1. Agenda

   Documents: AUGUST 23, 2012 (PDF).PDF
2. Dog Ordinance

   Documents: DOG ORDINANCE (PDF).PDF

NOTICE OF MEETING
OF THE PUBLIC SAFETY COMMITTEE
OF THE CHINO VALLEY TOWN COUNCIL
THURSDAY, AUGUST 23, 2012
3:00 P.M.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the **Public Safety Committee** of the Chino Valley Town Council and to the general public that the Public Safety Committee of the Chino Valley Town Council will hold a meeting open to the public on **Thursday, August 23, 2012 at 3:00 p.m.** in the Chino Valley Council Chambers Conference Room, located at 202 N. State Route 89, Chino Valley, Arizona.

The Agenda for the meeting is as follows:

1) Call to Order

2) Roll Call

3) Approval of Minutes
- **3a)** Approval of minutes July 12, 2011
- **3b)** Approval of minutes June 21, 2012
- **3c)** Approval of minutes June 28, 2012
- **3d)** Approval of minutes July 12, 2012

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

6) New Business
Discussion regarding Chino Valley Animal Control town codes.

7) Adjournment

Dated this 15th day of August 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 on the Town website at http://www.chinoaz.net/general/pubsafetycom.shtml, and in the Town Clerk's Office.

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.1016, Removing Impounded Animals; 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. **"Adequate Care" –** Care of an animal to include, but not limited to a clean, safe shelter – that provides protection from the weather with sufficient ventilation for hot and cold seasons', wholesome food and water. Exercise consistent with the manual requirement and feeding habits of the animal{s} size species and breed.
2. **"Animal"-** means any animal of a species susceptible to rabies, except man. This includes domestic livestock. For the purpose of this ordinance, this does not include Cats, either household or Feral.
3. **"Animal Control Officer"-** means a person who has the authority and is responsible for enforcement of the provisions and regulations of this chapter.
4. **"Animal Facility"**- Any pet shop, grooming shop, animal auction, preforming animal exhibitions, private kennels, boarding kennels or public or private animal shelters and rescue facilities. Except veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers that are regulated by the USDA under the provisions of the U.S Public Laws 89, 544, 91-579,94-279, 99-198, 101, 624.
5. **"At Large"** – means an animal 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 animal in a suitable enclosure or physically restrained by the owner or responsible person shall not be considered to be a large.
6. **"At – Risk Animal"** – an animal that:
    a) Is found to menace, chase, display threatening or aggressive behavior or otherwise threatens or endangers the safety of any person
    b) Causes physical injury to any domestic animal while at large.
    c) Repeatedly runs at large.
7. **"Chief of Police"** – means the person who has the responsibility for and the authority to direct the Chino Valley Police Department.
8. **"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.
9. **"Cruelty"** – An overt act committed with the intent to harm or needlessly kill an animal or committed out of depraved indifference for the animals' well- being, including but not limited to torture, maiming, beating or otherwise committing violence that causes injury or death.
10. **"Dangerous Animal"** – means any animal:
    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 animal again having aggressively bitten, attacked or endangered the safety of humans or domestic animals.

DRAFT

c) A dog that, without provocation, inflicts severe 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 animal fighting, menacing or guarding illegal operations.
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.

11. **"Dog"** – means a member of the canes familiar is family.
12. **"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.
13. **"Enclosure"** – A fence or structure suitable to prevent the escape of the animal or the entry of young children.
14. **"Impound"** – means the act of taking or receiving into custody by an Animal Control Officer or Police Officer any dog or other animal for the purpose of confinement in the Chino Valley Animal Control Shelter in accordance with the provisions of this Chapter.
15. **"Kennel"** – means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains on a permanent basis more than six {6} dogs over six {6} months of age under controlled conditions. As defined, "kennel" applies only to a commercial or nonprofit business and does not include the keeping of {altered} animals as household pets.
16. **"Livestock"** – {singularly or plural} means, a domesticated animal intentionally reared in an agricultural setting and includes but is not limited to cattle, oxen, horses, sheep, goats, swine, mules and asses.
17. **"Owner"** – means any person possessing, harboring, keeping, having an interest in, or having control or custody of an animal.
18. **"Permittee"** – means a person who has applied for and has been issued a certificate to operate a kennel.
19. **"Person"** – Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.
20. **"Poultry"** – means any feathered fowl.
21. **"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 animal from escaping. Such pen or structure shall have secure side's, 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 animal in good health and sociability.
22. **"Rabies Quarantine Area"** – means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.
23. **"Responsible Person"** – means an owner or any person who has the responsibility for the possession, care, custody, or control of an animal or fowl and has the authority and ability to act on behalf of, or in the interest of the owner.
24. **"Severe Injury"** – means any physical injury which results in broken bones, lacerations requiring sutures, cosmetic surgery, puncture wounds.
25. **"Shelter"** – means a structure capable of protecting an animal from present and potential environmental hazards.
26. **"Stray Dog"** – means a dog that is at large and is not wearing a valid license tag and/or microchip.
27. **"Animal Control Shelter"** – means any established location authorized by the Chief of Police for the confinement, maintenance, safekeeping and control of dogs or other animals which come into the custody of an Animal Control Officer or Police Officer in the performance of their duties.
28. **"Tag"** – means proof of a license that is worn by the licensed dog.

