

CHAPTER 6. ANIMALS

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Article 6-01 GENERAL ANIMAL CONTROL

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6-01-010 Definitions.

In this Chapter, unless the context requires otherwise:

- A. “Aggressive dog” means any dog that has bitten a person or domestic animal without provocation or that has a known history of attacking persons or domestic animals without provocation.

A dog shall not be declared aggressive if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort 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 was committing or attempting to commit a crime.

- B. "Animal" means any animal of a species that is susceptible to rabies, except man.
- C. "Animal Control Officer" means that person who is responsible for the enforcement of this Chapter and the regulations promulgated thereunder.
- 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. "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.
- F. "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. "Collar" means a band, chain, harness or suitable device worn around the neck of a dog to which a license may be affixed.
- H. "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. "Cruel neglect" means to fail to provide an animal with necessary food, water or shelter.
- J. "Dog" means a member of the *canis familiaris* family.
- K. "Exotic Animal" means wildlife or offspring of wildlife that is not native to North America.
- L. "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. "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. "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. "Livestock" means any horse, colt, mule, donkey, burro, ox, bull, cow, calf, hog, pig, sheep, or goat.
- P. "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. "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. "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. "Severe Injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.
- T. "Stray Dog" means any dog running at-large that is not wearing a valid license tag.
- U. "Vaccination" means the administration, by a duly-licensed veterinarian, of an anti-rabies vaccine to animals.
- V. "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. "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. "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. "Wild" means, in reference to mammals and birds, those species which are normally found in a state of nature.
- Z. "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&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 770, Amended, 10/25/12; Ord. No. 824, Amended, 02/23/17; Ord. No. 844, Amended, 06/28/18)

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. 844, Amended, 06/28/18)

6-01-030 Unlawful Interference With Animal Control Officer.

It is unlawful for any person to interfere with the Animal Control Officer in the performance of his/her duties.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 28, Amended, 05/22/80; Ord. No. 95, Rep&ReEn, 02/09/84; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-020,,6-03-010; Ord. No. 632, Amended, 07/14/05; Ord. No. 746, Rep&ReEn, 09/09/10)

6-01-040 Dogs.

No person shall keep, harbor, shelter, care for, house or otherwise maintain at any one time on any residential lot more than four (4) dogs age six (6) months or older.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Rep&ReEn, 02/09/84; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-030; Ord. No. 746, Rep&ReEn, 09/09/10)

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. Owners who fail to obtain an annual or multi-year license as required herein, 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 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.
- C. The Town Council is authorized to enter into a written contract designating one or more veterinary hospitals or Animal Licensing Service as agents of the Town for the purpose of issuing dog licenses and collecting dog license fees for the Town.

(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. 844, Amended, 06/28/18)

6-01-060 Vaccination of Dogs.

- A. Before a license is issued for any dog, the owner or veterinarian must:
 - 1. Present a paper, electronic copy or facsimile of the vaccination certificate signed by a veterinarian stating the owner's name and address, and giving the dog's description, date of vaccination, manufacturer and serial number of the vaccine used and the date revaccination is due. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this Article and the regulations promulgated pursuant to this Article.

2. Complete and sign a Town license application on a form prescribed by the Office of the Town Manager.
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.

(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. 844, Amended, 06/28/18)

6-01-070 License Fees.

- A. The applicable license fee set forth in Section 6-01-100 of this Article shall be paid for each dog that requires a license pursuant to Section 6-01-050 of this Article.
- B. This section shall not apply to an individual who has a disability and who uses a service animal as defined in A.R.S. §11-1024, a person that trains a service animal as defined in A.R.S. §11-1024 or an individual who uses a search and rescue dog.
 1. An applicant for a license for a search and rescue dog shall provide adequate proof satisfactory to the Animal Control Officer that the dog is a search and rescue dog.
 2. An applicant for a license for a service animal shall sign a written statement that the dog is a service animal as defined in A.R.S. §11-1024. A person who makes a false statement pursuant to this subsection is guilty of a petty offense, subject to a fine not to exceed fifty dollars. The statement to be signed shall be substantially in the form set forth in A.R.S. §9-500.32(C).
- C. A person applying for issuance of a dog license for a dog that has been spayed or neutered shall furnish proof of the surgical alteration by presenting a certificate, signed by a licensed veterinarian, which verifies that the dog which is subject to the license application has been so surgically altered.
- D. Fees for dog licenses may be amended from time to time by ordinance and any such amendment shall not be retroactively applied but shall be effective on the date the ordinance is passed and adopted by the Mayor and Common Council of the Town of Prescott Valley.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 28, Enacted, 05/22/80; Ord. No. 95, Repealed, 02/09/84, 6-01-030; Ord. No. 95, Renumbered, 02/09/84, 6-02-040; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-060; Ord. No. 197, Amended, 12/22/88; Ord. No. 257, Amended, 06/27/91; Ord. No. 640, Amended, 12/02/05; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 777, Amended, 09/12/13; Ord. No. 824, Amended, 02/23/17)

