

Ordinance 2024-001

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF SPRINGERVILLE, ARIZONA, AMENDING TITLE 6, "ANIMALS" OF THE TOWN OF SPRINGERVILLE TOWN CODE; PROVIDING FOR SEVERABILITY, AND PROVIDING PENALTIES FOR VIOLATIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Springerville has the ability to regulate animals within its boundaries under its inherent police powers as a municipality in the State of Arizona;

WHEREAS, the Town Council has recently entered into an intergovernmental agreement with the Town of Eagar to have joint enforcement of the regulation of animals by an Animal Control department/officers;

WHEREAS, Chapter 6, "Animals" of the Town Code, has amendments that are needed to allow both the Town of Springerville and the Town of Eagar, and their respective residents and constituents, to have consistent regulations and requirements that will make Chapter 6, Animals, of the Town Code a more useful document for Town staff, Town citizens and others; and

WHEREAS, The Town is authorized by Arizona Revised Statutes, Title 9, Chapter 2, Article 3 to adopt amendments to the Springerville Town Code or any ordinance.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Springerville, Arizona, as follows:

SECTION 1: That the current Title 6 of the Town Code is hereby deleted in its entirety and is hereby replaced by the following Chapters 6.04, 6.08, 6.10, 6.12, 6.16, and 6.20 with the titles of each Chapter and subsection listed below with the full code language included in Exhibit A, which is attached hereto and incorporated herein by reference.

Chapter 6.04: RULES AND REGULATIONS

- 6.04.010 Definitions
- 6.04.020 Dangerous or vicious animals
- 6.04.030 Wild animals
- 6.04.040 Public nuisance
- 6.04.050 Animals at large
- 6.04.060 Disturbing the peace
- 6.04.070 Diseased animals
- 6.04.080 Cruelty to animals
- 6.04.090 Keeping animals

6.04.100 Number of animals allowed

Chapter 6.08: IMPOUNDMENT OF ANIMALS

6.08.010 Notice to owners of impoundment

6.08.020 Report of impounded animals

6.08.030 Conditions and duration of impoundment

6.08.040 Redemption of impounded animals

6.08.050 Impeding animal control officer

6.08.060 Biting animals

Chapter 6.10: LARGE ANIMALS

6.10.010 Large animals

Chapter 6.12: DOGS

6.12.010 Fees

6.12.020 [Reserved]

6.12.030 Applicability of chapters to dogs

6.12.040 Licenses and tags generally

6.12.050 Vaccination required

6.12.060 Dog at large

6.12.070 Impoundment of dogs

6.12.080 Biting dogs

6.12.090 Rabies epidemic

Chapter 6.16: ENFORCEMENT

6.16.010 Enforcement provisions

6.16.020 Enhanced violation for dog at large

Chapter 6.20: LIABILITY

6.20.010 Liability for damages (dogs/domestic animals)

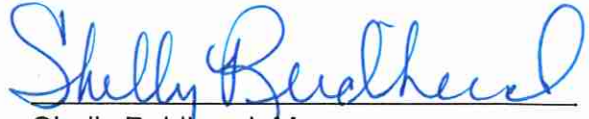
6.20.020 Liability for damages (general property damage)

SECTION 2: This ordinance shall be effective thirty (30) days after final approval by the Town Council.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Springerville, this 15 day of April, 2024.

may

Town of Springerville


Shelly Reidhead, Mayor

ATTEST:


Kelsi Miller, Town Clerk

APPROVED AS TO FORM:


Mangum Wall Stoops & Warden, PLLC
Town Attorney

EXHIBIT A
[See Attached]

Title 6 - ANIMALS

Chapters:

Chapter 6.04 - RULES AND REGULATIONS

Sections:

6.04.010 - Definitions.