DRAFT

29. **"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.
30. **"Vaccination"** – means the administration of an anti-rabies vaccine to animals by a veterinarian.
31. **"Veterinary Hospital"** – means any establishment operated by a veterinarian licensed to practice in the State of Arizona which provides clinical facilities and house animals 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.
32. **"Wild Animal"** – means mammals and birds whose species normally are found in a state of nature, all wild mammals, birds and nests or eggs thereof and reptiles, amphibians, mollusks, crustaceans and fish.
33. **"Restraint"** – an animal 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.
34. **"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 animal or to adequately confine an animal in a manner appropriate to its species, breed, age and condition.
35. **"Nuisance"** – A nuisance animal is one that:
    a) Frequently run at large
    b) Damages, soils, or defecates on private property other than property possessed or controlled by the animals' owner or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the animal's owner or handler.
    c) Causes unsanitary or dangerous conditions. As determined by the Health department or Animal Control.
    d) Causes a disturbance by excessive barking or other noise makings;
    e) Chases vehicles or molests attacks or interferes with persons' or other domestic animals on public property.

90.03: Injury by Vehicle

A. Any person who accidentally or otherwise hits an animal with a vehicle must make a reasonable effort to contact the owner of the animal. 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 strayed animal within the town without notifying the Animal Control Officer. Whenever any animal 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: Impoundment Livestock

Reports of livestock at large will be referred to the Arizona Livestock Department

90.06: Running Animal At – Large

DRAFT

A. It is unlawful for an owner or responsible person of an animal or fowl to allow such animal to be at large within the Town limits. The owner or responsible person of an animal shall provide adequate fencing and/or enclosures to keep their animals 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. The impounding of livestock found running at large will be referred to the Arizona Livestock Department.
C. Any animal at large may be apprehended and impounded by Animal Control Officer or Police Officer.

    1. Animal Control Officers shall have the right to enter upon private property after attempts to notify the owner have been made, provided the animal has been identified or visually seen as being at large, when it is necessary to do so in order to apprehend any animal that has been at large. The entrance upon private property shall be in reasonable pursuit of the animal and shall not include entry into a domicile; barrier fenced or walled area unless it is at the invitation of the occupant unless the animal poses an immediate threat to the safety of the public. Areas enclosed only with decorative fencing which allows an animal easy entry and exit through the fence, such as, but not limited to, split rail fences, will not be considered fenced for the purpose of enforcing this provision. Animal Control Officers shall have the right to enter onto private property to investigate animal related complaints, which by their nature pose a health hazard to the public or animal

    2. Animal Control Officers may issue citation(s) for an animal at large to the owner or responsible person of that animal. 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.

    3. In the sole discretion of the Animal Control Officer, if any dog or other animal at large is dangerous, vicious, or a threat to human safety and cannot be impounded without danger to the Animal Control Officer or others, it may be immediately destroyed. Only in a humane way, by a licensed veterinarian.

    4. Stray animals, whose owners cannot be identified {by either a tattoo or micro chipped}, may be destroyed by the Animal Officer only after it has been reasonably determined that the animal is injured, suffering and beyond hope or recovery. As determined by a licensed veterinarian.

D. An animal is not at large:

    1. If such animal is a dog and is engaged in obedience training, accompanied by and under the control of its owner or trainer.
    2. While such animal is being used for legitimate hunting purposes.
    3. While such animal 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.

DRAFT

5. If such animal 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 animal is a dog and is being used to control livestock.

