

**TOWN COUNCIL OF DEWEY-HUMBOLDT  
SPECIAL STUDY SESSION MEETING NOTICE**

**Tuesday, March 22, 2016, 2:00 P.M.**

**COUNCIL STUDY SESSION MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

**AGENDA**

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

**1. Call To Order.**

**2. Roll Call.** Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; Vice Mayor Doug Treadway; and Mayor Terry Nolan.

**3. Study Session.** No legal action to be taken.

**3.1. Continued discussion of proposed Animal Ordinance(s) [as directed at February 23, 2016 Special Session].**

**4. Special Session.** Legal action can be taken.

**5. Adjourn.**

**For Your Information:**

Next Town Council Meeting: Tuesday, April 5, 2016, at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, April 7, 2016, at 6:00 p.m.

Next Town Council Work Session: Tuesday, April 12, 2016, at 2:00 p.m.

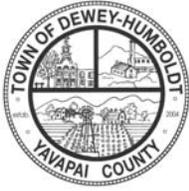
If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

**Certification of Posting**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2016, at \_\_\_\_ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.  
By: \_\_\_\_\_, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

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**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-7362 ▪ Fax 928-632-7365**

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**TOWN COUNCIL SPECIAL SESSION**

**March 22, 2016, 2:00 p.m. Town Council Meeting Chambers**

**Agenda Item: # 3.1. Continued discussions of proposed Animal Ordinance(s) [as directed at February 23, 2016 Special Session]**

**To: Mayor and Town Council Members**

**From: Yvonne Kimball, Town Manager**

**Date submitted: March 15, 2016**

**Summary:**

At the February 23<sup>rd</sup> Special Council meeting, Council directed Staff to conduct the following research with respects to animal regulations:

1. Current town code section regulates that “Any impounded dog which is not claimed within 72 hours shall be deemed abandoned.” Staff was to find out the reasons for 72 hours and also what are the implications of the Town adopting a 14-day rule. 72 hours is the minimum state statute requirement and adopting the 14-day rule would be cost prohibitive. Research result in the form of emails is attached (research #1).
2. Council directed staff to compare the proposed ordinance 16-124 (which reflects and amends town code Title IX General Regulations, Chapter 90 Animals) to Yavapai County ordinances regarding animals as town regulations were derived from YC originally. We compared ours to Yavapai County’s current Animal Ordinance (No. 2000-3 Rabies and Animal Control). The comparison memo and the YC ordinance are attached (research #2).
3. Council directed staff to research how other agencies in the County handle “allowed animal chart” compare the town’s quota to other agencies. Memo is attached (research #3).
4. Council directed staff to come up with suggested language to clarify the enforcement authorities for animal control and property maintenance standards. The suggested revision is as follows:

**§ 90.98 CITATION ISSUED TO OWNERS**

- (A) For purposes of this section and § 90.50, the enforcement officer shall be the town code enforcement officer or designee and for the enforcement of all other sections, the enforcement officer shall be the Yavapai County Animal Control Officer or other designated agent.

Originally, it reads “FOR PURPOSE OF THIS SECTION AND § 90.50, THE ENFORCEMENT OFFICER SHALL BE THE TOWN CODE ENFORCEMENT OFFICE OR DESIGNEE OR THE COUNTY ANIMAL CONTROL OFFICER.”

5. At the February 23<sup>rd</sup> meeting, Council had directed to post the public version of the working copies of the two proposed animal ordinances online by March 8. This has been

accomplished on March 4, 2016. Attached please also find the posting which would reflect the most recent amendments to the existing animal ordinances (attachment 4). For the completeness of the packet, the existing code chapters regarding animals are also attached. (attachment #5)

6. Additionally, on February 29, Council and Staff received written comments from Ms. Debby Pomeroy in regards to the proposed ordinances. Submission is attached (attachment #6). In order to place the comments in the context, CM Wright has incorporated Ms. Pomeroy's submission into the originally proposed ordinance amending chapter 90 Animals (attachment # 7).

Council directed to hold a special meeting on March 22<sup>nd</sup> to work on the animal ordinances. At your direction, YCSO Animal Control Sgt. Dean, Town Magistrate Catherine Kelley and Town Attorney Susan Goodwin have been invited to attend the discussion.

Attachments: Staff research (attachment) #1: impounding dogs– emails; Research (attachment) #2: DH v. YC memo and YC animal control ordinance; Research (attachment) #3: animal quota memo; Attachment #4: February 29 town web posting (public version of the working copies of the ordinances); Attachment #5: existing town code chapters/sections regarding animals; Attachment #6: Pomeroy comments to Chapter 90 Animal amendments; Attachment #7: CM Wright compilation of Pomeroy comments and the proposed code amendments.

**Judy Morgan**

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**From:** Steven Brown  
**Sent:** Thursday, February 25, 2016 9:50 AM  
**To:** Jeff Newnum  
**Cc:** Yvonne Kimball  
**Subject:** RE: Release of Impounded Dogs

Good information Jeff, appreciate the response.  
I will pass this on to the Council.

steven

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**From:** Jeff Newnum [mailto:Jeff.Newnum@yavapai.us]  
**Sent:** Thursday, February 25, 2016 8:15 AM  
**To:** Deb Dean <Deb.Dean@yavapai.us>; Steven Brown <StevenBrown@dhaz.gov>  
**Subject:** RE: Release of Impounded Dogs

Good Morning Steven,

Sgt. Dean copied me on the question you had about the impounding of animals for 14 days. This would be cost prohibitive for the Sheriff's Office and would require a contract with the humane societies that would be fiscally larger than the entire DH contract. We currently contract with the humane society in Prescott and the Verde Valley for the ARS mandated time frames. Those time frames will cost the county a little over \$200,000.00 this next fiscal year, so to increase those time frames would not be agreeable to the Board of Supervisors. If you have any questions or concerns please give me a call and we can talk further.

Sincerely,

**Jeff Newnum, Captain**

Yavapai County Sheriff's Office  
Law Enforcement Services Division  
255 E. Gurley St.  
Prescott, AZ 86301  
(928) 777-7250 Office  
(928) 771-3260 Main  
[jeff.newnum@yavapai.us](mailto:jeff.newnum@yavapai.us)

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**From:** Deb Dean  
**Sent:** Thursday, February 25, 2016 6:24 AM  
**To:** 'Steven Brown'  
**Cc:** Jeff Newnum  
**Subject:** RE: Release of Impounded Dogs

In response to your question you will have to address keeping dogs impounded for 14 days at the shelter with Captain Newnum.

Deb Dean

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**From:** Steven Brown [<mailto:StevenBrown@dhaz.gov>]  
**Sent:** Wednesday, February 24, 2016 1:14 PM  
**To:** Deb Dean  
**Subject:** RE: Release of Impounded Dogs

Also Deb, I see where the 72 and 120 hour impoundments are minimums, so from the County's perspective, what would be the implication of the Town adopting a 14 day impound?

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**From:** Deb Dean [<mailto:Deb.Dean@yavapai.us>]  
**Sent:** Wednesday, February 24, 2016 12:54 PM  
**To:** Steven Brown <[StevenBrown@dhaz.gov](mailto:StevenBrown@dhaz.gov)>  
**Subject:** RE: Release of Impounded Dogs

Steven, Read ARS TITLE 11 – 1013. Stray animal hold times are addressed in this statute as well as hold times for impounded owned animals. (those with id wearing a license etc.)

Deb

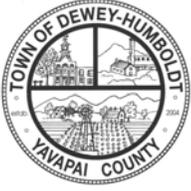
**From:** Steven Brown [<mailto:StevenBrown@dhaz.gov>]  
**Sent:** Wednesday, February 24, 2016 8:59 AM  
**To:** Deb Dean  
**Subject:** Release of Impounded Dogs

Deb:

The Council met to review the current DRAFT of our amendments to Section 90 Animal Control for the Town of Dewey-Humboldt, and had a question we are hoping you can help us with. The section currently states that *“Any impounded dog or farm animal which not claimed within 72 hours shall be deemed abandoned. Enforcement Officers may take possession of abandoned dogs or farm animals and may place the dog or farm animal for sale or may dispose of the dog or farm animal in a humane manner...”* The question has to do with the 72 hours. What is the rationale for that time frame, and what would be the impact if the Town adopted another time frame, such as 14 days?

Thanks in advance for your assistance with this.

steven



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8643 ▪ Fax 928-632-7365**

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## MEMO

Date: Wednesday, February 24, 2016

To: Yvonne Kimball

From: Steven Brown

Re: Report on the Comparison between the proposed Animal Ord. 2016-124 amendments to Town Code Title IX Chapter 90 v. Yavapai County Ordinance # 2000-3 Rabies and animal control

**Summary:** On February 23, Town Council directed staff to compare the proposed ordinance 2016-124 which contains town's code regarding animals against Yavapai County's animal ordinance which is Ordinance # 2000-3. It appears that DH and YC are consistent in enforcement while DH provides more details on care and maintenance. Below are section by section comparisons.

### **90.01 Definitions:**

- D-H and Yavapai have the same definitions for the following terms:  
AT LARGE  
ENFORCEMENT AGENT (Yavapai County) ENFORCEMENT OFFICER (D-H)  
OWNER (D-H adds Farm Animal to the definition)  
DOG
- D-H adds definitions for the following:  
CRUELLY MISTREAT  
CRUELLY NEGLECT  
DANGEROUS ANIMAL  
FARM ANIMALS

### **90.02 General Provisions: (Numbers = Yavapai, Letters = D-H)**

- 1 Yavapai County states authority over unincorporated areas of the County.
- 2/A Identical except that D-H deleted the restriction to a six (6) foot leash and instead requires a leash of sufficient length to control the dog.
- 3/B Identical except D-H adds a requirement to have a current identification number issued by Yavapai County.
- 4/C Identical except Yavapai County adds a sentence directing the enforcement agent to avoid unwarranted citations by canvassing the neighbors.
- D D-H adds a clause relating to Farm Animals At Large.
- E D-H adds a clause relating to Farm Animals habitually making noises.

F D-H adds a section on ANIMAL CARE which provides for the health and safety of animals, and the prohibition against cruel neglect or mistreatment and providing authority for intervention by the enforcement officer where necessary.

**90.04 Enforcement – Running At Large: (Numbers = Yavapai, Letters = D-H)**

1/A Identical, except that D-H adds Farm Animals Running At Large.  
2/B Identical, except that D-H adds Farm Animals Running At Large.  
3/C Yavapai includes language at this point that prohibits interference with enforcement agent. D-H uses this clause to assign the costs of enforcement to the owner of Farm Animals Running At Large.

**90.03 Exemptions – Dogs Running At Large (Numbers = Yavapai, Letters = D-H)**

1/A Identical  
2/B Identical

**Special Exemptions for Dog Parks**

1, 2, 3, 4, 5 Yavapai County provides a section relating to exemptions for Dog Parks and dogs within Dog Parks. Could be good to add when and if the Town develops a Dog Park.

**90.05 Release of Impounded Dog or Farm Animal:**

A, B D-H provides a section detailing the procedure for the release of impounded Dogs or Farm Animals, and providing authority to the enforcement officer to take possession of abandoned animals and to dispose of them if they are not claimed within 72 Hours. Yavapai includes the identical provision under Penalties.

**90.16, 17, 18, 19 Dangerous and Biting Animals:**

- D-H and Yavapai set forth the procedures in A.R.S. Section 11-1014 to be followed for biting animals, and Yavapai goes further in deeming wolves or domesticated wolves as wild animals regulated by A.R.S. Section 11-1014(c).
- D-H includes several subsections in the Section:
  - Determination of Town Magistrate, which involves the filing of a petition, notice to the owner and a hearing.
  - Control of Dangerous Animals
  - Killing of Dangerous Animals

**90.50 Maintenance and Nuisance:**

D-H provides maintenance standards intended to provide that the keeping of animals not unreasonably interfere with the use and enjoyment of the properties of others.

Yavapai does not include a similar provision.

**90.98 Citation Issued to Owners:**

A-F D-H includes a here a section on the prosecution of Citations and stipulates the areas of responsibility for enforcement between the Town and the Sheriff's Office.

**90.99 Penalty (Numbers = Yavapai, Letters = D-H):**

A Provides that any person who violates a provision for which no penalty is stipulated is subject to the terms of Section 10.99.

1/B Identical

2/C D-H and Yavapai include identical provisions for release of impounded animals. Yavapai does so in this section, and D-H does so in Section 90.05.

