

RESOLUTION NO. 12-999

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, DECLARING AS A PUBLIC RECORD WITHIN THE MEANING OF A.R.S. §9-801 THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "CHINO VALLEY TOWN CODE CHAPTER 90: ANIMALS"

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1: That certain document entitled "Chino Valley Town Code Chapter 90: Animals," is hereby declared to be a public record within the meaning of A.R.S. §9-801, three copies of which are on file in the office of the Town Clerk and Building Division, and which are available for inspection by the public during normal business hours.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 11th day of December, 2012.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, PC
Town Attorney

CHINO VALLEY TOWN CODE
CHAPTER 90: ANIMALS

§ 90.01 PURPOSE.

The purpose of this chapter is to aid and assist the Town and its appropriate staff in the enforcement of A.R.S. §11-1002, Powers and duties of the state veterinarian and the Arizona department of agriculture; A.R.S. §11-1003, Power and duties of the department of health services; A.R.S. §11-1010, Anti-rabies vaccination; vaccination and license stations; A.R.S. §11-1016, Removing impounded animals; A.R.S. §11-1017, Unlawful keeping of dogs; and A.R.S. §11-1020, Dogs; liability.

§ 90.02 DEFINITIONS.

In this Chapter, unless the context requires otherwise:

1. **Animal Control Officer** - means a person who has the authority and is responsible for enforcement of the provisions and regulations of this Chapter.
2. **Animal Control Shelter** – means any established location authorized by the Chief of Police for the confinement, maintenance, safekeeping and control of dogs, which come into the custody of an Animal Control Officer or Police Officer in the performance of their duties.
3. **Collar** – means a band, harness, or suitable device worn around the neck or body of a dog to which a license tag may be attached
4. **Dangerous Dog** – means any dog:
 - a) Whose owner or responsible person knows, or has reason to know, that the dog has a propensity to attack, to cause injury, or otherwise endanger the safety of human beings or domestic animals without provocation,
 - b) That has been previously found to be dangerous or vicious by a court of competent jurisdiction, the owner having received notice of such, and the dog again having aggressively bitten, attacked or endangered the safety of humans or domestic animals,
 - c) That, without provocation, inflicts sever injury on a human being,
 - d) That menaces, maims, or kills domestic animals when off its owners property,
 - e) That is used in the commission of a crime, including but not limited to dog fighting, or
 - f) That chases or approaches a person upon the streets, or any public grounds in a menacing fashion or apparent attitude of attack, unprovoked, or causes injury or otherwise threatens the safety of humans or domestic animals.
5. **Dog At Large** – means a dog that is not on the premises of the owner or responsible person and is not under the control of the owner or responsible person. Any dog in a suitable enclosure or Under Control of the owner or responsible person shall not be considered to be at large.
6. **Dog** – means a member of the canine familiar is family.

7. **Dog Owner** – means any person possessing, harboring, keeping, having an interest in, or having control or custody of a dog.
8. **Dog Violation Citation** – means a document issued by an Animal Control Officer or Police Officer to a person who has violated the provision of this Chapter.
9. **Enclosure** – means a fence or structure suitable to prevent the escape of the dog or the entry of young children.
10. **Impound** – means the act of taking or receiving into custody by an Animal Control Officer or Police Officer any dog for the purpose of confinement in the Chino Valley Animal Control Shelter in accordance with the provisions of this Chapter.
11. **Microchip** – means to implant an animal with a microchip tag linked to a national computer network for the purposes of identification.
12. **Neglect** – means an overt act involving failure to provide for the health and safety, including, but not limited to failure to provide adequate food, water, shelter, exercise or necessary veterinary care to a dog or to adequately confine a dog in a manner appropriate to its breed, age and condition.
13. **Person** – See Chino Valley Town Code, section 10.05, Definitions.
14. **Proper Enclosure for a Dangerous Dog** – means while on the owner’s or responsible person’s property, the secure confinement of a dangerous dog, either indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure shall have secure sides, top and floor, and be constructed in a manner that does not allow the dog’s head to protrude through the pen or structure. Such pen or structure shall also provide protection from the elements for the dog, along with fresh food and water and exercise area to maintain the dog in good health.
15. **Responsible Person** – means an owner or any person who has the responsibility for the possession, care, custody, or control of a dog and has the authority and ability to act on behalf of, or in the interest of the owner.
16. **Restraint** – means confinement of a dog within the real property limits of its owner, or secured by a leash or lead or otherwise under control of a responsible person, or confinement within a vehicle in a manner that prevents escape.
17. **Severe Injury** – means any physical injury which results in broken bones puncture wounds, or lacerations requiring sutures and/or cosmetic surgery.
18. **Shelter** – means a structure capable of protecting a dog from present and potential environmental hazards.
19. **Stray Dog** – means a dog that is at large and is not wearing a valid license tag and/or microchip device.
20. **Tag** – means proof of a license that is worn by the licensed dog.
21. **Tattoo** - an indelible mark or figure fixed upon the body by insertion of pigment under the skin.
22. **Under Control** – means physically restrained by a leash, rope, cord or chain or other device and/or under the direct supervision and control of the owner or responsible person.
23. **Vaccination** – means the administration of an anti-rabies vaccine to dogs by a veterinarian.

