ordinance by removing subsections (G), (H), and (I) related to emergency seizure and added new paragraph (G) related to emergency assistance. This change addressed the main point of contention from the last meeting.

Vice-Mayor Best expressed support on the definition change from “dangerous dog” to “aggressive dog.” Lt. Schaan related that under the current code, a dangerous dog was not allowed in the Town without meeting certain requirements; no warnings could be given; the Court could prosecute after one biting incident; and once on the dangerous dog list, it could not be removed. However, as any dog was capable of being dangerous, and such designation was unknown until a dog acted that way, the text change meant that the dog had to act aggressively more than once and the owner had the opportunity to get the dog removed from the aggressive dog list.

Public comment:

Debbie Pomeroy, resident, commented on several items:

- Dangerous dog was defined and it had to be aggressive.
- The “Dog at Large” provision seemed to imply that a dog loose on its owner’s property with an open gate was considered at large.
- The “Injury by Vehicle” provision appeared to put the public at risk.
- The “Stray Dogs” provision appeared to tell people to break the law
- The section heading for “Dogs at Large; Designation as Aggressive Dog” should be separated.
- “Impoundment” should be a separate heading; proving ownership was not clear; and the right to take from the pound needed to be defined. She supported the new imminent danger language and expressed concern about the Animal Control Officer (ACO) being trained for imminent danger and volatile situations
- “Nuisance Behavior” language relating to barking dogs needed to be put back in to be consistent with other local entities, and the language appeared to allow anyone, even someone just driving by, to complain.
- The “Keeping of Aggressive Dogs” provision appeared to make a small child responsible, not the dog or dog owner, for knowing if a dog was dangerous. Such dogs should be in a pen behind a fence to protect children.

Donna Armstrong, resident, commented on several items:

- She agreed with everything Ms. Pomeroy stated, and added that staff changed things without sending them to the public and there was a lot of redundancy.
- The “Dangerous Dog” definition should leave out the word “propensity” and retain the rest of the dangerous dog language; and If this was a dog only ordinance, references to other animals should be removed.
- The “Dog at Large” provision appeared to allow the ACO to deem the dog as at large if on its owner’s property and not wearing tags.
- The “Animal Cruelty” provision appeared to allow a property owner to be prosecuted for using poison for rats in her barn.
- The “Biting Dog” provision appeared to state that she could be charged fees for boarding her own dog.
- Proposed new fees should be on the website.

Tom Armstrong, resident, provided a copy of ADA requirements for service dogs and requested that staff add this information to the ordinance. He also asked what symbol would be used on signs designating a dangerous dog.

Lt. Schaan responded on the following topics:

- *ADA requirements.* State statute covered a lot of this and staff complied with those regulations. Section 90.05 in the ordinance stated that as long as a service animal was under control, it could not be considered at large.
- *Statutory provisions.* Some issues raised by Ms. Pomeroy were already in statute.
- *Dog at Large.* The new definition related only to when the dog was not on its owner’s premises.
- *Aggressive Dog.* Dogs were only deemed aggressive after the Court so ruled, and the new provision allowed owners to remove their dog from the list. Dangerous dog signage was not in the current version. The enclosure for an aggressive dog must prevent a child from getting inside and the dog’s head from protruding from the

enclosure.

- *Ownership.* If owners obeyed the licensing rules, ownership was easy to prove, and staff had never had issues with it. Chief Wynn added that persons claiming a dog that was not theirs would be charged.
- *Fees.* The Town was following the statutory rules for enacting new fees. Only one new one, relating to biting dogs, was being proposed at this time. All other fees were listed on the Town's website and available at the Court. There was no fee for home quarantine and the ACO typically allowed it if the dog had its rabies shots.
- *Poison.* The reference in Section 90.16 paragraph (B) was taken from statute and was a defense for poison to be used and was not chargeable under the previous paragraph (A).
- *Definitions.* Some were relocated in the ordinance.

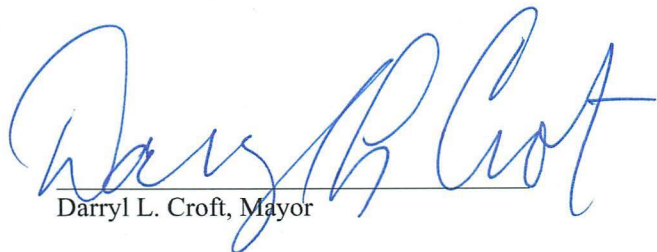
Councilmember Turner related that ACE Hardware and Watters sold a one-time poison that became inert after ingesting, which had worked successfully for gophers and the like.

Mayor Croft stated that this item will be back on the next agenda.

3) ADJOURNMENT

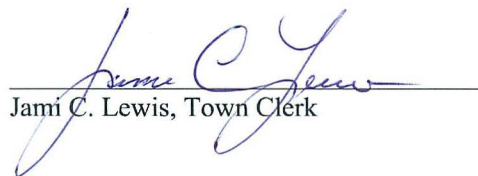
MOVED by Councilmember Jack Miller, seconded by Vice-Mayor Mike Best to adjourn the meeting at 6:36 p.m.

Vote: 6 - 0 PASSED - Unanimously



Darryl L. Croft, Mayor

ATTEST:

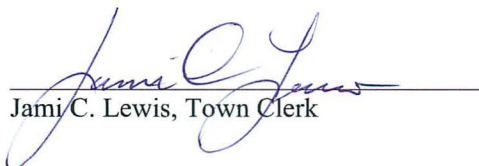


Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 17th day of October, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of November, 2017.



Jami C. Lewis, Town Clerk