90.07: Impounding of Animals

A. Any stray animal shall be impounded. All impounded animals shall be given proper care and maintenance {including examination by a licensed veterinarian and treatment if so ordered}.
B. Each impounded licensed, micro chipped or tattooed animal shall be kept and maintained at the animal shelter for a minimum of ten {10} days unless claimed by its owner or responsible person. An unlicensed animal will be kept and maintained at the animal shelter for a minimum of five {5} days. Any animal found without a tag, chipping device or tattoo identifying its owner shall be deemed not owned.
C. An impounded licensed or unlicensed animal 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 waved for recognized nonprofit animal rescue groups. No animal will be released for use in medical research. Animal Control Officers may destroy impounded, sick or injured animals whenever the destruction is necessary to prevent the animal from suffering or to prevent the spread of disease. Provided such is confirmed by a licensed veterinarian.
D. Any licensed impounded animal may be reclaimed by its owner or responsible Person within ten {10} days, provided the person reclaiming the animal furnishes proof of the right to do so, proof of rabies vaccination, pays all animal shelter fees, medical fees, service and license fees as applicable. If the animal is not reclaimed with the impoundment period, the Animal Control Officer shall take possession and may place the animal for adoption or may dispose of the animal in a human manner. As prescribed by a licensed veterinarian.
E. Any animal, except those showing signs of rabies, which it is necessary to destroy, shall be destroyed by a state licensed veterinarian.
F. Any animal 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 animal.
G. Animal Control Officers will make reasonable efforts to promote adoption of as many animals as possible. Adoption is deemed preferable over termination. Adoptable or Special Animals may be kept longer than ten {10} days at the discretion of the Animal Control Officer.

90.08
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;
3. Declare a rabies quarantine area within the area of his or her jurisdiction when a state of emergency has been determined to exist due to the occurrence of rabies in animals in or

adjacent to the area. When a quarantine area has been declared, the Animal Control Officer shall meet with the state veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within the area. Any regulations restricting or involving movements of livestock within the area shall be subject to approval by the State Veterinarian;

4. Impound process, maintain, dispose of any animal and enforce state laws pertaining to domestic animals.

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.
D. The Animal Control Officer shall be under the direct control and supervision of the Chief of Police or his/her designee.
E. The Animal Control Officer shall wear a uniform as defined by the Chief of Police or designee and shall carry official identification issued by the Police Department while on duty.

90.09: 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 {4} months of age or over that is kept, harbored or maintained with 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 to 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 (15) 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 to conformance with current state fees for the impounding and maintenance of animals of like species and circumstances.
G. The owner of a dog four (4) months of age 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.

DRAFT

90.10: 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, 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.
C. The vaccination must be in conformity with the provisions and regulations of this chapter.
D. The Animal Control Officer shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

90.11: 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.

90.12: Wearing Licenses

1. Any dog over the age of four (4) 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

90.13: Handling of Biting Animals; Responsibility for Reporting Animal Bites

A. A dog licensed, unlicensed or unvaccinated, which bites any person shall be confined and quarantined in an authorized animal shelter {as defined in 90.02} with the owner or responsible person liable for all fees and expenses or, upon the request of and at the expense of the owner or responsible person, at a veterinary hospital, or at a location deemed appropriate by the Animal Control Officer for a period of not less than ten (10) days.
B. Cat bite quarantines will be determined by the Animal Control Officer.
C. Any animal other than a dog or cat which bites any person shall be confined and quarantined in an authorized animal shelter or upon the request of and at the expense of the owner or responsible person, at a veterinary hospital or at a location deemed appropriate by the Animal Control Officer for a period of not less than fourteen (14) days.

DRAFT

D. Whenever an animal 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 animal bites and other animal related incidents and procedures, to include the disposal of animal remains and transportation of animals to be scientifically examined.
E. Any animal 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 animal shows clear clinical signs of rabies in accordance with state law; and
    2. The owner or responsible person of the animal consents to its destruction.
F. Any animal found without a tag, microchip or tattoo, identifying its owner shall be deemed not owned.
G. Animals which expire or become ill during quarantine shall be examined by medical authorities to scientifically determine causes for the condition or death of the animal and if a communicable disease is present. All associated fees will be paid by the owner or responsible person.
H. In any case where the animal is determined to be diseased, the owner or responsible person of the animal 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.

90.14: Nuisance Attacking

No animal shall chase vehicles or molest, attack or interfere with persons, other domestic animals or fowl on public or private property {to exclude owner's private property}. Penalty, see 90.99

90.15: 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 animal is observed to be barking for ten (10) 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 (10) 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.