24. **Veterinary Hospital** – means any establishment operated by a veterinarian licensed to practice in the State of Arizona which provides clinical facilities and house dogs or birds for dental, medical, or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pen, stalls, cages or kennels for quarantine, observation or boarding.

§ 90.03 INJURY BY VEHICLE.

Any person who accidentally or otherwise hits a dog with a vehicle must make a reasonable effort to contact the owner of the dog. In the event the owner cannot be contacted, the operator of the vehicle shall at once contact the Police Department or Animal Control Officer to report the incident. Penalty, see section 90.99 B.

§ 90.04 STRAYS.

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

§ 90.05 RUNNING DOG AT-LARGE.

- A. It is unlawful for an owner or responsible person of a dog to allow such dog to be at large within the Town limits. The owner or responsible person of a dog shall provide adequate fencing and/or enclosures to keep their dogs contained on their property or, if off the property, are under the owner's or responsible person's direct supervision and control. Penalty, see section 90.99.
- B. Any dog at large may be apprehended and impounded by an Animal Control Officer or Police Officer.
 - 1. Animal Control Officers may issue citation(s) for a dog at large to the owner or responsible person of that dog. The procedure for the issuance of a Notice to Appear shall be as provided for peace officers in A.R.S §13-3903 except the Animal Control Officer shall not make an arrest before issuing the notice. The issuance of citations pursuant to this chapter shall be subject to the provisions of A.R.S. §13-3899.
- C. A dog is not at large:
 - 1. If such dog is engaged in obedience training, accompanied by and under the control of its owner or trainer.
 - 2. While such dog is being used for legitimate hunting purposes.
 - 3. While such dog is being exhibited in a sanctioned event.
 - 4. If while off the premises of the owner such dog is under the owner's, or responsible person's direct supervision and control.

5. If such dog is being utilized as a service dog for a handicapped person or a seeing-eye dog in assisting a legally blind person.
6. If such dog is being used to control livestock.

§ 90.06 IMPOUNDING OF DOGS.

- A. Any stray dog shall be impounded. All impounded dogs shall be given proper care and maintenance.
- B. Each impounded licensed, micro chipped or tattooed dog shall be kept and maintained at the Animal Control Shelter for a minimum of ten days unless claimed by its owner or responsible person. An unlicensed dog will be kept and maintained at the Animal Control Shelter for a minimum of three days. Any dog found without a tag, microchip device, or tattoo identifying its owner shall be deemed not owned.
- C. An impounded licensed or unlicensed dog may be adopted upon expiration of the impoundment period, provided the person pays the appropriate adoption fees and complies with licensing and vaccinating provisions of this chapter. Adoption fees may be waived for recognized nonprofit dog rescue groups. No dog will be released for use in medical research. Animal Control Officers may destroy impounded, sick, or injured dogs whenever the destruction is necessary to prevent the dog from suffering or to prevent the spread of disease provided such is confirmed by a licensed veterinarian.
- D. Any licensed impounded dog may be reclaimed by its owner or responsible person within ten days, provided the person reclaiming the dog furnishes proof of the right to do so, proof of rabies vaccination, pays all dog shelter fees, medical fees, service and license fees as applicable. If the dog is not reclaimed within the impoundment period, the Animal Control Officer shall take possession and may place the dog for adoption or may dispose of the dog in a humane manner as prescribed by a licensed veterinarian.
- E. Any dog, except those showing signs of rabies, which it is necessary to destroy, shall be destroyed only by a state licensed veterinarian.
- F. Any dog surrendered by its owner or responsible person to be destroyed becomes the property of the Town. All associated fees will be paid by the owner or responsible person that surrenders the dog.

