

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Thursday, December 4, 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.**
 - 2.2. **Swearing in of newly appointed Victor Hambrick to the Planning and Zoning Commission.** Council appointed at the November 4, 2014 Regular meeting.
3. **Roll Call.** Commissioners 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.
 - 6.1. **Town Council and Planning & Zoning Joint Session Tentatively Scheduled Date**
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.
 - 7.1. **Minutes.** Minutes from the October 9, 2014 Planning & Zoning Regular Meeting.
8. **Discussion Agenda –New Business.** Discussion and Possible Action on matters not previously presented to the Commission.

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- 9 **8.1 Town Building Code (Town Code of Ordinances Title XV Land Usage Chapter 150 Building Codes) changes as related to the 2012 International Code Council Codes (2012 I-codes) summary presentation.** A presentation by Town Building Safety Staff.
9. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.
- 11 **9.1 “Animal Code” project summary and report.**

10. Public Hearing Agenda.

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

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, December 9, 2014 at 2:00 p.m.

Next Town Council Meeting: Tuesday December 16, 2014 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, January 8, 2014 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at 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
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-8562 ▪ Fax 928-632-7365

MEETING OF THE PLANNING & ZONING ADVISORY COMMISSION

December 4, 2014, 6:00 p.m. Town Council Chambers

Agenda Item: 6.1 Town Council and Planning & Zoning Commission Joint Session

To: Planning & Zoning Commission

From: Connie Dedrick, Community Development Officer

Date Submitted: November 18, 2014

Summary: On October 9, 2014 the Planning & Zoning Commission requested staff to approach the Town Council requesting a joint session to discuss a direction for reviewing the Animal Code, Accessory Dwelling Units and Setbacks.

On November 4, 2014 the Town Council met and discussed the idea of a joint session and the meeting is tentatively scheduled for Thursday, January 8, 2015 at 6:00 p.m. The Council will be discussing their position and direction regarding the Animal Code, Accessory Dwelling Units and Setbacks at the Town Council Work Session scheduled for Wednesday, December 9, 2014.

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**TOWN OF DEWEY-HUMBOLDT
PLANNING & ZONING ADVISORY COMMISSION
REGULAR MEETING MINUTES
OCTOBER 9, 2014, 6:00PM**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, OCTOBER 9, 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 5:58 p.m.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Done
3. **Roll Call.** Commissioners Dee Parker, Jeff Siereveld, Barry Smylie and Chair Tammy DeWitt were present.
4. **Disclosure of Ex Parte Contacts.** None
5. **Informational Reports.** None
6. **Planner's Update on current events and activities.** None

6.1. Update of review of town code sections regarding animals.

Community Development Coordinator (CDC), Connie Dedrick introduced new staff member, Penney Bell, Administrative Assistant, who will be taking minutes for the Planning and Zoning meetings. Following this introduction, she provided a re-cap of the Community outreach meeting held on October 8, 2014, at the Town Council Chambers. The Yavapai County Sheriff's Department was present at the meeting to provide information regarding code enforcement issues and to answer questions. The meeting displayed a lot of emotion and passion due to the subject matter about property owner animals and pets. The main topic centered on dogs and cats and issues regarding limiting the number of animals. Currently the code allows owners to have six (6) household pets (under 100 lbs) without restrictions; more than six (6) would be considered a kennel. She explained this will be the most difficult issue for the commission and the Town Council to address as it will impact a large number of citizens and the majority are not in favor of having a limit on small animals. Another community outreach meeting is tentatively scheduled for November 5th.

Commissioner Barry Smylie asked if there is a way to have an agenda or outline of topics to be discussed at the next outreach meeting to help guide attendees in regards to the subject matter. CDC, Connie Dedrick agreed with this concern and stated that at the next meeting there will be an agenda along with additional mediators to assist in making the meeting more efficient.

Commissioners requested a special work session scheduled prior to the next community outreach meeting for the purpose of organizing an agenda on the specific topics which need to be addressed. Ms. Dedrick agreed that due to the amount of research needed to address the animal codes, a special work session would be beneficial for the commission. Town Clerk, Judy Morgan, commented that the work session would be considered an organized meeting of the commission, which would require public announcement and compliance with open meeting laws, as it would be a public body meeting. Commissioner Smylie made a suggestion to have the opportunity to review a list of concerns and topics the public may want to address at the next meeting as a roadmap for the commission. Ms.

