

**THE PLANNING & ZONING ADVISORY COMMISSION  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE  
Thursday, July 10, 2014 6:00 P.M.**

**P&Z MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

## **AGENDA**

The issues that come before the Planning & Zoning Advisory Commission are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Commission believes that the meeting be a safe place for people to speak. With this in mind, the Commission asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Agenda items may be taken out of order. Please turn off all cell phones. The Commission meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A quorum of Council may be present. One or more members of the Commission may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

**1. Call To Order.**

**2. Opening Ceremonies.**

**2.1. Pledge of Allegiance.**

**3. Roll Call.** Commissioners Claire Clark, Dee Parker, Jeff Siereveld, Barry Smylie and Chair Tammy DeWitt.

**4. Disclosure of Ex Parte Contacts.**

**5. Informational Reports.** Individual members of the Commission and public may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the Commission and public of such events, actions or activities. The Commission will take no discussion, consideration, or action on any such item except that an individual member of the Commission may request an item be placed on a future agenda.

**6. Planner's Update on current events and activities.** No discussion, deliberation or legal action can occur.

**7. Consent Agenda.** All matters listed under the Consent Agenda are considered to be routine by the Commission and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Commissioner's request. If a citizen desires separate consideration of an item, he or she should approach a Commissioner prior to the meeting and ask that the Commissioner request that the item be removed.

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**7.1. Minutes.** Minutes from the May 8, 2014 Planning & Zoning Regular Meeting.

**8. Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

**9. Discussion Agenda – New Business.** Discussion and Possible Action on matters not previously presented to the Commission.

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**9.1. Initial Discussion of Town Code pertaining to Animals.** Council direction to review the town code for animal clean-up, animal structures, kennels and addressing exotic animals.

## **10. Public Hearing Agenda.**

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### **THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

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**11. Comments from the Public.** The Commission wishes to hear from Citizens at each meeting. Those wishing to address the Commission need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Commission. Individuals may address the Commission on any issue within its jurisdiction. At the conclusion of Comments from the Public, Commissioners may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Commissioners are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Comments from the Public is **20** minutes. A 3-minute time limit may be imposed on individuals within this total. The audience is asked to please be courteous and silent while others are speaking.

## **12. Adjourn.**

### **For Your Information:**

Next Town Council Work Session: Tuesday, August 8, 2014 at 2:00 p.m.

Next Town Council Meeting: Tuesday, July 15, 2014 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, August 7, 2014 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

### **Certification of Posting**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2014, at \_\_\_\_ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt. By: \_\_\_\_\_, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

**TOWN OF DEWEY-HUMBOLDT  
PLANNING & ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
MAY 8, 2014, 6:00PM**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, MAY 8, 2014, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR DEWITT PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:03PM.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Made.
3. **Roll Call.** Commissioners Dee Parker, Jeff Siereveld, Barry Smylie and Chair Tammy DeWitt were present; Commissioner Claire Clark was absent.
4. **Disclosure of Ex Parte Contacts.** None.
5. **Informational Reports.** Town Manager Yvonne Kimball made an announcement that this would be Mandi Garfield's last Planning & Zoning meeting, her last day at the Town is May 23, 2014.

6. **Consent Agenda.**

**6.1. Minutes.** Minutes from the March 6, 2014 Planning & Zoning Regular Meeting.

Commissioner Smylie made a motion to approve the March 6, 2014 minutes, seconded by Commissioner Siereveld. The motion passed unanimously.

7. **Discussion Agenda – Unfinished Business.**

**7.1 Proposed Accessory Dwelling Units Ordinance: staff report on additional public input and discussion on next steps.**

Town Manager Kimball spoke on putting an article in the newsletter about receiving comments and concerns from the public regarding ADU's; she summarized the concerns received as follows: Concern that the Roomers and Boarders section of the ADU ordinance was being removed; Secondary Medical Dwelling Units; Kitchen facilities and safety; Size proposed (750 square feet or 25% of the primary structure) not adequate.

Commissioner Smylie spoke on the proposed size and that he has heard similar comments. Chair DeWitt spoke on the proposed size being the same as the County's, keeping the rural environment, and concern with creating multi-family housing.

Town Manager Kimball will put the summary of concerns in writing and submit it to the Commissioners so they can review it and discuss the details at the next meeting.

Jerry Brady spoke on economic as well as political and legal issues with the proposed ADU ordinance and suggested the Commission communicate with the Disabled American Veterans regarding the ordinance.

8. **Discussion Agenda – New Business.**

**8.1 Upcoming workshop provided by Urban Land Institute to Town officials (requested by VM Alen, authorized by Council). Staff report, commission review and discussion.**

Town Manager Kimball spoke on the upcoming Urban Land Institute (ULI) workshop. This item was requested by Vice Mayor Arlene Alen to have ULI conduct a workshop for Town officials.

Town Manager Kimball invited the Commissions to attend the workshop on Monday, May 12, 2014 at 1:30PM at Town Hall. There was discussion about the ULI workshop agenda provided.

Jerry Brady spoke on the Main Street program; Florence, Sedona, and Wickenburg have been successful in utilizing it.

9. **Public Hearing Agenda.** None.

10. **Comments from the Public.**

Jerry Brady spoke on a photographic essay he will be submitting, the paved access to forest service land off end of Newtown road, does not cross private property as it does on Smoki Trail, it is on a ridge top, almost flat, no flood plain, no houses in vicinity; ideal place for trailhead.