§ 90.07 POWERS AND DUTIES OF THE ANIMAL CONTROL OFFICER.

- A. The Animal Control Officer Shall:
 1. Enforce the provisions of this chapter and the regulations promulgated hereunder;
 2. Issue citations for violations of this chapter and the regulations promulgated hereunder. The procedure of the issuance of notices to appear shall be provided for peace officers in A.R.S. §13-3903, except that the Animal Control Officer shall not make an arrest before issuing the notice;

- B. The issuance of citations pursuant to this section shall be subject to the provision of A.R.S. §13-3899.
- C. The Animal Control Officer is a member of the Police Department and shall function in accordance with Police Department policies and procedures where applicable.

§ 90.08 LICENSE FEE FOR DOGS; ISSUANCE OF TAGS; RECORDS; PENALTIES.

- A. The Town Council shall set an annual license fee which shall be paid for each dog four months of age or over that is kept, harbored or maintained with the boundaries of the Town for at least 30 consecutive days of the calendar year. License fees shall be set at the discretion of the Council. The licensing period shall not exceed the period of time for revaccination as designated by the State Veterinarian.
- B. License fees shall be paid within 90 days of acquisition of the dog. A penalty shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this subchapter.
- C. Durable license tags shall be provided. Each dog licensed under the terms of this chapter shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the town, the number of the license and the year for which it is valid. The license tag shall be attached to a collar or harness which shall be worn by the dog at all times except when the dog is confined on the owner's property or due to medical condition certified by a licensed veterinarian in which case the owner will provide proof of said condition signed by a licensed veterinarian. Whenever a tag is lost, a duplicate tag shall be issued upon application and payment of a fee by the owner.
- D. License fees for dogs permanently incapable of procreation shall be at a lower rate. An application for a license for a dog incapable of procreation shall furnish adequate proof satisfactory to the Animal Control Officer that the dog has been surgically altered to be permanently incapable of procreation.
- E. After written notification from the Animal Control Officer, the owner will have fifteen days to obtain a license for a dog required to be licensed. It is also a violation of this subchapter to counterfeit, attempt to counterfeit an official dog tag, or remove a tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog. Penalty, see section 90.99
- F. Impounding fees shall be established by the Council in conformance with current state fees for the impounding and maintenance of dogs of like species and circumstances.

§ 90.09 ANTI-RABIES VACCINATIONS: VACCINATION AND LICENSE STANDARDS.

- A. Before a license is issued for any dog, the owner must present a rabies vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number

- of the vaccine used, and date revaccination is due. A duplicate of each rabies vaccination certificate issued to a resident of Chino Valley shall be transmitted to the Animal Control Officer on or before the 10th day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions and regulations of this chapter.
- B. The owner of a dog four months of age over which, for medical purposes, is unable to receive a rabies vaccination may request a waiver of the unaltered license fees. The owner may be granted this waiver only after supplying a Certified Veterinarian Recommendation from a Licensed Veterinarian to the Animal Control Officer.
 - C. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in the state or a veterinarian employed by a governmental agency in that state. The vaccination certificate must state the owner's name, address, and giving the dog's description, date of vaccination, and type manufacturer and serial number of the vaccine used.
 - D. The vaccination must be in conformity with the provisions and regulations of this chapter.

§ 90.10 WEARING LICENSE TAGS.

Any dog over the age of four months shall either be implanted with a permanent microchip device or wear a collar or harness to which is attached a valid license tag pursuant to § 90.08 above. Dogs used for the control of livestock, while being trained for hunting or dog obedience training or while being exhibited or trained at a kennel club event, and the dogs while being transported to and from such events need not wear a collar or harness with a valid license attached provided they are properly vaccinated, licensed and controlled. Penalty, see section 90.99

§ 90.11 HANDLING OF BITING DOGS; RESPONSIBILITY FOR REPORTING DOG BITES.

- A. A dog licensed, unlicensed or unvaccinated, which bites any person shall be confined and quarantined in an authorized Animal Control Shelter (as defined in section 90.02) with the owner or responsible person liable for all fees and expenses. Upon the request of and at the expense of the owner or responsible person, the dog may be quarantined at a veterinary hospital, or at a location deemed appropriate by the Animal Control Officer for a period of not less than ten days.
- B. Whenever a dog bites any person, the incident shall be reported to the Animal Control Officer or Police Department immediately by any person having direct knowledge. The Officer shall be responsible for making reports of dog bites and other dog related incidents and procedures, to include the disposal of dog remains and transportation of dogs to be scientifically examined.