90.16: 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

90.17: Removing Impounded Animals

It is unlawful for any person to remove or attempt to remove an animal that has been impounded at the Animal Shelter or is in the possession of an Animal Control Officer or except in accordance with the provision and regulations of this chapter. Penalty, see 90.99

90.18: Unlawful Keeping of Animals

It is unlawful for a person to keep, harbor or maintain any animal with the Town except as provided by the terms of this chapter. Penalty, see 90.99

90.19: Cruelty and Neglect of Animals

A. Animal Control Officers may take control of neglected or abused animals after owner has been notified and received one {1} warning provided the owner is located by phone or in writing and the animal is not in immediate danger due to the observed care and investigation of said cruelty or neglect. And may transport said animals to the animal shelter for impound or to a veterinarian for treatment or to euthanize the animal for health, safety and welfare of the public and the animal. All cost incurred by the Town as a result of taking control of, treating and maintaining such animals shall be assessed against the owner or responsible person prior to release of the animal.
B. It is unlawful for all owners or responsible persons of an animal to fail to provide the animal with sufficient wholesome food free from contamination and water which is free flowing or in a clean receptacle.
C. It is unlawful for an owner or responsible person of an animal {except for livestock} to fail to provide convenient access to natural or artificial shelter and protection from the weather. Any artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and be of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, is not in compliance with this section. Any Shelter, all bedding and all spaces accessible to the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured, or becoming infested with parasites. Penalty, see 90.99
D. It is unlawful for an owner or responsible person of an animal to fail to provide care and medical treatment for injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering. If such care and treatment is not feasible, the owner or responsible person shall provide or have provided humane destruction. Penalty, see 90.99
E. It is unlawful for any person to beat, cruelly mistreat, torment, overburden or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans. Penalty, see 90.99
F. It is unlawful for the owner or responsible person of an animal to fail to provide access to adequate ventilation and protection from temperature extremes at all times. In this connection, it is unlawful for any person to keep an animal in a vehicle or other enclosed space in which the temperature is either so high or so low or the ventilation is so inadequate, as to endanger the animal's life.
G. It is unlawful for the owner or responsible person of an animal to abandon the animal, see 90.99

90.20: Dangerous Animals

It is unlawful for an owner to have a dangerous animal 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 animal if the owner presents to the Animal Control Officer sufficient evidence of:

DRAFT

1. A proper enclosure to confine the dangerous animal and the posting of the premises with a clearly visible warning sign that there is a dangerous animal 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 animal.
2. A surety bond issued by a surely insurer in the form acceptable to the Town Prosecutor in a sum of no less than fifty thousand dollars (50,000) payable to any person injured by the dangerous animal:
3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified in the amount of at least fifty thousand dollars (50,000), insuring the owner for any personal injuries inflicted by the dangerous animal.

B. It is unlawful for the owner of a dangerous animal to permit the animal to be outside of the proper enclosure unless the animal is under the complete physical control of the owner or a responsible person.
C. An animal 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 animal, or was tormenting, abusing or assaulting the animal, or has in the past been observed or reported to have tormented, abused or assaulted the animal, or committing or attempting commit a crime.
D. Any dangerous animal shall be immediately confiscated by an Animal Control Officer if:
    1. The animal is not validly registered under the section above.
    2. The owner does not secure the liability insurance coverage required under this section.
    3. The animal is not maintained in the proper enclosure.
    4. The animal 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 animal was previously found to be a dangerous animal under this Chapter and attacks or bites a person or another domestic animal. In this event, the Owner or Responsible Party is subject to protect the public or other animals. In addition, the dangerous animal 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.
    6. The owner of any animal shall be guilty of a Class 1 misdemeanor if the animal 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

90.21: Adequate Exercise Space for Animals

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

It shall be unlawful for the owner or responsible person of an animal to secure the animal 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 animal is under direct supervision of the owner. Penalty, see 90.99

90.22: Biological Wastes

Biological waste eliminated by any canine on any public walks, recreational areas or private property other than the property of the owner or responsible person shall be the duty of the owner or handler responsible person to remove. Noncompliance is subject to Penalty, see 90.99 B.

90.23: Coordination with Other Agencies

Town personnel shall make all reasonable efforts to inform advice and comply with other animal control agencies and entities, as is reasonable or required by law.

90.24: Kennel Permit; Fee, Violation; Classification

Any person operating a kennel within the Town limits shall obtain a permit issued by the Police Department's Animal Control section.