11. **Adjourn.** The meeting was adjourned at 6:48PM.

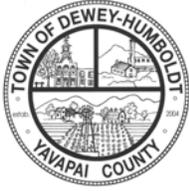
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Tammy DeWitt, Chairperson

ATTEST:

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Mandi Garfield, Administrative Assistant



**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

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**MEETING OF THE PLANNING & ZONING ADVISORY COMMISSION**

**July 10, 2014 6:00 p.m. Town Council Meeting Chambers**

**Agenda Item: 9.1. Town Code Pertaining To Animals**

**To: Planning & Zoning Advisory Commission**

**From: Connie Dedrick, Community Development Coordinator, Temporary**

**Date Submitted: July 3, 2014**

**Recommendation:**

**Summary:** On May 13, 2014 the Town Council declared to send this item to the Planning & Zoning Commission for review. The summary of that discussion is as follows:

“Vice Mayor Allen suggested having the Planning & Zoning Commission review the Animals (and their structures, kennels) portion of the Code with the intent on revising and updating it, looking for missing links, missing definitions, also looking into exotic animals and whether to keep them as pets, etc., much the same as P&Z did with the Sign Code. There was discussion about having P&Z look at this particular section and how it applies to Dewey-Humboldt since this Code was devised from the County’s regulations. Council came to consensus to send this item to the Planning & Zoning Commission for review”. (May 13, 2014 Agenda Summary Item 3.3)

Staff researched and found that there are multiple definitions for same terms such as poultry, livestock, kennel, to name a few. I have enclosed a table for your review.

In researching exotic animals, Staff found that the State of Arizona Game & Fish currently regulates exotic animals and state code R12-4-401 defines exotic and R12-4-406 lists restricted live wildlife. A map titled, *Summary of State Laws Relating to the Private Possession of Exotic Animals* is attached for review.

Staff has enclosed the Town’s code language regarding animals found in the Town Code Title IX General Regulations Chapter 90 and Title XV Land Usage Chapter 153 Sections 153.05, 153.036, 153.066. Staff also reviewed other Cities & Town Codes and I have enclosed the Town of Camp Verde’s for your review. Please note that the Town of Camp Verde has their own police department where the Town of Dewey-Humboldt has a reciprocal agreement with the Yavapai County Sheriff’s Office for animal control.

Staff is seeking your direction on how to proceed with Council’s request. Staff felt that we should start by reviewing and refining the definitions of the current Town code. Due to the reciprocal agreement with Yavapai County Sheriff’s Office for Animal Control, it is Staff’s recommendation that if the future intent is to revise the code that it be revised in the Town of Dewey-Humboldt Code of Ordinances under title XV Land Usage to give in-house Staff the enforcement capabilities.