- C. Any dog confined and quarantined pursuant to this chapter may be destroyed prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - 1. The dog shows clear clinical signs of rabies in accordance with state law; and
 - 2. The owner or responsible person of the dog consents to its destruction.
- D. Any dog found without a tag, microchip device, or tattoo, identifying its owner shall be deemed not owned.
- E. Dogs that expire or become ill during quarantine shall be examined by medical authorities to scientifically determine causes for the condition or death of the dog and if a communicable disease is present. All associated fees will be paid by the owner or responsible person.
- F. In any case, where the dog is determined to be diseased, the owner or responsible person of the dog and the victim of the attack or bite shall be immediately notified so medical treatment may be administered as necessary. In cases where the victim is in or on a public place or lawfully in or on a private place at the time of the attack or bite, all associated reasonably necessary fees shall be paid by the owner or responsible person.

§ 90.12 NUISANCE BARKING.

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

All persons desiring to pursue criminal charges against any person keeping or maintaining a dog that is in the habit of barking, howling, or otherwise disturbing the peace and quiet of any reasonable person residing within the Town limits must complete a witness statement (provided by the Animal Control Officer or other representative of the Police Department) and assist in the prosecution.

§ 90.13 UNLAWFUL INTERFERENCE WITH ANIMAL CONTROL OFFICERS.

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

§ 90.14 DANGEROUS DOGS.

It is unlawful for an owner to have a dangerous dog within the Town limits without a certification of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

- A. An Animal Control Officer shall issue a certification of registration to the owner of such dog if the owner presents to the Animal Control Officer sufficient evidence of:
 - 1. A Proper Enclosure for a Dangerous Dog to confine the dangerous dog and the posting of the premises with a clearly visible warning sign that there is a

dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog.

2. A surety bond issued by a surety insurer in the form acceptable to the Town Prosecutor in a sum of no less than \$100,000.
 3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified in the amount of at least \$300,000 insuring the owner for any personal injuries inflicted by the dangerous dog.
- B. It is unlawful for the owner of a dangerous dog to permit the dog to be outside of the proper enclosure unless the dog is under control of the owner or a responsible person.
- C. A dog shall not be declared to be dangerous if the bite or attack was deemed accidental or with reasonable cause or if the threat or damage was sustained by a person who, at that time, was committing a willful trespass or other criminal act upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog, or has in the past been observed or reported to have tormented, abused or assaulted the dog, or committing or attempting to commit a crime.
- D. Any dangerous dog shall be immediately confiscated by an Animal Control Officer if:
1. The dog is not validly registered under the section above.
 2. The owner does not secure the liability insurance coverage required under this section.
 3. The dog is not maintained in the proper enclosure.
 4. The dog is outside the dwelling of the owner, or outside of the proper enclosure and not under control of the owner or responsible person. In addition, the owner or responsible person shall be guilty of a Class 1 misdemeanor.
 5. The dog was previously found to be a dangerous dog under this Chapter and attacks or bites a person or another domestic dog. In this event, the owner or responsible person is subject to protect the public or other dogs. In addition, the dangerous dog shall be placed in quarantine for the proper length of time and thereafter upon order of the court is destroyed in an expeditious and humane manner.
 6. The dog aggressively attacks and causes severe injury or death of any human, regardless of whether the dog has previously been declared potentially dangerous or dangerous. In addition, the dog shall immediately be placed in quarantine for the proper length of time and thereafter upon order of the court, be destroyed in an expeditious and humane manner. In addition, the owner or responsible person shall be guilty of a Class 1 Misdemeanor.

Notwithstanding the requirements set forth in paragraphs (A)(1) through (A)(3) above, the Town shall not be liable for the owner's failure to secure and maintain a Proper Enclosure, a surety bond, or a policy of liability insurance.

§ 90.15 ADEQUATE EXERCISE SPACE FOR DOGS.

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

It shall be unlawful for the owner or responsible person of a dog to secure the dog by means of a tie-out including but not limited to chains, leashes, ropes, wire or cable attached to a swivel, pulley system or fixed point unless the dog is under direct supervision of the owner. Penalty, see 90.99

§ 90.99 VIOLATION; PENALTY.

- A. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be guilty of a Class 1 misdemeanor.
- B. Any person violating any provisions of sections 90.03, 90.04, 90.05, 90.08, 90.10, 90.12, 90.13, or 90.15 of this Chapter shall be guilty of a Class 3 misdemeanor.