As used in this chapter:

- A. "At large" means off the premises of the owner or not under the control of the owner, or other persons acting for or on behalf of the owner.
- B. "Collar" means a band, chain, harness or suitable device worn around the neck of the dog or animal (as applicable) to which a license may be affixed.
- C. "Dangerous" or "vicious" means an animal or dog which has a propensity to attack, to cause injury or otherwise endanger the safety of human beings without provocation or which has been found to be a vicious animal by a court of competent authority, which bites, inflicts physical injury on or attacks a human being, or constitutes a physical threat to other animals.
- D. "Dog" means a member of the "canis" family.
- E. "Owner" means any person owning, keeping, possessing, harboring, or maintaining a dog or an animal.
- F. "Animal Shelter" means any establishment authorized by the Town for the confinement, maintenance, safekeeping, and control of dogs or animals (as applicable) that come into custody of the animal control officer.
- G. "Vaccination" means an anti-rabies vaccination using a type of vaccine approved by the State Veterinarian.
- H. "Animal control officer" means any peace officer, police assistant or other person responsible for the enforcement of this chapter appointed under the provisions of A.R.S. § 9-499.04 or amendments thereto.
- I. "Containment" means a structure or device that prevents the animal from leaving the owner's property or control.
- J. "Animal" or "animals" means horses, mules, burros, cattle, goats, sheep, swine, llamas, ostriches, emus, or other livestock, poultry, or any other animal that is susceptible to rabies, except man.
- K. "Wild animal" means an animal of a wild nature or disposition.
- L. "Directly under control" means the person responsible for the animal must be in sight of the animal; must be able to immediately control the actions of the animal and must ensure the animal does not leave the responsible person's property.

M. "Town" means the community of Round Valley within the established boundaries of the Town of Eagar and the Town of Springerville.

6.04.020 - Dangerous or vicious animals.

It is unlawful to permit any dangerous or vicious animal of any kind to run at large within the Town limits. Any such animals may be immediately impounded.

A. Upon complaint of any person, and after notice to the owner and a civil hearing, the Town magistrate may determine that an animal is dangerous or vicious and order one or more of the following:

1. Order the destruction of said animal;
2. Order that such animal be confined within a building or secure enclosure;
3. Order that such animal be securely muzzled or caged at all times.

B. The animal control officer is authorized to kill any dangerous animal of any kind, upon an order from the Town magistrate, or when it is necessary for the protection of any person or property, when in his/her judgment the animal: (1) is dangerous or vicious; and (2) cannot be safely impounded.

C. Any dog that commits two or more unprovoked attacks or bites is considered vicious under this section. Attacks may include chasing persons or animals, growling, baring teeth, attempted bites, etc., while the dog is at large.

6.04.030 - Wild animals.

Exhibitions or parades of wild animals may be conducted only upon securing a permit from the police department.

6.04.040 - Public nuisance.

Any animal or animals that does any of the following are declared to be a public nuisance, and may be impounded by the animal control officer from private property in response to a complaint by a person concerning this section if: the nuisance is continuing, the complaining person is willing to press charges and the owner or caretaker is not present to take control of the animal and stop the nuisance. The owner will bear the cost of the impound and feed. It is unlawful for any person to permit such animal or animals to:

- A. Molest passersby or passing vehicles;
- B. Attack other animals off of an owner's property;
- C. Trespass on school grounds;
- D. Repeatedly be at large;
- E. Damage public or private property;
- F. Repeatedly cause garbage to be thrown about;
- G. Disturb the peace.

H. Cause a nuisance (defined as, but not limited to, offensive odor, excessive flies, dust or animal waste) to adjoining property owners or occupants.

6.04.050 - Animals at large.

A. Any person who keeps or causes to be kept any animal within the corporate limits of the Town shall keep such animal in a pen, corral, pasture, or similar enclosure to prevent their roaming at large.

B. It is unlawful for any animal to run at large in the Town. Any such animal may be impounded as provided in this chapter.

C. It is unlawful to picket or tie any animal on any of the streets or rights-of-way of the Town for the purpose of grazing or feeding if it interferes with the safe passage of pedestrians or vehicles.