**Conclusion:**

It appears that – DH and YC Ordinance 2000-3 are consistent in enforcement actions while DH provides more details on care and maintenance.

Additionally, DH is more expansive in its addressing of Dangerous Animals than YC.

**YAVAPAI COUNTY ORDINANCE NO. 2000 – 3**

**RABIES AND ANIMAL CONTROL**

**Repealing Yavapai County Ordinance No. 1991-2**

**A. DEFINITIONS**

1. “AT LARGE” means being neither confined by a suitable enclosure nor physically restrained on a leash.
2. “ENFORCEMENT AGENT” means persons in Yavapai County responsible for the enforcement of this Ordinance and the regulations promulgated thereunder.
3. “OWNER” means any person owning, possessing, harboring or maintaining a dog, or any persons acting for the owner, or having charge of a dog.
4. “DOG” means member of the familiaris and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.
5. “DOG PARK” means a suitably enclosed and supervised area designated by the County or any city or town within which dogs are not required to be leashed or otherwise subject to physical restraint.

**B. GENERAL PROVISIONS**

1. This Ordinance shall not apply to any incorporated city or town or to any Indian Reservation but shall apply only within the unincorporated areas of Yavapai County. The provisions of State law shall apply in those instances where this Ordinance is not equal to or more stringent than State law.
2. No dog shall be permitted at large except as provided herein. Dogs shall be confined within a suitable enclosure or otherwise physically restrained to prevent entry of dogs on public or private property other than the owner’s or on a leash not to exceed six (6) feet in length and of sufficient strength to control the dog.
3. Any dog over the age of four (4) months shall wear a collar or harness to which is attached a valid license tag. Dogs shall not be required to wear a collar or harness with a valid license attached while being used for control of livestock, ~~or~~ while being used or trained for hunting, while being exhibited or trained at a kennel club event, while engaged in races

approved by the Arizona Racing Commission or while being transported to and from such events or races provided that they are properly vaccinated, licensed and controlled. In the event the owner can demonstrate that no approved vaccination is available a license which shall be different from a rabies tag is required.

4. It shall be unlawful for an owner or designated responsible person to maintain a dog having a propensity to bark, howl or otherwise disturb the peace and quiet of any county resident. The enforcement agency shall make every effort, including canvassing of affected neighbors, to ensure that unwarranted citations are not issued.

#### C. ENFORCEMENT

1. Any dog, licensed or unlicensed, which is running at large may be apprehended and impounded by the County enforcement agent. The County enforcement agent shall have the right to enter upon private property in order to apprehend any dog that has been running at large, provided the enforcement agent is in reasonable pursuit of such dog.
2. County enforcement agents and law enforcement officials may issue citations to the owner, or other person acting for the owner, when a dog is permitted to be at large. The procedure for the issuance of a notice to appear shall be as provided for peace officers in A.R.S. § 13-3903 except that the County enforcement officer shall not make an arrest before issuing the notice. The issuance of citations pursuant to this Ordinance shall be subject to the provisions of A.R.S. § 13-3899.
3. Pursuant to A.R.S. § 11-1015, it is unlawful for any person to interfere with the County enforcement agent in the performance of his duties.

#### D. EXEMPTIONS

1. A dog may run at large while participating in field trials, obedience classes, kennel club events, organized school or park-sponsored shows, while assisting its owner or trained in legal hunting or in herding livestock, while assisting a police officer engaged in law enforcement duties, or while assisting its blind or deaf master, so long as sufficient control is exercised permit immediate leashing of the dog upon any person's reasonable request.
2. Dogs are allowed to occupy vehicles, including truck beds, without restraint, but as soon as a dog leaves a truck bed, it is considered to be at large.

E. SPECIAL EXEMPTION FOR DOG PARKS

1. Upon written application by the County, or by any city or town, the Board of Supervisors may permit dogs to run without restraint within the enclosed area of a designated Dog Park subject to the condition that the dog's owner must remain within the enclosed area of the Dog park and exercise appropriate supervision and control at all times that a dog is allowed to run without restraint.
2. Applications for of a special exemption for a Dog Park shall be accompanied by a Development Plan to include a map and legal description of the proposed Dog Park, construction plans for all improvements to be made on the premises, procedures for maintaining the premises in a sanitary condition and a plan for staffing and supervision of the Dog Park.
3. As a condition of approval of a special exemption for a Dog Park, the applicant shall obtain a premises liability insurance policy, in a form acceptable to the County, with a minimum annual aggregate policy limit as specified by the County which shall name the County as a primary or additional insured. The policy shall protect the County from any and all lawsuits, claims, awards or other losses, including reasonable attorney fees arising from the operation of the Dog Park. On or before the effective date of the special exemption, the applicant shall provide to the County a certificate of insurance confirming the required coverage and shall notify the County no less than 10 days prior to any changes in coverage including policy forms, policy limits, cancellations, non-renewals or changes in insurance carriers.
4. The operator of a Dog Park authorized pursuant to this Section may enact rules and regulating governing the operation of the Dog Park provided that such rules and regulations are equal to or more stringent than corresponding provisions of this Ordinance.
5. The Board of Supervisors may revoke a special exemption for a Dog Park upon a determination that the interests of the County are not served by continued operation of the Dog Park or that the public health, safety or welfare is threatened or may be threatened by continued operation of the Dog Park.

F. BITING ANIMALS

The procedures set forth in A.R.S. § 11-1014 shall be followed for biting animals. Domesticated wolves and offspring of domestic animals bred with wild animals or domesticated wolves shall be considered wild animals pursuant to the provisions of A.R.S. § 11-1014(c).

G. PENALTIES

1. A person who is convicted of a violation of this Ordinance is guilty of a class 2 misdemeanor. As a minimum penalty , a person convicted hereunder shall to pay a fine of not less than fifty dollars, which shall not be suspended unless, at the discretion of the judge court, that person is ordered to perform and complete a minimum of eight hours of community service.
2. Any person requesting the release of an impounded dog shall provide proof of anti-rabies vaccinations and license, or shall obtain any applicable license and vaccination and shall pay for the cost of impoundment in accordance with a fee schedule adopted by the Yavapai County Board of Supervisors. Proof of ownership of the dog may be required prior to release. Any impounded dog which is not claimed within seventy-two hours shall be deemed abandoned. County enforcement agents may take possession of abandoned dogs and may place the dog for sale or may dispose of the dog in a humane manner. Any person purchasing an abandoned dog shall obtain applicable anti-rabies vaccinations and pay the applicable license and impoundment fees.

H. REPEALER

Yavapai County Ordinance No. 1991-2 is hereby repealed

I. EFFECTIVE DATE

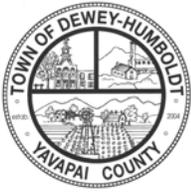
This Ordinance, including the repealer contained herein shall be effective October 5, 2000.

Passed and adopted by the Yavapai County Board of Supervisors this 5<sup>th</sup> day of September, 2000.

/s/ A.G. "Chip" Davis  
A. G. "Chip" Davis, Chairman  
Yavapai County Board of Supervisors

ATTEST:

/s/ Bev Staddon  
Bev Staddon, Clerk  
Yavapai County Board of Supervisors



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**P.O. BOX 69**  
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## MEMO

Date: February 26, 2016

To: Yvonne Kimball

From: Steven Brown

Re: Comparison of Animal Quotas for regional jurisdictions

At the February 23, 2016 Council Work Session, staff was asked to prepare a comparison of the number of animals (quota) for the jurisdictions within Yavapai County. The following is the result of my research into the topic. The numbers refer to the number of animals permitted in the districts where they are permitted.

<i>Allowed Animal Chart</i>	<i>Yavapai County</i>	<i>Chino Valley</i>	<i>Prescott Valley</i>	<i>Dewey-Humboldt</i>
Type: Animals Allowed	As Accessory Uses in R1L, R1, M1, M2 zoning districts	As Permitted Uses in AR36, AR5, AR4, SR2.5, SR2, SR1.6, SR1, Commercial Light, Commercial Heavy zoning districts	As Permitted Uses in all other zoning districts	As Accessory Uses in R1L, R1, M1, M2 zoning districts
Category A - cattle, bison, horse or other similar size/weight	Two (2) per acre or fraction thereof	Appears to be Unlimited	Appears to be Unlimited in Agriculture (AG) District otherwise limited to lots of min. 1 acre and further limited to 2 per acre.	2 per acre*

Category B - Ostrich, miniature horse, llama, alpaca, sheep, goat, emu or other farm animals of similar size/weight	Five (5) per acre or fraction thereof	Appears to be Unlimited	Appears to be Unlimited in Agriculture (AG) District otherwise limited to lots of min. 1 acre and further limited to 2 per acre.	5 per acre*
Category C - Turkeys, peacocks, geese, pheasants, ducks, pigeons, chinchillas, rabbits, chickens or other similar size/weight toward the total. After one year of age, animal off-spring count as adult animals	Eight (8) per acre or fraction thereof	Appears to be Unlimited	Appears to be Unlimited in Agriculture (AG) District otherwise limited to lots of min. 1 acre and further limited to 2 per acre.	8 per acre*
Category D – Exotic Animals.	Appears to not be Allowed	Appears to be Unlimited	Appears to be Unlimited in Agriculture (AG) District otherwise limited to lots of min. 1 acre and further limited to 2 per acre.	State guidelines
Category E – Swine	Not to exceed Five (5) total per parcel	1 per acre	Not Allowed	Not allowed currently; but staff recommends 1 per acre* should council considers swine
*And proportionately greater for larger properties (Additional acre needed for additional animals)				

To conclude, each jurisdiction has its own regulations. Prescott Valley provides for unlimited animals in AG district, but makes limitations within all other districts by simply stating that other than AG, they are limited to 2 per acre, and you must have a minimum 1 acre to have animals. In Chino Valley, it appears that animals are unlimited in all zoning districts with a requirement for a minimum of 1 acre. In Yavapai County, the districts and the animals allowed are identical to the Town except where they are more permissive with regard to swine.

Research #4A - Town Web Posting of public version of  
proposed ordinances to change the current codes.  
Section 90 - Animals

ANIMAL CONTROL

§ 90.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AT LARGE.** Being neither confined by an enclosure nor an electronic fence capable of restraining the animal, nor physically restrained on a leash.

**CRUELLY MISTREAT.** To beat, cruelly ill-treat, abandon, torment, overload, overwork or otherwise abuse an animal torture or otherwise inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.

**CRUELLY NEGLECT.** To fail to provide an animal with necessary food, water or shelter.

**DANGEROUS ANIMAL.** Any animal that bites without provocation, is known to have a history, tendency or disposition to bite, or kills or causes injury, including injury to domesticated animals.

**DOG.** A member of the canis lupis familiaris and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.

**ENFORCEMENT OFFICER.** Any person responsible for the enforcement of this chapter.

**FARM ANIMALS.** Horses, cattle, bison, sheep, swine, goats, rabbits, chickens, turkeys, pheasants, geese, ducks, pigeons, peacocks,

**OWNER.** Any person owning, possessing, harboring or maintaining a dog or farm animal, or any persons acting for, or in the place of, the owner, or having charge of, or having taken charge of, a dog or farm animal.

§ 90.02 GENERAL PROVISIONS.

(A) No dog shall be at large except as provided herein. Dogs shall be confined within a suitable enclosure capable of restraining the animal or otherwise physically restrained to prevent entry of dogs on public or private property other than the owner's, or on a leash of sufficient length and strength to control the dog.

(B) Any dog over the age of **four months** shall have a current identification number issued by Yavapai County and, except as otherwise provided in this paragraph, wear a collar or harness to which is attached a valid rabies tag. Dogs shall not be required to wear a collar or harness with a valid rabies tag attached while being used for control of farm animals, while being used or trained for hunting, while being exhibited or trained at a kennel club event, while engaged in races approved by the Arizona Racing Commission or while being transported to and from such events, provided that they are properly vaccinated and controlled on the property of owner.

(C) It shall be unlawful for an owner or any other person or designated responsible person to maintain a dog that excessively barks, howls or otherwise disturbs the peace and quiet of any Town resident.

(D) It shall be unlawful for the owner of farm animals, to permit such farm animals to run at large within the corporate limits of the town. Farm animals roaming at large within the corporate limits of the town shall be retrieved by the owner within a reasonable period of time after notification.

