

1. Agenda

Documents: [OCTOBER 30, 2012 \(PDF\).PDF](#)

2. ACO Code Chapter 90 - Draft

Documents: [ACO CODE CHAPTER 90 - 10 23 12 DRAFT \(PDF\).PDF](#)

**TOWN OF CHINO VALLEY
MEETING NOTICE
PUBLIC SAFETY COMMITTEE**

**Tuesday, October 30, 2012
3:00 P.M. *7:00 P.M.**

**CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ**

**Agenda
AMENDED***

1) Call to Order

2) Roll Call

3) Approval of Minutes

3a) Approval of September 13, 2012 minutes

3b) Approval of October 18, 2012 minutes

4) Call to the Public

Call to the Public is an opportunity for the public to address the Public Safety Committee concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 10 minutes per meeting. Public Safety Committee action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to speaker remarks.

5) Old Business

5a) Discussion regarding Chino Valley Animal Control town codes.

6) New Business

7) Adjournment

Dated this 25th day of October 2012.

By: *Liz Hart, Town Clerk Assistant*

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 636-1787 (TDD) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting. Supporting documentation and staff reports furnished with this agenda are available for review in the Town Clerk's Office and on the Town website <http://www.chinoaz.net/general/pubsafetycom.shtml> .

Public notice is hereby given that four (4) or more members of the Mayor and Town Council may be present at this meeting.

Chapter 90 –

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 Livestock Board; A.R.S. 11-1002, Power and Duties of the Department of Health Services; A.R.S. 11-1010, Anti-Rabies Vaccination and License Stations; A.R.S. 11-1016, Removing Impounded Dogs; A.R.S. 11-1017, Unlawful Keeping of Dogs; and A.R.S. 11-1020, Dogs; Liability.

90.02 Definitions:

In this Chapter, unless the context requires otherwise:

1. **Animal Control Officer** - means a person who has the authority and is responsible for enforcement of the provisions and regulations of this chapter.
2. **Dangerous Dog** – means any dog:
 - a) Whose owner or responsible person knows or has reason to know, has a propensity to attack, to cause injury, or otherwise endanger the safety of human beings or domestic animals without provocation.
 - b) That has been previously found to be dangerous or vicious by a court of competent jurisdiction, the owner having received notice of such, and the dog again having aggressively bitten, attacked or endangered the safety of humans or domestic animals.
 - c) A dog that, without provocation, inflicts sever injury on a human being;
 - d) Or menaces, maims, or kills domestic animals when off its owners property
 - e) Is used in the commission of a crime, including but not limited to dog fighting,
 - f) Chases or approaches a person upon the streets, or any public grounds in a menacing fashion or apparent attitude of attack, unprovoked, or to cause injury or otherwise threaten the safety of humans or domestic animals.
3. **Dog At Large** – means 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 a large.
4. **Collar** – means a band, harness, or suitable device worn around the neck or body of a dog to which a license tag may be attached.
5. **Dog** – means *Canis lupus familiaris* a member of the [Canidae](#) family.
6. **Dog Violation Citation** – means a document issued by an Animal Control Officer or Police Officer to a person who has violated the provision of this Chapter.
7. **Enclosure** – A fence or structure suitable to prevent the escape of the dog or the entry of young children.
8. **Impound** – means the act of taking or receiving into custody by an Animal Control Officer or Police Officer any dog for the purpose of confinement in the Chino Valley Dog Control Shelter in accordance with the provisions of this Chapter.

9. **Dog Owner** – means any person possessing, harboring, keeping, having an interest in, or having control or custody of a dog.
10. **Person** – Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.
11. **Proper Enclosure for a Dangerous Dog** – means while on the owner’s or responsible person’s property, a dangerous dog shall be securely confined 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 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.
12. **Responsible Person** – means an owner or any 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.
13. **Severe Injury** – means any physical injury, which results in broken bones, lacerations requiring sutures, cosmetic surgery, or puncture wounds.
14. **Shelter** – means a structure capable of protecting a dog from present and potential environmental hazards.
15. **Stray Dog** – means a dog that is at large and is not wearing a valid license tag and/or microchip.
16. **Animal Control Shelter** – means any established location authorized by the Chief of Police for the confinement, maintenance, safekeeping and control of dogs, which come into the custody of an Animal Control Officer or Police Officer in the performance of their duties.
17. **Tag** – means proof of a license that is worn by the licensed dog.
18. **Under Control** – means physically restrained by a leash, rope, cord or chain or other device and under the direct supervision and control of the owner or responsible person.
19. **Vaccination** – means the administration of an anti-rabies vaccine to a dog by a veterinarian.
20. **Veterinary Hospital** – means any establishment operated by a veterinarian licensed to practice in the State of Arizona, which provides clinical facilities and house 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.
21. **Restraint** – a dog shall be considered under restraint – if it is confined within the real property limits of its owner, is secured by a leash or lead or is otherwise under control of a responsible person or is confined within a vehicle in a manner that prevents escape.
22. **Neglect** – An overt act involving 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 an dog or to adequately confine an dog in a manner appropriate to its species, breed, age and condition.