D. Any animal at large may be impounded by the animal control officer or by a subcontractor, with whom the applicable Town manager shall have authority to negotiate the rates for picking up, transporting and impounding such animal.

E. The animal control officer is allowed to make temporary arrangements to impound animals at large if the Town does not have the capability or facility to house the animal, until an owner is located. A reasonable fee for the boarding will be passed on to the animal owner.

F. The owner or caretaker of an impounded animal is responsible for the cost of the impoundment and feed.

6.04.060 - Disturbing the peace.

A dog is disturbing the peace and quiet of any person at any time of the day or night by barking, whining, howling, or making any other similar objectionable noise in a continuous, excessive and untimely manner. Any owner whose dog is disturbing the peace as described in this section is in violation of this chapter. In response to a complaint by a person concerning this section, the animal control officer may impound the animal from the private property of the owner or caretaker if: the disturbance is continuing, the complaining person is willing to press charges and the owner or caretaker is not present to take control of the dog and stop the disturbance.

6.04.070 - Diseased animals.

No animal afflicted with a contagious or infectious disease shall be allowed to run at large or be exposed to any public place whereby the health of man or beast may be affected. Every owner or other person knowing or suspecting that an animal has rabies should immediately notify the animal control officer who shall either remove the animal to the animal shelter or summarily destroy it, except in cases where the state health officer or state veterinarian is empowered to act.

6.04.080 - Cruelty to animals.

A. Any person owning or acting for the owner of any animal shall provide said animal with sufficient wholesome and nutritious food and water in sufficient quantity within an eighteen-hour period. All dogs and animals shall be maintained in such a manner as to provide them with humane care and treatment. No person shall:

1. Recklessly subject any animal(s) or poultry to cruel mistreatment; or

2. Recklessly subject any animal(s) or poultry under the person's custody or control to cruel neglect or abandonment; or

3. Recklessly kill any animal or poultry under the custody or control of another without either legal privilege or consent of the owner; or

4. Intentionally interfere with, kill or harm a working or service animal without either legal privilege or consent of the owner.

6.04.090 - Keeping animals.

Any person who keeps or causes to be kept any domestic animal, household pets, livestock, poultry, fowl, ratite or animals within the limits of the Town shall keep such animal in a pen or similar enclosure to prevent their running "at large."

6.04.100 - Number of animals allowed.

A. Household Pets.

Except as otherwise permitted by the applicable Town zoning code, a maximum of four (4) household pets, such as dogs, cats, pot-bellied pigs and similar domestic pets (but not including birds, fish or other pets which do not create odor or sound detectible on adjoining lots) per lot. Household pets in excess of four may be allowed by conditional use permit in all zoning districts. This section shall not apply to kennels or animal shelters as otherwise permitted by the applicable Town zoning code.

B. Animals.

Animals other than household pets such as livestock, poultry, and ratite shall be prohibited in all zoning districts except those in which they are specifically allowed by the applicable Town zoning code. Animals such as livestock and poultry shall not be kept within one hundred (100) feet of an occupied dwelling except where the owner or person in control of said animals lives in such dwelling.

Chapter 6.08 - IMPOUNDMENT OF ANIMALS

Sections:

6.08.010 - Notice to owners of impoundment.

A. If the owner of any impounded animal shall be known to the animal control officer and shall reside or have a known place of business in the town, the animal control officer shall notify the owner of such animal personally or by letter through the post office or by notice placed at the residence of the owner within forty-eight (48) hours after such animal has been taken up and impounded. The notice shall contain a description of the animal and shall state that unless reclaimed, such animal shall be adopted or destroyed at the time and place specified in the notice.

B. An animal impounded pursuant to this chapter may be sold at public auction to the highest bidder. Copies of the notice shall be posted at the place of impoundment and at the Town Hall.

6.08.020 - Report of impounded animals.

The animal control officer shall, after impounding any animal, make a report stating the kind of animal and describing it by color or otherwise or by any marks or brands that may be on it, and when it was impounded.