Dedrick stated she has begun the process to have specific information to present to the commission regarding the animal codes, which are under consideration.

7. Consent Agenda.

7.1. Minutes. Minutes from the September 4, 2014 Planning & Zoning Regular Meeting.

A motion was made by Commissioner Jeff Siereveld to approve the September 4, 2014 Commission meeting as presented, seconded by Commissioner Barry Smylie. It was approved unanimously.

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.

8.1. Continued discussion on proposed Ordinance 14-104 regarding Accessory Dwelling Units (ADU).

CDC, Connie Dedrick gave a review of the table outline of the current codes and ordinances, with proposed changes along with staff clarification and public comments and what staff has done to address those specific comments. In addition, there seems to be some misinterpretation regarding the guest home policy and the setback requirements for property and structures on the property. In regards to roomers and boarders, staff recommends the policy remain as stated. This is a complex issue and would be difficult to enforce if restricted. The most controversial issue regarding the ADU code pertains to the matter of kitchens being required for ADU's, and staff believes the current policy which states that kitchens and bathrooms are optional is reasonable and accurate in regards to the current international building codes. If changed, the building code would also need to be modified. This change would also be an enforcement issue if changed. Currently the code states an ADU can be either attached or detached from the primary structure. Staff recommends the code be changed to require the ADU be detached from the primary dwelling, however, this does not prohibit adding room additions to the primary dwelling. It does not allow kitchens to be added within the single family unit, which would result in making it a multi-family unit. As a national standard, ADU's were designed as guest quarters to house family members or visitors for a limited time stay. The current code does not address size for an ADU. Staff recommends limitations on the allowed size of the structure to 25% of the primary structure or 750 sq/ft. In addition, Ms. Dedrick referenced the lawful use of any building, structure or land at the time of the effective date of this chapter may be continued, even if the use does not conform to the provisions hereof. Chair DeWitt clarified this stating that if the use of the ADU was performed illegally in the first place, it would still be considered illegal. Ms. Dedrick spoke on concerns regarding the proposed ordinance violating state or federal statutes pertaining to diminishing property value; which the Town attorney confirmed as not in violation of statute.

Chair DeWitt made a comment on state statute regarding the purpose of having ordinances in place to preserve and protect safety and general welfare of the public and this is our goal in regards to the proposed ordinance changes. There are concerns regarding enforcing the ordinance regarding stay restrictions in the ADU and the secondary medical unit. There needs to be set criteria in place and we would need to look at the building code to make sure there is not any conflict with current building codes regarding these proposed changes.

Commissioner Jeff Siereveld expressed concern regarding septic issues for ADUs.

Ms. Dedrick stated that if the ADU can access the original septic system this would be allowed or they would have the option for adding a separate septic system.

Chair DeWitt stated that the septic issue would be addressed during the permitting process and would be required to comply with current permit ordinances.

Chair DeWitt and commissioners requested staff to coordinate a joint study session with Town Council to address key issues and to establish a clear understanding of the objectives the Town Council has in regards to these ordinances. Chair DeWitt requested to revisit this matter at a future P&Z meeting to include the animal codes.

Public comment was taken on this item.

Karen Books spoke requesting the commission to keep ADU, and animal ordinance issues separate at meetings.

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

9.1. Review of existing District Zoning Setbacks per Town Council request.

CDC Dedrick gave an overview and provided current zoning setbacks and examples of setbacks from Camp Verde, Chino Valley, and Yavapai County and how they compare to D-H. Staff would like to schedule a work session to address this matter.

Chair DeWitt commented in support of the setback ordinance for the health and safety of the public. She furthermore stated the current setback policy supports the General Plan and without setback requirements there would be a number of repercussions to consider such as insurance rates increasing for all entities of the community. We also need to recognize the risk of removing access routes for emergency response vehicles which was evident in the recent Crown King fire. In addition, the Town would need to consider increase of bond ratings. Also, without setback requirements, housing structures would be condensed which would diminish the rural nature of our community. Yavapai Fire District should be involved in this issue as well. In addition, Prop 207 comes into play as once setback requirements are removed they cannot be re-instated. This could potentially cause serious devastation to the future growth and prosperity of our community.