90.03: Injury by Vehicle

Any person who accidentally or otherwise hits a dog with a vehicle must 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. Penalty, see 90.99 B.

90.04: Strays

It is unlawful for any person to harbor or keep any lost or stray dog within the town without notifying the Animal Control Officer. Whenever any dog is found, which appears to be lost or strayed, it shall be the duty of the finder to notify the owner, Animal Control Officer, or the police department as soon as possible. Penalty, see 90.99 B

90.05: Running Dog At – Large

- A. It is unlawful for an owner or responsible person of a dog to allow such dog 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 their dogs contained on their property or if off the property, are under the owner's or responsible person's direct supervision and control. Penalty, see 90.99.
- 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. 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. The issuance of citations pursuant to this chapter shall be subject to the provisions of A.R.S. 13-3899.
- C. An dog is not at large:
 - 1. If such dog is engaged in obedience training, accompanied by and under the control of its owner or trainer.
 - 2. While such dog is being used for legitimate hunting purposes.
 - 3. While such dog is being exhibited in a sanctioned event.
 - 4. If while off the premises of the owner is under the owner's direct supervision and control.
 - 5. If such dog is a dog and is being utilized as a service dog for a handicapped person or a seeing-eye dog in assisting a legally blind person.
 - 6. If such dog is a dog and is being used to control livestock.

90.06: Impounding of Dogs

- A. Any stray dog shall be impounded. All impounded dogs shall be given proper care and maintenance.
- B. Each impounded licensed, micro chipped or tattooed dog shall be kept and maintained at the shelter for a minimum of ten days unless claimed by its owner or responsible person. An unlicensed dog will be kept and maintained at the dog shelter for a minimum of three days. Any dog found without a tag, chipping device or tattoo identifying its owner should be deemed not owned.
- C. An impounded licensed or unlicensed dog may be adopted upon expiration of the impoundment period, provided the 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 be released for use in medical research. Animal Control Officers may destroy impounded, sick, or injured dogs whenever the destruction is 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 may be reclaimed by its owner or responsible Person within 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 human manner. As prescribed by a licensed veterinarian.
- E. Any dog, except those showing signs of rabies, which it is necessary to destroy, shall be destroyed by a state licensed veterinarian.
- F. Any dog surrendered by its owner or responsible person to be destroyed becomes the property of the Town. All associated fees will be paid by the owner or responsible person that surrenders the dog.

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 shall function in accordance with police department policies and procedures where applicable.

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 four 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 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 days of acquisition of the dog. 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 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 tag shall be attached to a collar or harness which shall be worn by the dog at all times (to exclude 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 of 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 fifteen days to obtain a license for a dog required to be licensed. It is also a violation of this subsection to counterfeit, attempt to counterfeit an official dog tag, or remove a tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog. Penalty, see 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.
- G. The owner of a dog four months of age or over which, for medical purposes, is unable to receive a rabies vaccination may request a waiver of the additional unaltered license fees. The owner may be granted this waiver only after supplying a Certified Veterinarian Recommendation from a licensed veterinarian to the Animal Control Officer.

90.9: 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. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing the owner of such dog 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, address, and giving the dog's description, date of vaccination, and type manufacturer and serial number of the vaccine used.
- C. The vaccination must be in conformity with the provisions and regulations of this chapter.

90.10: Rabies Control Fund

- 1. The Animal Control Officer or their authorized representative shall place monies collected under the provisions of this chapter in a special fund to be known as the Animal Control Fund to be used for the enforcement of the provisions and regulations of this chapter.
- 2. Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year.

