

**TOWN COUNCIL OF DEWEY-HUMBOLDT
STUDY SESSION MEETING NOTICE**

Tuesday, June 13, 2017 6:30 P.M.

**COUNCIL STUDY SESSION MEETING
2735 S. HWY 69**

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

AGENDA

The issues that come before the Town Council are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Council believes that the meeting be a safe place for people to speak. With this in mind, the Council asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Council may vote to go into Executive Session for legal advice regarding any matter on the open agenda pursuant to A.R.S. 38-431.03 (A) (3), which will be held immediately after the vote and will not be open to the public. Upon completion of Executive Session, the Council may resume the meeting, open to the public, to address the remaining items on the agenda. Agenda items may be taken out of order. Please turn off all cell phones. The Council meeting may be broadcast via live streaming video on the internet in both audio and visual formats. One or more members of the Council 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. Roll Call. Town Council Members Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt; Vice Mayor Mark McBrady; and Mayor Terry Nolan.

3. Study Session. No legal action to be taken.

Page
3

3.1. Presentation by Debby Pomeroy to propose potential changes to Town Code Title IX, Chapter 90 Animals and possibly other related sections of code. [CAARF/Presentation request approved by Council on 5/2/17]

4. Special Session. Legal action can be taken.

13

4.1. Whether to hold additional special session(s) this month. This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

5. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, June 20, 2017 at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, July 6, 2017 at 6:00 p.m.

Next Town Council Work Session: Tuesday, July 11, 2017 at 2:00 p.m.

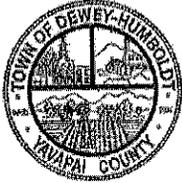
If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

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 _____, 2017, 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.

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

4-24-17
vw

Received
me

COUNCIL AGENDA ACTION REQUEST FORM

Meeting Type: Regular Special Work Session

Meeting Date: May 2, 2017

Date of Request: April 20, 2017

Requesting: Action Discussion or Report Only

Type of Action: Routine/Consent Agenda Regular

Agenda Item Text (a brief description for placement on the agenda; please be exact as this will be the wording used for the agenda):

Allow Debby Pomeroy to present potential changes to Town Code Title IX

Chapter 90 Animals.

Purpose and Background Information (Detail of requested action). DH citizens have

approached me about examining the above mentioned code section. There is a desire to separate the regulations on dogs from the code.

I enlisted Ms. Pomroy, an expert of dog-related legislative issues to help me take a look at the code. She has some suggestions. I ask council to

allow Ms. Pomroy to make a presentation on possible changes to the current "animal code". I also ask that public comments be allowed at that time.

Staff Recommendation(s): _____

Budgeted Amount: N/A

List All Attachments: presentation form

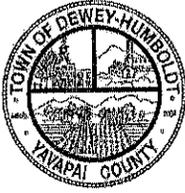
Type of Presentation: Verbal

Special Equipment needed: Laptop Remote Microphone

Overhead Projector Other: _____

Contact Person: CM Wendt

Note: Per Town Code §30.105(D): Any new item will be placed under "New Business" for the council to determine its disposition. It can be acted upon at that meeting, sent to staff for more work, sent to the appropriate board or commission, set for a work session or tabled for a future date, etc.



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ86329
Phone 928-632-8562 ▪ Fax 928-632-7365

Town Council Presentation Request Form

Requests to make a formal Town Council presentation must be approved by the Town Council as a whole at a council meeting. The request form is used to accompany a council member's Council Agenda Request Form (CARF) which would sponsor the presentation request. The Form must be submitted at least four weeks to the sponsoring council member prior to the requested Town Council meeting date. The CARF will be discussed at a council meeting for the Council to determine whether to approve the presentation request. The Town Council meets every first and third Tuesday of the month at 6:30 p.m. for regular sessions. The Council also meets every second Tuesday of the month at 2:00 p.m. for study sessions. The Town Council attempts to limit the length of individual presentations to 30 minutes unless the Council votes to extend that time. If any special equipment is requested, please notify the Town Clerk no less than 72 hours before the Council meeting.

Nature and Description of Presentation (Please note that this form does not apply to commendation and /or proclamation presentations, and individuals who wish to speak at the Comments from the public item on an agenda):

DH citizens have approached me (CM Wendt) about the town animal codes as there is a desire to separate the Animal Code Title IX Chapter 90 to a Dog Ordinance which would separate dog regulations from other animals. I enlisted Ms. Pomeroy, an expert in dog-related legislative issues, to help me take a look at the code.