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.
- C. Any person who counterfeits an official dog tag, removes such tag from any dog for the purpose of intentional and malicious mischief, or places a dog tag upon any dog other than the one for whom the tag was issued will be charged with a class 2 misdemeanor.

(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. 844, Amended, 06/28/18)

6-01-090 Kennels.

- A. A person operating a kennel as defined in this Article shall obtain a permit issued by the Yavapai County Board of Supervisors (YCBOS); provided, however, that a permit is not required if each individual dog is licensed.
- B. The annual fee for the kennel permit is seventy-five dollars (\$75.00) or the actual cost of recovery as determined by the YCBOS.
- C. A dog housed within the kennel is not required to be licensed individually. Once a dog leaves the controlled kennel conditions, it shall be licensed; provided, however, that if the dog is only being transported to another kennel that has a permit issued under this Section, the dog does not have to be separately licensed.
- D. A person who fails to obtain a kennel permit under this 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).
- F. 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)

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		\$10.00
2 year		\$16.00
3 year		\$22.00
Dog License - Unspayed or Unneutered		
1 year		\$36.00
2 year		\$56.00
3 year		\$76.00
Duplicate License Fee		\$6.00
Late Fee		\$10.00

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

6-01-110 Dogs Not Permitted At Large.

- A. No owner of a dog shall allow such dog to be at-large.
- B. A dog is not deemed at-large:
 - 1. While such dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer, and is actually enrolled in or has graduated from a dog obedience training school.
 - 2. While such dog is being trained or used for hunting or trained for racing purposes.
 - 3. While such dog is being exhibited or trained at a kennel club event.
 - 4. While such dog is restrained by a leash, rope, cord or chain of not more than six (6) feet in length when off the premises of the owner.
 - 5. While such dog is actively engaged as a service animal as defined in A.R.S. §11-1024 and is otherwise under the control of the service animal handler.

- a. “Under the control of the service animal’s handler” means the service animal has a harness, leash or other tether, unless either the handler is unable because of a disability to use a harness, leash or other tether, or the use of the harness, leash or other tether would interfere with the service animal’s safe and effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control by voice control, signals or other effective means.
- 6. While used for the control of livestock.
- 7. While such dog is lawfully within the fenced area of the Town’s off-leash area park(s).
- C. The Animal Control Officer shall apprehend and impound any dog running at-large contrary to the provisions of this Section. An owner reclaiming an impounded dog shall pay the impound fees set forth in Section 6-01-100 of this Article and any applicable boarding fees.
- D. The owner or other person entrusted with the care of a dog that runs at-large, contrary to the provisions of this Section, shall be responsible for any personal injury or property damage caused by the dog while at-large.
- E. If, while running at-large contrary to the provisions of this Section, a dog inflicts a bite upon a human without causing severe injury, the owner or other person entrusted with the care of the dog may be charged with an aggravated dog-at-large violation which shall be a class 1 misdemeanor. Upon conviction, the Court may impose an aggravated penalty and order restitution to the victim.

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

6-01-120 Biting Animals and Animal Bites.

