

ORDINANCE N<sup>o</sup> 10-74

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING CHAPTER 90 - ANIMALS IN THE CODE OF THE TOWN OF DEWEY-HUMBOLDT TO ADD SECTIONS 90.30 THROUGH 90.34 TO ADDRESS LIVESTOCK RUNNING AT LARGE; DECLARING AN EMERGENCY; PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PART OF ORDINANCES OR CODE PROVISIONS IN CONFLICT THEREWITH.

**Whereas**, the Mayor and Council find it in the best interest of the health, welfare and safety of the Town's citizens to discourage the running at large of livestock and other such animals; and

**Whereas**, the Mayor and Council intend to enact an amendment to the Town Code for the prohibition of livestock running at large;

**Whereas**, the Mayor and Council as so authorized to amend the Town Code from time to time as deemed necessary; and

**Whereas**, significant damage is on-going and must be immediately addressed.

**Now, Therefore**, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

1. Amendment of Town Code. No portion of the Town Code is amended hereby, except as follows. Chapter 90 of the Town Code is amended to add §§ 90.30 through 90.34, as follows:

**LIVESTOCK**

**§ 90.30 DEFINITIONS.** For the purpose of this Chapter, *Livestock* shall mean cattle, horses, pigs, sheep, goats, or other similar animals, other than dogs or domestic house cats.

**§ 90.31 LIVESTOCK RUNNING AT LARGE.** Any person who keeps or causes to be kept by any means livestock shall keep such animal in a pen or similar enclosure to prevent their roaming at large within the corporate limits of the Town. No livestock may roam at large within the Town, whether belonging to residents of the Town or not. Any such animal running at large may be impounded by the Enforcement Officer so designated by the Town.

**§ 90.32 ENFORCEMENT.** Enforcement of this Chapter shall be the same as contained in § 90.03 of this Chapter. Costs of enforcement shall be borne by the owner of such livestock. Enforcement will only occur upon signed complaint.

**§ 90.33 PAYMENT OF CITATION IN LIEU OF CRIMINAL PENALTIES.**

**§ 90.33.1. Fines.** The fines for violating the provisions of this Chapter shall be adopted from time to time by resolution of the Council. Unless the Council determines otherwise, the fines shall be those applicable under § 90.99 of this Chapter. Any citation must be paid as stated therein.

§ 90.33.2. Appearance if fine not paid. Any person charged with a violation of this Chapter shall appear in the Magistrate's Court at a date and time set by the Court for disposition in accordance with § 90.34, unless all fines imposed have been paid at least twenty-four (24) hours in advance of the scheduled Court appearance.

§ 90.34 CRIMINAL PENALTIES.

§ 90.34.1. Violation Classification. Any person who violates or fails to comply with this Chapter, or any part thereof, shall be guilty of a petty offense on the first offense. The second or subsequent offences within one year of the first offense shall be a Class 2 Misdemeanor, whether or not the subsequent offense involves the same animal, punishable as may be established by law.

§ 90.34.2. Disposition of livestock running at large. In addition, the Court may, but need not, order any livestock running at large impounded and destroyed.

§ 90.34.3. Livestock Expenses. The Court may order any person who violates this Chapter to pay all expenses related to the impounding of the livestock, including shelter, food, handling, transport and veterinarian care.

§ 90.34.4. Restitution. The Court may also order any person who violates this Chapter to pay restitution to any victim or victims whose person or property or animal was injured or killed or damaged.

§ 90.34.5. Court Costs. The Court may also order any person who violated this Chapter to pay all related Court fees or costs or penalties.

2. Emergency. The Council hereby declares an emergency.
3. Effective Date. That this Ordinance shall be effective as of the 1<sup>st</sup> day of September 2010.
4. Savings Clause. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.
5. Repeal. All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 17<sup>th</sup> day of August 2010.



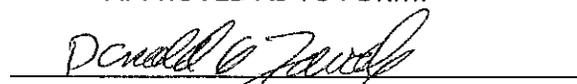
Len Marinaccio, Mayor

ATTEST:



Judy Morgan, Town Clerk

APPROVED AS TO FORM:



Donald Zavala, Town Attorney