(E) It shall be unlawful for the owner of an animal or fowl to permit the animal or fowl to emit frequent or habitual howling, yelping, barking, crowing or the making of other noises.

(F) ANIMAL CARE.

(1) No owner shall fail to provide his animals with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(2) No person shall, cruelly mistreat or neglect, an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

(3) The enforcement officer, on a reasonable belief that very prompt action is required to protect the health or safety of an animal or the health or safety of other animals may immediately impound any animal that appears to be cruelly neglected or otherwise cruelly mistreated as described in this section.

The enforcement officer shall then request a hearing pursuant to this chapter for the disposition of the impounded animal.

(4) Nothing contained herein shall prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to title 3 of the Arizona Revised Statutes.

#### § 90.03 EXEMPTIONS – DOGS RUNNING AT LARGE.

(A) A dog may run at large while participating in field trials, obedience classes, kennel club events, organized school or park-sponsored shows, while assisting its owner or being trained in legal hunting or in herding livestock, while assisting a police officer engaged in law enforcement duties, or while assisting its blind or deaf master, so long as sufficient control is exercised and the control would permit immediate leashing of the dog upon any person's reasonable request.

(B) A dog is allowed to occupy vehicles, including truck beds, without restraint, but upon leaving a vehicle or truck bed, it is considered to be at large.

#### 90.04 ENFORCEMENT- RUNNING AT LARGE.

(A) Any dog or farm animal, which is running at large, may be apprehended and impounded by the enforcement officer. The enforcement officer shall have the right to enter upon private property in order to apprehend any dog or farm animal that has been running at large, provided the enforcement officer is in reasonable pursuit of the dog or farm animal.

(B) Enforcement officers may issue citations to the owner, any other person acting for the owner, or any person exercising control over a dog or farm animal when a dog or farm animal is at large. The procedure for the issuance of a notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement officer shall not make an arrest before issuing the notice. The issuance of citations pursuant to this subchapter shall be subject to the provisions of A.R.S. § 13-3899.

(C) If farm animals are running at large, the costs of enforcement shall be borne by the owner of the farm animals.

#### §-90.05 RELEASE OF IMPOUNDED DOG OR FARM ANIMAL.

(A) Any person requesting the release of an impounded dog shall provide proof of anti-rabies vaccinations, or shall obtain any applicable vaccination and shall pay for the costs of impoundment. Proof of ownership of the dog may be required prior to release.

(B) Any impounded dog or farm animal which is not claimed within 72 hours shall be deemed abandoned. Enforcement officers may take possession of abandoned dogs or farm animals and may place the dog or farm animal for sale or may dispose of the dog or farm animal in a humane manner. Any person purchasing an abandoned dog shall obtain applicable anti-rabies vaccinations and pay the applicable and impoundment fees.

#### DANGEROUS AND BITING ANIMALS

#### § 90.16 DETERMINATION OF TOWN MAGISTRATE.

(A) If the enforcement officer has reason to believe an animal is a dangerous animal, he may file a petition with the town's magistrate court for a determination that the animal is dangerous as defined in section 90.01.

(B) The town's magistrate shall notify the owner of the animal of the date, time and place of a hearing for a determination of a dangerous animal.

(C) Following a hearing, the Town Magistrate may declare the animal to be as defined in section 90.01.

#### § 90.17 CONTROL OF DANGEROUS ANIMALS.

No person having charge, care, custody or control of an animal determined to be a vicious or dangerous animal shall permit the animal off his or her premises unless the animal is securely restrained.

#### § 90.18 KILLING OF DANGEROUS ANIMALS.

Any law enforcement officer is hereby authorized to destroy any animal determined to be a dangerous or vicious animal when immediately necessary to protect any person or property.

§ 90.19 BITING ANIMALS.

The procedures set forth in Arizona Revised Statutes A.R.S. § 11-1014 shall be followed for biting animals.

MAINTENANCE; NUISANCE

90.50 MAINTENANCE STANDARDS

Premises on which animals or fowl are kept shall be maintained in a manner not to unreasonably interfere with the use and enjoyment of the properties of others, including but not limited to compliance with the following maintenance standards:

(A) All animals and fowl and the pens, stalls, stables, yards, shelters, cages, areas, places and premises where they are held or kept, shall be so maintained that flies, insects, vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage, refuse or other noxious material do not become a public health nuisance.

(B) Animal manure and droppings shall be removed from pens, stables, yards, cages, and other enclosures and handled or disposed of in an approved manner free of health hazard or public health nuisance. Nothing in this subsection shall be deemed to prohibit the use of animal manure or droppings on any farm, garden, lawn or ranch in such a manner and for such purposes as are compatible with customary methods of good horticulture.

(C) Watering troughs or tanks shall be provided, which shall be equipped with adequate facilities for draining the overflow, so as to prevent the ponding of water, the breeding of flies, mosquitoes or other insects, or a health hazard.

(D) No putrescible material shall be allowed to accumulate on any premises, and all such material used as feed which is unconsumed shall be removed daily and disposed of by burial or other approved means

90.51 NUISANCE PROHIBITED

Violation of section 90.50 shall constitute a nuisance and a violation of this chapter.

## ENFORCEMENT

### § 90.98 CITATION ISSUED TO OWNERS

- (A) For purposes of this section and § 90.50, the enforcement officer shall be the town code enforcement officer or designee and for the enforcement of all other sections, the enforcement officer shall be the Yavapai County Animal Control Officer or other designated agent.
- (B) It is unlawful for any person to interfere with the enforcement officer in the performance of his duties pursuant to this chapter.
- (C) Enforcement will only occur upon signed complaint and a preliminary investigation to verify that a violation has in fact occurred.
- (D) If the enforcement officer determines there is probable cause to believe that a violation of this chapter has occurred, he shall file a complaint in the magistrate court and cause the complaint to be served on the person alleged to be violating this chapter. The citation shall set forth the specific violation with which the person is charged and the time and place of such violation.
- (E) Each day a violation continues shall constitute a separate offense.
- (F) Fines for violating the provisions of this chapter shall be adopted from time to time by resolution of the council. Any person charged with a violation of this chapter who does not pay the fine shall appear in the magistrate's court at a date and time set by the court for disposition in accordance with § 90.99, unless all fines imposed have been paid at least 24 hours in advance of the scheduled court appearance.

### § 90.99 PENALTY.

- (A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.
- (B) A person who is convicted of a violation of §§ ~~90.01~~ 90.02 through ~~90.06~~ 90.04 is guilty of a Class 2 misdemeanor. As a minimum penalty, a person convicted hereunder shall pay a fine of not less than \$50, which shall not be suspended unless, at the discretion of the court, that person is ordered to perform and complete a minimum of eight hours of community service.
- (C) Any person violating the conditions of §§ ~~90.15~~ 90.17 through ~~90.18~~ or is in charge of a dangerous animal as defined herein, may be fined in the amount

OF \$250 and be liable for reimbursement of any costs incurred by law enforcement officials in the exercising of their duties.

(D) A person convicted of violating § ~~90.31~~ 90.02(D) shall be found responsible for a civil code infraction and shall be subject to the civil sanctions on the first offense as set forth in § 10.99 of this code. Thereafter, a violation of § ~~90.31~~ 90.02(D) shall be a CLASS 2 misdemeanor subject to the penalty provisions set forth in § 10.99 of this code. The court may order any person who violates § 90.31 to pay all expenses related to the impounding of the livestock, including shelter, food, handling, transport and veterinarian care. The court may also order any person who violated this chapter to pay all related court fees or costs or penalties.

PUBLIC SUMMARY VERSION

**§ 153.005 DEFINITIONS.**

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given on the following pages. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "person" includes individuals, partnerships, corporations, clubs and associations. The following words or terms when applied to this chapter shall carry full force when used interchangeably: lot, plot, parcel or premises; used, arranged, occupied or maintained; sold or dispensed; construct, reconstruct, erect, place or alter (structurally or otherwise).

\* \* \*

**EXOTIC WILDLIFE.** Animals and other creatures not native to North America, regulated as exotic wildlife pursuant to Arizona Rules and Regulations R-12-4-401 through R-12-4-430.

\* \* \*

**FARM ANIMALS.** Horses, cattle, bison, sheep, goats, rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, pigeons, **peacocks, swine,** ostriches, emus, llamas and alpacas.

\* \* \*

**KENNEL.** A facility solely for the purpose of commercial boarding, breeding and/or training of dogs and/or cats. "KENNEL" does not include the keeping of animals on residential lots as household pets.

\* \* \*

**PETS (HOUSEHOLD).** Dogs, cats, rabbits, birds, pot-belly pigs, fish and the like. "pets" also includes other small animals not otherwise classified as exotic, under 100 pounds for family use only.

\* \* \*

**§ 153.042 C1 DISTRICT (COMMERCIAL; NEIGHBORHOOD SALES AND SERVICES).**

Permitted uses for the C1 District (Commercial; Neighborhood Sales and Services) are as follows in this section.

\* \* \*

(B)(17) KENNELS

\* \* \*

**§ 153.046 M1 DISTRICT (INDUSTRIAL; GENERAL LIMITED).**

Permitted uses for the M1 District (Industrial; General Limited) are as follows in this section.

\* \* \*

(B (3) Manufacturing, machining, tooling, assembly, fabrication, welding, milling, molding, equipping, decorating, glazing, repairing, servicing, cleaning, winding, printing, publishing, pickling, brewing, distilling, salvage (but not wrecking), equipment, material and dead storage yards, plating and polishing, meat packing (no slaughtering except rabbits and poultry), animal treating, kennels, warehousing (including elevators), freight yards, circuses and carnivals, race tracks and stadiums; and

\* \* \*

**§ 153.066 ACCESSORY USES AND STRUCTURES.**

\* \* \*

(F) Exotic wildlife. A person who maintains exotic wildlife on his property shall comply with all applicable state regulations related to exotic wildlife, in addition to the requirements of this chapter.

(FG) Allowed animal chart.

<i>Allowed Animal Chart</i>	
Type	Animals Allowed
Category A - cattle, bison, <del>steer/heifer</del> , horse or other similar size/weight	2 per acre*
Category B - Ostrich, miniature horse, llama, alpaca, sheep, goat, emu or other farm animals of similar size/weight	5 per acre*

Category C - Turkeys, peacocks, geese, pheasants, ducks, pigeons, chinchillas, rabbits, chickens or other similar size/weight toward the total. After one year of age, animal off-spring count as adult animals	8 per acre*
Category D – Exotic Animals.	State guidelines
Category E – Swine	1 per acre
*And proportionately greater for larger properties	

**TITLE IX: GENERAL REGULATIONS, CHAPTER 90 – ANIMALS**

- [90.01](#) Definitions
- [90.02](#) General provisions
- [90.03](#) Enforcement
- [90.04](#) Exemptions
- [90.05](#) Biting animals
- [90.06](#) Release of impounded dog

Vicious Animals

- [90.15](#) Definitions
- [90.16](#) Determination of Town Magistrate
- [90.17](#) Control of dangerous animals
- [90.18](#) Killing of dangerous animals

Livestock

- [90.30](#) Definitions
- [90.31](#) Livestock roaming at large
- [90.32](#) Investigation and enforcement
- [90.33](#) Payment of citation in lieu of penalties
- [90.99](#) Penalty

\*\*\*\*\*ANIMAL CONTROL\*\*\*\*\*

**§ 90.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AT LARGE.** Being neither confined by an enclosure nor an electronic fence capable of restraining the animal, nor physically restrained on a leash.

**DOG.** A member of the canis lupis familiaris and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.

**ENFORCEMENT OFFICER.** Any person responsible for the enforcement of this subchapter and the regulations promulgated hereunder.

**OWNER.** Any person owning, possessing, harboring or maintaining a dog, or any persons acting for, or in the place of, the owner, or having charge of, or having taken charge of, a dog. (Ord. 05-17, passed 10-18-2005)

**§ 90.02 GENERAL PROVISIONS.**

(A) No dog shall be at large except as provided herein. Dogs shall be confined within a suitable enclosure capable of restraining the animal or otherwise physically restrained to prevent entry of dogs on public or private property other than the owner's, or a leash not to exceed six feet in length and of sufficient strength to control the dog.

