



## ORDINANCE 2014-A397

### AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, AMENDING TOWN CODE, CHAPTER 6 ANIMAL CONTROL

#### CHAPTER 6 ANIMALS

#### ARTICLE 6-1

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#### ANIMAL CONTROL AND LICENSING

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#### Section 6-1-0 Definitions

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The following words, terms and phrases, when used in Article 6 shall have the meanings ascribed to them below, except where the context clearly indicates a different meaning:

- A. "Abandon" means the act of placing an animal on public property or within a public building, unattended or uncared for, or on or within the private property of another without the express permission of the owner, custodian or tenant of the private property. An animal shall also be considered abandoned when it has been unattended and without adequate food, water, ventilation or shelter, for a period in excess of twenty-four (24) hours, regardless of where such animal may be found or kept.
- B. "Animal" means a mammal, bird, reptile or amphibian.

- C. "Animal Shelter" means any facility designated by the Town for the purpose of housing and caring for animals held under the authority of this chapter.
- D. "At Large" means off the premises of the owner, not under the control of the owner or other persons acting for the owner by physical restraint on a leash.
- E. "Bite" means any actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.
- F. "Cat" means the domestic cat, felis catus.
- G. "Citation" means a written notice issued to a person by an officer stating that the officer has probable cause to believe that the person has committed an infraction of this chapter and that the court will hear the charges.
- H. "Collar" means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.
- I. "Cruel Mistreatment" means to torture or otherwise inflict unnecessary serious physical injury on an animal in a manner that causes protracted suffering to the animal.
- J. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.
- K. "Dog" means any domesticated member of the canis familiaris family.
- L. "Domestic" refers to a house hold pet of a tame nature.
- M. "Handler" means a law enforcement officer or any other person who has successfully completed a course of training prescribed by the person's agency or the service animal owner and who used a specially trained animal under the direction of the person's agency or the service animal owner.
- N. "Impound" means any establishment used by the Town for the confinement, maintenance, safekeeping and control of dogs that come into the custody of the Town.
- O. "Leash" means a line made of rope, chain or other suitable material, not less than one-quarter inch in diameter and that provides effective control over a dog.
- P. "Livestock" means all animals of the equine, bovine, ratite or swine class (including potbellied type pigs). This includes goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals.
- Q. "Motor vehicle" includes, without limitation, an automobile, a pickup truck, or any self-propelled vehicle or a trailer that is drawn by a self-propelled vehicle.
- R. "Nuisance" means that which causes offence, annoyance, trouble or injury.
- S. "Owner" means any person, partnership, corporation or other legal entity owning, harboring, or keeping any animal, or in the case of a person under the age of 18n years of age, that person's parent or legal guardian. Without limiting the generality of the preceding sentence, this definition shall apply to any veterinary clinic or boarding kennel.
- T. "Scratch" means that the skin has been penetrated by an animal's claws, horn, or other appendage.
- U. "Spayed or neutered" means renders permanently incapable of reproduction by a licensed veterinarian.
- V. "Vaccination " Means the inoculation of an animal against rabies in accordance with state law.
- W. "Veterinarian" means a person trained and authorized to treat animals medically who is duly licensed and registered.

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## SECTION 6-1-1 ANIMAL CONTROL OFFICER

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- A. Pursuant to ARS 9-499.04, as may be amended, the Town hereby establishes the office of animal control officer (ACO) who may commence an action or proceeding before a court for any violation or enforcement of this chapter, other local ordinances, and state statutes relating to animal control which occurs within the jurisdiction of the Town. Any certified peace officer may also enforce this chapter, ordinances, and statutes.
- B. Animal Control Officers and certified peace officers may issue citations to the owner, or other person acting for the owner, when a dog is permitted 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 Animal Control 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.
- B C** It is unlawful for any person to interfere with the ACO or a law enforcement agent in the performance of their duties.