- A. Whenever any animal bites any person, the incident shall be reported immediately to the Animal Control Officer or the Police Department by any person with first-hand knowledge of the incident.
- B. An unvaccinated dog or cat that bites any person shall be confined and quarantined in a Town-authorized pound or, upon request of and at the expense of the owner, in a veterinary hospital for a period of not less than ten (10) days. The quarantine period shall start on the day of the bite incident. If the day of the bite is not known, the quarantine period shall start on the first day of impoundment. A dog properly vaccinated pursuant to this Article or under three (3) months of age that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of, and in a manner prescribed by, the Animal Control Officer.
- C. A dog or cat that is impounded as the result of biting any person shall not be released

from the pound to its owner unless one of the following applies:

1. The dog has a current dog license pursuant to ARS §11-1008 at the time the dog entered the pound.
 2. The dog or cat has been previously spayed or neutered before impound or has been spayed or neutered and implanted with a microchip before release from the pound.
 3. There is no veterinary facility capable of performing surgical sterilization within a twenty mile radius of the pound.
 4. A veterinarian determines that a medical contraindication for surgery exists that reasonably requires postponement of the surgery until the surgery can be performed in a safe and humane manner.
 5. The bite occurred in the premises of the owner and the victim is a member of the same household.
 6. The owner pays a fifty dollar recovery fee, in addition to any fees or costs otherwise required pursuant to this article.
- D. Any domestic animal, other than a dog, a cat or a caged or pet rodent or rabbit, that bites any person shall be confined and quarantined in a Town-authorized pound or, on the request and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen (14) days. Livestock shall be confined and quarantined for the 14-day period in a manner regulated by the Arizona Department of Agriculture. Caged or pet rodents or rabbits shall not be quarantined or laboratory tested. The quarantine period shall start on the day of the bite incident or on the first day of impoundment if the day of the bite incident is unknown. If the animal dies during the quarantine period, it shall be sent to the laboratory at the Arizona Department of Health Services for examination.
- E. With the exception of a wild rodent or rabbit, any wild animal that bites any person or directly exposes any person to its saliva may be killed and submitted to the Animal Control Officer or its deputies for transport to an appropriate diagnostic laboratory. A wild rodent or rabbit may be submitted for laboratory testing if the animal has bitten a person and either the animal's health or behavior indicates that the animal may have rabies or the bite occurred in an area that contains a rabies epizootic, as determined by the department of health services.
- F. The Animal Control Officer may destroy any animal confined and quarantined pursuant to this Section before the termination of the minimum confinement period for laboratory examination for rabies if:
1. The animal shows clear clinical signs of rabies; or
 2. The animal's owner consents to its destruction; or
 3. An unowned animal is injured to the extent that it will unduly suffer if kept alive for the duration of the confinement period. "Unowned animal" includes

any animal subject to licensing under this Article found without a tag or microchip identifying its owner.

- G. This Section does not apply to a dog that is used by any federal, state, county, city or town law enforcement agency and that bites any person if the bite occurs while the dog is under proper law enforcement supervision and the care of a licensed veterinarian, except that the law enforcement agency shall notify the Animal Control Officer if the dog exhibits any abnormal behavior and make the dog available for examination at any reasonable time.

(Ord. No. 746, Enacted, 09/09/10; Ord. No. 770, Amended, 10/25/12; Ord. No. 824, Amended, 02/23/17; Ord. No. 839, Amended, 02/22/18)

6-01-130 Impounding Dogs and Cats.

- A. Except as otherwise provided in this Section, each stray dog or cat that is impounded shall be kept and maintained at a Town-authorized pound for a minimum of seventy-two (72) hours or one hundred twenty (120) hours for an animal impounded with a microchip or wearing a license or any other discernible form of owner identification, unless claimed or surrendered by its owner. At the expiration of the impoundment period, any impounded dog or cat may be made available for adoption. The person adopting an impounded dog or cat shall pay all adoption fees and comply with the licensing and vaccination provisions of this Chapter as it relates to dogs. No impounded animal, whether owned or stray, may be used for any type of medical research or experimentation. Any impounded dog or cat not claimed by its owner within the stated period or adopted may be humanely euthanized. Any sick or injured impounded dog or cat may be euthanized prior to the end of the impoundment period if a veterinarian determines that the dog or cat will unduly suffer if kept alive for the duration of the impoundment period and, if after reasonable attempts, the owner cannot be located or the owner surrenders the dog or cat.
- B. Any impounded stray cat eligible for sterilization, as defined in A.R.S. §11-1022, that will be returned to the vicinity where the cat was originally captured may be exempted from the mandatory holding period required by this Section. "Eligible" means a cat that is living outdoors, lacks discernable identification, is of sound health and possesses its claws.
- C. All reasonable attempts shall be made to contact the owner of an impounded dog or cat bearing some form of identification and advise of the location of the dog or cat and the requirements to reclaim the animal.
- D. An owner or owner's agent reclaiming an impounded dog or cat shall furnish proof of the person's right to reclaim the animal and shall pay the applicable fees set forth in Section 6-01-100 of this Article, including impound fees, board fees, a rabies vaccination fee, and dog license fees, as applicable.

