

Ordinance No. 824

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, ADOPTING BY REFERENCE A DOCUMENT ENTITLED "AMENDMENTS TO CHAPTER 6 'ANIMALS' AND CHAPTER 10 'OFFENSES'" (DECLARED BY RESOLUTION NO 1985 TO BE A PUBLIC RECORD), WHICH AMENDS CHAPTER 6 "ANIMALS" OF THE TOWN CODE TO, AMONG OTHER THINGS, REMOVE PROVISIONS NO LONGER APPLICABLE TO CURRENT ENFORCEMENT PRACTICES, AND AMENDS CHAPTER 10 "OFFENSES" TO CLARIFY THAT SERVICE ANIMALS ARE EXEMPT FROM CERTAIN REGULATIONS PROHIBITING ANIMALS IN PUBLIC PARKS, DIRECTLY ADOPTING PENALTY PROVISIONS, PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED, RE-ENACTED OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT, PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT, AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW

WHEREAS, A.R.S. §9-240(B)(16) authorizes Arizona towns to prohibit the roaming at large of animals within the town limits, impound animals found roaming at large, regulate and restrain the running at large of dogs (and authorize their destruction when at large), and impose penalties upon owners, and

WHEREAS, by Ordinance No. 8 (dated June 28, 1979), the Mayor and Common Council of the Town of Prescott Valley first adopted an animal regulation code, and

WHEREAS, the Arizona Legislature has subsequently enacted provisions related to proper care, maintenance and destruction of impounded animals and disposition of abused and vicious animals, and

WHEREAS, in response the Town Council adopted Ordinance No. 746 (September 9, 2010) substantially revising Chapter 6 "ANIMALS" of the Town Code to focus on the standards for destruction of impounded animals, clarify the standard for appropriate animal care, establish hearing procedures for disposition of abused and vicious animals, and prohibit keeping, harboring or maintaining wildlife and exotic animals within Town limits without a special license issued by the Arizona Game and Fish Commission, and

WHEREAS, staff now reports that certain provisions in the Town Code are once again in need of revision because they no longer reflect current enforcement practices, and

WHEREAS, certain provisions of the current animal regulation code are in need of certain housekeeping changes; and

WHEREAS, staff also proposes to amend Chapter 10 "OFFENSES" of the Town Code to clarify that service animals, as defined by A R S §11-1024, are exempt from certain regulations prohibiting animals in public parks, and

WHEREAS, the Town Council finds that these Town Code amendments are designed to help preserve the peace, health and safety of the community, and

WHEREAS, A R S. §9-802 provides for the adoption by reference of "public records" (except that any penalty clauses therein shall not be adopted by reference but shall be included in the adopting ordinance per A R S §9-803), and

WHEREAS, the document entitled "Amendments to Chapter 6 'Animals' and Chapter 10 'Offenses'" has been declared by Resolution No 1985 to be a "public record",

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS.

SECTION ONE That certain document entitled "Amendments to Chapter 6 'Animals' and Chapter 10 'Offenses'" of the Town Code of the Town of Prescott Valley, declared to be a "public record" by Resolution No 1985 (and available for public inspection in the Office of the Town Clerk, 7501 East Civic Circle, Prescott Valley, Arizona, 86314), is hereby referred to, adopted and made a part hereof as if fully set forth herein

SECTION TWO That the following penalty clause contained in Section 6-01-090 "Kennels" in Article 6-01 "GENERAL ANIMAL CONTROL" in Chapter 6 "ANIMALS" of the Town Code is hereby amended and set forth as follows

6-01-090 Kennels.

...

D A person who fails to obtain a kennel permit under this ~~Article~~section is subject to a penalty of twenty-five dollars (\$25.00) in addition to the annual fee.

...

E A person operating a kennel shall be subject to Yavapai County's enforcement of the provisions of A.R.S §11-1009 (Kennel permit, fee, denial, inspection, violation; classification)

GF A person who knowingly fails to obtain a kennel permit within thirty (30) days after written notification from the Animal Control Officer will be charged with a class 2 misdemeanor

(Ord No 594, Enacted, 05/27/04, Ord No 734, Amended, 09/24/09, Ord No 746, Rep&ReEn, 09/09/10, Ord. No. 824, Amended, 02/23/17)

SECTION THREE. That the following penalty clause contained in Section 6-02-010 “Aggressive Dogs” in Article 6-02 “SPECIAL ANIMAL REGULATIONS” in Chapter 6 “ANIMALS” of the Town Code is hereby amended and set forth as follows:

6-02-010 Aggressive Dogs.

...