Ms. Pomeroy is an approved American Kennel Club – Border Terrier Club of America Legislative Liaison since 2006, and has been active in the National Animal Interest governments in Arizona and other States, and most recently at the Federal level. She has raised dogs, for show, agility and the field since 1974. Ms. Pomeroy is currently the Chairman of the Breeders Education Committee for the Border Terrier Parent Club and has served in many capacities since 1986. Ms. Pomeroy owns and operates an Agility Training Facility and host 8 Agility Trials a year in the State of Arizona.

Ms. Pomeroy offered suggestions on writing a separate "dog ordinance" to replace Animal Ordinance Town Code Title IX Chapter 90, by removing livestock and other animals. Ms. Pomeroy also suggest council allow public comments for her presentation.

Please describe the number of participants, any audio or visual equipment that you will set up and utilize, and how long you will require to set up your equipment.

Verbal presentation

Individual, agency, and/or organization attending Town Council meeting:

Name: Debby Pomeroy Phone: 928-636-1267

Council Meeting Date Requested: June 13, 2017: alternate date: _____

Requested by:

Name: CM Wendt

Phone: _____

Address: _____ Email: CM.Wendt@dhaz.gov

If you have any questions about the application process, please contact the Town Clerk's Office at (928)632-7362. Please return this form to the sponsoring council member, Dewey- Humboldt Town Hall, 2735 S. Highway 69, P.O. Box 69, Humboldt, AZ 86329, by fax to (928)632-7365 or by email to the council member (Town Council contact information can be found at www.dhaz.gov/contacts).

For Town Clerk Office Use Only:

Date requested received <u>4/24/17</u>	Sponsoring Council Member <u>CM Wendt</u>
Approved by Council at <u>5/2/17</u> meeting (Mayor Initial _____)	
Not Approved _____	Applicant Notified and Notes: _____
<u>Scheduled for June 13, 2017 Work Session</u>	

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

3 **AT LARGE.** A dog that is not on the premises of the owner or responsible person and is not
4 under the control of the owner or responsible person. Any dog in a suitable enclosure or
5 physically restrained by the owner or responsible person shall not be considered to be at large

6 **CRUELLY MISTREAT.** To beat, cruelly ill-treat, abandon, torment, overwork or otherwise
7 abuse a dog, torture or inflict unnecessary serious physical injury on a dog or to kill a dog in a
8 manner that causes protracted suffering to the dog.

9 **CRUELLY NEGLECT.** Failure to provide care of a dog to include, clean, safe shelter, which
10 provides protection from the weather with sufficient ventilation for hot and cold seasons,
11 adequate food, water, exercise consistent with the normal requirement and feeding needs of the
12 dogs size, species and breed.

13 **DANGEROUS DOG.** A dog that bites without provocation, is known to have a history,
14 tendency or disposition to bite, or kills or causes injury, including injury to domesticated
15 animals.

16 **a. Proper enclosure** for dangerous dog. While on the owner's or responsible person's property
17 a dangerous dog shall be securely confined indoors or outdoors in a securely enclosed and
18 locked pen or structure, suitable to prevent the entry of young children and designed to prevent
19 the animal from escaping. Such pen or structure shall be within a perimeter fence, 10 feet from
20 all property lines, have secure sides, top and floor, large enough for adequate exercise for the
21 size and breed of the dog and shall also provide protection from the elements for the dog.

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

24 **DOG LICENSE:** Valid County dog license shall be affixed to the dogs collar

25 **ENFORCEMENT OFFICER.** Any person responsible for the enforcement of this chapter.

26 **HOUSEHOLD PET.** A domesticated animal, such as a dog, cat, rabbit, bird, rodent, fish, or
27 turtle, that is traditionally kept in the home or on the property for pleasure. ~~rather than for~~
28 ~~commercial purposes~~

29 **IDENIFACATION:** County dog License, Rabies Tag, Microchip

30 **MICRO CHIP.** A device implanted in a dog, used for identification, usually between the
31 withers of a canine.

32 **RABIES VACCINATION.** The administration of a anti-rabies vaccine to a dog by a
33 veterinarian, identified with a Rabies tag.

34 **RESPONSIBLE PERSON.** An owner or person who has possession, care, custody or control
35 of a dog.

36 **UNDER CONTROL:** A dog maybe physically restrained by a leash, rope, cord or chain or
37 other device and under the direct supervision and control of an owner or responsible person
38 Unless in a training or working environment or on personal property and in direct verbal control
39 of the owner or responsible person.

40 **WORKING DOGS.** Dogs kept for the primary purpose of hunting, herding, search and rescue,
41 law enforcement, service dogs, guardian dogs, livestock protection, or other jobs, Livestock
42 protection and guardian dogs can work outside the guidance of their owner.

