

Ordinance No. 844

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'" (DECLARED BY RESOLUTION NO. 2056 TO BE A PUBLIC RECORD), WHICH AMENDS CHAPTER 6 "ANIMALS" OF THE TOWN CODE TO, AMONG OTHER THINGS, AMEND SECTIONS, 6-02-010 "DEFINITIONS," 6-01-050 "DOG LICENSE," 6-01-060 "VACCINATION OF DOGS," 6-01-100 "ANIMAL CONTROL FEES," AND SECTION 6-05-010 "VIOLATIONS AND PENALTIES"; CLASSIFYING CERTAIN FIRST--TIME OFFENSES AS CIVIL VIOLATIONS; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED, RE-ENACTED OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT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, Ordinance No. 746 (September 9, 2010) revised Chapter 6 "ANIMALS" of the Town Code to focus on destruction of impounded animals and established procedures for the disposition of abused and vicious animals; and

WHEREAS, Ordinance No. 770 (October 25, 2012) revised Chapter 6 to further correspond with State provisions exempting certain animals from regulation and specifying appropriate procedures for disposition of cruelly-treated and/or neglected animals; and

WHEREAS, Ordinance No. 824 (February 23, 2017) revised Chapter 6 to remove provisions no longer applicable to enforcement practices and clarify that service animals are exempt from certain regulations; and

WHEREAS, A.R.S. §11-1018 allows cities and towns to impose license fees and vaccination requirements that are equal to or more stringent than those imposed by counties; and

WHEREAS, the Town has surveyed surrounding jurisdiction's animal control license procedures, fees, fines and penalties and desires to make its fees, fines and penalties more in line with comparable communities; and

WHEREAS, A.R.S. §11-1005 provides for establishment of either criminal or civil penalties for regulating, restraining or prohibiting the excessive and unrestrained barking or running at large of dogs; and

WHEREAS, the Town desires to designate first violations of Town Code §6-01-110(A) “Dogs Not Permitted at Large” and §6-03-010 “Disturbing the Peace, Nuisances; Notice to Abate” as civil violations; 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 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’” has been declared by Resolution No. 2056 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’” of the Town Code of the Town of Prescott Valley, declared to be a “public record” by Resolution No. 2056 (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 6-05-010 “VIOLATIONS AND PENALTIES” in Article 6-05 “VIOLATIONS” in Chapter 6 “ANIMALS” of the Town Code is hereby amended and set forth as follows:

6-05-010 Violations and Penalties.

- A. Civil Violations. First violations of Town Code §6-01-110(A) “Dogs Not Permitted at Large” and §6-03-010 “Disturbing the Peace, Nuisances; Notice to Abate” (as amended) shall constitute a civil offense, and any person who is served with a civil citation charging such violation and who admits to or is found responsible for the offense at a hearing shall pay a civil sanction not to exceed \$500 in accordance with A.R.S. §11-1005(A)(6)(b) (as amended). A second violation of either section within a twelve (12)-month period shall be a class 2 misdemeanor as set forth below (unless otherwise set forth in this Chapter).

- B. Criminal Penalties. Violators of the provisions of this Chapter may be issued citations according to standard laws and Court rules. Any person convicted of a violation of this Chapter will be charged with a class 2 misdemeanor unless otherwise stated set forth in this Chapter. Subsequent violations may be sentenced as class 1 misdemeanors

pursuant to A.R.S. §13-707(B). Upon conviction, the Court shall, at a minimum, order the person to pay the following minimum fines.

<u>Dog at-Large</u>	<u>\$150.00</u> \$24.00
Second Offense (within a period of <u>12</u> 36 months) (A Class 2 Misdemeanor)	<u>\$300.00</u> \$44.00
Third Offense (within a period of 36 months)	\$64.00
Fourth and Subsequent Offenses (within a period of 36 months)	\$100.00
<u>No Dog License</u>	<u>\$24.00</u>
<u>First Offense</u>	<u>\$100.00</u>
<u>Second Offense (Within a period of 12 months)</u> (A Class 2 Misdemeanor)	<u>\$300.00</u>
<u>Dog Barking</u>	<u>\$200.00</u> \$50.00
Second Offense (within a period of <u>12</u> 36 months) (A Class 2 Misdemeanor)	<u>\$500.00</u> \$100.00
Third and Subsequent Offenses (within a period of 36 months)	\$200.00

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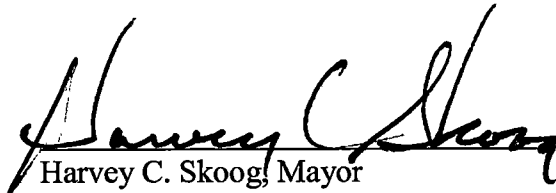
(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Rep&ReEn, 09/09/10, Ord. No. 844; Amended, 06/28/18)

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

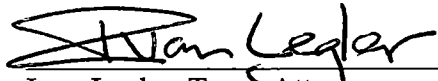
PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 28th day of June, 2018.