6.08.030 - Conditions and duration of impoundment.

The animal control officer shall provide for the keeping of all animals impounded by the department in a safe, convenient and comfortable place within or near the Town limits and shall feed such animals at least once every twenty-four hours and treat them in a humane manner during the time they are impounded, which shall not be less than three days, unless sooner claimed by the owner.

6.08.040 - Redemption of impounded animals.

If the owner of any animal shall, within three days after such animal has been impounded, apply to the animal control officer and pay the fees and charges provided by this chapter, the owner shall pick up the animal from the pound or impound location unless that animal has been impounded pursuant to Section 6.08.060.

6.08.050 - Impeding animal control officer.

A. It is unlawful for any person to, in any manner, intervene, impede, prevent, obstruct or intimidate the animal control officer in the discharge of his duties in citing and impounding, or who shall rescue or attempt to rescue any animal, which has been impounded.

B. It is unlawful for any person to disturb, trip, reset or release an animal from a trap set by the animal control officer, unless he/she has the permission of the animal control officer.

C. A violation of this chapter is a Class 3 misdemeanor.

6.08.060 - Biting animals.

Whenever any animal bites a person, such person and the owner of the animal shall immediately notify the animal control officer, who shall arrange for the quarantine of the animal to be made and shall order the animal to be held on the owner's premises or shall have it impounded at the pound or at a veterinary hospital at the owner's expense as long as necessary for a complete examination or for the length of the quarantine which will not be less than ten days.

Livestock shall be confined and quarantined for the fourteen-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. If it is determined that the animal is infected with rabies or other dangerous, infectious and contagious disease, it shall be the duty of the animal control officer to destroy the animal.

If, at the end of the quarantine or impoundment, it is determined that the animal is free from such disease, the animal shall be released, and the owner will assume all the costs related to the quarantine or impoundment.

If the animal dies during the period of quarantine or impoundment, its head shall be sent to the State Department of Health for examination. Any wild animals, with the exception of wild rodents or rabbits, which bite any person may be killed and submitted to the animal control officer or his assistant, or his designated representative for transmission 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.

Chapter 6.10 - LARGE ANIMALS

6.10.010 - Large animals.

A. Large animals shall be defined as all animals of breeds capable of weighing more than one hundred pounds, such as but not limited to, ostriches, cattle, horses, pigs and sheep, and are typically associated with production, harvest or use. An animal unit shall be defined as a female along with her offspring until weaning. The following shall apply:

1. A minimum parcel size of one-half acre is required for the keeping of large animals. Animals such as livestock, poultry, and ratite shall be prohibited in all zoning districts except those in which they are specifically allowed by the applicable Town zoning code. Animals such as livestock and poultry shall not be kept within one hundred (100) feet of an occupied dwelling except where the owner or person in control of said animals lives in such dwelling. Refer to 6.04.080.

Exceptions to this include, but are not limited to, the temporary grazing of areas or short-term holding of animals for other reasons, i.e., veterinary care, transportation arrangements, sale.

2. A permit can be applied for by individuals requesting the keeping of an animal for a special purpose, such as 4-H or FFA, if the individual does not have a minimum of one-half acre parcel size, and is subject to the following requirements:

- a. The applicant shall complete a permit application and submit it to the animal control division.
- b. The application shall be reviewed by the animal control officer and chief of police at which time it shall be approved for a specified period of time, or denied.
- c. Payment of the filing fee shall be waived for FFA and 4-H projects.

B. Piggeries (three or more pigs). No pigsty or piggery shall be built or maintained on marshy ground or land subject to overflow, nor within two hundred feet of any stream, canal or other source of water supply, nor within three hundred feet of an inhabited house or public meetinghouse on an adjoining property.

1. When garbage is fed to any pig, all unconsumed garbage shall be removed daily and disposed of by burial or incineration.