43 **GENERAL PROVISIONS**

44 **AT LARGE**

45 Dogs shall be confined within a suitable enclosure capable of restraining the dog or otherwise
46 physically restrained to prevent entry of dogs on public or private property other than the
47 owner's, or on a leash of sufficient length and strength to control the dog.

48 **a. Dogs are not At Large if:** participating in field trials, obedience classes, kennel club events,
49 organized school or park sponsored shows while assisting its owner or are working dogs being
50 trained, in hunting or in herding livestock, while assisting a police officer engaged in law
51 enforcement duties, or while assisting a handicapped person in their daily actives, if on
52 personal property and under verbal control. So long as sufficient control is exercised and the
53 control would permit immediate leashing of the dog upon any persons reasonable request.

54 **There are several duties of Assistant Dogs If dogs in beds of pickups are permitted, dogs on**
55 **personal property in control of the owner should be permitted.**

56 **b. A dog is allowed** to occupy vehicles, including truck beds, without restraint, but upon
57 leaving a vehicle or truck bed, it is considered to be at large.

58 **ENFORCEMENT - RUNNING AT LARGE** Any dog, which is running at large, maybe
59 apprehended and impounded by the enforcement officer. The enforcement officer has the
60 right to enter upon private property in order to apprehend any dog that has been running at
61 large, provided the enforcement officer is in reasonable pursuit of the dog.

62 Enforcement Officers may issue citations to the owner, or any responsible person. The
63 procedure for the issuance of a notice to appear shall be as provided by Peace Officers in
64 A.R.S. 13-3903, except that the-enforcement officer shall not make an arrest before issuing the
65 notice. The issuance of citations pursuant to this subchapter shall be subject to the provisions
66 of A.R.S. 13-3899.

67 **Nothing contained herein** shall prohibit or restrict any activity involving working dogs,
68 whether the dog is restrained or not, if the activity is directly related to the working. exhibiting
69 or training of dogs, as pursuant to Title 3 of the Arizona Revised Statutes.

70 ****Any dog over the age of four months shall have a current anti-rabies vaccine and
71 identification tag issued by Yavapai County, wear a collar or harness to which a valid rabies tag
72 and Yavapai County license is attached. Valid identification for "identifying

73 **Dogs shall not be required** to wear a collar or harness with a valid rabies tag attached while
74 being used for control of farm animals while being used or trained as working dog, obedience
75 competition or other dog competition events or hunting or engaged in races approved by the
76 Arizona Racing Commission or while being transported to and from such events, provided that
77 they are properly vaccinated and controlled.

78
79 **ANIMAL CARE (CRUELLY NEGLECT)** No owner shall fail to provide, his dog(s) with
80 adequate food and water, proper shelter and protection from the weather, exercise, or
81 adequate care in a manner appropriate to its breed, age and condition, veterinary care when
82 needed to prevent suffering.

83 No person shall cruelly mistreat or neglect, an animal, or cause, instigate or permit any
84 dogfight, cockfight, bullfight or other combat between animals or between animals and
85 humans.

86 Enforcement officer, on WITNESSING IMMINATE DANGER AND BELIEVES that prompt action
87 is required to protect the health or safety of a dog or the health or safety of other animals
88 may immediately impound any animal that IS DEEMED to be cruelly neglected or otherwise
89 cruelly mistreated as described in this section. The enforcement officer shall then request a
90 hearing pursuant to the chapter for the deposition of the impounded animal.

91
92 **NUISANCE** It shall be unlawful for a responsible person to maintain a dog that excessively
93 barks, howls, or other noises or otherwise disturbs the peace and quiet of nearby neighbors
94 *over 5 mins. or between the hours of 9 p.m. and 6:00 a.m.*

95
96 You may want to Define Excessively by inserting a reasonable time frame a dog may bark.
97 How long does it take a UPS driver to drop off a package or a family arriving home or the
98 neighbors cat sitting on the fence post. Lots of things make dogs bark some very valid. I like
99 the 5 min. limit so people have time to get their dogs in control.

100
101 **MAINTENANCE STANDARDS** - Premises on which dogs are kept shall be maintained in a
102 manner not to unreasonably interfere with the use and enjoyment of the properties of others,
103 including but not limited to compliance with the following maintenance standards:

104 ODORS. emission of odorous gases or other odorous matter shall be contained in such
105 quantities so as not to be offensive, or create a public nuisance or hazard because of poor
106 management.

107 Dog waste shall be removed from pens, yards, cages, and other enclosures and handled or
108 disposed of in an approved manner free of health hazard or public health nuisance.