Harvey C. Skoog, Mayor

ATTEST:


Diane Russell, Town Clerk

APPROVED AS TO FORM:


Ivan Legler, Town Attorney



Amendments to Chapter 6 “Animals”

SECTION 1. That Section 6-01-010 “Definitions” in Article 6-01 “GENERAL ANIMAL CONTROL” in Chapter 6 “ANIMALS” of the Town Code of the Town of Prescott Valley, is hereby amended to read as follows:

6-01-010 Definitions.

In this Chapter, unless the context requires otherwise:

...

- D. “Animal Licensing Service” means any person, individual, partnership, corporation, or other form of association that engages in business to process license applications and issue licenses.
- E.D “At large” means being neither confined by an enclosure nor physically restrained by a leash. Electronic collars, leashes, or other similar electronic devices do not qualify as means of physical restraint.
- E.E “Citation” means a document issued by the Police Department or the Animal Control Officer to a person who has violated the regulations of this Chapter, commanding that person to pay a fine or penalty by mail or to appear in the Magistrate Court or before an Administrative Hearing Officer on the violation at a specified date and time.
- G.F “Collar” means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.
- H.G “Cruel mistreatment” means to 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.
- I.H “Cruel neglect” means to fail to provide an animal with necessary food, water or shelter.
- J.I “Dog” means a member of the canis familiaris family.
- K.J “Exotic Animal” means wildlife or offspring of wildlife that is not native to North America.
- L.K “Impound” means the Animal Control Officer’s act of taking or receiving into custody any dog or other animal for the purpose of confinement in a Town-authorized pound in accordance with the provisions of this Chapter.
- M.L “Kennel” means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five (5) or more dogs on a temporary basis, not to exceed thirty (30) days, and not more than eight (8) dogs over 6 months of age on a

permanent basis under controlled conditions. This applies to commercial or non-profit business establishments at which dogs and cats are bred or raised for sale, boarded, trained and/or cared for exclusive of dental, medical or surgical care or for quarantine purposes. "Kennel" does not include the keeping of animals on residential lots as household pets.

- N.M "Leash" means a chain, rope, strap, cord or similar restraint attached to a collar or harness or otherwise secured around an animal's neck. For purposes of this Chapter, "leash" does not include electronic leashes or other similar electronic devices.
- O.N "Livestock" means any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep, or goat.
- P.O "Owner" means any person, firm, corporation, organization or department, possessing, harboring, keeping, having an interest in, or having control over, or custody of, an animal.
- Q.P "Pound" means any establishment authorized by the Council for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the Animal Control Officer in the performance of his/her official duties.
- R.Q "Proper Enclosure" means secure indoor confinement or an enclosed and locked pen or structure on the owner's property that is not accessible to young children and is designed to prevent the confined animal from escaping. Such pen or structure shall have secure sides and a secure top and shall also protect the animal from the elements.
- S.R "Severe Injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.
- T.S "Stray Dog" means any dog running at-large that is not wearing a valid license tag.
- U.T "Vaccination" means the administration, by a duly-licensed veterinarian, of an anti-rabies vaccine to animals.
- V.U "Veterinarian" unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
- W.V "Veterinary Hospital" means any establishment operated by a veterinarian licensed to practice in the State of Arizona that provides clinical facilities and houses animals 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, pens, stalls, cages or kennels for quarantine, observation or boarding.

X.W “Vicious Animal” means any animal of the order carnivora that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation, and includes a dog that has been so declared after notice and a hearing before the Magistrate Court, and exhaustion or expiration of all available appeals.

Y.X “Wild” means, in reference to mammals and birds, those species which are normally found in a state of nature.

Z.Y “Wildlife” means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans, and fish, including their eggs or spawn.