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## SECTION 6-1-2 DOGS AT LARGE

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- ~~A. A dog shall be deemed "at large" if (i) the dog is not under the verbal control of its owner or the person responsible for its care, or (ii) the dog is unleashed at a distance greater than twenty feet from its owner or the person responsible for its care. A dog is not at large if it is unrestrained on the property or residence of the owner or person responsible for its care.~~
- A. Every person owning or having charge, care, custody or control of a dog of any age shall keep such dog exclusively upon the owner's property and shall have the dog restrained by a sufficient fence, leash, or both; provided, however, that a dog may be on such owner's premises and not restrained by fence or leash as long as it is under the immediate control of a competent person through voice or physical command.
- B. Tethers on an owner's premises must follow the following guidelines:
1. The tether shall be attached to a properly fitted collar or harness. The use of a prong collar is prohibited.
  2. The tether shall not extend over an object or edge in such a way that could result in strangulation of, or injury to, the animal. The length of the tether must be a minimum of six feet and allow entry and egress from shelter, access to drinking water, and freedom to move about and avoid becoming entangled with objects.
  3. The weight or gauge of any tether or chain shall not be more than necessary to establish direct control. Logging chains and vehicle tow chains are expressly prohibited. No person shall add any weight to an animal collar, harness, chain or tether.
  4. No animals shall be tethered and left unattended on a vacant or abandoned property.

B. C. It is unlawful for an owner or person responsible for the care of a dog to permit it to be at large within the Town limits. Evidence that the person permitted the dog to be at large may be shown from prior verbal or written warnings by the ACO, complaints from adjoining or neighborhood property owners or the public to the ACO or marshal's office that the dog was observed loose or unattended, the owner or responsible person allowed the dog to be in a public place without any physical restraints, or that the dog was being maintained on the property or residence of the owner or responsible party without sufficient or reasonable enclosures or restraints after being notified that the dog had been leaving the property.

G. D. Dogs may be at large as an exception to this section as follows:

1. While participating in field trials, obedience classes, or kennel club events where such trials, classes, or events have been approved by the Town.
2. While being used or trained for legal hunting or control of livestock.
3. While assisting a peace officer engaged in law enforcement duties.
4. Guide dogs while assisting blind, deaf or physically handicapped persons, so long as such dogs are under direct and effective voice control of such individual to assure that they do not violate any other provision of law.

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

F. Dogs may be at large as an exception to this section as follows:

1. While in a properly vented motor vehicle, but as soon as the dog leaves the motor vehicle, it is considered to be at large unless permitted below in this subsection.
2. While participating in field trials, obedience classes, or kennel club events where such trials, classes, or events have been approved by the Town.
3. While being used or trained for legal hunting or control of livestock.
4. While assisting a peace officer engaged in law enforcement duties.
5. Guide dogs while assisting blind, deaf or physically handicapped persons, or any documented service dog so long as such dogs are under direct and effective voice control of such individual to assure that they do not violate any other provision of law.

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#### SECTION 6-1-3 DOGS AND CATS

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- A. No person shall keep, harbor, shelter, care for, house or otherwise maintain at any one time on any residential lot more than six (6) dogs or cats or any combination of dogs and cats age six (6) months or older.
- B. The exception to this is any dog or cat currently residing in the Town limits that is currently licensed and/or vaccinated as described in Section 6-1-5 at the time of the adoption of this section. Once any dog(s) or cat(s) has been removed from the Town for more than thirty days it will no longer be allowed this exception. Also once a dog(s) or cat(s) has passed away the dog(s) or cat(s) may not be replaced with another that would place the number of dogs or cats or any combination of dogs and cats on the property greater than six (6).
- C. Further exception to this is any licensed retail animal business or animal breeder with in the Town of Camp Verde.

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#### SECTION 6-1-3 4 WASTE REMOVAL REQUIRED

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- A. It shall be unlawful for the owner or person having custody of any dog to fail to immediately remove and dispose of in a sanitary manner any solid waste deposited by such dog on public property or deposited on private property without the consent of the person in control of the property. This section shall not apply to guide dogs for blind persons or persons with mobility disabilities.
- B. It shall be unlawful for the owner or person having custody of any dog to deposit, cause to be deposited or allow solid waste from dogs to accumulate within or about such premises for longer time than forty-eight hours. This provision is to include animal waste on private property, including property owned, leased, or controlled by the owner of the dog.