109 Watering vessels shall be maintained to prevent the buildup of algae and to prevent the
110 breeding of mosquitoes.

111 No rancid material shall be allowed to accumulate on any premises, and all such material used
112 as food which is unconsumed shall be removed and disposed of to prevent infestation of
113 rodents.

114 **Nuisance Prohibited** Violation of section 90.50 shall constitute a nuisance and a violation of
115 this Chapter

116
117 **CONTROL OF DANGEROUS DOG.** No person having charge, care, custody or control of an
118 animal determined to be a vicious or dangerous dog, shall not permit the dog off his or her
119 premises unless the animal is securely restrained on a, no longer than a 4 foot tethering device
120 by a responsible person who can physically keep the animal in control.

121 Proper Enclosure for Dangerous dog. Means, while on the owner's or responsible person's
122 property, a dangerous dog shall be securely confined indoors or outdoors in a securely
123 enclosed and locked pen or structure, within a perimeter fence, the pen shall be constructed
124 at least 10 feet off of all property lines, suitable to prevent the entry of young children and
125 designed to prevent the dog from escaping. Such pen or structure shall be within a perimeter
126 fence, 10 feet from all property lines, have secure sides, top and floor, large enough for
127 adequate exercise for the size and breed of the dog and shall also provide protection from the
128 elements for the dog.

129 **BITING ANIMALS - DANGEROUS AND BITING DOG.** The procedures set forth in Arizona
130 Revised Statutes ARS 11-1014 shall be followed for biting animals.

131 **KILLING OF DANGEROUS DOG.** Enforcement officer is hereby authorized to destroy any dog
132 determined to be dangerous or in the act of putting any person or animal in imminent danger.

133 **RELEASE OF IMPOUNDED DOG** Any person requesting the release of an impounded dog shall
134 provide proof of anti-rabies vaccinations, or shall obtain an anti-rabies vaccination and shall pay
135 for the costs of impoundment, proof of ownership may be required prior to release

136 Any impounded dog which is not claimed within 72 hours with identification on its collar by
137 rabies tag or city or county tag or by micro chipping shall be deemed abandoned. Enforcement
138 officers will make an effort to contact the owner if all identification tags and/or microchip is
139 current. Enforcement officers may take possession of abandoned dogs and may place the dog
140 for sale or may dispose of the dog in a humane manner. Any person purchasing an abandoned
141 dog shall obtain applicable anti-Rabies vaccinations and pay the applicable Fees and
142 impoundment fees.

143 **DETERMINATION OF TOWN MAGISTRATE**

144 **Dangerous Dog** If the Enforcement officer has reason to believe a dog is dangerous to humans
145 or other animals, the Magistrate may file a petition with the towns Magistrate Court for a
146 determination that the dog is dangerous as defined in section 90.01

147 The Towns Magistrate shall notify the owner of the dog of the date ,time and place of a hearing
148 for a determination of a dangerous dog.

149 Following the hearing the town magistrate may declare the dog to be dangerous

150 Each day of non-compliance shall constitute a separate offense.

151 **CITATION ISSUED FOR NUSIANCES** For purposes of this section and 90.50 the enforcement
152 officer shall be the Town Code Enforcement Officer or designee or the County Animal Control
153 Officer

154 It is unlawful for any person to interfere with enforcement officer in the performance of his
155 duties pursuant to this Chapter

156 Investigation Enforcement will only occur upon signed complaint and a preliminary
157 investigation to verify that a violation has in fact occurred

158 Due Process would be Investigation than Enforcement - to compel observance of or obedience
159 to. If the enforcement officer determines there is probable cause to believe that a violation of
160 this Chapter has occurred, he may file a complaint in the Magistrate Court and cause the
161 complaint to be served on the person alleged to be violation this Chapter. The citation shall set
162 forth the specific violation with which the person is charged and the time and place of such
163 violation

164 A person violating any part of the nuisance portion will have 30 days to comply thereafter: Each
165 day of violation continues shall may constitute a separate offense.

166 Fines for violation the provisions of this Chapter shall be adopted from time to time by resolution
167 of the Council. Any person charged with a violation of this Chapter who does not pay the fine
168 shall appear in the Magistrate's Court at a date and time set by the Court for disposition in
169 accordance with 68. 90.99 unless all fines imposed have been paid at least 24 hours in advance
170 of the scheduled court appearance.