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

6-01-140 Removing Impounded Animals.

No person may remove, or attempt to remove, an animal which has been impounded or is otherwise in the possession of the Animal Control Officer except in accordance with the provisions of this Article and any regulations promulgated pursuant to this Article.

(Ord. No. 746, Enacted, 09/09/10)

6-01-150 Proper Care, Maintenance and Destruction of Impounded Animals.

- A. Any animal impounded in a Town-authorized pound shall be provided humane care and maintenance, including adequate heat, ventilation, sanitary shelter and wholesome food and water.
- B. Any animal destroyed while impounded in a Town-authorized pound shall be destroyed only by the use of one of the following:
 - 1. Sodium pentobarbital or a derivative of sodium pentobarbital.
 - 2. T-61 euthanasia solution or its generic equivalent.
- C. If an animal is destroyed by means specified in this Section, it shall be done by a licensed veterinarian or in accordance with procedures established by the state veterinarian pursuant to A.R.S. §3-1213.

(Ord. No. 746, Enacted, 09/09/10)

Article 6-02 SPECIAL ANIMAL REGULATIONS

- 6-02-010 Aggressive Dogs.**
- 6-02-020 Wildlife; Exotic Animals.**
- 6-02-030 Domestic Animals Other Than Dogs and Cats.**
- 6-02-040 Reserved.**

6-02-010 Aggressive Dogs.

- A. A person who owns or is responsible for the care of an aggressive dog shall at all times provide a proper enclosure to confine the aggressive dog and shall post the premises with a clearly visible warning sign that there is an aggressive dog on the property. In addition, a sign with a warning symbol that informs children of the presence of an aggressive dog shall be conspicuously posted on the property.
- B. It is unlawful for an owner of an aggressive dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
- C. An aggressive dog shall be immediately confiscated by an Animal Control Officer, and the owner will be charged with a class 1 misdemeanor, if:
 - 1. The dog is not maintained in the proper enclosure; or
 - 2. 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.
- D. If a dog that was previously determined to be aggressive or 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.
- E. This Section does not apply to any of the following:
 - 1. A dog that is owned by a governmental agency and that is being used in military or police work.
 - 2. A service animal as defined in A.R.S. §11-1024.
 - 3. A dog that is involved in an otherwise lawful act of hunting, ranching, farming or other agricultural purpose.

(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)

6-02-020 Wildlife; Exotic Animals.

- A. No person shall keep, harbor or maintain any wildlife or exotic animals within the corporate limits of the Town, except those animals defined in Title 3, Chapter 16, Arizona Revised Statutes (as amended), unless the person has received a special license to do so by a duly-authorized employee of the Arizona Game and Fish Commission.
- B. Persons lawfully possessing wildlife or exotic animals pursuant to the special licensing requirements of the Arizona Game and Fish Commission or an exemption from same shall at all times provide a proper enclosure to confine the wildlife or exotic animals and shall post the premises with a clearly visible warning sign that there wildlife or exotic animals on the property. In addition, a sign with a warning symbol that informs children of the presence of wildlife or exotic animals shall be conspicuously posted on the property.
- C. 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. 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. Wildlife or exotic animal is not maintained in the proper enclosure; or
 - 3. Wildlife or exotic animal is outside of the proper enclosure and not under the physical restraint of a responsible person.
- D. 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.
- E. The provisions of this Section shall not apply to:
 - 1. Institutions accredited by the American Zoo and Aquarium Association;
 - 2. Duly incorporated, non-profit, animal protection organizations that provide housing for wildlife or exotic animals at the written request of the Animal Control Officer;

3. Animal control or law enforcement agencies or officers acting under authority of this Chapter;
 4. Licensed veterinary hospitals or clinics possessing wildlife or exotic animals while providing medical care to the wildlife or exotic animals; or
 5. Any lawfully operated circus or rodeo.
- F. It shall be unlawful for any person lawfully possessing wildlife or exotic animals to release such wildlife or exotic animals.
- G. Exhibitions or parades of wildlife or exotic animals within the corporate limits of the Town may only be conducted pursuant to permit which must be secured from the Chief of Police.