Commissioner Smylie questioned the purpose for the Town Council requesting the commission to review the setback ordinance.

Ms. Dedrick stated that Council requested P&Z to address the issue following a citizen request for a variance. Although the variance request process is available to all citizens of the town, Council thought there may be concerns and/or discrepancies which may need to be evaluated.

Chair DeWitt requested clarification of the criteria for the commission to review the established codes.

Public comment was taken on this item.

Jerry Piper commented on his variance request process for a carport and his opinion of inconsistencies with the approval process.

Chair DeWitt requested staff schedule a joint work session with Town Council to further review the setback ordinance.

Additional public comment was made by Cheryl Taylor regarding setback requirements relating to housing animals. She believes the current codes needs to be more defined and there may be conflict of interest issues which need to be addressed.

Public Hearing Agenda. None

10. Comments from the Public.

Jerry Piper spoke on setbacks for habitable structures and issuing a use permit rather than a variance for his carport.

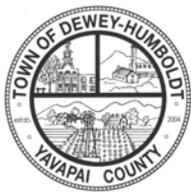
Cheryl Taylor spoke about inconsistencies in actions/decisions made by Town Council, and voiced her concerns that conflict of interest doesn't happen with the animal code.

11. Adjourn. Motion to adjourn made by Dee Parker and seconded by Chair DeWitt. Meeting adjourned at 6:55 p.m.

Tammy DeWitt, Chairperson

ATTEST:

Penney Bell, Administrative Assistant



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MEETING OF THE PLANNING & ZONING ADVISORY COMMISSION

December 4, 2014, 6:00 p.m. Town Council Chambers

Agenda Item: 8.1 Town Building Code (Town Code of Ordinances Title XV Land Usage Chapter 150 Building Codes) changes as they are related to the 2012 International Code Council codes
To: Planning & Zoning Commission

From: Yvonne Kimball, Town Manager

Date Submitted: November 18, 2014

Summary:

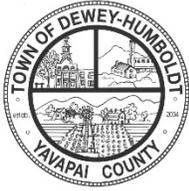
As many of you know, relating to the building codes, the Town is currently using the 2006 International Code Council codes (I-codes) with amendments. Many surrounding municipalities and Yavapai County have made strides to adopt the 2012 I-codes.

Town Council directed staff to proceed with preparing for the 2012 I-codes adoption in August. Since then, staff has been working on the building code changes related to the 2012 I-codes. Actual adoption will likely be in January with an effective date as early as March 2015.

Although this code change does not fall within Planning and Zoning Commission's normal scope of duties, in order to keep the Commission and the public better informed, Town Building Safety staff would like to go over the changes for the Town building code changes, especially as they are related to the 2012 I-codes. For example; comparing with the 2006 I-codes, the 2012 codes requires carbon monoxide alarms to be installed in new homes; would this change be appropriate and why?

Town Building staff will be giving a similar presentation to the public only on December 8 at 10 am and then to the Council at the December 9 work session.

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MEETING OF THE PLANNING & ZONING ADVISORY COMMISSION

DECEMBER 4, 2014 6:00 P.M. Town Council Meeting Chambers

Agenda Item: **9.1 Animal Code Project Summary and Report**

To: Planning & Zoning Advisory Commission

From: Connie Dedrick, Community Development Officer

Date: November 7, 2014

Summary: On May 13, 2014 the Town Council directed the Planning & Zoning Commission to review the current animal code in particular to missing links, missing definitions, exotic animals and kennels. A moving forward plan was developed and approved by the Town Council in August, which included staff research, meeting with Yavapai County Sheriff's Office (who handles the town's animal control services through IGA), discussions with other jurisdictions as well as a community involvement element which was introduced early on to inform on the town code and receive feedback from town residents. Staff has conducted hours of research, held three community outreach meetings since July 2014 and has received feedback from the Commission and Town Council on the issue.

The Animal Code is a very complex and often emotional issue on its own. Moreover, the reality of the Town being a relatively new municipality and encompassing a large area with a variety of different life styles coexisting, adds challenge to finding an easy one-size-fits-all solution. Therefore, addressing animal code issues requires careful considerations.