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SECTION 6-1-4 5 LICENSING OF DOGS

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- A. Each dog four months of age or over that is kept, harbored, or maintained within the Town limits for at least thirty consecutive days shall be licensed by the Town. Fees and penalties for licenses shall be established by resolution of the council, and the Town shall provide durable dog tags with the name of the Town, license number, and expiration date. Before a license is issued, the owner must present a rabies vaccination certificate signed by a licensed veterinarian stating the owner's name and address and giving the dog's description, date of vaccinations, types, manufacturer, and serial number of the vaccine and the date the revaccination is due.
- B. For any dog four months of age or older that is kept, harbored or maintained within the Town limits, if the license is not obtained by the owner during the month of January of each year, or within thirty (30) days of the first possession of any dog or of its becoming four (4) months old, or within thirty (30) days from the arrival of the dog in the town, whichever occurs first, the license payment shall be deemed delinquent and a penalty may be added to the license fee.
- ~~B.~~ C. It is unlawful for any person who fails within fifteen days after notification by the ACO, verbally or in writing, to obtain a license for a dog required to be licensed under this Article or as may otherwise be required by law, or to remove a dog tag from a dog required to be licensed, or to place a dog tag on a dog other than the dog for which the license was issued.
- D. An exception to the licensing fees under this section shall be service animals or dogs used for search and rescue as described in ARS 9-500.32

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SECTION 6-1-5 6 EXCESSIVE NOISE CAUSED BY ANIMALS OR BIRDS

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- A. It is unlawful for any person to own, possess, harbor, or control any animal or bird which frequently or for continuous duration barks, howls, meows, squawks, or makes other aggravating noises if they are clearly audible beyond the property line of the property on which they are conducted and they unreasonably disturb the peace and quiet of the neighborhood.
- B. No person shall keep or harbor an animal which barks, howls, meows, squawks, or makes other aggravating noises in violation of this section. It shall be a violation of this section if the barks, howls, meows, squawks, or other aggravating noises that are made continually occur and are audible beyond the property line of the premises on which the animal is located If:
  - 1. It occurs for more than five (5) minutes between the hours of 10:00 p.m. and 8:00 a.m.; or

2. It occurs for more than fifteen (15) minutes between the hours of 8:a.m. and 10:00 p.m.; or
  3. For a shorter duration during the period cited above, but on more than five (5) occasions within a given ten (10) day period if attested to by complaints from two or more separate properties.
- C. It shall be a defense to such violation if the owner of an animal proves by a preponderance of the evidence that the animal was barking, howling, meowing, squawking, or making other aggravating noises because it was being provoked by a person or otherwise being incited to make noise.

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#### SECTION 6-1-6 7 STRAY ANIMALS

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Any person who keeps or causes to be kept any horse, mule, cattle, burro, goat, sheep, swine (including potbellied pigs), or other livestock or poultry shall keep such animals in a pen or similar enclosure to prevent the animal from being at large within Town limits. Any such animal found at large may be impounded, with the cost for care to be paid by the owners or responsible parties, and a citation for animal at large may be issued.

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#### SECTION 6-1-78 PROTECTION OF ANIMALS BY TOWN

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- A. Any peace officer or Camp Verde Animal Control Officer or other designated Town enforcement agent(s) is authorized to enforce ARS §13-2910, Cruelty to Animals and its subsections, as may be amended, and to use whatever force is reasonable and necessary to remove any animal from a vehicle or other enclosed space whenever it appears that the animal's life or health is endangered by extreme temperatures or lack of ventilation within a vehicle or other enclosed space.
- B. No peace officer or any Camp Verde Animal Control Officer or other designated Town enforcement agents shall be liable for damages to property caused by the use of reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.
- C. Any peace officer or any Camp Verde Animal Control Officer or other designated Town enforcement agent(s) is authorized and empowered to remove and impound any animal in plain view and suffering from life threatening exigent circumstances. The owner of any animal removed or impounded under the provisions of this Article or the applicable state law shall be liable for any impoundment, boarding, or veterinary fees incurred in connection therewith.

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#### SECTION 6-1-9 BITING ANIMALS

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The procedures set forth in ARS 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 ARS 11-1014(d)

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#### SECTION 6-1-10 SALE OF GIVEAWAY OF ANIMAL PROHIBITED

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- A. It is unlawful for any business or store to allow any person(s) to sell or give away any animal adjacent to any business or store in the Town without the property owner or business owner's permission.
- B. It is unlawful for any person(s) to give away or sale any animal adjacent to any business, store or on the side of any public roadway in the Town without the property owner or business owner's permission.