2. No organic material furnishing food for flies shall be allowed to accumulate on the premises.

3. All garbage shall be handled and fed upon platforms of concrete or other impervious material.

4. Unslaked lime, hypochlorite/lime, borax, or mineral oil shall be used daily in sufficient quantities to prevent offensive odors and the breeding of flies.

C. Indoor Pets. The provisions of this section shall not apply to birds, fish and other pets (excluding dogs) that are kept fully within the resident's home.

Chapter 6.12 - DOGS

6.12.010 - Fees.

A. Fees required to be paid by this chapter shall be as established from time to time by the Town Council by resolution. Fees which are specified in the chapter shall be in effect until such time as the fees are changed by the Town Council by resolution.

B. The license fee for sterilized and unsterilized dogs shall be set by resolution of the Town Council. The license will be valid for the time period of the rabies vaccination and shall be renewed at the expiration of the vaccination.

C. The fee for redemption of an impounded dog is to be set by resolution of Town Council (impound charge) plus an additional fee to be set by resolution of Town Council (feeding fee) for each day the dog has been impounded. The impound fees double for each subsequent impoundment within a twenty-four (24) month period of the same dog.

6.12.030 - Applicability of chapters to dogs.

The provisions of Chapters 6.04 and 6.08 shall apply to dogs unless such provision specifically excludes dogs or unless there is a provision within this chapter or Chapter 6.16 covering the same subject matter.

6.12.040 - Licenses and tags generally.

A. All dogs four months old or older kept, harbored or maintained in the Town for at least thirty (30) consecutive days in a calendar year must be licensed and registered. Dog licenses shall be issued by the animal control officer, upon payment of a license fee, which license shall be valid for the term of the vaccination. The owner shall state at the time application is made for such license, owner's name, address, phone numbers (for work and home), the name, breed, color and sex of each dog owned or kept by them. Seasonal residents that reside within the town limits for less than six months in a calendar year, and who have their dog(s) validly and currently licensed in another city, town or county, are exempt from having to obtain a Town dog license.

B. A guide dog belonging to a blind person who is a resident of the state or any bona fide nonprofit organization which is in the business of breeding, raising or training dogs that are to be used for guiding the blind shall, upon application by the owner or organization to the Town and on presentation of proper proof, be licensed pursuant to this chapter without a payment of a fee.

C. Each dog licensed under the terms of this chapter shall receive, at the time of licensing, a tag on which shall be inscribed the name of the Town, the number of the license and the month and year in which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times except as otherwise provided in this chapter. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee set by resolution of the Town Council to the animal control officer.

D. It is unlawful for any person to counterfeit or attempt to counterfeit an official dog tag or remove such tag from any dog for the purpose of willful and malicious mischief, or place a dog tag on a dog unless the tag was issued to that dog.

E. Whenever the ownership of a dog has been changed, the new owner must secure a transfer of license to such owner. The transfer fee shall be set by resolution of Town Council to transfer the license of a sterilized dog and an un-sterilized dog. The license will be valid for the time period of the rabies vaccination and shall be renewed at the expiration of the vaccination.

F. Dogs while being used for hunting, or dogs while being exhibited at American Kennel Club approved shows, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness and a valid license attached, provided that they are properly vaccinated and licensed.

G. The animal control officer may apprehend and impound any dog found without a current valid license tag.

H. It shall be the duty of every owner or keeper of any dog kept within the limits of the Town to cause the license tag hereinabove mentioned to be securely attached around the dog's neck and kept there at all time during the license period. Absence of the license tag from the neck of any dog shall be *prima facie* evidence that the dog has not been licensed or vaccinated as provided in this chapter. Any such dog shall be deemed to be un-owned.

I. No person in charge of any dog shall permit such dog to be in public, a public park or upon any public school property unless the dog is physically restrained by a leash, secured in a vehicle, cage or similar enclosure, unless being exhibited or trained at a recognized kennel club event, public school or park sponsored event. This section shall not apply to a police dog while in the performance of duty.

6.12.050 - Vaccination required.