(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)

6-02-030 Domestic Animals Other Than Dogs and Cats.

- A. **Livestock and Poultry:** Except in Agricultural Districts, as defined in Section 13-19b-010, livestock and poultry shall only be allowed on lots which are one (1) acre or larger in size and shall be limited to two (2) such animals per acre except as follows:
1. No animals shall be allowed in the Town of Prescott Valley in contravention of existing restrictive covenants.
- B. **Livestock, Poultry and Domestic Rabbits at Large:** No owner of livestock, poultry or domestic rabbits, or other person entrusted with their care shall allow same to roam at-large within the corporate limits of the Town. The Animal Control Officer may apprehend and impound any livestock, poultry or domestic rabbits roaming at-large contrary to the provisions of this Section. An owner reclaiming such animals shall pay the impound fees set forth in Section 6-01-100 of this Chapter and any applicable boarding fees. Livestock, poultry or domestic rabbits that are impounded shall be kept and maintained at a Town-authorized pound for a minimum of seventy-two (72) hours. Any of these animals not claimed by the owner or other authorized person by the expiration of the impoundment period may be sold.
- C. **Livestock and Poultry Housing:** Any person who lawfully keeps or causes to be kept any livestock or poultry shall keep such livestock or poultry in a pen or similar enclosure to prevent them from roaming at-large within the corporate limits of the Town. Stables or other enclosures where such animals are kept must be reasonably clean and well maintained.
- D. **Swine:** It is unlawful to keep any swine within the corporate limits of the Town.
- E. The owner or other person entrusted with the care of livestock, poultry or domestic

rabbits that roam at-large, contrary to the provisions of this Section, shall be responsible for any personal injury or property damage caused by the livestock, poultry or domestic rabbits while at-large.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Rep&ReEn, 02/09/84; Ord. No. 178, Renumbered, 05/26/88, 6-01-050; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 824, Amended, 02/23/17)

6-02-040 Reserved.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Rep&ReEn, 02/09/84; Ord. No. 178, Ren&Amd, 05/26/88, 6-01-060; Ord. No. 746 Rep&ReEn, 09/09/10)

Article 6-03 ANIMAL NUISANCES

- 6-03-010** **Disturbing the Peace; Nuisances; Notice to Abate.**
- 6-03-020** **Reserved.**
- 6-03-030** **Reserved.**
- 6-03-040** **Reserved.**

6-03-010 **Disturbing the Peace; Nuisances; Notice to Abate.**

- A. It is unlawful for any person to keep or maintain a dog that barks, howls, or otherwise disturbs the peace and quiet of any reasonable person residing within the corporate limits of the Town, between the hours of 10:00 p.m. and 7: 00 a.m. For purposes of this Section, a dog shall be deemed to be disturbing the peace and quiet of persons residing within the corporate limits of the Town if the Animal Control Officer or other Town enforcement official, in response to an anonymous complaint, observes the animal barking, without justification, for five (5) or more continuous minutes. The Animal Control Officer or other Town enforcement official may require any person wishing to pursue civil or criminal charges for violations of this Subsection to complete and submit to the Animal Control Officer a Nuisance Dog Petition, the form of which will be provided by the Animal Control Officer.
- B. It is unlawful for any person to keep or maintain a dog that is in the habit of barking, howling, or otherwise disturbing the peace and quiet of any reasonable person residing within the corporate limits of the Town, between the hours of 7:00 a.m. and 10:00 p.m. All persons desiring to pursue civil or 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 boundaries of the Town, between the hours of 7:00 a.m. and 10:00 p.m., shall complete and submit to the Animal Control Officer a Nuisance Dog Petition, the form of which will be provided by the Animal Control Officer.
- C. The keeping of any fowl, rodent, domestic animal, exotic animal or wildlife, other than a dog, that disturbs the peace, comfort, or health of a reasonable person residing within the corporate limits of the Town, shall constitute a nuisance; provided, however, that after an Animal Control Officer receives and verifies a nuisance complaint, the Police Department shall give the offending party three (3) days' notice to remove, eliminate, or correct the cause of the nuisance, or to abate any unsanitary conditions which may exist. Failure to comply with said notice is unlawful and punishable as set forth herein.
- D. It shall be unlawful for the owner or person having custody of any animal to fail to immediately remove and dispose of, in a sanitary manner, any solid waste deposited by such animal on public property or private property without the consent of the person in control of the property. This subsection shall not apply to an individual who has a disability and who uses a service animal as defined in A.R.S. §11-1024, or police officers or other law enforcement officers accompanied by police dogs while responding to an emergency.