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SECTION 6-1-11 CARE REQUIREMENTS

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- A. Every owner of a dog or cat in the Town must have it vaccinated against rabies by a veterinarian licensed to practice veterinary medicine under the laws of the state, and no more frequently than the effective period of the approved vaccine used. Vaccination is excused only if a licensed veterinarian certifies in writing that the vaccination would be injurious to the dog or cats health. In such case, the dog or cat shall be confined to an enclosed building or kennel until the dog or cat can be safely vaccinated.
- B. Any dog restrained on an owner's premises as required by Section 6-1-2 shall be cared and provided for. Care of a dog shall include, but not be limited to, a clean, safe shelter that provides protection from the weather at all times, veterinary care, sufficient heat and ventilation, wholesome food and water, and exercise consistent with the normal requirements and feeding habits of the animal's size, species, and breed.
- C. The owner or caretaker of any dog shall provide clean water at all times in a stable container that is sized appropriately for the dog's size and breed.
- D. Owners and caretakers of any dog shall provide all health related grooming, cleaning and parasite control required to insure that the dog is maintained in a humane state and able to carry out normal activities.
- E. The owner or caretaker of any sick or injured dog shall seek veterinary care as needed to prevent suffering.
- F. The owner or caretaker of any dog kept or left outside the home for any length of time must provide shelter and protection from the elements.
  - 1. Shelter must be constructed of solid wood or other weather resistant material with the exception of metal and glass.
  - 2. Shall be sufficient in size for the dog being sheltered, so that the dog may enter and have room to stand and turn around inside.
  - 3. Shelter must be seasonally equipped with ventilation to provide movement of air during the heat to help cool down the dog. Dry, clean bedding, such as blankets or wood chips, must be provided during the cold to help the pet retain heat.
- G. The owner or caretaker of any dog contained in an outdoor kennel or pen must allow adequate space for exercise. A minimum sized enclosure for any dog is seventy five (75) square feet.

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SECTION 6-1-812 PENALTY (2006-A332) (2008-A356)

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- A. Any person who violates or fails to comply with any provision of this Article shall be guilty of a ~~Class 2 misdemeanor, with punishment as provided by law, unless otherwise specified within a particular section of the Code.~~ of a petty offense on the first offense, and of a Class 2 misdemeanor on the second offense and a Class 1 misdemeanor on any subsequent offense, whether or not the subsequent offense involves the same animal, punishable as may be established by law.
- B. The court may order any person who violates this article to pay all expenses related to the impounding of the animal, including shelter, food, handling, transport, and veterinarian care.
- C. The court may also order any person who violates this article to pay restitution to any victim or victims whose person or property or animal was injured or killed or damaged.

D. The court may also order any person who violates this article to pay all related court fees or cost or penalties.

A. E. Camp Verde Animal Control Officer or other designated Town enforcement agent(s) may, in addition to the procedures prescribed in this section, impound or cause to be impounded any dog, livestock, or poultry running at large contrary to the provisions of this Article.

1. Upon the impounding of any animal, the owner, if known, shall be immediately notified in person, by telephone, or by mail, and may reclaim such animal upon payment of all costs and charges incurred in picking up, impounding, and maintaining the animal.
2. Any licensed dog unclaimed within seven days of its impoundment may be placed for adoption or humanely destroyed within the discretion of Camp Verde Animal Control.
3. Any unlicensed dog unclaimed within five days may be placed for adoption or humanely destroyed within the discretion of Camp Verde Animal Control.
4. Any livestock requiring impoundment will be turned over to the Arizona Department of Agriculture, Livestock Division.

**Effective Date:** This Ordinance is to be effective when publication and posting pursuant to ARS § 9-813 is accomplished.

**PASSED AND APPROVED** by a majority of the Town Council of the Town of Camp Verde, Yavapai County, Arizona on the 4th day of June 2014.



Charles German, Mayor

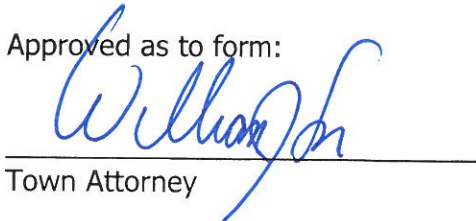
Date: 6-17-14

Attest:



Deborah Barber, Town Clerk

Approved as to form:



Town Attorney