Ord. No 95, Enacted, 02/ 09/ 84, Ord. No 178, Rep&tReEn, 05/ 26/ 88, Ord No 375, Amended, 12/ 28/ 95; Ord No 746, Rep&tReEn, 09/ 09/ 10, Ord No 770, Amended, 10/ 25/ 12, Ord No. 824, Amended, 02/ 23/ 17; Ord. No. 844, Amended, 06/28/18)

SECTION 2. That Section 6-01-020 “Animal Control Officer” in Article 6-01 “GENERAL ANIMAL CONTROL” in Chapter 6 “ANIMALS” of the Town Code is hereby amended to read as follows:

6-01-020 Animal Control Officer.

The Town Manager shall designate or employ Animal Control Officers to administer and enforce the provisions of this Chapter and to issue citations for the violation of its provisions. Such Animal Control Officers shall be under the immediate supervision of the Police Chief.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Rep&ReEn, 02/09/84; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-010; Ord. No. 257, Amended, 06/27/91; Ord. No. 375, Amended, 12/28/95; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 844, Amended, 06/28/18)

SECTION 3. That Section 6-01-050 “Dog License” in Article 6-01 “GENERAL ANIMAL CONTROL” in Chapter 6 “ANIMALS” of the Town Code is hereby amended to read as follows:

6-01-050 Dog License.

A. All dogs three (3) months of age or older kept, harbored or maintained within the corporate limits of the Town for at least thirty (30) consecutive days shall be licensed in accordance with the provisions of this Article ~~Said licenses shall be obtained prior to March 31 of any calendar year or within 30 days of the date a dog is acquired by the owner, and shall be valid through December 31 of the year in which the license expires.~~ Owners who fail to obtain an annual or multi-year license as required herein, ~~within the time period specified in this Section, will~~ may be charged with a class 2 misdemeanor; however, prosecution of this offense may be waived or dismissed if the violator obtains the necessary license. Such waiver or dismissal shall only be allowed

if the owner fulfills the dog licensing requirements of the Town Code and pays the applicable increased license fee set forth in Section 6-01-100 of this Article.

- B. All dog licenses issued under this Article shall be valid for a period of one, two or three years per Section 6-01-100. However, the licensing period shall not exceed the time for revaccination as designated by the state veterinarian. All licenses shall expire on the anniversary date of the issuance of the license or the expiration of the rabies vaccination, whichever is earlier. If the Town or an authorized Animal Licensing Service has not received an application for a license renewal at least ten (10) days after the expiration date of a previously issued license, a late fee shall also be assessed. Any current and otherwise valid dog license issued by another jurisdiction shall be accepted as valid by the Town provided the license is transferred within the time prescribed by this Section, and the transfer fee specified in Section 6-01-100 of this Article is paid.
- C The Town Council is authorized to enter into a written contract designating one or more veterinary hospitals or Animal Licensing Service for the purpose of issuing dog licenses and collecting dog license fees for the Town, ~~and providing for compensation to these veterinary hospitals~~

(Ord. No. 59, Enacted, 10/08/81; Ord. No. 95, Ren&Amd, 02/09/84, 6-02-080; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-040; Ord. No. 257, Amended, 06/27/91; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 844, Amended, 06/28/18)

SECTION 4. That Section 6-01-060 “Vaccination of Dogs” in Article 6-01 “GENERAL ANIMAL CONTROL” in Chapter 6 “ANIMALS” of the Town Code is hereby amended to read as follows:

6-01-060 Vaccination of Dogs.

- A. Before a license is issued for any dog, the owner or veterinarian must:
- ...
3. Remit the fees required by Section 6-01-100 of this Article to the Animal Control Officer or the person or entity designated to issue the license.
- ~~B. A dog vaccinated in any other jurisdiction prior to entry into the Town may be licensed in the Town provided that, at the time of licensing, the owner of the dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that jurisdiction or a veterinarian employed by a governmental agency in that jurisdiction, 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. The vaccination must be in conformity with the provisions of this Article and the regulations promulgated pursuant to this Article.~~

(Ord. No. 28, Enacted, 05/22/80; Ord. No. 95, Rep&ReEn, 02/09/84; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-050; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 844, Amended, 06/28/18)

SECTION 5. That Section 6-01-180 “License Tags” in Article 6-01 “GENERAL ANIMAL CONTROL” in Chapter 6 “ANIMALS” of the Town Code is hereby amended to read as follows:

6-01-080 License Tags.