- E. Persons violating this Section shall be subject to civil and criminal penalties as set forth in Article 6-05 hereinafter, and/or criminal prosecution as otherwise provided by law.

(Ord. No. 46, Enacted, 12/11/80; Ord. No. 95, Ren&Amd, 02/09/84, 6-04-010; Ord. No. 127, Amended, 03/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 194, Amended, 11/10/88; Ord. No. 223, Amended, 01/11/90; Ord. No. 594, Amended, 05/27/04; Ord. No. 600, Amended, 07/22/04; Ord. No. 746; Rep&ReEn, 09/09/10; Ord. No. 824, Amended, 02/23/17)

6-03-020 Reserved.

(Ord. No. 46, Enacted, 12/11/80; Ord. No. 95, Ren&Amd, 02/09/84, 6-04-020; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 223, Amended, 01/11/90; Ord. No. 375, Amended, 12/28/95; Ord. No. 594, Amended, 05/27/04; Ord. No. 746, Rep&ReEn, 09/09/10)

6-03-030 Reserved.

(Ord. No. 46, Enacted, 12/11/80; Ord. No. 95, Ren&Amd, 02/09/84, 6-04-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 200, Amended, 02/23/89; Ord. No. 375, Amended, 12/28/95; Ord. No. 594, Amended, 05/27/04; Ord. No. 746, Rep&ReEn, 09/09/10)

6-03-040 Reserved.

(Ord. No. 95, Ren&Amd, 02/09/84; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 746, Rep&ReEn, 09/09/10)

Article 6-04 ANIMAL CARE

- 6-04-010** **Animal Care.**
- 6-04-020** **Confining Animals in Motor Vehicles.**
- 6-04-030** **Reserved.**

6-04-010 **Animal Care.**

- A. No owner shall fail to provide his animals with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- B. No person shall beat, cruelly ill-treat, abandon, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans.
- C. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the Police Department or to the Animal Control Officer.
- D. The Animal Control Officer, on a reasonable belief that very prompt action is required to protect the health or safety of an animal or the health or safety of other animals may immediately impound any animal that appears to be cruelly neglected or otherwise cruelly mistreated as described in this Section. The Animal Control Officer shall then request a hearing pursuant to Section 6-05-030 of this Chapter for the disposition of the impounded animal.
- E. Nothing contained herein shall prohibit or restrict any activity involving a dog, whether the dog is restrained or not, if the activity is directly related to the business of shepherding or herding livestock and the activity is necessary for the safety of a human, the dog or livestock or is permitted by or pursuant to Title 3 of the Arizona Revised Statutes.

(Ord. No. 95, Enacted, 02/09/84; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. 770, Amended, 10/25/12)

6-04-020 **Confining Animals in Motor Vehicles.**

- A. No person having charge or custody of an animal, as owner or otherwise, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability or death.
- B. The Animal Control Officer or a peace officer may use reasonable force to open a vehicle to rescue an animal if the animal is left in a vehicle in violation of this Section.

In the event the owner or custodian of the animal cannot be located, the officer removing the animal shall place the animal in the Town-authorized pound or veterinary hospital. The officer shall leave, in a prominent place in the motor vehicle, a written notice bearing the address where the animal may be claimed by the owner of the animal. The animal will be surrendered to the owner if the owner claims the animal within ten (10) days from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal, including any and all costs for veterinary care. If the owner fails to claim the animal within five (5) days after its removal from the motor vehicle, the person or Town-authorized pound having custody of the animal will make a reasonable effort to contact the owner and give notice that the animal is in their custody and may be reclaimed upon payment of the reasonable maintenance charges. If, after 10 days from the time the animal was removed from the motor vehicle, the owner cannot be contacted, or fails or refuses to reclaim the animal, the animal will be deemed unowned and the person or Town-authorized pound having custody of the animal may dispose of the animal in accordance with Section 6-01-130 of this Chapter.

