PUBLIC NOTICE

Public Meeting
Draft Animal Control Ordinance Revisions—
Town Code Chapter 90

Thursday, June 28, 2012
6:30 P.M.

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

Notice is hereby given to the members of the general public that the Council Public Safety Committee will hold a meeting open to the public on Thursday, June 28, 2012 at 6:30 p.m. for the purpose of reviewing the *Draft Animal Control Ordinance Revisions–Town Code Chapter 90.*

Dated this 25th day of June, 2012.

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 636-1787 (TDD) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting. If you are unable to attend this meeting and would like to discuss this project, contact Liz Hart in the Town Clerk Department at 928-636-2646 x1210. Supporting documentation is available for review on the Town website at http://www.chinoaz.net/index.shtml under "What's Happening" and in the Town Clerk's Office at 202 N. State Route 89.

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; 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:

"Animal" means any animal of a species susceptible to rabies, except man. This includes domestic livestock.

"Animal Control Officer" means a person who has the authority and is responsible for enforcement of the provisions and regulations of this chapter.

"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 animal in a suitable enclosure or physically restrained by the owner or responsible person shall not be considered to be at large.

"Chief of Police" means the person who has the responsibility for and the authority to direct the Chino Valley Police Department.

"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.

"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 without provocation on public; or
b. That has killed a domestic animal or fowl without provocation while at large; or
c. 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.

"Dog" means a member of the canis familiaris family.

"Dog violation citation" means a document issued by an Animal Control Officer or Police Officer to a person who has violated the provisions or regulations of this chapter, and commanding the person to appear in the Chino Valley Municipal Court on a day and time named.

"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.

"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 animals as household pets.

"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.

"Owner" means any person possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

"Permittee" means a person who has applied for and has been issued a certificate to operate a kennel.

"Poultry" means any feathered fowl.

"Proper Enclosure of 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 sides and a secure top and shall also provide protection from the elements for the dog.

"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.

"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.

"Severe Injury" means any physical injury which results in broken bones, lacerations requiring sutures, cosmetic surgery or puncture wounds.

"Shelter" means a structure capable of protecting an animal from present and potential environmental hazards.

"Stray Dog" means a dog, four (4) months of age or older, that is at large and is not wearing a valid license tag.

"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.

"Tag" means proof of a license that is worn by the licensed dog.

"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.

"Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian.

"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, pens, stalls, cages or kennels for quarantine, observation or boarding.

"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.

90.03 Injury by Vehicle

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 Chino Valley 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 animal within the town. Whenever any animal is found which appears to be lost or stray, 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

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, be 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 an Animal Control Officer or Police Officer.

1. Animal Control Officers shall have the right to enter upon private property 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 purposes 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 judgment 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 safely impounded, it may be immediately destroyed.

4. Stray animals, whose owners cannot be identified, may be destroyed by

the Animal Control Officer if it can reasonably be determined the animal is injured, suffering, and beyond hope or recovery.

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 show.

4. If while off the premises of the owner is under the owner's direct supervision and control.

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.

B. Each impounded licensed animal shall be kept and maintained at the animal shelter for a minimum of 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 3 days. Any animal found without a tag or chipping device identifying the 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 the 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 without the expressed written permission of the Chief of Police. 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.

D. Any impounded animal may be reclaimed by its owner or responsible Person within 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 within 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 humane manner.

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.

G. Animal Control Officers will make every effort to adopt as many animals as possible. Adoption shall take precedence over termination. Adoptable or special animals may be kept longer than 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 there under;

2. Issue citations for violations of this chapter and the regulations promulgated there under. The procedure for 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; and

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 provisions 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 Fees 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 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 a dog. A penalty shall be added to the license fee in the event application is made subsequent to the date on which the dog is required to be licensed under the provisions of this subchapter. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than 90 days.

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. 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 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 place 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 animals of like species and circumstances.

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 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

A. 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.

B. 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

A. Any dog over the age of four (4) months shall wear a collar or harness to which is attached a valid license tag. 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.

B. No person in control of any dog shall permit the dog in a public park or upon any public school property unless the dog is physically restrained by a leash, enclosed in a car, cage or similar enclosure to being exhibited or trained at a recognized kennel club event, public school or park sponsored event. 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 for a period of not less than 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 14 days.

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.

D. 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.

E. Any animal found without a tag identifying its owner shall be deemed not owned.

F. Animals which expire or become ill during quarantine shall be examined by medical authorities to scientifically determine causes for the conditions or death of the animal 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 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. 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.

Night Time Barking (10:00 PM to 7:00 AM)

For the purposes 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 or more continuous minutes. To enforce this section the person(s) whose 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 prosecution.

Day Time Barking (7:00 AM to 10:00 PM)

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, between the hours of 7:00 am and 10:00 pm., shall complete a witness statement (provided by the Animal Control Officer or other representative of the police department) and be willing to assist in 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 provisions 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 within 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 suspected neglected or abused animals and may transport said animals to the animal shelter for impound or to a veterinarian for treatment or to euthanize the animal for the health, safety and welfare of the public and the animal. All costs 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 the release of the animal.

B. It is unlawful for an owner or responsible person 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 ill treat, torment, overload, 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. 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. Penalty, 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 :

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 surety 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: or

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 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 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 to 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. If a dangerous animal with a prior conviction under this Chapter attacks or bites a person or another domestic animal, the owner, if found guilty by a court of appropriate jurisdiction, is guilty of a Class 1 misdemeanor. 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 that aggressively attacks and causes severe injury or death of any human, whether the dog has previously been declared potentially dangerous or dangerous, shall be guilty of

a Class 1 misdemeanor. In addition, the dog shall be immediately 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 and 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 useable 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 or cable attached to a swivel, pulley system or fixed point unless the animal is under the direct supervision of the owner. Penalty, see 90.99.

90.22 Biological Wastes:

It is unlawful for any person to allow any animal to eliminate biological waste on any public walks, recreational areas or private property other than the property of the owner or responsible person. If such an incident does occur, it shall be the duty of the owner, handler or responsible person to remove the biological waste. Penalty, see 90.99 B.

90.23 Coordination with Other Agencies:

Town personnel shall make all reasonable efforts to inform, advise, 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.

A. 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.

B. The permittee shall comply with:

1. All health regulations and statutes including but not limited to, those addressing the elimination of excessive noise and offensive odors.

2. All regulations and statutes addressing the safety and welfare of dogs.

3. All regulations and statutes addressing the safety, health and welfare of the general public.

4. All applicable provisions and regulations of this Chapter.

D. The permittee shall:

1. Ensure kennel and exercise areas where dogs are housed are 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 and 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.

6. 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.

7. Provide for the following minimum sizes of the confinement areas:

   a. For a dog under sixteen pounds: a minimum base measurement 28 inches by 28 inches.

   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.

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.

8. 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.

9. Permittee must retain the name(s) of each person selling, trading or giving any dog to the kennel.

10. 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.

11. Permittees are subject to two announced inspections per calendar year as a condition of the permit.

12. A dog remaining within the kennel is not required to be licensed individually as required by 90.08, but must be vaccinated. A dog leaving the controlled kennel conditions shall be licensed as required by 90.08 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 the designee supervisor of 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 revocation of the kennel permit by appearing at 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.

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.