(B) Any dog over the age of four months shall wear a collar or harness to which is attached a valid rabies tag. Dogs shall not be required to wear a collar or harness with a valid rabies tag attached while being used for control of livestock, while being used or trained for hunting, while being exhibited or trained at a kennel club event, while engaged in races approved by the Arizona Racing Commission or while being transported to and from such events, provided that they are properly vaccinated and controlled.

(C) It shall be unlawful for an owner or any other person or designated responsible person to maintain a dog having a propensity to excessively bark, howl or otherwise disturb the peace and quiet of any town resident.

(Ord. 05-17, passed 10-18-2005) Penalty, see § [90.99](#)

**§ 90.03 ENFORCEMENT.**

(A) Any dog, which is running at large, may be apprehended and impounded by the town enforcement officer. The town enforcement officer shall have the right to enter upon private property in order to apprehend any dog that has been running at large, provided the enforcement officer is in reasonable pursuit of the dog.

(B) Town enforcement officers may issue citations to the owner, any other person acting for the owner, or any person exercising control over a dog when a dog is at large. The procedure for the issuance of a notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement officer shall not make an arrest before issuing the notice. The issuance of citations pursuant to this subchapter shall be subject to the provisions of A.R.S. § 13-3899.

(C) Consistent with A.R.S. § 11-1015 and statutes applying to towns, it is unlawful for any person to interfere with the enforcement officer in the performance of his or her duties pursuant to this subchapter.

(Ord. 05-17, passed 10-18-2005) Penalty, see § [90.99](#)

**§ 90.04 EXEMPTIONS.**

(A) A dog may run at large while participating in field trials, obedience classes, kennel club events, organized school or park-sponsored shows, while assisting its owner or being trained in legal hunting or in herding livestock, while assisting a police officer engaged in law enforcement duties, or while assisting its blind or deaf master, so long as sufficient control is exercised and the control would permit immediate leashing of the dog upon any person's reasonable request.

(B) A dog is allowed to occupy vehicles, including truck beds, without restraint, but upon leaving a vehicle or truck bed, it is considered to be at large.

(Ord. 05-17, passed 10-18-2005)

**§ 90.05 BITING ANIMALS.**

(A) The procedures set forth in Arizona Revised Statutes shall be followed for biting animals.

(B) Domesticated wolves and offspring of domestic animals bred with wild animals or domesticated wolves shall be considered wild animals consistent with the provisions of A.R.S. § 11-1014c.

(Ord. 05-17, passed 10-18-2005)

**§ 90.06 RELEASE OF IMPOUNDED DOG.**

(A) Any person requesting the release of an impounded dog shall provide proof of anti-rabies vaccinations, or shall obtain any applicable vaccination and shall pay for the costs of impoundment. Proof of ownership of the dog may be required prior to release.

(B) Any impounded dog which is not claimed within 72 hours shall be deemed abandoned. Enforcement officers may take possession of abandoned dogs and may place the dog for sale or may dispose of the dog in a humane manner. Any person purchasing an abandoned dog shall obtain applicable anti-rabies vaccinations and pay the applicable and impoundment fees.

(Ord. 05-17, passed 10-18-2005)

\*\*\*\*\*VICIOUS ANIMALS\*\*\*\*\*

**§ 90.15 DEFINITIONS.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**DANGEROUS** or **VICIOUS ANIMAL**. Any animal that bites without provocation, is known to have a propensity, tendency or disposition to bite, or kills or causes injury, including injury to domesticated animals.

(Ord. 05-20, passed 11-15-2005)

**§ 90.16 DETERMINATION OF TOWN MAGISTRATE.**

Following a hearing, the Town Magistrate may declare an animal to be dangerous or vicious if the animal is found to have exhibited a pattern of aggressive behavior which threatens the safety or well-being of persons or domesticated animals, or has caused injury, reasonable apprehension of such injury, or intimidation to any person.

(Ord. 05-20, passed 11-15-2005)

**§ 90.17 CONTROL OF DANGEROUS ANIMALS.**

No person having charge, care, custody or control of an animal determined to be a vicious or dangerous animal shall permit the animal off his or her premises unless the animal is securely restrained.

(Ord. 05-20, passed 11-15-2005) Penalty, see § [90.99](#)

**§ 90.18 KILLING OF DANGEROUS ANIMALS.**

Any law enforcement officer is hereby authorized to destroy any animal determined to be a dangerous or vicious animal when immediately necessary to protect any person or property.

(Ord. 05-20, passed 11-15-2005)

\*\*\*\*\*LIVESTOCK\*\*\*\*\*

**§ 90.30 DEFINITIONS.**

For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

**LIVESTOCK**. Cattle, horses, pigs, sheep, goats, or other similar animals, other than dogs or domestic house cats.

(Ord. 10-74, passed 8-17-2010)

**§ 90.31 LIVESTOCK ROAMING AT LARGE.**

It shall be unlawful for the owner of livestock, a person acting for the owner of livestock or a person exercising control over livestock to permit such livestock to roam at large within the corporate limits of the town. Livestock roaming at large within the corporate limits of the town shall be retrieved by the owner, the person acting for the owner or the person exercising control over such livestock within a reasonable period of time after notification.

(Ord. 10-74, passed 8-17-2010; Am. Ord. 10-78, passed 12-7-2010) Penalty, see § [90.99](#)

**§ 90.32 INVESTIGATION AND ENFORCEMENT.**

Enforcement will only occur upon signed complaint and a preliminary investigation to verify that a violation has in fact occurred. Enforcement of § [90.31](#) shall be the same as contained in § [90.03](#) of this chapter. Costs of enforcement shall be borne by the owner of such livestock. Any

livestock roaming at large may be impounded by the Enforcement Officer so designated by the town.

(Ord. 10-74, passed 8-17-2010; Am. Ord. 10-78, passed 12-7-2010)

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

(A) *Fines.* The fines for violating the provisions of § [90.31](#) 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.

(B) *Appearance if fine not paid.* Any person charged with a violation of this § [90.31](#) shall appear in the Magistrate's Court at a date and time set by the Court for disposition in accordance with § [90.99](#), unless all fines imposed have been paid at least 24 hours in advance of the scheduled court appearance.

(Ord. 10-74, passed 8-17-2010; Am. Ord. 10-78, passed 12-7-2010)

**§ 90.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § [10.99](#).

(B) A person who is convicted of a violation of §§ [90.01](#) through [90.06](#) is guilty of a Class 2 misdemeanor. As a minimum penalty, a person convicted hereunder shall pay a fine of not less than \$50, which shall not be suspended unless, at the discretion of the court, that person is ordered to perform and complete a minimum of eight hours of community service.

(C) Any person violating the conditions of §§ [90.15](#) through [90.18](#) or is in charge of a dangerous animal as defined herein, may be fined in the amount \$250 and be liable for reimbursement of any costs incurred by law enforcement officials in the exercising of their duties.

(D) A person convicted of violating § [90.31](#) shall be found responsible for a civil code infraction and shall be subject to the civil sanctions on the first offense as set forth in § [10.99](#) of this code. Thereafter, a violation of § [90.31](#) shall be a misdemeanor subject to the penalty provisions set forth in § [10.99](#) of this code. The court may order any person who violates § [90.31](#) to pay all expenses related to the impounding of the livestock, including shelter, food, handling, transport and veterinarian care. The court may also order any person who violated this chapter to pay all related court fees or costs or penalties.

(Ord. 05-17, passed 10-18-2005; Ord. 05-20, passed 11-15-2005; Am. Ord. 10-78, passed 12-7-2010)

**TITLE XV: LAND USAGE, ZONING REGULATIONS – CHAPTER 153**

**153.005 DEFINITIONS**

**FARM ANIMALS.** *Animals* other than household pets that shall, where permitted, be permitted to be kept and maintained for commercial production and sale and/or family food production, education or recreation. **FARM ANIMALS** are identified as being, e.g., horses, cattle, sheep, goats, rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, pigeons, llamas and alpacas. See also § [153.066](#)(E) and (F).

**PETS (HOUSEHOLD).** Dogs, cats, rabbits, birds, pot-belly pigs and the like (and other small animals under 100 pounds), for family use only (noncommercial) with cages, pens and the like. An owner may keep up to six pets (household, domesticated animals); anything greater than this shall be considered a kennel for purposes of establishing permitted use within a zoning district.

**KENNEL.** Any place where seven or more dogs are owned, kept, boarded, bred and/or offered for sale.

**§ 153.036 R1L DISTRICT (RESIDENTIAL; SINGLE FAMILY LIMITED)**

Permitted uses for the R1L District (Residential; Single Family Limited to site built structures only) are as follows in this section.

(B) (1) Dwelling unit (site built) for one family on any one lot;

(7) Accessory uses and structures (concurrent with and located on the same lot with the principal uses and structures, and including the following):

(a) Farm animals (except swine) on lots of no less than 70,000 square feet for the convenience and pleasure of the lot owner or occupant, not to exceed the number allowed as per the Allowed Animal Chart in § [153.066](#). Stables, barns or structures for sheltering or feeding animals must observe the same setbacks or yards as the dwelling unit;

**§ 153.046 M1 DISTRICT (INDUSTRIAL; GENERAL LIMITED).**

Permitted uses for the M1 District (Industrial; General Limited) are as follows in this section.

(A) (1) Intended to provide the type of industrial facilities which, while not necessarily attractive in operational appearances, are installed and operated in a manner so as not to cause inconvenience to other uses in the zoning district (or to adjacent zoning districts).

(2) Where uncertainty exists as to compliance with the intent of this district, in differentiating between the light and heavy character of the proposed use, the Board of Adjustment shall determine.

(B) (1) All principal and accessory uses permitted in any more restrictive zoning district, except dwelling units, mobile home courts, hotels, motels, rooming and boarding houses and similar, and provided further that, unless specifically provided to the contrary, the following are waived:

(a) Requirements for use permits, except for lots contiguous to residential districts;

- (b) Area limitations for uses and buildings;
- (c) Limitations on hours of operations;
- (d) Confining uses to closed (or partially closed) buildings; and
- (e) Prohibitions against livestock and other animals.

(2) Dispensing of gasoline and similar petroleum products from exposed storage tanks (subject to requirements of Underwriters Laboratories Inc. or similar), provided no such tank shall be located closer than 25 feet to the lot boundaries.

(3) Manufacturing, machining, tooling, assembly, fabrication, welding, milling, molding, equipping, decorating, glazing, repairing, servicing, cleaning, winding, printing, publishing, pickling, brewing, distilling, salvage (but not wrecking), equipment, material and dead storage yards, plating and polishing, meat packing (no slaughtering except rabbits and poultry), **animal treating, boarding, breeding and sales**, warehousing (including elevators), freight yards, circuses and carnivals, race tracks and stadiums; and

(4) Signs: see §§ [153.125](#) through [153.138](#).

(C) (1) Yards required: same as for commercial districts;

(2) Building heights: use permit required to exceed 30 feet or two stories; and

(3) Building density: no requirements.

(Ord. § 431, passed 9-4-2008)

### **§ 153.066 ACCESSORY USES AND STRUCTURES.**

(A) Accessory uses (including facilities and equipment) are permitted in conjunction with any principal use, provided same is compatible and common to the district in which it is located therewith and does not alter the character of the premises; any reference to a permitted use shall be deemed to include such accessory use.

**(B) Accessory buildings may be attached to or detached from the principal building, except that no accessory building housing fowl or animals (other than domestic pets) may be attached to any dwelling unit.**

(C) Amateur radio towers and antennas are permitted in all residential districts, with a use permit, provided:

(1) The structures shall not be located in the required front yard, or required street side yard, or in front of the front line of the dwelling or principal building;

(2) The structure shall in no case be located nearer than five feet to any side or rear property line;

(3) The structure does not exceed a height of 15 feet within a required side or rear yard;

(4) The structure does not exceed the maximum building height of the zoning district in which the structure is located;

(5) Not more than two such structures shall be erected per lot or parcel; and

(6) The tower and antenna shall be retractable.

(D) Accessory uses or structures are allowed prior to installation of the principal structure only when a construction permit is issued for the principal structure and construction of same is commenced within six months.

(E) Animal husbandry activities or projects, i.e., Future Farmers of America, 4-H, or any agricultural or large livestock activity/project conducted primarily for educational purposes or school credits, are permitted in any zoning district. The following criteria shall be met:

(1) Active membership must be maintained and verification of such may be required upon request.

(2) The keeping of all animals shall be subject to the regulations of the Yavapai County Environmental Unit and the Health Department.