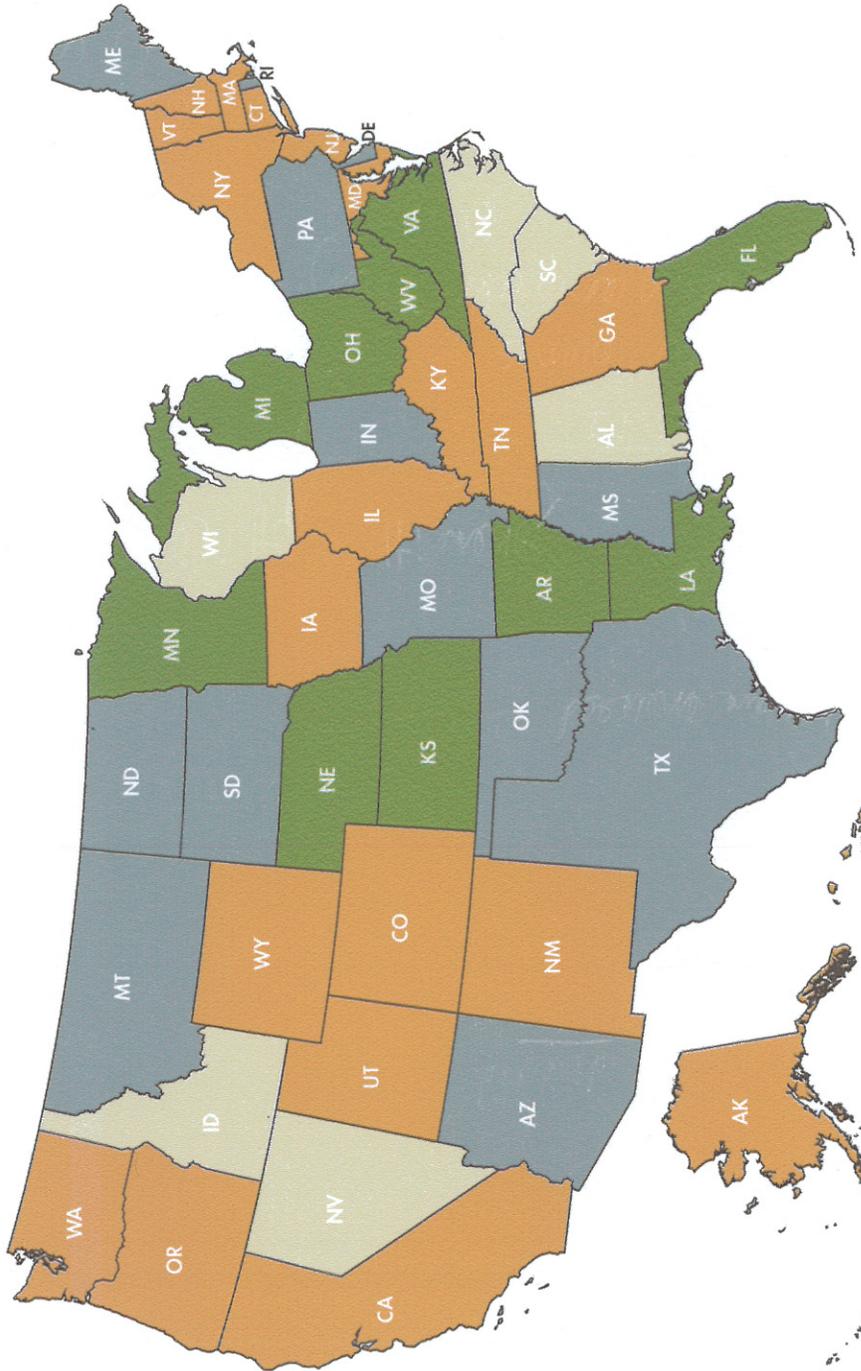
| Definitions            | Terms  |
|------------------------|--|
| <b>Boarding Stable</b> |  |
| Definition 1           | Any facility for boarding, livery, training or riding school or any facility which maintains horses or ponies, mules, donkeys, or burros whether gratuitously or for a fee.  |
| Definition 2           | A structure designed for feeding, housing and exercising of horses not owned by the owner of the premises for consideration.   |
| Definition 3           | Stable, Commercial<br>A structure including but not limited to a corral or paddock for the keeping of horses for remuneration, hire, or sale.  |
| Definition 4           | <b>Stable, Private</b><br>A detached accessory structure including, but not limited to a corral, paddock for the keeping of one or more horses owned or leased by the occupants of the premises which are not kept for remuneration or hire.   |
| <b>Dog</b>             |  |
| Definition 1           | <b>(DH)</b> – A member of the <i>canis lupis familiaris</i> and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.   |
| Definition 2           | Means a member of the <i>canis familiaris</i> species.   |
| <b>Domestic Animal</b> |  |
| Definition 1           | Any animal that is tamed, kept as a companion, and normally cared for affectionately.  |
| Definition 2           | Any animal whose physiology has been determined or manipulated through selective breeding and does not occur naturally in the wild and any animal which can be vaccinated against rabies with an approved rabies vaccine and any animal which has an established rabies quarantine observation period. |
| <b>Exotic</b>          |  |
| Definition 1           | Means wildlife or offspring of wildlife that is not native to North America.   |
| Definition 2           | Any animal born or whose natural habitat is outside the continental United States excluding non-venomous reptiles and fish.  |

| <b>Exotic Continued</b> |   |
|-------------------------|---|
| Definition 3            | Any live non-human primate, alligator, crocodile, cayman, raccoon, skunk, fox, bear, bison, deer, elk, moose, sea mammal, poisonous reptile, constrictor more than six feet in length, member of the feline species including hybrids other than domestic cat, member of the canine species including hybrids other than domestic dog, or any other animal that would require a standard of care and control greater than that required for customary household pets or domestic farm animals |
| <b>Farm Animals</b>     |   |
| Definition 1            | <b>(DH)</b> – Animals other than household pets that shall, where permitted, be permitted to be kept and maintained for commercial production and sale and/or family food production, education, or recreation. Farm Animals are identified as being e.g., horses, cattle, sheep, goats, rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, pigeons, llamas, and alpacas.  |
| Definition 2            | Animals such as horses, ponies, sheep, alpacas, goats, cattle; and poultry, such as chickens ducks, geese and ostriches.  |
| Definition 3            | Animals such as horses, cattle, sheep, goats, swine, or any breed, strain, or crossbreed thereof, bees, poultry and other non-household birds.  |
| <b>Fowl</b>             |   |
| Definition 1            | Means a bird of any kind, domesticated or wild, including <b>poultry</b> .  |
| <b>Kennel</b>           |   |
| Definition 1            | <b>(DH)</b> – Any place where seven or more dogs are owned, kept, boarded, bred and/or offered for sale.  |
| Definition 2            | A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold, all for a fee or compensation.  |
| Definition 3            | An enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains dogs or cats under controlled conditions, for the purpose of operating a related business for profit.  |
| Definition 4            | A facility for commercial boarding, breeding, and training of dogs and/or cats in which all animals are confined indoors.   |