- A. Upon acceptance of the license application and payment of the required fee, the Animal Control Officer or other designated person or entity shall issue a durable tag stamped with an identifying number and the year in which it expires. Such tag shall be affixed to a suitable collar and shall be worn by the dog at all times, except as otherwise provided in this Article. Whenever a dog tag is lost, a replacement tag shall be issued upon application by the owner and payment of the duplicate license fee set forth in Section 6-01-100 of this Article.
- B. The Animal Control Officer or other designated person or entity shall maintain a record of the identifying numbers of all dog tags issued and the names and addresses of the owners. No license or tag may be used for any animal except the one that was issued for such animal.

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(Ord. No. 95, Enacted, 02/09/84; Ord. No. 127, Amended, 03/27/86; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-070; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 844, Amended, 06/28/18)

SECTION 6. That Section 6-01-180 “License Tags” in Article 6-01 “GENERAL ANIMAL CONTROL” in Chapter 6 “ANIMALS” of the Town Code is hereby amended to read as follows:

6-01-100 Animal Control Fees.

Impound Fees

Dogs

Per Dog at Station	\$10.00
Per Dog at Town-authorized pound	\$30.00
All Other Animals	\$30.00

License Fees

Dog License - Spayed or Neutered

1 year	<u>\$10.00</u>	\$8.00 (\$16.00)*
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2 year	<u>\$16.00</u>	\$14.00 (\$24.00)*
3 year	<u>\$22.00</u>	\$20.00 (\$40.00)*
Dog License - Unspayed or Unneutered		
1 year	<u>\$36.00</u>	\$35.00 (\$70.00)*
2 year	<u>\$56.00</u>	\$55.00 (\$110.00)*
3 year	<u>\$76.00</u>	\$75.00 (\$150.00)*
<u>Duplicate License Fee Replacement License</u>	<u>\$6.00</u>	\$1.00
<u>Transfer of Registration</u>		\$1.00
<u>Late Fee</u>	<u>\$10.00</u>	

If license obtained on or after March 31 or more than thirty (30) days after dog acquired by owner.

(Ord. No. 746, Enacted, 09/09/10; Ord. No. 824, Amended, 02/23/17; Ord. No. 844, Amended, 06/28/18)

SECTION 7. That Section 6-05-010 “Violations and Penalties” in Article 6-05 “VIOLATIONS” in Chapter 6 “ANIMALS” of the Town Code is hereby amended to read as follows:

6-05-010 Violations and Penalties.

- A. Civil Violations. First violations of Town Code §6-01-110(A) “Dogs Not Permitted at Large” and §6-03-010 “Disturbing the Peace, Nuisances; Notice to Abate” (as amended) shall constitute a civil offense, and any person who is served with a civil citation charging such violation and who admits to or is found responsible for the offense at a hearing shall pay a civil sanction not to exceed \$500 in accordance with A.R.S.§11-1005(A)(6)(b) (as amended). A second violation of either section within a twelve (12)-month period shall be a class 2 misdemeanor as set forth below (unless otherwise set forth in this Chapter).
- B. Criminal Penalties. Violators of the provisions of this Chapter may be issued citations according to standard laws and Court rules. Any person convicted of a violation of this Chapter will be charged with a class 2 misdemeanor unless otherwise stated set forth in this Chapter. Subsequent violations may be sentenced as class 1 misdemeanors pursuant to A.R.S. § 13-707(B). Upon conviction, the Court shall, at a minimum, order the person to pay the following minimum fines.

<u>Dog at-Large</u>	<u>\$150.00</u>	\$24.00
Second Offense (within a period of 12 36 months) (A Class 2 Misdemeanor)	<u>\$300.00</u>	\$44.00
Third Offense (within a period of 36 months)	<u>\$64.00</u>	
Fourth and Subsequent Offenses (within a period of 36 months)	<u>\$100.00</u>	

<u>No Dog License</u>	<u>\$24.00</u>
<u>First Offense</u>	<u>\$100.00</u>
<u>Second Offense (Within a period of 12 months)</u> (A Class 2 Misdemeanor)	<u>\$300.00</u>
<u>Dog Barking</u>	<u>\$200.00</u> \$50.00
Second Offense (within a period of <u>12</u> 36 months) (A Class 2 Misdemeanor)	<u>\$500.00</u> \$100.00
Third and Subsequent Offenses (within a period of 36 months)	\$200.00

...

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 844, Amended, 06/28/18)