Community Element:

The following components listed below are primary concerns from feedback from the community, Commission and Town Council, as a result of community meetings, meetings with other agencies, Staff's research and recommendations.

- Preserve the "Rural" lifestyle; rural should be "animal friendly";
- No limits on domestic pet and farm animals;
- Add an animal maintenance and nuisance section into Town Code;
- Exotic Animals;
- Enforce existing animal control laws (Title 90); and
- Complaint Process

The sentiments of those attending the meetings is that residents who have lived here for many years or who have recently moved here because of the rural, small town feel and ability to have open space, and animals. And while neighborly, a more private lifestyle with less governmental regulation versus a more urban area with more governmental regulation. Attendees would like to see a maintenance and nuisance section added to the code and removal of animal limits.

Town meetings (Planning & Zoning Commission/Town Council) have been held on the issue. Similar issues such as barking dogs, dogs "at large", enforcement of current code, disjointed definitions and research/defining kennels were discussed.

One reoccurring theme of community and town meetings has been animal control with the main issues being barking dogs and dogs “at large”. The Yavapai County Sheriff’s Office Animal Control Unit (YCSO) did present at the second meeting to discuss their role in enforcement of these issues as well as the procedure by which a complaint is received and processed.

While the town’s Code Enforcement process was brought up at meetings and briefly discussed, that item is not part of this summary as the summary deals exclusively with the Animal Code Review task.

Research:

In speaking with other jurisdictions in Central/Northern Arizona four jurisdictions have no household pet limits (Clarkdale, Chino Valley, Prescott, Yavapai County) and four jurisdictions have pet limits regarding dogs and/or cats (Camp Verde, Coconino County, Flagstaff, Prescott Valley).

In researching pet limits state wide, many jurisdictions limit the number of dogs through their town code which is enforced by Animal Control. In the majority of cases, the number is limited in their definition of a kennel. The numbers of dogs vary by jurisdiction and there are multiple definitions of what constitutes a kennel i.e. residential kennel, commercial kennel, non-commercial kennel etc.

Currently the state regulates exotic animals. A summary of Arizona Law is included in the packet.

In terms of issues regarding dogs barking and running at large; YCSO tracks the number of complaints i.e. barking dogs, dogs “at large”, viscous dogs and the like. YCSO is complaint driven versus proactive enforcement and covers the entire County. Town staff was recently told that the Animal Control division has been experiencing a staff shortage.

Using the first and second quarter statistics regarding barking dogs (animal noise) and animals “at large”, statistics show that per capita of population versus the number of complaints received by YCSO this is a not a significant issue, however individuals who are continually subjected to barking dogs or animals “at large” feel this a violation of their safety and welfare. A potential solution to persistent dog barking/running at large problems would be to request YCSO take a more proactive enforcement approach which could lead to a higher IGA cost.

YCSO Animal Control Data		
Issue	1st Quarter	2nd Quarter
Animal Noise	8	15
Animals at Large	18	28
Animal Bite	4	5
Animal Neglect	2	3
Viscous Animal	2	4
Animal Pickup	7	8
Total Incidents	41	63
Total Citations	1	6

The number of complaints received by the town regarding the number of animals to date is 4 (2 received for too many horses; 2 received for too many dogs). This information further reveals that per capita of population versus the number of complaints this is a not a significant issue.

Staff’s Recommendation:

The common elements that have triggered review of the Town’s Animal Code are: barking dogs, “at large” complaints, what constitutes a kennel, missing links and missing definitions. YCSO responds to barking and “at large” complaints (Town Code - Title 90) through an Inter-

governmental agreement. Town staff enforces zoning and land use codes in relation to animal numbers through the Town's code via the complaint process. The State currently defines and regulates exotic animals and it is staff's recommendation to leave this regulation with the State.

Using a statistical approach, staff's findings do not support a re-write of the code sections relating to Animals, which are: Title IX Chapter 90 General Regulations, Chapter 90 Animals and sections in Title XV Land Use, Zoning Regulations Chapter 153 (see the attached). However, based on the feedback from the community and the need to address future growth, staff does believe that certain sections of the current Town Code could be revised to address potential weaknesses that may impact the overall public safety and welfare of the community.