- C. Nothing in this Section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.

(Ord. No. 95, Enacted, 02/09/84; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 375, Amended, 12/28/95; Ord. No. 594, Amended, 05/27/04; Ord. No. 746, Rep&ReEn, 09/09/10)

6-04-030 Reserved.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 194, Amended, 11/10/88; Ord. No. 243, Amended, 10/25/90; Ord. No. 245, Amended, 11/08/90; Ord. No. 312, Amended, 01/06/94; Ord. No. 594, Rep&ReEn, 05/27/04; Ord. No. 746, Rep&ReEn, 09/09/10)

Article 6-05 VIOLATIONS

- 6-05-010 **Violations and Penalties.**
- 6-05-020 **Hearing on Disposition of Abused and Vicious Animals.**
- 6-05-030 **Reserved.**
- 6-05-040 **Reserved.**
- 6-05-050 **Reserved.**

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 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>	\$150.00
Second Offense (within a period of 12 months) (A Class 2 Misdemeanor)	\$300.00
<u>No Dog License</u>	
First Offense	\$100.00
Second Offense (Within a period of 12 months) (A Class 2 Misdemeanor)	\$300.00
<u>Dog Barking</u>	\$200.00
Second Offense (within a period of 12 months) (A Class 2 Misdemeanor)	\$500.00

- B. Civil Penalties. Any violation of the provisions of this Chapter shall also constitute a civil offense, and any person who is served with a citation charging such violation and who admits, or is found responsible for such offense, shall be liable to pay to the Town the minimum fines set forth in the preceding paragraph. Such civil citation shall be

issued and processed in accordance with Article 1-08 of the Town Code. Each day that a violation continues shall be a separate offense, except as otherwise provided, punishable as described herein.

- C. Remedies. With regard to these remedies for violations:
 - 1. All remedies provided herein shall be cumulative and not exclusive.
 - 2. The imposition of penalties criminal or civil on any persons hereunder shall not relieve such persons from the responsibility of correcting any and all violations.

(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)

6-05-020 Hearing on Disposition of Vicious Animals; Forfeiture.

- A. The Animal Control Officer or a peace officer who has impounded an animal pursuant to Sections 6-02-010 and 6-02-020 of this Chapter, on a showing of probable cause that the animal is vicious or may be a danger to the safety of any person or other animal, shall request a disposition hearing before the Magistrate Court to determine whether the animal is vicious. The hearing shall be set within fifteen (15) business days after the request for a disposition hearing has been filed.
- B. The Animal Control Officer or peace officer requesting the disposition hearing shall, within seven (7) calendar days before the date of the hearing, serve the order setting the hearing on the owner of the animal either by personal service or by leaving a copy of the order with a person of suitable age and discretion at the owner's residence or place of business. Proof of service shall be filed with the Magistrate Court.
- C. If the Magistrate Court determines that the animal is vicious, the Magistrate Court shall order that the animal be forfeited to the Animal Control Officer to be humanely destroyed in accordance with Section 6-01-150 of this Chapter. The owner shall pay impound fees and any other costs for boarding or necessary veterinary care.
 - 1. Notwithstanding the above, if the animal is an aggressive dog as defined in this Chapter, the Magistrate may order that the dog be returned to the owner to be maintained as an aggressive dog in accordance with Section 6-02-010 of this Chapter.
- D. If the Magistrate Court determines that the animal is not vicious, the Magistrate may order that the animal be returned to the owner, except that if the owner fails to appear at the hearing, the Magistrate may order that the animal be forfeited to the Animal Control Officer for transfer to a legally incorporated humane society or approved rescue agency and be made available for adoption or be humanely destroyed in accordance with Section 6-01-150 of this Chapter.
- E. This Section does not apply to the seizure of an equine pursuant to A.R.S. §3-1721.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-030; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Enacted, 09/09/10; Ord. No. 770, Amended, 10/25/12; Ord. No. 824, Amended, 02/23/17)

6-05-030 Seizure of Abused or Abandoned Animals; Notification; Bonding; Hearing.