| <b>Kennel Continued</b> |  |
|-------------------------|--|
| Definition 5            | A facility for commercial boarding, breeding, and training of dogs and/or cats in which all animals are confined indoors with the exception of the use of daytime exercise runs.   |
| Definition 6            | A facility for commercial boarding, breeding, and training of dogs and/or cats in which the animals may be worked or housed in outdoor runs.   |
| <b>Livestock</b>        |  |
| Definition 1            | <b>(DH)</b> – Cattle, horses, pigs, sheep, goat or other similar animals other than dogs or domestic house cats.   |
| Definition 2            | Means bovine, equine, sheep, and goats.  |
| Definition 3            | Neat animals, horses, sheep, goats, swine, mules, asses, and llamas  |
| <b>Pets Household</b>   |  |
| Definition 1            | <b>(DH)</b> – Dogs, cats, rabbits, birds, pot belly pigs and the like (and other small animals under 100 pounds), for family use only (noncommercial) with cages, pens, and the like. An owner may keep up to six pets (household, domesticated animals); anything greater than this shall be considered a kennel for purposes of establishing permitted use within a zoning district. |
| Definition 2            | The keeping of “pets” such as dogs and cats, inside birds such as parakeets, parrots, and canaries, also fish and other pets which will at all times be kept in a fully enclosed dwelling or accessory building.   |
| Definition 3            | Shall include dogs, cats, rabbits, rodents, birds, non-poisonous reptiles, and other species of animals which are sold or retained as household pets. Pet animal shall not include skunks, non-human primates, and any other species of wild, exotic, or carnivorous animals that are susceptible to rabies, but not animals that may be vaccinated for rabies.                        |
| <b>Wild Animal</b>      |  |
| Definition 1            | Any animal which occurs naturally in a wild state. This includes any animal which is part wild animal.   |



# Summary of State Laws Relating to the Private Possession of Exotic Animals



**21 states** have a ban on private ownership of exotic animals — at least large cats (some of them ban all wild cats), wolves, bears, reptiles and most non-human primates: Alaska, California, Colorado, Connecticut, Georgia, Hawaii, Illinois, Iowa, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, Oregon, Tennessee, Utah, Vermont, Washington, Wyoming

**10 states** have a partial ban on private ownership of exotic animals — allowing ownership of some exotic animals but precluding others: Arkansas, Florida, Kansas, Louisiana, Michigan, Minnesota, Nebraska, Ohio, Virginia, West Virginia

**13 states** require the "owner" of the exotic animal to obtain a license or permit from the relevant state agency to privately possess the animal (excludes states only requiring import permits): Arizona, Delaware, Indiana, Maine, Mississippi, Missouri, Montana, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Texas

**6 states** have no license or permit requirements, but may regulate some aspect thereof (entry permit, veterinary certificate, etc.) or have no state statute governing this issue: Alabama, Idaho, Nevada, North Carolina, South Carolina, Wisconsin

**TITLE IX: GENERAL REGULATIONS, CHAPTER 90 – ANIMALS**

- 90.01 Definitions
- 90.02 General provisions
- 90.03 Enforcement
- 90.04 Exemptions
- 90.05 Biting animals
- 90.06 Release of impounded dog

**Vicious Animals**

- 90.15 Definitions
- 90.16 Determination of Town Magistrate
- 90.17 Control of dangerous animals
- 90.18 Killing of dangerous animals

**Livestock**

- 90.30 Definitions
- 90.31 Livestock roaming at large
- 90.32 Investigation and enforcement
- 90.33 Payment of citation in lieu of penalties
- 90.99 Penalty

**\*\*\*\*\*ANIMAL CONTROL\*\*\*\*\***

**§ 90.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AT LARGE.** Being neither confined by an enclosure nor an electronic fence capable of restraining the animal, nor physically restrained on a leash.

**DOG.** A member of the canis lupis familiaris and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.

**ENFORCEMENT OFFICER.** Any person responsible for the enforcement of this subchapter and the regulations promulgated hereunder.

**OWNER.** Any person owning, possessing, harboring or maintaining a dog, or any persons acting for, or in the place of, the owner, or having charge of, or having taken charge of, a dog. (Ord. 05-17, passed 10-18-2005)

**§ 90.02 GENERAL PROVISIONS.**

(A) No dog shall be at large except as provided herein. Dogs shall be confined within a suitable enclosure capable of restraining the animal or otherwise physically restrained to prevent entry of dogs on public or private property other than the owner's, or a leash not to exceed six feet in length and of sufficient strength to control the dog.

(B) Any dog over the age of four months shall wear a collar or harness to which is attached a valid rabies tag. Dogs shall not be required to wear a collar or harness with a valid rabies tag attached while being used for control of livestock, while being used or trained for hunting, while being exhibited or trained at a kennel club event, while engaged in races approved by the Arizona Racing Commission or while being transported to and from such events, provided that they are properly vaccinated and controlled.

(C) It shall be unlawful for an owner or any other person or designated responsible person to maintain a dog having a propensity to excessively bark, howl or otherwise disturb the peace and quiet of any town resident.

(Ord. 05-17, passed 10-18-2005) Penalty, see § 90.99

**§ 90.03 ENFORCEMENT.**

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

(B) Town enforcement officers may issue citations to the owner, any other person acting for the owner, or any person exercising control over a dog when a dog is at large. The procedure for the issuance of a notice to appear shall be as provided for peace officers in A.R.S. § 13-3903, except that the enforcement officer shall not make an arrest before issuing the notice. The issuance of citations pursuant to this subchapter shall be subject to the provisions of A.R.S. § 13-3899.

(C) Consistent with A.R.S. § 11-1015 and statutes applying to towns, it is unlawful for any person to interfere with the enforcement officer in the performance of his or her duties pursuant to this subchapter.