1. An application for a kennel permit shall be submitted to the Police Department. Prior to the issuance of a permit, the applicant must obtain a Town business license and insure compliance with all zoning regulations.
2. The Permittee shall comply with:

a) All health regulations and statues including but not limited to, those addressing the elimination of excessive noise and offensive odors.
b) All regulations and statutes addressing the safety and welfare of dogs.
c) All regulations and statutes addressing the safety, health and welfare of the general public
d) All applicable provisions and regulations of this Chapter.

C. The Permittee Shall:

1. Ensure Kennel and exercise areas where dogs are housed and maintained in a sanitary condition. Waste products shall be disposed of in a manner determined by the Yavapai County Health Department.
2. Provide clean potable water, available to each dog at all times.
3. Provide adequate amounts of food free from contamination of sufficient quantity and nutritive value to maintain the dog in good health.
4. If a dog becomes seriously ill or is injured, provide prompt appropriate veterinary care when necessary or have the dog euthanized in a humane manner. Permittee shall provide an isolation area for sick dogs, sufficiently removed so as not to endanger the health of other dogs.
5. Provide a minimum perimeter confinement requirement for kennels, which shall be an exterior fenced perimeter of the kennel, constructed in such a manner as to ensure containment of the dogs at all times or provide adequate individual confinement space for each dog that is appropriate to the age, size, weight and breed of the dog. For the purpose of this paragraph, "adequate space means sufficient space for the dog to experience normal body movements without having to make contact with the sides or top of the enclosure, including the ability to stand up, sit down, lie down, turn about freely and relax in a natural position, and not be soiled when urinating or defecating while maintaining clean food and water.
6. Provide for the following minimum sizes of the individual confinement areas:
    a) For a dog under sixteen pounds: a minimum base measurement 28 inches.

DRAFT

b) For a dog at least 16 pounds and no more than 40 pounds: a base measurement of 36 inches by 28 inches.
c) For a dog at least 40 pounds and no more than 100 pounds: a base measurement of 36 inches by 60 inches.
d) For a dog over 100 pounds: a minimum base measurement of 48 inches by 70 inches.
e) For dogs housed on wire flooring, the Permittee shall provide a resting board, floor mat or similar devise that is maintained in a sanitary condition, allowing the dog to rest off of the wire flooring. For feeding or medication or under veterinary care.
f) An outside run or confinement area of sufficient size to provide adequate exercise to maintain proper health, but the dog should have no less than 64 square feet of exercise daily.

7. Retain name, address and telephone number of the owner and/or responsible person of each boarded dog. This information must be available to the Animal Control Officer upon demand without notice.
8. Permittee must retain the name(s) of each person selling, trading or giving any dog to the kennel.
9. Permittee shall notify the owner(s) or responsible person of a boarded dog when the dog refuses to eat or drink for a period of time where the dog's wellbeing may be seriously affected, cause it to lose flesh, or when the dog is injured or becomes weak or ill
10. Permittee are subject to two announced inspections per calendar year as a condition of the permit.
11. A dog remaining within the kennel is not required to be licensed individually as required by 90.09, but must be vaccinated. A dog leaving the controlled kennel conditions shall be licensed as required by 90.09 except if the dog is being transported to another kennel which has a permit issued under this section.
14. On the effective date of this ordinance, persons applying for kennel permits will be allowed six months to meet the confinement requirements.
15. All kennel permits are subject to revocation by the Chief of Police or designee supervisor or the Animal Control Department as follows:
    a) After filing of a complaint detailing the violations of a kennel permit by an Animal Control Officer with the Chief of Police or designee, a date for a hearing shall be set and notice of the hearing personally served on the Permittee at least 15 days prior to the hearing date. If the notice is unable to be personally served it may be served by registered mail.
    b) The Permittee may contest the hearing or by providing the Chief of Police or designee a signed statement outlining the grounds for contesting the revocation of the permit.
    c) After hearing the testimony, if any, of the Animal Control Officer and any of their witnesses and the testimony, if any, of the Permittee and any of their witnesses, the Chief of police or his/her designee may dismiss the complaint, or make one of the following determinations:
        1. The alleged violation of the permit did occur, but the violation can be remedied by the Permittee and monitored by the Animal Control Officer for fourteen days to see that the violations are corrected. If the corrections are made the permit will not be revoked.

DRAFT

2. The alleged violation of the permit did occur, and the violation immediately endangers the health and safety of the dogs and the permit is revoked

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.

Notes:

DRAFT