(3) (a) A sign designating a 4-H member in residence must be posted on the property at all times any such project or activity is in progress.

(b) Under the 4-H exemption, the setback requirements and number of animals allowed per acre do not apply for animals utilized in 4-H projects, with the exception of equine and breeding projects.

(F) Allowed animal chart.

<i>Allowed Animal Chart</i>	
Type	Animals Allowed
Category A - Dairy cow, bison, steer/heifer, horse or other similar size/weight	2 per acre*
Category B - Ostrich, miniature horse, llama, alpaca, sheep, goat, emu or other of similar size/weight	5 per acre*
Category C - Turkeys, peacocks, geese, pheasants, ducks, pigeons, chinchillas, rabbits, chickens or other similar size/weight toward the total. After one year of age, animal off-spring count as adult animals	8 per acre*
*And proportionately greater for larger properties	

(Ord. § 501, passed 9-4-2008)

I have retyped D-H Revised 2/9/2016 Draft. I have taken out the portions already redacted. Where there are words or paragraphs "struck through" in this document, is my recommendation.

I have highlighted my changes , suggested deletions, and explanation of suggestion in the following color codes.

This document is not coded for ease of adding to or subtracting any portion which Council believes needs clarification or deletion. All paragraphs are numbered for ease of discussion and location.

I have put this Draft in a logical order

I have 12 hours into this document to make it legal and logical. Correcting an ordinance which has a foundation is simple and easy to someone who understands the process and the subject at hand.

I added

~~recommend to delete~~

Explanation of change

I have talked with attorney's across the country and they all say, "The primary importance of an ordinance lies in the Definitions". I have added several definitions to explain this ordinance. My and others opinion is, the definitions give the frame work for the Judge, and the residence, to rule and live within.

## DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**1. ADEQUATE CARE.** To provide care of an animal to include, but not limited to a clean, safe shelter, which provides protection from the weather with sufficient ventilation for hot and cold seasons, adequate food, water, exercise consistent with the normal requirement and feeding habits of the animal(s) size, species and breed

This definition only describes what adequate care is, below it puts it into the Cruelty Neglect category.

~~AT LARGE. Being neither confined by an enclosure nor an electronic fence capable of restraining the animal, nor physically restrained on a leash. Not at large if on personal property and under control.~~

**2. 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 at large.

**3. CRUELLY MISTREAT.** To beat, cruelly ill-treat, abandon, torment, overwork or otherwise abuse an animal torture or inflict unnecessary serious physical injury on an animal or to kill an animal in a manner that causes protracted suffering to the animal.

~~**4. CRUELLY NEGLECT.** To fail to provide an animal with necessary food, water or shelter.~~

An overt act involving failure to provide for animal health or 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.

**5. DANGEROUS ANIMAL.** Means any animal:

Whose owner or responsible person knows or has reason to know, has propensity to attack, to cause injury or otherwise endanger the safety of human beings or domestic animals without provocation.

That has been previously found to be dangerous 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.

A dog that, without provocation, inflicts severe injury on a human being or menaces:

This describes a Dangerous Dog. It is no longer a belief.

~~d) or menaces, Any animal that bites without provocation, is known to have a history, tendency or disposition to bite, or kills or causes injury, including injury to domesticated animals.~~

Proper Enclosure for Dangerous dog. Means, while on the owner's or responsible person's property, a dangerous dog shall be securely confined indoors or outdoors 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, top and floor, and shall also provide protection from the elements for the dog.

is important to include because the City needs to have safe guards in place for the community.

a dangerous dog does need to be confined in a secure manner as this describes, if the owner decides to harbor a dangerous dog what they need to do to protect the community from their dangerous dog.

with this explanation the City is actively trying to protect the community and children in particular, from a dangerous dog

**6. CODE ENFORCEMENT OFFICER:** (CEO) Employee of the Town of Dewey-Humboldt to enforce Nuisance complaints

Since council mentioned there are two entities enforcing this ordinance, I identified the two entities in their different capacities. Explained under Code Enforcement Officer and YCACO - Yavapai County Animal Control

**7. DOG.** A member of the canis lupis familiaris and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.

~~Enforcement Officer. Any person responsible for the enforcement of this chapter.~~

~~**FARM ANIMALS.** Horses, cattle, bison, sheep, goats, rabbits, chickens, turkeys, pheasants, geese, ducks, pigeons, peacocks, swine.~~

I agree with Council, Dogs and Farm Animals do not belong together so therefore I will not address Farm Animals. If Council chooses to leave Farm Animals within this ordinance it would be easy to include.

**8. MICRO CHIP.** A device implanted in a dog, used for identification, usually between the withers of a canine.

This is a very recognizable why of identifying the dogs owner if a collar has been removed or tags have been pulled off the collar while at large.

**9. NUISANCE.** a nuisance animal is one that:

Frequently runs at large

Damages, soils, or defecates on private property other than property possessed or controlled by the animals' owner or on public walks and parks unless such waste is immediately removed and properly disposed of by the animal's owner or handler.

Causes unsanitary or dangerous conditions.

Causes a disturbance by excessive barking or other noise makings

Chases vehicles or molests, attacks or interferes with persons' or other domestic animals on public property.

Simply describes what is said in the ordinance

**10. OWNER.** Any Responsible person ~~owning, possessing, harboring or maintaining a dog or farm animal- or any person acting for, or in the place of, the owner, or having charge of, or having taken charge of, a dog or farm animal.~~

**11. RESPONSIBLE PERSON.** Means an owner or any person who has the responsibility for the possession, care, custody, or control of an animal and has the authority and ability to act on behalf of, or in the interest of the owner.

Instead of giving the long diatribe of words in each section, I have change it to Responsible Person defined here.

**12. VACCINATION.** means the administration of an anti-rabies vaccine to animals by a veterinarian.

**13. UNDER CONTROL.** means physically restrained by a leash, rope, cord or chain or other device and under the direct supervision and control of a responsible person. Unless in a training environment or on personal property and in direct verbal control of the responsible person.

**14. WORKING DOGS.** Dogs kept for the primary purpose of hunting, herding, search and rescue, law enforcement, service dogs, livestock protection, or other jobs

Instead of giving the long diatribe of words in each corresponding section, I have change it to Working Dogs defined here.

**15. YCACO.** Yavapai County Animal Control Officer

**1. 90.02 GENERAL PROVISIONS.**

2. Powers and Duties of the Yavapai County Animal Control Officer (YCACO), and the Dewey-Humboldt Code Enforcement Officer (CEO)

3. YCACO - primarily enforcing animal control

4. CEO - primarily enforcing nuisance pertaining to health safety issues.

~~5. No dog shall be at large except as provided herein.~~

**6. AT LARGE - YCACO**

7. Dogs shall be confined within a suitable enclosure capable of restraining the animal or otherwise physically restrained to prevent entry of dogs on public or private property other than the owner's, or on a leash of sufficient length and strength to control the dog.
8. **A dog may run at large while** participating in field trials, obedience classes, kennel club events, organized school or park sponsored shows while assisting its owner or **are working dogs** being trained, ~~in legal hunting or in herding livestock,~~ while assisting a police officer engaged in law enforcement duties, **or while assisting a handicapped person in their daily actives,** ~~(its blind or deaf master),~~ **if on personal property and under control.** So long as sufficient control is exercised and the control would permit immediate leashing of the dog upon any persons reasonable request.
9. **There are several duties of Assistant Dogs. If dogs in beds of pickups is permitted dogs on personal property in control of the owner should be permitted.**
10. **A dog is allowed** to occupy vehicles, including truck beds, without restraint, but upon leaving a vehicle or truck bed, it is considered to be at large.

## 11. ENFORCEMENT - RUNNING AT LARGE YCACO

12. Any dog or farm animal, which is running at large, maybe apprehended and impounded by the **Yavapai County Animal Control Officer.** ~~enforcement officer.~~ The **YCACO** ~~enforcement officer~~ has the right to enter upon private property in order to apprehend any dog or farm animal that has been running at large, provided the **YCACO** ~~enforcement officer~~ is in reasonable pursuit of the dog or farm animal.
13. **YCACO, Enforcement OFFICERS** may issue citations to the owner, or any **responsible person** ~~other person acting for the owner, or any person exercising control over a dog or farm animal when a dog or farm animal is at large~~ The procedure for the issuance of a notice to appear shall be as provided by Peace Officers in A.R.S. 13-3903, except that the ~~YCACO-enforcement officer~~ shall not make an arrest before issuing the notice. The issuance of citations pursuant to this subchapter shall be subject to the provisions of A.R.S. 13-3899.
14. **A Police officer and an enforcement officer (animal control officer) are two different division of duties. I do not know if the Animal Control Officer has the ability to make an arrest in the County of Yavapai.**
15. ~~It shall be unlawful for the owner of farm animals, to permit such farm animals to run at large within the corporate limits of the town. Farm animals roaming at large within the corporate limits of the Town shall be retrieved by the owner within a reasonable period of time after notification~~
16. ~~FARM ANIMALS are running at large, the costs of enforcement shall be borne by the owner of the farm animals.~~
17. **Nothing contained herein** shall prohibit or restrict any activity involving **working** dogs, whether the dog is restrained or not, if the activity is directly **related to the working or training of dogs,** ~~related to the business of shepherding or herding livestock, hunting or the activity is necessary for the safety of a human, the dog or livestock or is permitted by or~~ **as** pursuant to Title 3 of the Arizona Revised Statutes.

## 18. IDENIFACATION

19. Any dog over the age of four months shall have a current **anti-rabies vaccine and** identification number issued by Yavapai County, ~~except as otherwise provided in this paragraph,~~ wear a collar or harness to

which is attached a valid rabies tag and (Yavapai County license??). Valid identification for "identifying owner" shall be a microchip implant.

20. **Dogs shall not be required** to wear a collar or harness with a valid rabies tag attached while being used for control of farm animals while being used or trained as a working dog for hunting, while being exhibited or trained at a kennel club event, while engaged in races approved by the Arizona Racing Commission or while being transported to and from such events, provided that they are properly vaccinated and controlled. ~~ON THE PROPERTY OF OWNER.~~ This does not fit into this sentence

## 21. ANIMAL CARE

22. No owner shall fail to provide his animals with sufficient wholesome food and water, proper shelter and protection from the weather, exercise, or adequate care in a manner appropriate to its breed, age and condition, veterinary care when needed to prevent suffering. ~~and with humane care and treatment.~~
23. No person shall cruelly mistreat or neglect, an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.
24. The YCACO ~~enforcement officer~~, on WITNESSING IMMINATE DANGER AND BELIEVES a reasonable belief that very prompt action is required to protect the health or safety of an animal or the health or safety of other animals may immediately impound any animal that IS DEEMED appears to be cruelly neglected or otherwise cruelly mistreated as described in this section. The YCACO ~~enforcement officer~~ shall then request a hearing pursuant to the chapter for the deposition of the impounded animal.

## 25. NUISANCE

26. It shall be unlawful for ~~an owner or any other person or designated~~ a responsible person to maintain a dog that excessively barks, howls, or other noises or otherwise disturbs the peace and quiet of nearby neighbors. ~~any town resident.~~
27. ~~Someone driving by a home can not issue a complaint, they need to live within a reasonable distance of the noise. You may want to Define Excessively by inserting a reasonable time frame a dog may bark. How long does it take a UPS driver to drop off a package or a family arriving home or the neighbors cat sitting on the fence post. Lots of things make dogs bark some very valid. I like the 10 min. limit so people have time to get their dogs in control.~~
28. ~~I agree with the council members who want the Farm animals separate from the dog ordinance Chino Valley does have a great Livestock Ordinance that can be reworked to fit D-H~~
29. ~~It shall be unlawful for the owner of an animal or fowl to permit the animal or fowl to emit frequent or habitual howling, yelping, barking crowing or the making of other noises.~~ I merged your C and E they are the same. One should be struck

## 30. MAINTENANCE STANDARDS - CEO

31. Premises on which animals or fowl are kept shall be maintained in a manner not to unreasonably interfere with the use and enjoyment of the properties of others, including but not limited to compliance with the following maintenance standards:
32. ~~All animals and fowl and the pens, stalls, stables, yards, shelters, cages, areas, places and premises where they are held or kept, shall be so maintained that flies, insects, vermin, rodent harborage, odors,~~

~~ponded water, the accumulation of manure, garbage, refuse or noxious material do not become a public health safety nuisance~~

33. ODORS. emission of odorous gases or other odorous matter shall be contained in such quantities so as not to be offensive, or create a public nuisance or hazard. Odors normal to the raising of livestock will not be considered a violation of performance standards unless such odors are excessive due to overcrowding, poor sanitation or other poor management.
34. Animal manure and droppings shall be removed from pens, stables, yards, cages, and other enclosures and handled or disposed of in an approved manner free of health hazard or public health nuisance. Nothing in this subsection shall be deemed to prohibit the use of animal manure or droppings on any farm, garden, lawn or ranch in such a manner and for such purposes as are compatible with the customary methods of good horticulture.
35. **Watering troughs** or tanks shall be provided, which shall be equipped with adequate facilities for draining drainage the overflow, to allow for adequate run off. ~~so as to prevent the ponding of water, to prevent the breeding of flies, mosquitoes or other insects or a health hazard.~~
36. Flies do not multiply in water troughs, nor do most insects
37. No putrescible material shall be allowed to accumulate on any premises, and all such material used as feed which is unconsumed shall be removed daily and disposed of by burial or other approved means, to help in the management of flies and other insects from becoming a health hazard.