- A. The Animal Control Officer or a peace officer who lawfully seizes an animal pursuant to Article 6-04 of this Chapter or A.R.S. §13-2910 shall affix a notice of seizure in a conspicuous place where the animal was found or personally deliver the notice of seizure to the owner or keeper of the animal, if known or ascertainable after reasonable investigation. The Animal Control Officer shall file proof of service with the Magistrate Court. If it is determined that the suffering of the animal does not require humane destruction, the notice shall include the following:
1. The name, business address and telephone number of the person providing the notice.
 2. A description of the seized animal.
 3. The authority and purpose for the seizure, including the time, place and circumstance under which the animal was seized.
 4. A statement that in order to receive a post-seizure hearing the owner or person authorized to keep the animal, or the owner or person's agent, shall request the hearing by signing and returning to the Magistrate Court an enclosed declaration of ownership or right to keep the animal within ten days, including weekends and holidays, after the date of the notice.
 5. A statement that the owner is responsible for the cost of care for an animal that was properly seized and that the owner is required to post a bond in the amount of twenty-five dollars per animal with the Magistrate Court to defray the cost of care.
 6. A warning that if the owner fails to post a bond within ten days after the seizure, the animal will be deemed abandoned and become the property of the seizing agency.
- B. On receipt of a declaration of ownership and post-seizure hearing request, the Magistrate shall set a hearing date within fifteen business days. At the hearing, the Animal Control Office shall have the burden of establishing by a preponderance of evidence that the animal was subjected to cruel mistreatment, cruel neglect or abandonment in violation of Article 6-04 of this Chapter or A.R.S. §13-2910 or will suffer needlessly if humane destruction is delayed. On this finding, the Magistrate Court may terminate the owner's rights in the animal and transfer the rights to the Animal Control Officer or a designated animal care agency and shall forfeit the bond to pay the expenses incurred for the housing, care and treatment of the animal. If at the conclusion of the hearing the animal is not forfeited under this section, the court shall order the bond exonerated and returned to the owner.
- C. If the owner or person authorized to keep the animal fails to post bond as prescribed

by this section, fails to request a hearing or fails to attend a scheduled hearing, the animal is deemed abandoned and all rights of the owner in the animal are transferred to the Animal Control Officer.

D. This section does not apply to any of the following:

1. Activities permitted by or pursuant to Title 3 of the Arizona Revised Statutes.
2. The seizure of an equine pursuant to A.R.S. §3-1721.

(Ord. No. 8, enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-040; 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. 770, Rep&ReEn, 10/25/12)

6-05-040 Reserved.

(Ord. No. 8, enacted, 06/28/79; Ord. No. 95, Ren&Amd, 02/09/84, 6-03-050; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Rep&ReEn, 09/09/10)

6-05-050 Reserved.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 257, Repealed, 06/27/91; Ord. No. 746, Rep&ReEn, 09/09/10)

Article 6-06 RESERVED

6-06-010 Reserved.

6-06-010 Reserved.

(Ord. No. 127, Enacted, 03/27/86; Ord. No. 178, Rep&ReEn, 05/26/88; Ord. No. 257, Amended, 06/27/91; Ord. No. 274, Amended, 05/14/92; Ord. No. 375, Renumbered, 12/28/95, 6-06; Ord. No. 600, Amended, 07/22/04; Ord. No. 640, Amended, 12/02/05; Ord. No. 746, Rep&ReEn, 09/09/10)

Article 6-07 RESERVED

6-07-010 Reserved.

6-07-010 Reserved.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 375, Renumbered, 12/28/95, 6-07; Ord. No. 746, Rep&ReEn, 09/09/10)

Article 6-08 RESERVED

6-08-010 Reserved.

6-08-010 Reserved.

(Ord. No. 178, Enacted, 05/26/88; Ord. No. 375, Renumbered, 12/28/95, 6-08; Ord. No. 746, Rep&ReEn, 09/09/10)

Article 6-09 RESERVED

6-09-005 **Reserved.**
6-09-010 **Reserved.**

6-09-005 **Reserved.**

(Ord. No. 231, Enacted, 07/12/90; Ord. No. 375, Repealed, 12/28/95; Ord. No. 746, Rep&ReEn, 09/09/10)

6-09-010 **Reserved.**

(Ord. No. 231, Enacted, 07/12/90; Ord. No. 375, Repealed, 12/28/95; Ord. No. 746, Rep&ReEn, 09/09/10)