(Ord. 05-17, passed 10-18-2005) Penalty, see § 90.99

**§ 90.04 EXEMPTIONS.**

(A) A dog may run at large while participating in field trials, obedience classes, kennel club events, organized school or park-sponsored shows, while assisting its owner or being trained in legal hunting or in herding livestock, while assisting a police officer engaged in law enforcement duties, or while assisting its blind or deaf master, so long as sufficient control is exercised and the control would permit immediate leashing of the dog upon any person's reasonable request.

(B) A dog is allowed to occupy vehicles, including truck beds, without restraint, but upon leaving a vehicle or truck bed, it is considered to be at large.

(Ord. 05-17, passed 10-18-2005)

**§ 90.05 BITING ANIMALS.**

(A) The procedures set forth in Arizona Revised Statutes shall be followed for biting animals.

(B) Domesticated wolves and offspring of domestic animals bred with wild animals or domesticated wolves shall be considered wild animals consistent with the provisions of A.R.S. § 11-1014c.

(Ord. 05-17, passed 10-18-2005)

**§ 90.06 RELEASE OF IMPOUNDED DOG.**

(A) Any person requesting the release of an impounded dog shall provide proof of anti-rabies vaccinations, or shall obtain any applicable vaccination and shall pay for the costs of impoundment. Proof of ownership of the dog may be required prior to release.

(B) Any impounded dog which is not claimed within 72 hours shall be deemed abandoned. Enforcement officers may take possession of abandoned dogs and may place the dog for sale or may dispose of the dog in a humane manner. Any person purchasing an abandoned dog shall obtain applicable anti-rabies vaccinations and pay the applicable and impoundment fees.

(Ord. 05-17, passed 10-18-2005)

\*\*\*\*\*VICIOUS ANIMALS\*\*\*\*\*

**§ 90.15 DEFINITIONS.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**DANGEROUS** or **VICIOUS ANIMAL**. Any animal that bites without provocation, is known to have a propensity, tendency or disposition to bite, or kills or causes injury, including injury to domesticated animals.

(Ord. 05-20, passed 11-15-2005)

**§ 90.16 DETERMINATION OF TOWN MAGISTRATE.**

Following a hearing, the Town Magistrate may declare an animal to be dangerous or vicious if the animal is found to have exhibited a pattern of aggressive behavior which threatens the safety or well-being of persons or domesticated animals, or has caused injury, reasonable apprehension of such injury, or intimidation to any person.

(Ord. 05-20, passed 11-15-2005)

**§ 90.17 CONTROL OF DANGEROUS ANIMALS.**

No person having charge, care, custody or control of an animal determined to be a vicious or dangerous animal shall permit the animal off his or her premises unless the animal is securely restrained.

(Ord. 05-20, passed 11-15-2005) Penalty, see § 90.99

**§ 90.18 KILLING OF DANGEROUS ANIMALS.**

Any law enforcement officer is hereby authorized to destroy any animal determined to be a dangerous or vicious animal when immediately necessary to protect any person or property.

(Ord. 05-20, passed 11-15-2005)

\*\*\*\*\*LIVESTOCK\*\*\*\*\*

**§ 90.30 DEFINITIONS.**

For the purpose of this subchapter the following definition shall apply unless the context clearly indicates or requires a different meaning.

**LIVESTOCK**. Cattle, horses, pigs, sheep, goats, or other similar animals, other than dogs or domestic house cats.

(Ord. 10-74, passed 8-17-2010)

**§ 90.31 LIVESTOCK ROAMING AT LARGE.**

It shall be unlawful for the owner of livestock, a person acting for the owner of livestock or a person exercising control over livestock to permit such livestock to roam at large within the corporate limits of the town. Livestock roaming at large within the corporate limits of the town shall be retrieved by the owner, the person acting for the owner or the person exercising control over such livestock within a reasonable period of time after notification.

(Ord. 10-74, passed 8-17-2010; Am. Ord. 10-78, passed 12-7-2010) Penalty, see § 90.99

**§ 90.32 INVESTIGATION AND ENFORCEMENT.**

Enforcement will only occur upon signed complaint and a preliminary investigation to verify that a violation has in fact occurred. Enforcement of § 90.31 shall be the same as contained in § 90.03 of this chapter. Costs of enforcement shall be borne by the owner of such livestock. Any

livestock roaming at large may be impounded by the Enforcement Officer so designated by the town.

(Ord. 10-74, passed 8-17-2010; Am. Ord. 10-78, passed 12-7-2010)

**§ 90.33 PAYMENT OF CITATION IN LIEU OF PENALTIES.**

(A) *Fines.* The fines for violating the provisions of § 90.31 shall be adopted from time to time by resolution of the Council. Unless the Council determines otherwise, the fines shall be those applicable under § 90.99 of this chapter. Any citation must be paid as stated therein.

(B) *Appearance if fine not paid.* Any person charged with a violation of this § 90.31 shall appear in the Magistrate's Court at a date and time set by the Court for disposition in accordance with § 90.99, unless all fines imposed have been paid at least 24 hours in advance of the scheduled court appearance.

(Ord. 10-74, passed 8-17-2010; Am. Ord. 10-78, passed 12-7-2010)

**§ 90.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) A person who is convicted of a violation of §§ 90.01 through 90.06 is guilty of a Class 2 misdemeanor. As a minimum penalty, a person convicted hereunder shall pay a fine of not less than \$50, which shall not be suspended unless, at the discretion of the court, that person is ordered to perform and complete a minimum of eight hours of community service.