38. Here is where the flies come in daily is unenforceable

### 39. Nuisance Prohibited

40. Violation of section 90.50 shall constitute a nuisance and a violation of this Chapter

### 41. CONTROL OF DANGEROUS ANIMALS

42. No person having charge, care, custody or control of an animal determined to be a vicious or dangerous animal shall permit the animal off his or her premises unless the animal is securely restrained by a responsible person who can physically keep the animal in control.
43. Proper Enclosure for Dangerous dog. Means, while on the owner's or responsible person's property, a dangerous dog shall be securely confined indoors or outdoors 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, top and floor, and shall also provide protection from the elements for the dog.

### 44. BITING ANIMALS - DANGEROUS AND BITING ANIMALS

45. The procedures set forth in Arizona Revised Statutes ARS 11-1014 shall be followed for biting animals.

### 46. KILLING OF DANGEROUS ANIMALS

47. Any ~~law?~~ YCACO enforcement officer is hereby authorized to destroy any animal determined to be dangerous **or in the act of putting any person or animal in imminent** danger. ~~animal when immediately necessary to protect any person or property.~~
48. **Or are you talking about the Sheriffs department here??**

**49. RELEASE OF IMPOUNDED DOG OR FARM ANIMAL**

50. Any person requesting the release of an impounded dog shall provide proof of anti-rabies vaccinations, or shall obtain **an anti-rabies** ~~an applicable~~ vaccination and shall pay for the costs of impoundment, proof of ownership may be required prior to release
51. Any impounded dog or farm animal which is not claimed within ~~72 hours?~~ **(14 days)** with **identification on its collar by rabies tag or city or county tag or by micro chipping shall be deemed abandoned.** YCACO Enforcement officers may take possession of abandoned dogs and farm animal and may place the dog or farm animal for sale or may dispose of the dog or farm animal in a humane manner. Any person purchasing an abandoned dog shall obtain applicable anti-Rabies vaccinations and pay the applicable and impoundment fees.

**52. DETERMINATION OF TOWN MAGISTRATE**

**53. Dangerous Dog**

54. If the YCACO ~~enforcement officer~~ has reason to believe an animal is ~~a dangerous animal,~~ **to humans or other animals,** he may file a petition with the towns Magistrate Court for a determination that the animal is dangerous as defined in section 90.01
55. The Towns Magistrate shall notify the owner of the animal of the date ,time and place of a hearing for a determination of a dangerous animal.
56. Following the hearing the town magistrate may declare the animal to be dangerous
57. Each day of non-compliance shall constitute a separate offense.

**58. ENFORCEMENT BY THE TOWN OF DEWEY-HUMBOLDT CODE ENFORCEMENT OFFICER**

**59. CITATION ISSUED FOR NUSIANCES**

60. For purposes of this section and 90.50 the enforcement officer shall be the Town Code Enforcement Officer or designee or the County Animal Control Officer
61. It is unlawful for any person to interfere with enforcement officer in the performance of his duties pursuant to this Chapter
62. **Investigation** ~~Enforcement~~ will only occur upon signed complaint and a preliminary investigation to verify that a violation has in fact occurred
63. **Due Process would be Investigation than Enforcement - to compel observance of or obedience to**
64. If the enforcement officer determines there is probable cause to believe that a violation of this Chapter has occurred, he may file a complaint in the Magistrate Court and cause the complaint to be served on

the person alleged to be violation this Chapter. The citation shall set forth the specific violation with which the person is charged and the time and place of such violation

65. A person violating any part of the nuisance portion will have 30 days to comply thereafter:
66. Each day of violation continues shall may constitute a separate offense.
67. Fines for violation the provisions of this Chapter shall be adopted from time to time by resolution of the Council. Any person charged with a violation of this Chapter who does not pay the fine shall appear in the Magistrate's Court at a date and time set by the Court for disposition in accordance with 68. 90.99 unless all fines imposed have been paid at least 24 hours in advance of the scheduled court appearance.

In your ordinances you have a 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.

1. Detroit: Attorneys for Detroit have pledged to rewrite the city's Animal Control Ordinance after a Federal Judge said it lacks constitutional protections.

U.S. District Judge Nancy Edmunds was posed Wednesday to strike down a section of the ordinance that give the city, animal control officers and the Detroit Police Department the authority to enter private property without a warrant and seize any animal for any SUSPECTED (your attorney used BELIEF) violation of animal control ordinances.....

The Fourth Amendment protects against unreasonable searches and seizures.....

2. O'Neil -v- Louisville KY, Jefferson County.

3. Since 1994, the First, Second, Third, Fourth, Fifth, Sixth, Ninth, Tenth, Eleventh, and the D.C. Circuits have all held that a Fourth Amendment malicious prosecution claim is cognizable.

#### Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, (NOT A BELIEF) shall not be violated, and no warrants shall

issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The IV Admendment is why the State has given Police Officers, Emergency agencies the ability to enter private property "if there is imminent danger", or in pursuit.



**DANGEROUS ANIMAL.** ANY ANIMAL THAT BITES WITHOUT PROVOCATION, IS KNOWN TO HAVE A HISTORY, TENDENCY OR DISPOSITION TO BITE, OR KILLS OR CAUSES INJURY, INCLUDING INJURY TO DOMESTICATED ANIMALS.

**5. DANGEROUS ANIMAL.** Means any animal: Whose owner or responsible person knows or has reason to know, has propensity to attack, to cause injury or otherwise endanger the safety of human beings or domestic animals without provocation.

That has been previously found to be dangerous 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.

A dog that, without provocation, inflicts severe injury on a human being or menaces:

~~This describes a Dangerous Dog. d) or menaces, Any animal that bites without provocation, is known to have a history, tendency or disposition to bite, or kills or causes injury, including injury to domesticated animals.~~

Proper Enclosure for Dangerous dog. Means, while on the owner's or responsible person's property, a dangerous dog shall be securely confined indoors or outdoors 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, top and floor, and shall also provide protection from the elements for the dog.

**DOG.** A member of the canis lupis familiaris and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.

**7. DOG.** A member of the canis lupis familiaris and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.

**ENFORCEMENT OFFICER.** Any person responsible for the enforcement of this subchapter ~~and the regulations promulgated hereunder.~~

**6. CODE ENFORCEMENT OFFICER:** (CEO) Employee of the Town of Dewey-Humboldt to enforce Nuisance complaints

**FARM ANIMALS.** HORSES, CATTLE, BISON, SHEEP, GOATS, RABBITS, CHICKENS, TURKEYS, PHEASANTS, GEESE, DUCKS, PIGEONS, PEACOCKS,

**8. MICRO CHIP.** A device implanted in a dog, used for identification, usually between the withers of a canine.

**9. NUISANCE.** a nuisance animal is one that:

Frequently runs at large

Damages, soils, or defecates on private property other than property possessed or controlled by the animals' owner or on public walks and parks unless such waste is immediately removed and properly disposed of by the animal's owner or handler. Causes unsanitary or dangerous conditions.

Causes a disturbance by excessive barking or other noise makings Chases vehicles or molests, attacks or interferes with persons' or other domestic animals on public property.

**OWNER.** Any person owning, possessing, harboring or maintaining a dog OR FARM ANIMAL, or any persons acting for, or in the place of, the owner, or having charge of, or having taken charge of, a dog OR FARM ANIMAL.

**10. OWNER.** Any Responsible person owning, possessing, harboring or maintaining a dog or farm animal. or any person acting for , or in the place of, the owner, or having charge of, or having taken charge of, a dog or farm animal.

**11. RESPONSIBLE PERSON.** Means an owner or any person who has the responsibility for the possession, care, custody, or control of an animal and has the authority and ability to act on behalf of, or in the interest of the owner.

**12. VACCINATION.** means the administration of an anti-rabies vaccine to animals by a veterinarian.

**13. UNDER CONTROL.** means physically restrained by a leash, rope, cord or chain or other device and under the direct supervision and control of a responsible person. Unless in a training environment or on personal property and in direct verbal control of the responsible person.

**14. WORKING DOGS.** Dogs kept for the primary purpose of hunting, herding, search and rescue, law enforcement, service dogs, livestock protection, or other jobs

**15. YCACO.** Yavapai County Animal Control Officer

## § 90.02 GENERAL PROVISIONS.

2. Powers and Duties of the Yavapai County Animal Control Officer (YCACO), and the Dewey-Humboldt Code Enforcement Officer (CEO)

3. **YCACO** - primarily enforcing animal control

4. **CEO** - primarily enforcing nuisance pertaining to health safety issues.

5. No dog shall be at large except as provided herein.

## 6. AT LARGE – YCACO

(A) No dog shall be at large except as provided herein. Dogs shall be confined within a suitable enclosure capable of restraining the animal or otherwise physically restrained to prevent entry of dogs on public or private property other than the owner's, or on a leash of sufficient LENGTH AND strength to control the dog.

7. Dogs shall be confined within a suitable enclosure capable of restraining the animal or otherwise physically restrained to prevent entry of dogs on public or private property other than the owner's, or on a leash of sufficient length and strength to control the dog.

(B) Any dog over the age of four months shall HAVE A CURRENT IDENTIFICATION NUMBER ISSUED BY YAVAPAI COUNTY AND, EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH, wear a collar or harness to which is attached a valid rabies tag. Dogs shall not be required to wear a collar or harness with a valid rabies tag attached while being used for control of FARM ANIMALS, while being used or trained for hunting, while being exhibited or trained at a kennel club event, while engaged in races approved by the Arizona Racing Commission or while being transported to and from such events, provided that they are properly vaccinated and controlled ON THE PROPERTY OF OWNER.

19. Any dog over the age of four months shall have a current anti-rabies vaccine and identification number issued by Yavapai County, ~~except as otherwise provided in this paragraph~~, wear a collar or harness to which is attached a valid rabies tag and (Yavapai County license??). Valid identification for "identifying owner" shall be a microchip implant.

20. **Dogs shall not be required** to wear a collar or harness with a valid rabies tag attached while being used for control of farm animals while being used or trained ~~as a working dog for hunting~~, while being exhibited or trained at a kennel club event, while engaged in races approved by the Arizona Racing Commission or while being transported to and from such events, provided that they are properly vaccinated and controlled. ~~ON THE PROPERTY OF OWNER.~~

(C) It shall be unlawful for an owner or any other person or designated responsible person to maintain a dog ~~having a propensity to~~ THAT excessively barkS, howlS or otherwise disturbS the peace and quiet of any town resident.

26. It shall be unlawful ~~for an owner or any other person or designated~~ a responsible person to maintain a dog that excessively barks, howls, or other noises or otherwise disturbs the peace and quiet ~~of nearby neighbors.~~ any town resident.

27. Someone driving by a home can not issue a complaint, they need to live within a reasonable distance of the noise. You may want to Define Escessively by inserting a reasonable time frame a dog may bark. How long does it take a UPS driver to drop off a package or a family arriving home or the neighbors cat sitting on the fence post. Lots of things make dogs bark some very valid. I like the 10 min. limit so people have time to get their dogs in control.