A. No dog shall be allowed to reside in the Town unless said dog or dogs have been vaccinated for rabies by a licensed veterinarian.

B. Before a license is issued for any dog, the owner must present a vaccination certificate signed by a veterinarian licensed by this state or a government veterinarian 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 and date re-vaccination is due. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this chapter and the regulation promulgated hereunder. A complete record of all of the above will be kept by the animal control officer.

C. A dog vaccinated in any other place prior to entry into the Town may be licensed in the Town provided that at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that place or a veterinarian employed by a governmental agency in that place, 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 chapter and the regulation promulgated hereunder.

D. The animal control officer may make provision for low cost vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

E. If a dog is impounded and found to be unvaccinated, the animal control officer is authorized to cause such dog to be vaccinated at the pound at a cost to be borne by the owner. The vaccination shall be performed by a veterinarian, who shall issue a verification of vaccination.

6.12.060 - Dog at large.

A. Any person owning, keeping, possessing, harboring or maintaining a dog shall have the dog contained, on a leash or directly under control. A dog not contained on a leash or directly under control shall be considered at large.

B. A dog is not deemed to be at large:

1. While said dog is actively engaged in dog obedience training and is accompanied by and under the control of his owner or trainer;

2. While such dog is being used for hunting purposes;

3. While such dog is being exhibited or trained at a recognized kennel club event, public school event or park sponsored event;

4. While such dog is engaged in races approved by the Arizona Racing Commission;

5. This section shall not apply to a police dog while in the performance of duty.

6.12.070 - Impoundment of dogs.

A. The animal control officer may apprehend and impound any dog found without a current valid license tag; any dog with or without a current valid license tag which is found running at large; any dog disturbing the peace; any dog which bites any person; or any dog which is a public nuisance as defined in Section 6.04.040. Said officer shall have the right to enter upon private property, when it is necessary to do so, in order to apprehend any dog subject to impoundment.

B. Each unlicensed dog impounded shall be kept and maintained at the pound for a minimum of five days. At the expiration of the impoundment period, anyone may claim the dog provided that such person pays all established impound fees and completes the licensing provisions of this chapter. If no person claims the dog, the animal control officer may dispose of the dog in a humane manner.

C. The animal control officer shall notify the owner in person or by mail or by notice placed at the residence of the owner of any licensed dog impounded under the provisions of this chapter.

D. The owner or caretaker of any dog removed from private property and impounded under this section will be notified in person or by mail or by notice placed at the residence the dog was removed from. The owner will have six business days to contact the animal control officer to claim the dog. At the expiration of the impoundment period, anyone may claim the dog provided that such person pays all established impound fees and completes the licensing provisions of this chapter. If no person claims the dog, the animal control officer may dispose of the dog in a humane manner.

6.12.080 - Biting dogs.

A. Whenever a dog bites any person, the incident shall be reported to the animal control officer immediately by any person having direct knowledge.

B. Any dog that bites any person shall be quarantined and impounded for a period of not less than ten 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. The owner of any dog that has bitten a person may voluntarily deliver the dog to the animal control officer at the animal control shelter; otherwise, there shall be an assessment against the owner if the animal control officer must pick up the dog. If the dog is impounded in the pound for observation as a result of a dog bite incident, there shall be an assessment as established by resolution of the Town Council, and no other impoundment fees shall be charged under these circumstances.

C. If the dog shows clear clinical signs of rabies or other dangerous, contagious and infectious disease, or if the owner consents to its destruction, it shall be the duty of the animal control officer to destroy such dog in as humane manner as is reasonably possible. If at the end of the quarantine or impoundment, the animal control officer, after consultation with a veterinarian is convinced that the dog is free from such diseases, the dog shall be released. If the dog dies during the period of quarantine or impoundment, its head shall be sent to the state department of health for an examination.