(C) Any person violating the conditions of §§ 90.15 through 90.18 or is in charge of a dangerous animal as defined herein, may be fined in the amount \$250 and be liable for reimbursement of any costs incurred by law enforcement officials in the exercising of their duties.

(D) A person convicted of violating § 90.31 shall be found responsible for a civil code infraction and shall be subject to the civil sanctions on the first offense as set forth in § 10.99 of this code. Thereafter, a violation of § 90.31 shall be a misdemeanor subject to the penalty provisions set forth in § 10.99 of this code. The court may order any person who violates § 90.31 to pay all expenses related to the impounding of the livestock, including shelter, food, handling, transport and veterinarian care. The court may also order any person who violated this chapter to pay all related court fees or costs or penalties.

(Ord. 05-17, passed 10-18-2005; Ord. 05-20, passed 11-15-2005; Am. Ord. 10-78, passed 12-7-2010)

**TITLE XV: LAND USAGE, ZONING REGULATIONS – CHAPTER 153**

**153.005 DEFINITIONS**

**FARM ANIMALS.** *Animals* other than household pets that shall, where permitted, be permitted to be kept and maintained for commercial production and sale and/or family food production, education or recreation. **FARM ANIMALS** are identified as being, e.g., horses, cattle, sheep, goats, rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks, pigeons, llamas and alpacas. See also § 153.066(L) and (P).

**PETS (HOUSEHOLD).** Dogs, cats, rabbits, birds, pot-belly pigs and the like (and other small animals under 100 pounds), for family use only (noncommercial) with cages, pens and the like. An owner may keep up to six pets (household, domesticated animals); anything greater than this shall be considered a kennel for purposes of establishing permitted use within a zoning district.

**KENNEL.** Any place where seven or more dogs are owned, kept, boarded, bred and/or offered for sale.

**§ 153.036 R1L DISTRICT (RESIDENTIAL; SINGLE FAMILY LIMITED)**

Permitted uses for the R1L District (Residential; Single Family Limited to site built structures only) are as follows in this section.

(B) (1) Dwelling unit (site built) for one family on any one lot;

(7) Accessory uses and structures (concurrent with and located on the same lot with the principal uses and structures, and including the following):

(a) Farm animals (except swine) on lots of no less than 70,000 square feet for the convenience and pleasure of the lot owner or occupant, not to exceed the number allowed as per the Allowed Animal Chart in § 153.066. Stables, barns or structures for sheltering or feeding animals must observe the same setbacks or yards as the dwelling unit.

**§ 153.046 M1 DISTRICT (INDUSTRIAL; GENERAL LIMITED).**

Permitted uses for the M1 District (Industrial; General Limited) are as follows in this section.

(A) (1) Intended to provide the type of industrial facilities which, while not necessarily attractive in operational appearances, are installed and operated in a manner so as not to cause inconvenience to other uses in the zoning district (or to adjacent zoning districts).

(2) Where uncertainty exists as to compliance with the intent of this district, in differentiating between the light and heavy character of the proposed use, the Board of Adjustment shall determine.

(B) (1) All principal and accessory uses permitted in any more restrictive zoning district, except dwelling units, mobile home courts, hotels, motels, rooming and boarding houses and similar, and provided further that, unless specifically provided to the contrary, the following are waived:

(a) Requirements for use permits, except for lots contiguous to residential districts;

- (b) Area limitations for uses and buildings;
  - (c) Limitations on hours of operations;
  - (d) Confining uses to closed (or partially closed) buildings; and
  - (e) Prohibitions against livestock and other animals.
- (2) Dispensing of gasoline and similar petroleum products from exposed storage tanks (subject to requirements of Underwriters Laboratories Inc. or similar), provided no such tank shall be located closer than 25 feet to the lot boundaries.
- (3) Manufacturing, machining, tooling, assembly, fabrication, welding, milling, molding, equipping, decorating, glazing, repairing, servicing, cleaning, winding, printing, publishing, pickling, brewing, distilling, salvage (but not wrecking), equipment, material and dead storage yards, plating and polishing, meat packing (no slaughtering except rabbits and poultry), ~~animal treating, boarding, breeding and sales~~, warehousing (including elevators), freight yards, circuses and carnivals, race tracks and stadiums; and
- (4) Signs: see §§ 153.125 through 153.138.
- (C) (1) Yards required: same as for commercial districts;
- (2) Building heights: use permit required to exceed 30 feet or two stories; and
- (3) Building density: no requirements.

(Ord. § 431, passed 9-4-2008)

**§ 153.066 ACCESSORY USES AND STRUCTURES.**

(A) Accessory uses (including facilities and equipment) are permitted in conjunction with any principal use, provided same is compatible and common to the district in which it is located therewith and does not alter the character of the premises; any reference to a permitted use shall be deemed to include such accessory use.

~~(B) Accessory buildings may be attached to or detached from the principal building, except that no accessory building housing fowl or animals (other than domestic pets) may be attached to any dwelling unit.~~

(C) Amateur radio towers and antennas are permitted in all residential districts, with a use permit, provided:

- (1) The structures shall not be located in the required front yard, or required street side yard, or in front of the front line of the dwelling or principal building;
- (2) The structure shall in no case be located nearer than five feet to any side or rear property line;
- (3) The structure does not exceed a height of 15 feet within a required side or rear yard;
- (4) The structure does not exceed the maximum building height of the zoning district in which the structure is located;
- (5) Not more than two such structures shall be erected per lot or parcel; and
- (6) The tower and antenna shall be retractable.