171

172

173

174 *Additional note – I, CM Wendt, realized that the proposed amendments to Title IX Chapter 90*
175 *Animals would only address dog related nuisance or maintenance issues. To compensate for the*
176 *change, I suggest to amend the Town Code Title IX Chapter 93 nuisance by adding a section to*
177 *address livestock related nuisance issues.*

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Agenda Item 4.1. Attachment #1 Tentative Agenda List

- the court (Kelley responded for the 6th a go)
- ✦ firewise board activities report and request for council direction on notifying the residents of upcoming events (Vickie Wendt)
- ✦ Code section 31.17 board, commission committee appointments (judy)
- ✦ To have council appoint Ms. Wendt as official council liaison to the Firewise board. [CAARF requested by Mayor Nolan]
- ✦ Tentative budget adoption
- ✦ town new site and Facebook presentation – (Debbie Orbele)

June 8, 2017 Planning and Zoning

- ✦ Continuation of discussion on the development of a strategy proposal to recommend to Council for the addressing of zoning anomalies
- ✦

June 13, 2017 Work Session Council (6.30pm)

- ✦ Allow Debby Pomeroy to present potential changes to Town Code Title IX Chapter 90 Animals. [Approved by Council 5/2 for 6/13 WS- original CAARF from CM Wendt]
- ✦ GP update clarification (Steven Brown)

June 20, 2017 Regular Council

- ✦ ~~Public safety quarterly report~~ (all moved to June 6th instead)
- ✦ university of Arizona superfund research program report
- ✦ Final budget adoption (need be at July 18)
- ✦ FireWise Defensible space grant partnership (contineud from the May 2 meeting; form of agreement; Susan Goodwin attending)
- ✦ Code of ethics ordiannce /resolution (susan goodwin)
- ✦ Library IGA (tentative, waiting for district response)
- ✦ Library lease (tentaive wiating for the servcie IGA to go together)
- ✦ AG conclusion letter (May 19 letter –training) (Open Meeting Law: Discussion of letter of Concern dated May 19, 2017 received from Arizona Attorney General’s office related to complaint of open meeting law violation – February 21, 2017 and March 21, 2017 meetings; Open meeting law training by Town Attorney pursuant to Letter of Concern dated May 19, 2017.)
- ✦ AR – sick leave policy (waiting for Phyllis sending draft)

July 4, 2017 Regular Council – HOLIDAY (Independence Day)

- ✦ tbd

July 6, 2017 Planning and Zoning

Items contained within are tentative in nature. Official meeting agendas are subject to changes without further notices and will be published according to the Open Meeting Law and other applicable codes and regulations.

- ✦ Public Hearing, Z-17-170089 Revision of Plat, LOT 55, BLUE HILLS FARM, Assessor's Parcel Number (APN) 402-03-204.

✦

July 11, 2017 Work Session Council (2 pm)

- ✦ April 1 to June 30 finance report/ FY 16-17 report
- ✦ Building permit report (Jan. 1 to June 30, 2016) (internal note – Steven report on the proposed gas station)
- ✦ Public works quarterly report
- ✦ NACOG Isabel Rollins on grants
- ✦ Public works quarterly report (?, before and after pictures)

July 18, 2017 Regular Council

- ✦ AR cash handling policy/ **Administrative Regulation 17-01 revising AR 09-02 Accounts Receivable Cash Handling Policy.** (internal note- it's been done internally. Just delayed till here)
- ✦ Public Hearing, Z-17-170089 Revision of Plat, LOT 55, BLUE HILLS FARM, Assessor's Parcel Number (APN) 402-03-204.
- ✦ Final budget adoption
- ✦ Private road maintenance (Susan Goodwin memo to council dated 5-17)
- ✦ Public body code of ethics ordinance or resolution (susan goodwin)
- ~~✦ Direct staff to recommend a priority list containing up to 3 roads for the purpose of creating an emergency access looping system in the Blue Hills area [CM Wendt CAARF rec'd 5/30/17]~~
- ✦ P&Z report back to council regarding the GP update

Commented [JM1]: Withdrawn by CM Wendt (email) 6/7/17

August 1, 2017 Regular Council

- ✦ tbd AR – flexible hours (tentative)
- ✦ AR- cash handling policy
- ✦ Ordinance to remove vetting process.

August 3, 2017 Planning and Zoning

- ✦ Sign code 1st hearing (tentative)

August 8, 2017 Work Session Council (6.30pm)

- ✦ code enforcement presentation
- ✦ 4.1 whether to have another work session + whether to cancel the 9/5 council meeting per the 12/20 meeting)
- ✦ Possible amendment of road transaction policy resolution 07-49

August 15, 2017 Regular Council

 Items contained within are tentative in nature. Official meeting agendas are subject to changes without further notices and will be published according to the Open Meeting Law and other applicable codes and regulations.