D. Nothing in this section shall permit the bringing of an action for damages against any governmental agency using a dog in military or police work if the bite occurred while the dog was defending itself from a harassing or provoking act, or assisting an employee of the agency in any of the following:

1. In the apprehension or holding of a suspect where the employee has a reasonable suspicion of the suspect's involvement in criminal activity;
2. In the investigation of a crime or possible crime;
3. In the execution of a warrant;
4. In the defense of a peace officer or another person.

E. The owner of a dog is liable for injury caused by the dog while it is at large.

6.12.090 - Rabies epidemic.

Whenever the prevalence of hydrophobia renders such action necessary to protect the public health and safety, the mayor shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless it is muzzled so that it cannot bite. No person shall violate such proclamation and any unmuzzled dog running at large during the time fixed on the proclamation may be killed by the animal control officer without notice to the owner.

Chapter 6.16 - ENFORCEMENT*

Sections:

6.16.010 - Enforcement provisions.

A. Unless otherwise provided herein, any person found violating any provision of this title shall be guilty of a Class 3 misdemeanor, punishable in accordance with applicable state law. Any person violating Section 6.04.040 (public nuisance), Section 6.04.050 (animals at large), Section 6.04.060 (disturbing the peace), Section 6.10.010 (large animals), Section 6.12.050 (vaccination required), and Section 6.12.060 (dog at large), shall be guilty of a petty offense, punishable in accordance with applicable state

law. If any violation is continuing, each day's violation shall be deemed a separate violation. If any person has two prior petty offense convictions (or defaults) for violations of this title, within twenty-four months, such person may be charged with a Class 3 misdemeanor for any subsequent violation.

B. Any person violating any provision of this title shall be punished by a fine set by resolution of Town Council, unless agreed to by prosecution. The fine doubles for each subsequent violation within a twenty-four month period and committed by the same animal.

C. The animal control officer may review all the licenses issued to a dog owner who has received four or more convictions or defaults for the same violations of this title in a twenty-four (24) month period. Upon filing a complaint with the Town magistrate by the animal control officer and giving notice to the owner a civil hearing will be scheduled with the Town magistrate to review the revocation of the owner's license. After the hearing, the Town magistrate may issue an order revoking the license of such owner and order that no new license may be issued for a specified period of time. During the time the license is revoked, the owner of the dog will not be allowed to keep the dog in the Town limits. If the owner fails to comply with the order, the dog can be removed from private property and impounded by the animal control officer, in addition to the criminal charge of ARS 13-2810.A2 Interfering with judicial proceedings (class one misdemeanor). If a dog is impounded pursuant to this section, the owner or caretaker of the dog will be notified in person or by mail or by notice placed at the residence the dog was removed from. The owner will have six business days to contact the animal control officer to claim the dog and pay all established impound fees. At the expiration of the impoundment period, anyone may claim the dog provided that such person pays all established impound fees and completes the licensing provisions of this chapter. If no person claims the dog, the animal control officer may dispose of the dog in a humane manner.

6.16.020 - Enhanced violation fine for dog at large.

Any person violating Section 6.12.060 (Dog at large), between the hours of six p.m. and eight a.m. shall be fined twice the amount of the applicable dog at large violation.

Chapter 6.20 - LIABILITY

6.20.010 - Liability for damages (dogs/domestic animals).

A. It is unlawful for any dog to kill any domesticated animal within the boundaries of the Town. If any person discovers a dog in the act of violating any portion of this section, or to prevent the escape of a dog after immediately committing a violation of this section if it cannot be identified, that person may kill, or injure the dog in such action as is necessary for the protection of the animal listed in this subsection, except that such person will not discharge a firearm within the boundaries of the Town without a special permit from the chief of police.

B. The owner of a dog is liable for damages caused by the dog killing, wounding, or chasing any livestock, poultry, or domestic animal, and any other damages caused by the dog while at large.

6.20.020 - Liability for damages (general property damage).

A. It is unlawful for any animal at large or not under direct control of an owner/handler to damage the property belonging to another person or entity.

B. The owner of an animal is liable for damages caused by the animal while the animal is at large or not under direct control.