(D) Accessory uses or structures are allowed prior to installation of the principal structure only when a construction permit is issued for the principal structure and construction of same is commenced within six months.

(E) Animal husbandry activities or projects, i.e., Future Farmers of America, 4-H, or any agricultural or large livestock activity/project conducted primarily for educational purposes or school credits, are permitted in any zoning district. The following criteria shall be met:

(1) Active membership must be maintained and verification of such may be required upon request.

(2) The keeping of all animals shall be subject to the regulations of the Yavapai County Environmental Unit and the Health Department.

(3) (a) A sign designating a 4-H member in residence must be posted on the property at all times any such project or activity is in progress.

(b) Under the 4-H exemption, the setback requirements and number of animals allowed per acre do not apply for animals utilized in 4-H projects, with the exception of equine and breeding projects.

(F) Allowed animal chart.

| <i>Allowed Animal Chart</i>   |                 |
|---|-----------------|
| Type  | Animals Allowed |
| Category A - Dairy cow, bison, steer/heifer, horse or other similar size/weight   | 2 per acre*     |
| Category B - Ostrich, miniature horse, llama, alpaca, sheep, goat, emu or other of similar size/weight  | 5 per acre*     |
| Category C - Turkeys, peacocks, geese, pheasants, ducks, pigeons, chinchillas, rabbits, chickens or other similar size/weight toward the total. After one year of age, animal off-spring count as adult animals | 8 per acre*     |
| *And proportionately greater for larger properties  |                 |

(Ord. § 501, passed 9-4-2008)

**B. SEE PART 1 SECTION 103 FOR THE FOLLOWING DEFINITION OF TERMS:**

1. Medical Marijuana (see Part 1 Section 103)
2. Medical Marijuana Designated Caregiver Cultivation Location. (see Part 1 Section 103)
3. Medical Marijuana Dispensary. (see Part 1 Section 103)
4. Medical Marijuana Dispensary Off-Site Cultivation Location. (see Part 1 Section 103)
5. Medical Marijuana Infusion Facility. (see Part 1 Section 103)
6. Medical Marijuana Qualifying Patient. (see Part 1 Section 103)
7. Medical Marijuana Qualifying Patient Cultivation Location. (see Part 1 Section 103)

**SECTION 305 - ANIMALS**

Keeping of farm animals in appropriate locations and circumstances is regarded as being consistent with the Town's rural character. However, the number, size, type or manner in which animals are maintained on any parcel shall not impair the enjoyment or use of nearby properties or violate other legal restrictions to which the properties are subject. Any lot where farm animals are kept must be not less than one-half acre (21,780 sq ft.) in area.

**A. Allowed Livestock:**

Any of the species listed below which are cared for by the property owner or occupant according to the following Animal Points. All livestock activity within the Town limits will be considered an accessory use to the principal use on any parcel except in the Agriculture District.

1. Lots of one-half acre to one acre in area may maintain animals totaling up to 24 points as set forth below.
2. Lots of one acre or more may increase the allowable number of points by an increment of six points for each additional, contiguous quarter acre.

**B. Animal Points Allowed per Acreage**

The allowable type and number of animals permitted on a particular property is computed by the following allotment table:

| <b>SPECIES (or associated types)</b> | <b>POINTS</b> | <b>SPECIES (or associated types)</b>           | <b>POINTS</b> |
|--------------------------------------|---------------|--|---------------|
| Alpacas:                             | 3 POINTS      | Miniature horses, Ponies and Sicilian donkeys: | 6 POINTS      |
| Emus:                                | 3 POINTS      | Ostriches:                                     | 6 POINTS      |
| Pygmy goats:                         | 3 POINTS      | Cattle:  | 12 POINTS     |
| Sheep, Goats:                        | 4 POINTS      | Domestic deer:                                 | 12 POINTS     |
| Llamas:                              | 6 POINTS      | Horses, Mules, and Donkeys                     | 12 POINTS     |

1. **Prohibited Livestock:** Swine are prohibited within residential zones, unless excepted under paragraph 2c.
2. **Exceptions:**
  - a. Young nursing animals are not counted.
  - b. Fowl (chickens, ducks, geese, turkeys and peacocks), rabbits, and guinea pigs, which are cared for by the property owner or occupant as prescribed in Section 305.C.3, are not limited to a maximum number of animals.
  - c. Swine may only be raised on property of an acre or more under the following conditions:
    - 1) One pet or butcher pig per parcel.
    - 2) Additional Swine, breeding or reproduction stock requires Use Permit approval in accordance with Section 305.C.1.
    - 3) All pens containing swine must meet the setback requirements for the zoning district.
    - 4) Additional 4-H or FFA swine will require a Temporary Youth Organization Use Permit as set forth in Section 305.C.2.d below.