28. I agree with the council members who want the Farm animals seperate from the dog ordinance Chino Valley does have a great Livestock Ordinance that can be reworked to fit D-H

(D) IT SHALL BE UNLAWFUL FOR THE OWNER OF FARM ANIMALS, TO PERMIT SUCH FARM ANIMALS TO RUN AT LARGE WITHIN THE CORPORATE LIMITS OF THE TOWN. FARM ANIMALS ROAMING AT LARGE WITHIN THE CORPORATE LIMITS OF THE TOWN SHALL BE RETRIEVED BY THE OWNER WITHIN A REASONABLE PERIOD OF TIME AFTER NOTIFICATION.

(E) IT SHALL BE UNLAWFUL FOR THE OWNER OF AN ANIMAL OR FOWL TO PERMIT THE ANIMAL OR FOWL TO EMIT FREQUENT OR HABITUAL HOWLING, YELPING, BARKING, CROWING OR THE MAKING OF OTHER NOISES.

~~29. It shall be unlawful for the owner of an animal or fowl to permit the animal or fold to emit frequent or habitual holing, yelping, barking crowing or the making of other noises.~~ I merged your C and E they are the same. One should be struck

(F) ANIMAL CARE.

(1) NO OWNER SHALL FAIL TO PROVIDE HIS ANIMALS WITH SUFFICIENT WHOLESOME FOOD AND WATER, PROPER SHELTER AND PROTECTION FROM THE WEATHER, VETERINARY CARE WHEN NEEDED TO PREVENT SUFFERING, AND WITH HUMANE CARE AND TREATMENT.

22. No owner shall fail to provide his animals with sufficient wholesome food and water, proper shelter and protection from the weather, **exercise, or adequate care in a manner appropriate to its breed, age and condition**, veterinary care when needed to prevent suffering. and with humane care and treatment.

(2) NO PERSON SHALL, CRUELLY MISTREAT OR NEGLECT, AN ANIMAL, OR CAUSE, INSTIGATE OR PERMIT ANY DOGFIGHT, COCKFIGHT, BULLFIGHT OR OTHER COMBAT BETWEEN ANIMALS OR BETWEEN ANIMALS AND HUMANS.

23. No person shall cruelly mistreat or neglect, an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.

(3) THE ENFORCEMENT OFFICER, ON A REASONABLE BELIEF THAT VERY PROMPT ACTION IS REQUIRED TO PROTECT THE HEALTH OR SAFETY OF AN ANIMAL OR THE HEALTH OR SAFETY OF OTHER ANIMALS MAY IMMEDIATELY IMPOUND ANY ANIMAL THAT APPEARS TO BE CRUELLY NEGLECTED OR OTHERWISE

CRUELLY MISTREATED AS DESCRIBED IN THIS SECTION. THE ENFORCEMENT OFFICER SHALL THEN REQUEST A HEARING PURSUANT TO THIS CHAPTER FOR THE DISPOSITION OF THE IMPOUNDED ANIMAL.

24. The YCACO enforcement officer, on WITNESSING IMMEDIATE DANGER AND BELIEVES a reasonable belief that very prompt action is required to protect the health or safety of an animal or the health or safety of other animals may immediately impound any animal that IS DEEMED appears to be cruelly neglected or otherwise cruelly mistreated as described in this section. The YCACO enforcement officer shall then request a hearing pursuant to the chapter for the deposition of the impounded animal.

(4) NOTHING CONTAINED HEREIN SHALL PROHIBIT OR RESTRICT ANY ACTIVITY INVOLVING A DOG, WHETHER THE DOG IS RESTRAINED OR NOT, IF THE ACTIVITY IS DIRECTLY RELATED TO THE BUSINESS OF SHEPHERDING OR HERDING LIVESTOCK AND THE ACTIVITY IS NECESSARY FOR THE SAFETY OF A HUMAN, THE DOG OR LIVESTOCK OR IS PERMITTED BY OR PURSUANT TO TITLE 3 OF THE ARIZONA REVISED STATUTES.

24. The YCACO enforcement officer, on WITNESSING IMMEDIATE DANGER AND BELIEVES a reasonable belief that very prompt action is required to protect the health or safety of an animal or the health or safety of other animals may immediately impound any animal that IS DEEMED appears to be cruelly neglected or otherwise cruelly mistreated as described in this section. The YCACO enforcement officer shall then request a hearing pursuant to the chapter for the deposition of the impounded animal.

#### 90.03 ENFORCEMENT.

~~(A) Any dog, which is running at large, may be apprehended and impounded by the town enforcement officer. The town enforcement officer shall have the right to enter upon private property in order to apprehend any dog that has been running at large, provided the enforcement officer is in reasonable pursuit of the dog.~~

~~(B) Town enforcement officers may issue citations to the owner, any other person acting for the owner, or any person exercising control over a dog when a dog is at large. The procedure for the issuance of a notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement officer shall not make an arrest before issuing the notice. The issuance of citations pursuant to this subchapter shall be subject to the provisions of A.R.S. § 13-3899.~~

~~(C) Consistent with A.R.S. § 11-1015 and statutes applying to towns, it is unlawful for any person to interfere with the enforcement officer in the performance of his or her duties pursuant to this subchapter.~~

#### § 90.04 90.03 EXEMPTIONS – DOGS RUNNING AT LARGE.

(A) A dog may run at large while participating in field trials, obedience classes, kennel club events, organized school or park-sponsored shows, while assisting its owner or being trained in legal hunting or in herding livestock, while assisting a police officer engaged in law enforcement duties, or while assisting its blind or deaf master, so long as sufficient control is exercised and the control would permit immediate leashing of the dog upon any person's reasonable request.

8. A dog may run at large while participating in field trials, obedience classes, kennel club events, organized school or park sponsored shows while assisting its owner or are working dogs being trained, in legal hunting or in herding livestock, while assisting a police officer engaged in law enforcement duties, or while assisting a handicapped person in their daily activities, (its blind or deaf master), if on personal property and under control. So long as sufficient control is exercised and the control would permit immediate leashing of the dog upon any persons reasonable request.

9. There are several duties of Assistant Dogs If dogs in beds of pickups is permitted dogs on personal property in control of the owner should be permitted.

(B) A dog is allowed to occupy vehicles, including truck beds, without restraint, but upon leaving a vehicle or truck bed, it is considered to be at large.

10. A dog is allowed to occupy vehicles, including truck beds, without restraint, but upon leaving a vehicle or truck bed, it is considered to be at large.

~~§ 90.05 BITING ANIMALS. (A) The procedures set forth in Arizona Revised Statutes shall be followed for biting animals. (B) Domesticated wolves and offspring of domestic animals bred with wild animals or domesticated wolves shall be considered wild animals consistent with the provisions of A.R.S. § 11-1014c.~~

90.04 ENFORCEMENT- RUNNING AT LARGE.

(A) ANY DOG OR FARM ANIMAL, WHICH IS RUNNING AT LARGE, MAY BE APPREHENDED AND IMPOUNDED BY THE ENFORCEMENT OFFICER. THE ENFORCEMENT OFFICER SHALL HAVE THE RIGHT TO ENTER UPON PRIVATE PROPERTY IN ORDER TO APPREHEND ANY DOG OR FARM ANIMAL THAT HAS BEEN RUNNING AT LARGE, PROVIDED THE ENFORCEMENT OFFICER IS IN REASONABLE PURSUIT OF THE DOG OR FARM ANIMAL.

12. Any dog or farm animal, which is running at large, maybe apprehended and impounded by the Yavapai County Animal Control Officer. enforcement officer. The YCACO enforcement officer has the right to enter upon private property in order to apprehend any dog or farm animal that has been running at large, provided the YCACO enforcement officer is in reasonable pursuit of the dog or farm animal.

(B) ENFORCEMENT OFFICERS MAY ISSUE CITATIONS TO THE OWNER, ANY OTHER PERSON ACTING FOR THE OWNER, OR ANY PERSON EXERCISING CONTROL OVER A DOG OR FARM ANIMAL WHEN A DOG OR FARM ANIMAL IS AT LARGE. THE PROCEDURE FOR THE ISSUANCE OF A NOTICE TO APPEAR SHALL BE AS PROVIDED FOR PEACE OFFICERS IN A.R.S. § 13-3903, EXCEPT THAT THE ENFORCEMENT OFFICER SHALL NOT MAKE AN ARREST BEFORE ISSUING THE NOTICE. THE ISSUANCE OF CITATIONS PURSUANT TO THIS SUBCHAPTER SHALL BE SUBJECT TO THE PROVISIONS OF A.R.S. § 13-3899.

13. ~~YCACO, Enforcement OFFICERS~~ may issue citations to the owner, or any ~~responsible person~~ other person acting for the owner, or any person exercising control over a dog or farm animal when a dog or farm animal is at large. The procedure for the issuance of a notice to appear shall be as provided by Peace Officers in A.R.S. 13-3903, except that the ~~YCACO enforcement officer~~ shall not make an arrest before issuing the notice. The issuance of citations pursuant to this subchapter shall be subject to the provisions of A.R.S. 13-3899.

(C) IF FARM ANIMALS ARE RUNNING AT LARGE, THE COSTS OF ENFORCEMENT SHALL BE BORNE BY THE OWNER OF THE FARM ANIMALS.

~~16. FARM ANIMALS are running at large, the costs of enforcement shall be borne by the owner of the farm animals.~~

17. **Nothing contained herein** shall prohibit or restrict any activity involving **working** dogs, whether the dog is restrained or not, if the activity is directly **related to the working or training of dogs**. ~~related to the business of shepherding or herding livestock, hunting or the activity is necessary for the safety of a human, the dog or livestock or is as~~ permitted by or as pursuant to Title 3 of the Arizona Revised Statutes.

~~§ 90.06~~ 90.05 RELEASE OF IMPOUNDED DOG OR FARM ANIMAL.

(A) ANY PERSON REQUESTING THE RELEASE OF AN IMPOUNDED DOG SHALL PROVIDE PROOF OF ANTI-RABIES VACCINATIONS, OR SHALL OBTAIN ANY APPLICABLE VACCINATION AND SHALL PAY FOR THE COSTS OF IMPOUNDMENT. PROOF OF OWNERSHIP OF THE DOG MAY BE REQUIRED PRIOR TO RELEASE.

50. Any person requesting the release of an impounded dog shall provide proof of anti-rabies vaccinations, or shall obtain **an anti-rabies** ~~an applicable~~ vaccination and shall pay for the costs of impoundment, proof of ownership may be required prior to release

(B) ANY IMPOUNDED DOG OR FARM ANIMAL WHICH IS NOT CLAIMED WITHIN 72 HOURS SHALL BE DEEMED ABANDONED. ENFORCEMENT OFFICERS MAY TAKE POSSESSION OF ABANDONED DOGS OR FARM ANIMALS AND MAY PLACE THE DOG OR FARM ANIMAL FOR SALE OR MAY DISPOSE OF THE DOG OR FARM ANIMAL IN A HUMANE MANNER. ANY PERSON PURCHASING AN ABANDONED DOG SHALL OBTAIN APPLICABLE ANTI-RABIES VACCINATIONS AND PAY THE APPLICABLE AND IMPOUNDMENT FEES.

51. Any impounded dog or farm animal which is not claimed within ?72 hours? **(14 days) with identification on its collar by rabies tag or city or county tag or by micro chipping shall be deemed abandoned.** ~~YCACO Enforcement officers~~ may take possession of abandoned dogs and farm animal and may place the dog or farm animal for sale or may dispose of the dog or farm animal in a humane manner. Any person purchasing an abandoned dog shall obtain applicable anti-Rabies vaccinations and pay the applicable and impoundment fees.

~~VICIOUS DANGEROUS AND BITING ANIMALS~~

~~§ 90.15 DEFINITIONS.~~

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

~~**DANGEROUS or VICIOUS ANIMAL.** Any animal that bites without provocation, is known to have a propensity HISTORY, tendency or disposition to bite, or kills or causes injury, including injury to domesticated animals.~~

§ 90.16 DETERMINATION OF TOWN MAGISTRATE.

(A) IF THE ENFORCEMENT OFFICER HAS REASON TO BELIEVE AN ANIMAL IS A DANGEROUS ANIMAL, HE MAY FILE A PETITION WITH THE TOWN'S MAGISTRATE COURT FOR A DETERMINATION THAT THE ANIMAL IS DANGEROUS AS DEFINED IN SECTION 90.01.

54. If the YCACO enforcement officer has reason to believe an animal is a dangerous animal, to humans or other animals, he may file a petition with the towns Magistrate Court for a determination that the animal is dangerous as defined in section 90.01 55. The Towns Magistrate shall notify the owner of the animal of the date ,time and place of a hearing for a determination of a dangerous animal.