Staff has outlined three options for consideration based on the information provided. The options are as follows:

Option 1 – Full Revision of Animal Code

We could consider to include/revise definitions and regulations to include the following:

Agriculture, Agritourism, Animals: Farm/Livestock Animals, Domestic/Household Pets, Exotic Animals, Farm, Farmland, Farm Structure, Kennel, Kennel (residential), Kennel (commercial), Maintenance, Nuisance, Private Ranch, Stable (commercial), Stable (residential). Incorporate a designated Animal Section into the Town Code and criteria relating to care, maintenance/nuisance and performance standards, project animals (4H), and increase animal structure setbacks into the Animal Section for code enforcement purposes. If applicable, determine where allowed uses would be as a matter of right (density district) i.e. kennels, stables, i.e. on larger parcel sizes.

Removal of animal limits all together or removal of household pet numbers with the addition of a well defined maintenance / nuisance section.

Option 2 – Partial Revision of Animal Code

Consider revising the following definitions and regulations:

Farm/Livestock, Domestic/Household Pets, Exotic Animals, Kennel, Kennel (residential), Kennel (commercial), Maintenance and Nuisance, criteria relating to care, maintenance/nuisance and performance standards. If applicable, determine where allowed uses would be as a matter of right (density district) i.e. kennels on larger parcel sizes.

Removal of household pet numbers with the addition of a well-defined maintenance/nuisance section.

Option 2 derives from the items included in Option 1. Option 2 items represent what staff believes would make the most sense considering minimum code changes.

Option 3 – No Revision

No revision of the Town Code. This option appears to be supported by the statistical data regarding animal related complaints.

In moving forward, the Town Council will be meeting on December 9, 2014 to discuss the direction to be taken regarding the Animal Code. A joint session with the Planning & Zoning Commission and Town Council is tentatively scheduled on Thursday, January 8, 2014 at 6:00 p.m. Town staff also wants to confer with our legal counsel for some items relating to animal regulations.

In conclusion, code revision warrants careful considerations. When addressing this and future code revisions, some agencies use a check list to evaluate the needs and feasibility. Based on our research, staff developed a check list to help us to better understand the needs and anticipate what is expected of the operation and the budget. For your convenience, the check list is included as part of summary.

Ordinance Revision Evaluation Sheet

- 1) Is there an existing issue that has prompted the rewrite? What are they? How severe are they? Are they severe enough to infringe the overall public safety and welfare?
- 2) Is the revised code going to be enforceable?
- 3) Are additional resources required i.e. Staff, equipment, money? Can our budget afford the additional resources? If this regulation is enacted, how much will it cost on an annual basis, both public and private? If this regulation is not enacted, what will be the public and private cost?
- 4) Can the identified public interest be protected by other means than legislation (i.e. better enforcement, education, administrative code in lieu of ordinance, etc.)?
- 5) Even though there is an interest to be protected, is it really worth another regulation?
- 6) Is this reactive to a problem? What are the unintended consequences, if any?
- 7) Is the regulation narrowly drafted to avoid imposing a burden on persons or activities that are not affecting the public interest?
- 8) Does the regulation impose a burden on a few property owners for the benefit of the public as a whole? If so, does it provide compensation?
- 9) Does the regulation impact private property rights?
- 10) Has the approach been tried in other jurisdictions? If so, what was the result?

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 (F).

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)

Arizona Summary of Law Regarding Exotic Pets

Persons possessing restricted wildlife must obtain a wildlife holding permit to lawfully possess the animal. The Department issues wildlife holding permits to: (1) individuals who legally possess restricted live wildlife and are moving into the state, (2) for educational display, (3) or advancement of science, and (4) to foster an animal unable to return to the wild. Persons already residing in Arizona are not permitted to possess restricted live wildlife as "pets" unless they qualify for a permit. Restricted live wildlife includes, but is not limited to the following species: all species of Carnivores (canines, felines, excluding domestic); orangutans, chimpanzees, gorillas, alligators, crocodiles, cobras, vipers, etc. However, you can possess all other non-infant primates as "pets" if the animal is free from any zoonotic diseases.

Citation: ARIZ. COMP. ADMIN R. & REGS. [R12-4-406](#); [R12-4-409](#); [R12-4-417](#); [R12-4-425](#); [R12-4-426](#)