DC An aggressive dog shall be immediately confiscated by an Animal Control Officer, and the owner will be charged with a class 1 misdemeanor, if ~~the~~:

- ~~1 Dog is not validly registered under Subsection A of this Section;~~
- ~~2. Owner does not secure the surety bond or liability insurance coverage required under this Section;~~
31. The Dog is not maintained in the proper enclosure, or
- 42 The Dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under the physical restraint of a responsible person

ED ~~If a dog that was previously determined to be aggressive or an aggressive dog~~ that was the subject of an owner’s prior conviction under this Chapter is found to be outside of the proper enclosure and not under the physical restraint of a responsible person or attacks or bites a person or another domestic animal without provocation, the dog’s owner will be charged with a class 1 misdemeanor. In addition, the aggressive dog shall be immediately confiscated by an Animal Control Officer, placed in quarantine for the proper period and confined until final disposition pursuant to Section 6-05-020 of this Chapter

...

(Ord No 8, Enacted, 06/23/79, Ord No 95, Ren&Amd, 02/09/84, 6-01-010,,6-01-020, Ord No 178, Ren&Amd, 05/26/88, 6-01-020,,6-01-030, Ord No 600, Amended, 07/22/04, Ord No 746, Rep&ReEn, 09/09/10, Ord No 770, Amended, 10/25/12, Ord. No. 824, Amended, 02/23/17)

SECTION FOUR That the following penalty clause contained in Section 6-02-020 “Wildlife; Exotic Animals” in Article 6-02 “SPECIAL ANIMAL REGULATIONS” in Chapter 6 “ANIMALS” of the Town Code is hereby amended to read as follows

6-02-020 Wildlife; Exotic Animals.

...

EC. ~~A w~~Wildlife or exotic animals shall be immediately confiscated by an Animal Control Officer, and the owner will be charged with a class 1 misdemeanor, if the

- 1 ~~Wildlife or exotic animal is not validly registered under Subsection B of this Section~~Owner fails to present sufficient evidence of a valid special license issued by the Arizona Game and Fish Commission for the lawful possession of the wildlife or exotic animal or evidence of a valid exemption from such licensing requirements,
- 2 ~~Owner does not secure the surety bond or liability insurance coverage required under this Section,~~
32. Wildlife or exotic animal is not maintained in the proper enclosure, or
43. Wildlife or exotic animal is outside of ~~the dwelling of the owner, or outside of the~~ proper enclosure and not under the physical restraint of a responsible person

FD The owner of wildlife or an exotic animal that aggressively attacks and causes severe injury or death to any human will be charged with a class 1 misdemeanor. In addition, the wildlife or exotic animal shall be immediately confiscated by the Animal Control Officer and placed in quarantine for the proper period. The Animal Control Officer shall immediately notify the Director of the Arizona Game and Fish Commission of the incident and, at the conclusion of the quarantine period, shall dispose of the wildlife or exotic animal in accordance with the written direction of the Director or the Director's designee

...

(Ord No 8, Enacted, 06/23/79, Ord No 59, Enacted, 10/08/81, Ord No 95, Rep&ReEn, 02/09/84, Ord No 95, Repealed, 02/09/84, 6-02-020,,040,&110, Ord No 178, Ren&Amd, 05/26/88, 6-01-040, Ord No 746, Rep&ReEn, 09/09/10, Ord No 824, Amended, 02/23/17)

SECTION FIVE That the following penalty clause contained in Section 10-02-055 "Off-Leash Area Park(s) Rules and Regulations" in Article 10-02 "TOWN PROPERTY" in Chapter 10 "OFFENSES" of the Town Code is hereby amended to read as follows:

10-02-055 Off-Leash Area Park(s) Rules and Regulations.

All persons entering the Town's off-leash area park(s) shall strictly adhere to the following rules and regulations

...

ZAA. Any person violating or failing to comply with any of the provisions of this Section shall be guilty of a class 1 misdemeanor subject to fines and/or imprisonment as set forth in Section 1-08-010 of this Code

(Ord No 632, Enacted, 07/14/05, Ord No 759, Amended, 05/12/11, Ord No 759, Amended, 05/12/11, Ord. No. 824, Amended, 02/23/17)

SECTION SIX That all other Chapters, Articles and Sections of the Town Code not herein repealed, re-enacted and amended shall remain in full force and effect

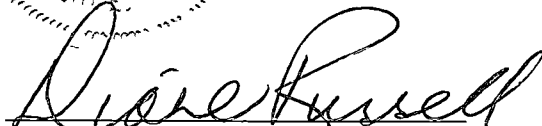
SECTION SEVEN That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect

SECTION EIGHT That this Ordinance shall be effective thirty (30) days after its passage and approval according to law

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 23rd day of February, 2017

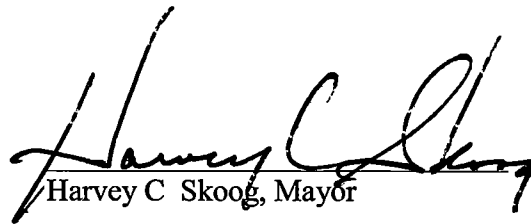


ATTEST.


Diane Russell, Town Clerk

APPROVED AS TO FORM:


Ivan Legler, Town Attorney


Harvey C. Skoog, Mayor