(B) THE TOWN'S MAGISTRATE SHALL NOTIFY THE OWNER OF THE ANIMAL OF THE DATE, TIME AND PLACE OF A HEARING FOR A DETERMINATION OF A DANGEROUS ANIMAL.

55. The Towns Magistrate shall notify the owner of the animal of the date ,time and place of a hearing for a determination of a dangerous animal.

(C) Following a THE hearing, the Town Magistrate may declare an THE animal to be dangerous or vicious if the animal is found to have exhibited a pattern of aggressive behavior which threatens the safety or well-being of persons or domesticated animals, or has caused injury, reasonable apprehension of such injury, or intimidation to any person-AS DEFINED IN SECTION 90.01.

56. Following the hearing the town magistrate may declare the animal to be dangerous

57. Each day of non-compliance shall constitute a separate offense.

§ 90.17 CONTROL OF DANGEROUS ANIMALS.

No person having charge, care, custody or control of an animal determined to be a vicious or dangerous animal shall permit the animal off his or her premises unless the animal is securely restrained.

42. No person having charge, care, custody or control of an animal determined to be a vicious or dangerous animal shall permit the animal off his or her premises unless the animal is securely restrained by a responsible person who can physically keep the animal in control.

43. Proper Enclosure for Dangerous dog. Means, while on the owner's or responsible person's property, a dangerous dog shall be securely confined indoors or outdoors 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, top and floor, and shall also provide protection from the elements for the dog.

§ 90.18 KILLING OF DANGEROUS ANIMALS. Any law enforcement officer is hereby authorized to destroy any animal determined to be a dangerous or vicious animal when immediately necessary to protect any person or property.

47. Any law enforcement officer is hereby authorized to destroy any animal determined to be dangerous or in the act of putting any person or animal in imminent danger. animal when immediately necessary to protect any person or property.

§ 90.19 BITING ANIMALS. The procedures set forth in Arizona Revised Statutes A.R.S. § 11-1014 shall be followed for biting animals.

45. The procedures set forth in Arizona Revised Statutes ARS 11-1014 shall be followed for biting animals.

#### LIVESTOCK § 90.30 DEFINITIONS.

~~For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.~~

~~**LIVESTOCK.** Cattle, horses, pigs, sheep, goats, or other similar animals, other than dogs or domestic house cats.~~

~~§ 90.31 LIVESTOCK ROAMING AT LARGE. It shall be unlawful for the owner of livestock, a person acting for the owner of livestock or a person exercising control over livestock to permit such livestock to roam at large within the corporate limits of the town. Livestock roaming at large within the corporate limits of the town shall be retrieved by the owner, the person acting for the owner or the person exercising control over such livestock within a reasonable period of time after notification.~~

~~15. It shall be unlawful for the owner of farm animals, to permit such farm animals to run at large within the corporate limits of the town. Farm animals roaming at large within the corporate limits of the Town shall be retrieved by the owner within a reasonable period of time after notification~~

~~§ 90.32 INVESTIGATION AND ENFORCEMENT. Enforcement will only occur upon signed complaint and a preliminary investigation to verify that a violation has in fact occurred. Enforcement of § 90.31 shall be the same as contained in § 90.03 of this chapter. Costs of enforcement shall be borne by the owner of such livestock. Any livestock roaming at large may be impounded by the Enforcement Officer so designated by the town.~~

#### § 90.33 PAYMENT OF CITATION IN LIEU OF PENALTIES.

~~(A) Fines. The fines for violating the provisions of § 90.31-90.05 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.~~

~~(B) Appearance if fine not paid. Any person charged with a violation of this CHAPTER WHO DOES NOT PAY THE FINE AS PROVIDED IN § 90.31 § 90.33 shall appear in the Magistrate's Court at a date and time set by the Court for disposition in accordance with § 90.99, unless all fines imposed have been paid at least 24 hours in advance of the scheduled court appearance.~~

## MAINTENANCE; NUISANCE

### 90.50 MAINTENANCE STANDARDS

PREMISES ON WHICH ANIMALS OR FOWL ARE KEPT SHALL BE MAINTAINED IN A MANNER NOT TO UNREASONABLY INTERFERE WITH THE USE AND ENJOYMENT OF THE PROPERTIES OF OTHERS, INCLUDING BUT NOT LIMITED TO, COMPLIANCE WITH THE FOLLOWING MAINTENANCE STANDARDS:

31. Premises on which animals or fowl are kept shall be maintained in a manner not to unreasonably interfere with the use and enjoyment of the properties of others, including but not limited to compliance with the following maintenance standards:

~~32. All animals and fowl and the pens, stalls, stables, yards, shelters, cages, areas, places and premises where they are held or kept, shall be so maintained that flies, insects, vermin, rodent harborage, odors, ponded water, the accumulation of manure, garbage, refuse or noxious material do not become a public health safety nuisance~~

(A) ALL ANIMALS AND FOWL AND THE PENS, STALLS, STABLES, YARDS, SHELTERS, CAGES, AREAS, PLACES AND PREMISES WHERE THEY ARE HELD OR KEPT, SHALL BE SO MAINTAINED THAT FLIES, INSECTS, VERMIN, RODENT HARBORAGE, ODORS, PONDED WATER, THE ACCUMULATION OF MANURE, GARBAGE, REFUSE OR OTHER NOXIOUS MATERIAL DO NOT BECOME A PUBLIC HEALTH NUISANCE.

33. ODORS. emission of odorous gases or other odorous matter shall be contained in such quantities so as not to be offensive, or create a public nuisance or hazard. Odors normal to the raising of livestock will not be considered a violation of performance standards unless such odors are excessive due to overcrowding, poor sanitation or other poor management.

ANIMAL MANURE AND DROPPINGS SHALL BE REMOVED FROM PENS, STABLES, YARDS, CAGES, AND OTHER ENCLOSURES AND HANDLED OR DISPOSED OF IN AN APPROVED MANNER FREE OF HEALTH HAZARD OR PUBLIC HEALTH NUISANCE. NOTHING IN THIS SUBSECTION SHALL BE DEEMED TO PROHIBIT THE USE OF ANIMAL MANURE OR DROPPINGS ON ANY FARM, GARDEN, LAWN OR RANCH IN SUCH A MANNER AND FOR SUCH PURPOSES AS ARE COMPATIBLE WITH CUSTOMARY METHODS OF GOOD HORTICULTURE.

34. Animal manure and droppings shall be removed from pens, stables, yards, cages, and other enclosures and handled or disposed of in an approved manner free of health hazard or public health nuisance. Nothing in this subsection shall be deemed to prohibit the use of animal manure or droppings on any farm, garden, lawn or ranch in such a manner and for such purposes as are compatible with the customary methods of good horticulture.

(B) WATERING TROUGHS OR TANKS SHALL BE PROVIDED, WHICH SHALL BE EQUIPPED WITH ADEQUATE FACILITIES FOR DRAINING THE OVERFLOW, SO AS TO PREVENT THE PONDING OF WATER, THE BREEDING OF FLIES, MOSQUITOES OR OTHER INSECTS, OR A HEALTH HAZARD.

35. **Watering troughs** or tanks shall be provided, which shall be equipped with adequate facilities for draining **drainage** the overflow, **to allow for adequate run off**. so as to prevent the ponding of water, to prevent the breeding of flies, mosquitoes or other insects or a health hazard.

(C) NO PUTRESCIBLE MATERIAL SHALL BE ALLOWED TO ACCUMULATE ON ANY PREMISES, AND ALL SUCH MATERIAL USED AS FEED WHICH IS UNCONSUMED SHALL BE REMOVED DAILY AND DISPOSED OF BY BURIAL OR OTHER APPROVED MEANS

37. No putrescible material shall be allowed to accumulate on any premises, and all such material used as feed which is unconsumed shall be removed daily and disposed of by burial or other approved means, **to help in the management of flies and other insects from becoming a health hazard.**

#### 90.51 NUISANCE PROHIBITED

VIOLATION OF SECTION 90.50 SHALL CONSTITUTE A NUISANCE AND A VIOLATION OF THIS CHAPTER.

40. Violation of section 90.50 shall constitute a nuisance and a violation of this Chapter

#### ENFORCEMENT

#### § 90.98 CITATION ISSUED TO OWNERS

(A) FOR PURPOSES OF THIS SECTION AND § 90.50, THE ENFORCEMENT OFFICER SHALL BE THE TOWN CODE ENFORCEMENT OFFICER OR DESIGNEE OR THE COUNTY ANIMAL CONTROL OFFICER.

59. For purposes of this section and 90.50 the enforcement officer shall be the Town Code Enforcement Officer or designee or the County Animal Control Officer

(B) IT IS UNLAWFUL FOR ANY PERSON TO INTERFERE WITH THE ENFORCEMENT OFFICER IN THE PERFORMANCE OF HIS DUTIES PURSUANT TO THIS CHAPTER.

60. It is unlawful for any person to interfere with enforcement officer in the performance of his duties pursuant to this Chapter

(C) ENFORCEMENT WILL ONLY OCCUR UPON SIGNED COMPLAINT AND A PRELIMINARY INVESTIGATION TO VERIFY THAT A VIOLATION HAS IN FACT OCCURRED.

61. Investigation Enforcement will only occur upon signed complaint and a preliminary investigation to verify that a violation has in fact occurred

(D) IF THE ENFORCEMENT OFFICER DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED, HE MAY FILE A COMPLAINT IN THE MAGISTRATE COURT AND CAUSE THE COMPLAINT TO BE SERVED ON THE PERSON ALLEGED TO BE VIOLATING THIS CHAPTER. THE CITATION SHALL SET FORTH THE SPECIFIC VIOLATION WITH WHICH THE PERSON IS CHARGED AND THE TIME AND PLACE OF SUCH VIOLATION.

63. If the enforcement officer determines there is probable cause to believe that a violation of this Chapter has occurred, he may file a complaint in the Magistrate Court and cause the complaint to be served on the person alleged to be violation this Chapter. The citation shall set forth the specific violation with which the person is charged and the time and place of such violation

64. A person violating any part of the nuisance portion will have 30 days to comply thereafter:

(E) EACH DAY A VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.

65. Each day of violation continues shall may constitute a separate offense.

(F) FINES FOR VIOLATING THE PROVISIONS OF THIS CHAPTER SHALL BE ADOPTED FROM TIME TO TIME BY RESOLUTION OF THE COUNCIL. ANY PERSON CHARGED WITH A VIOLATION OF THIS CHAPTER WHO DOES NOT PAY THE FINE SHALL APPEAR IN THE MAGISTRATE'S COURT AT A DATE AND TIME SET BY THE COURT FOR DISPOSITION IN ACCORDANCE WITH § 90.99, UNLESS ALL FINES IMPOSED HAVE BEEN PAID AT LEAST 24 HOURS IN ADVANCE OF THE SCHEDULED COURT APPEARANCE.

66. Fines for violation the provisions of this Chapter shall be adopted from time to time by resolution of the Council. Any person charged with a violation of this Chapter who does not pay the fine shall appear in the Magistrate's Court at a date and time set by the Court for disposition in accordance with 68. 90.99 unless all fines imposed have been paid at least 24 hours in advance of the scheduled court appearance.

§ 90.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) A person who is convicted of a violation of §§ 90.01 90.02 through 90.06 90.04 is guilty of a Class 2 misdemeanor. As a minimum penalty, a person convicted hereunder shall pay a fine of not less than \$50, which shall not be suspended unless, at the discretion of the court, that person is ordered to perform and complete a minimum of eight hours of community service.

(C) Any person violating the conditions of §§ 90.15 90.17 through 90.18 or is in charge of a dangerous animal as defined herein, may be fined in the amount OF \$250 and be liable for reimbursement of any costs incurred by law enforcement officials in the exercising of their duties.

(D) A person convicted of violating § 90.31 90.02(D) shall be found responsible for a civil code infraction and shall be subject to the civil sanctions on the first offense as set forth in § 10.99 of this code. Thereafter, a violation of § 90.31 90.02(D) shall be a CLASS 2 misdemeanor subject to the penalty provisions set forth in § 10.99 of this code. The court may order any person who violates § 90.31 to pay all expenses related to the impounding of the livestock, including shelter, food, handling, transport and veterinarian care. The court may also order any person who violated this chapter to pay all related court fees or costs or penalties.