### **C. Additional Requirements for Keeping Animals**

1. **Use Permit:** A Use Permit is required for any of the following:
  - a. Any Commercial Livestock Activity that exceeds allowed animal points and defined as raising livestock for sale for pecuniary gain and selling more than one litter, or more than ten animals in one year, other than horses and cattle.
  - b. Any Livestock Breeding Activity as defined as an ongoing breeding project that involves two or more reproducing adults, other than horses or cattle. (Swine breeding is addressed in paragraph B.2.c).
2. **Temporary Youth Organization Use Permit:** The Community Development Director may issue a Temporary Use Permit allowing the following livestock under the following conditions and using reasonable discretion:
  - a. Supervised youth livestock market project of one market animal conducted on property less than one-half acre, or for one swine on less than one acre, for a period specified by a start and stop date not to exceed ten months in duration.
    - 1) One additional market swine project will be allowed with each additional one-half acre, not to exceed 5 swine per parcel.
    - 2) Swine will be restricted to one market swine project per youth organization member.
  - b. Supervised youth livestock market project that exceeds the number of animals allowed according to the animal points on property greater than one-half acre in size.
  - c. An application for the Temporary Use Permit shall be submitted to the Community Development Director, or designee, who shall determine that the application meets the criteria set forth in this Zoning Ordinance. There will be no charge for the Permit.

- d. An application shall bear the signature of the local livestock Youth Advisor acknowledging that the project is a valid youth project, and the signature of at least one parent or guardian, as well as the signature of the youth acknowledging and accepting complete responsibility for the project.
- e. If the Youth Advisor agrees in writing to accept all enforcement responsibility for his/her members, no review will be required by the Community Development Director.
  - 1) In September the Youth Advisor must register with the Community Development Department agreeing to this commitment.
  - 2) The Youth Advisor will provide the following documentation to the Community Development Department by December 1<sup>st</sup>.
    - a) A roster with the name, address and project type for all active members under their supervision.
    - b) Property owner's permission to conduct livestock activity on the subject parcel.
    - c) Parent's statement of responsibility.
    - d) Contact information for the Youth Advisor.
  - 3) A sign must be posted on the property where the livestock activity will be conducted, indicating membership in the Youth Livestock Organization, the year in which the project is conducted, and number of livestock.
  - 4) If complaints are received and compliance cannot be met, the Youth Advisor will notify the Code Enforcement Official and will support any action taken by the Town.
  - 5) The ultimate decision on whether the activity is in compliance with the current Town Code will be made by the Community Development Director or designee.
- f. A decision of the Community Development Director or designee may be appealed to the Town Council pursuant to Section 602 B.
  - i. The livestock market projects shall be of a limited duration specified by a start and stop date not to exceed ten months in one calendar year, allowing for care, feeding and grooming of such animals to be shown and/or sold annually at such events such as the Verde Valley, Yavapai County and/or Arizona State Fair.
  - ii. In the instance that a prize-winning animal is to be entered into competition more than one time, an extension of the permit may be applied for, and after evaluation by the Community Development Department, conditionally extended.

**3. Maintenance of Livestock Facilities.**

- a. All structures and pens for animals shall be maintained in a clean and sightly manner so as not to be a nuisance to their neighbors.
- b. Stables, barns, or structures used for housing or feeding animals must observe the same setbacks or yards as the dwelling unit.

Exception: Lots directly abutting National Forest Service Land, Trust Land and BLM Land in the rear and/or lots directly abutting Designated Open Space may encroach in the rear

setback requirement. The distance from the rear setback is twice the height of the structure. The side setback and front setback must be maintained in all instances.

- c. Where the keeping of such animals becomes a nuisance, as defined in the current Town Code, the Code Enforcement Official shall have the authority to determine a reduction in the number of and/or removal of the animals as necessary to comply with the current Town Code.
- d. The Code Enforcement Official has the authority to determine that removal of the animals in circumstances where they constitute a health or safety hazard to human beings is necessary to comply with the current Town Code.

## **SECTION 306 - MOBILE/MANUFACTURED HOME PARKS (MHP & RV PARKS)**

### **A. Mobile/Manufactured Home and Recreational Vehicle Parks Placement Procedure:**

1. **Permits:** Permits shall be required for all mobile and/or manufactured homes installed, placed, kept or stored within the limits of Camp Verde (except for unoccupied units on sales lots or authorized storage facilities). Permits shall be issued only for the placement of mobile homes/manufactured homes within mobile/manufactured home parks.
  - a. Permits shall be required for all building and structures within mobile/manufactured home or RV parks. It shall be unlawful for any person to construct, maintain or operate any mobile/manufactured home park or RV park within the limits of Camp Verde unless they hold a valid use permit and valid installation permits issued by the Community Development Department for each specific manufactured home, mobile home, or structure.

The fee for all permits shall be determined by resolution of the Town Council. Issuance of permits shall be made by the Community Development Department and shall be contingent upon compliance with all health laws and regulations of the State of Arizona and the County of Yavapai; and this Zoning Ordinance:

Permit applications shall be received and processed according to the current codes.

- b. Applications for permits to construct or enlarge mobile/manufactured home parks or RV parks shall be made in writing, signed by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner. The application shall contain a complete set of plans drawn to scale, showing the location of the proposed mobile/manufactured home park or RV park, and which shall include:
  - 1) The areas and dimensions of the tract of land.
  - 2) The maximum number, location and size of all mobile/manufactured home or RV spaces.
  - 3) The location of any existing buildings and any proposed structures.
  - 4) The location and width of access driveways, roadways, parking areas, walkways, and turn-arounds.