

## ORDINANCE NO. 05-17

AMENDING ORDINANCE NO. 05-16, RELATING TO CONTROL OF RABIES AND ANIMAL CONTROL; THIS ORDINANCE REPLACES ORDINANCE NO. 05-16 IN ITS ENTIRETY, BY REMOVING ALL REFERENCES TO LICENSES AND REMOVING THE WORD "PERMITTED" UNDER SECTION 2, GENERAL PROVISIONS, 1. ; DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, AS FOLLOWS:

### SECTION 1. DEFINITIONS

1. "At Large" means being neither confined by an enclosure nor an electronic fence capable of restraining the animal, nor physically restrained on a leash.
2. "Enforcement Officer" means any person responsible for the Enforcement of this Ordinance and the regulations promulgated hereunder.
3. "Owner" means 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.
4. "Dog" means a member of the familiaris and domesticated wolves and offspring of dogs cross-bred with wild animals or domesticated wolves.

### SECTION 2. GENERAL PROVISIONS

1. 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 (six) feet in length and of sufficient strength to control the dog.
2. Any dog over the age of four (4) 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.

3. 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.

### **SECTION 3. ENFORCEMENT**

1. 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 such dog.
2. Town enforcement officers may issue citations to: 1) the owner, 2) any other person acting for the owner, or 3) 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 Ordinance shall be subject to the provisions of A.R.S.13-3899
3. 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 their duties pursuant to this Ordinance.

### **SECTION 4. EXEMPTIONS**

1. 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 such control would permit immediate leashing of the dog upon any person's reasonable request.
2. Dogs are allowed to occupy vehicles, including truck beds, without restraint, but upon leaving a vehicle or truck bed, it is considered to be at large.

## **SECTION 5. BITING ANIMALS**

The procedures set forth in A.R.S. shall be followed for biting animals. 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. Section 11-1014c.

## **SECTION 6. PENALTIES**

1. A person who is convicted of a violation of this Ordinance is guilty of a class 2 misdemeanor. As a minimum penalty, a person convicted hereunder shall pay a fine of not less than fifty dollars, 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.
2. 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. Any impounded dog which is not claimed within seventy two 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.

## **SECTION 7. EMERGENCY CLAUSE**

Whereas the immediate operation of the provisions of this ordinance is necessary for the preservation of the public peace, health and safety of the Town of Dewey-Humboldt, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage, adoption and approval by the Town of Dewey-Humboldt.

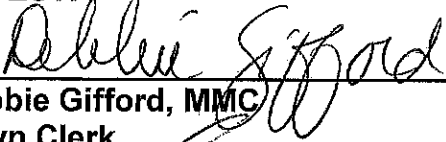
This Ordinance shall be effective upon passage by the Mayor and Town Council.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Yavapai County, Arizona, this 18 day of October, 2005.



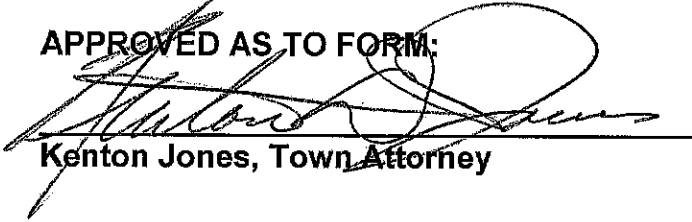
\_\_\_\_\_  
Thomas Hintze,  
Mayor

ATTEST:



\_\_\_\_\_  
Debbie Gifford, MMC  
Town Clerk

APPROVED AS TO FORM:



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Kenton Jones, Town Attorney