90.11: Wearing Licenses

- 1. Any dog over the age of four months shall wear a collar or harness to which is attached a valid license tag or be micro chipped. Dogs used for the control of livestock or while being trained for hunting, or dog obedience training or dogs 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. Penalty, see 90.99

90.12: Handling of Biting Dogs; Responsibility for Reporting Dog Bites

- A. A dog licensed, unlicensed or unvaccinated, which bites any person shall be confined and quarantined in an authorized dog shelter (as defined in 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 maybe quarantined at a veterinary hospital, or at a location deemed appropriate by the Animal Control Officer for a period of not less than ten days.
- B. Cat bite quarantines will be determined by the Animal Control Officer.
- C. Whenever a dog bites any person, the incident shall be reported to the Animal Control Officer immediately by any person having direct knowledge. The Animal Control Officer shall be responsible for making reports of dog bites and other dog related incidents and procedures, to include the disposal of dog remains and transportation of dogs to be scientifically examined.
- D. 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.
- E. Any dog found without a tag, microchip or tattoo, identifying its owner shall be deemed not owned.
- F. Dogs, which 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.
- G. 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. All associated fees shall be paid by the owner or responsible person.

90.13: Nuisance Barking

No dog shall cause a disturbance by excessive barking or other noise making, including but not limited to howling, screeching, yelping, or baying as specified below. Penalty, see 90.99

1. Night Time (10:00 p.m. to 7:00 a.m.) For the purpose of this section, a dog shall be deemed to be disturbing the peace and quiet of persons residing within the Town if the dog is observed to be barking for ten or more continuous minutes. To enforce this section the person(s) who's peace is being disturbed **MUST** be willing to complete a witness statement (provided by the Animal Control Officer or other representative of the police department) and assist in the prosecution.
2. Day Time Barking (7:00 a.m. to 10:00 p.m.) All persons desiring to pursue criminal charges against any person keeping or maintaining a dog, which is in the habit of barking, howling, or otherwise disturbing the peace and quiet of any reasonable person residing within the Town limits, for ten minutes or longer between the hours of (7:00 a.m. and 10:00 p.m.), **MUST** complete a witness statement (provided by the Animal Control Officer or other representative of the police department) and be willing to assist in the prosecution.

90.14: Unlawful Interference with Animal Control Officers

It is unlawful for any person to interfere with an Animal Control Officer in the performance of his or her duties. Penalty, see 90.99

90.15: Dangerous Dogs

It is unlawful for an owner to have a dangerous dog within the Town limits without a certification 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 of registration to the owner of such dog if the owner presents to the Animal Control Officer sufficient evidence of:

1. A proper enclosure to confine the dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous 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 \$50,000 payable to any person injured by the dangerous dog:
 3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified in the amount of at least \$50,000, insuring the owner for any personal injuries inflicted by the dangerous dog.
- B. It is unlawful for the owner of a dangerous dog to permit the dog to be outside of the proper enclosure unless the dog is under the complete physical control of the owner or a responsible person.
- C. An dog shall not be declared to be dangerous if the bite 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 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 commit a crime.
- D. Any dangerous dog shall be immediately confiscated by an Animal Control Officer if:
1. The dog is not validly registered under the section above.
 2. The owner does not secure the liability insurance coverage required under this section.
 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 physical restraint of the responsible person. In addition, the owner shall be guilty of a Class 1 misdemeanor.
 5. The dog was previously found to be a dangerous dog under this chapter and attacks or bites a person or another domestic dog. In this event, the owner or responsible party is subject to protect the public or other dogs. In addition, the dangerous dog shall immediately be confiscated by an Animal Control Officer, placed in quarantine for the proper length of time and thereafter upon order of the court is destroyed in an expeditious and humane manner.
 6. The owner of any dog shall be guilty of a Class 1 misdemeanor if the dog aggressively attacks and causes severe injury or death of any human, whether the dog has previously been declared potentially dangerous or dangerous. In addition, the dog shall immediately be confiscated by an Animal Control Officer, placed in quarantine for the proper length of time and thereafter upon order of the court, be destroyed in an expeditious and humane manner

90.16: Adequate Exercise Space for Dogs

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

It shall be unlawful for the owner or responsible person of a dog to secure the 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 direct supervision of the owner. Penalty, see 90.99

90.99: Violation; Penalty

- A. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be guilty of a Class 1 misdemeanor.
- B. Any person violating any provisions of sections: 90.93; 90.04; 90.22 of this chapter shall be guilty of a Class 3 misdemeanor