

**ORDINANCE NO. 2023-926**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, DECLARING THE DOCUMENT ENTITLED “FEBRUARY 2023 AMENDMENTS TO CHINO VALLEY TOWN CODE CHAPTER 90: ANIMALS” AS A PUBLIC RECORD; ADOPTING THE “FEBRUARY 2023 AMENDMENTS TO CHINO VALLEY TOWN CODE CHAPTER 90: ANIMALS” BY REFERENCE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.**

**WHEREAS**, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to update Chino Valley Town Code (the “Town Code”) Chapter 90 (Animals) for the benefit of the Town.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The above recital is hereby incorporated as if fully set forth herein.

Section 2. That certain document entitled “February 2023 Amendments to Chino Valley Town Code Chapter 90: Animals” (the “ACO Amendments”), of which one paper copy and one electronic copy are maintained, in compliance with ARIZ. REV. STAT. § 44-7041, on file in the office of the Town Clerk as required by ARIZ. REV. STAT. § 9-802, and available for public use and inspection during normal business hours, is hereby declared to be a public record, and said copies are hereby ordered to remain on file with the Town Clerk.

Section 3. The Town Code is hereby amended by amending Chapter 90 (Animals) as set forth in the ACO Amendments, which document is hereby adopted by reference and incorporated herein as if fully set forth in this ordinance.

Section 4. Violations of this ordinance are subject to the following penalties:

**§ 90.05 DOGS AT LARGE; DESIGNATION AS AGGRESSIVE DOG**

(B) The dog’s owner or responsible person shall control the dog in a manner that ensures it does not violate § 90.05(A)(1) and (2) and, in addition to any penalties under this chapter, shall be responsible for injury to any person or damage to any property caused by a dog in violation thereof.

**§ 90.99 VIOLATION; PENALTY.**

(A) Any person convicted of violating any provision of this chapter for which no specific penalty is prescribed shall be guilty of a Class 1 misdemeanor, punishable as set forth in § 10.99 of this Code.

(B) Any person convicted of violating any provision of §§ 90.03, 90.04, 90.08, 90.10, 90.13, or 90.15 shall be guilty of a Class 3 misdemeanor, punishable by a fine not to exceed \$500, imprisonment for a period not to exceed 30 days, or by any combination of such fine and imprisonment.

- (C) Any person convicted of violating any provision of §§ 90.05 or 90.12(B) that does not involve biting or attacking shall be guilty of a civil offense punishable as set forth in § 10.99 of this Code and subject to the habitual offender provisions set forth in § 10.99(D).
- (D) Any person convicted of violating any provision of § 90.05 that involves biting or attacking shall be guilty of a Class 3 misdemeanor, punishable as set forth in subsection (B) of this section.
- (E) Any fine, fee or monetary restitution amount assessed for loss of property due to the unlawful actions of a dog may be ordered by the court at the time of sentencing if payment was not received prior to sentencing.

Section 5. All ordinances and parts of ordinances in conflict with the provisions of this ordinance or with any part of the ACO Amendments adopted herein by reference are hereby repealed.

Section 6. If any section, subsection, sentence, clause, phrase, or portion of this ordinance or any part of the ACO Amendments adopted herein by reference 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 remaining portions thereof.

Section 7. The Mayor, the Town Manager, the Town Clerk, and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this ordinance.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 14th day of February, 2023.

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Jack W. Miller, Mayor



ATTEST:

*Erin N. Deskins*

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Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:

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Andrew J. McGuire, Town Attorney  
Gust Rosenfeld, PLC

I hereby certify that the foregoing Ordinance No. 2023-926 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on February 14, 2023, and that quorum was present, and that the vote thereon was 7 ayes and 0 nays and 0 abstentions. 0 Council members were absent or excused.

*Erin N. Deskins*

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Erin N. Deskins, Town Clerk