

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

Tuesday, October 10, 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.

3.1. University of Arizona Superfund Program Update.

3.2. Public Works Quarterly Report.

3.3. Finance Quarterly Report.

4. Special Session. Legal action can be taken.

4.1. Discussion and possible action regarding the property owner's responses received on split zoning issues. [As directed by Council at the August 1, 2017, Work Session]

4.2. Review and discussion, Amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX General Regulations, by adding New Chapter 100 Animals Other Than Dogs related to the control and regulation of domestic animals other than dogs, maintenance standards for domestic animals other than dogs, and enforcement. [Directed by Council to bring back at the September 12, 2017, Work Session]

4.3. Discussion regarding Town Manager Selection calendar.

5. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, October 17, 2017 at 6:30 p.m.

Next Planning & Zoning Meeting: Thursday, November 9, 2017 at 6:00 p.m.

Next Town Council Work Session: Tuesday, November 14, 2017 at 2:00 p.m.

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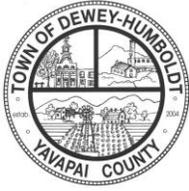
If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Julie Gibson, Town Clerk.

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 5th day of October, 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.



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 ▪ Fax 928-632-7365

TOWN COUNCIL WORK SESSION

October 10, 2017 – 6:30 p.m. Town Council Meeting Chambers

Agenda Item #4.1. Discussion and possible action regarding the property owner's responses received on split zoning issues.

To: Mayor and Town Council

From: Steven Brown, Community Planner/Code Officer

Date submitted: October 5, 2017

Summary:

Review and discussion the results of the property owner's responses to the survey of their desires for resolving the split zoning on their properties.

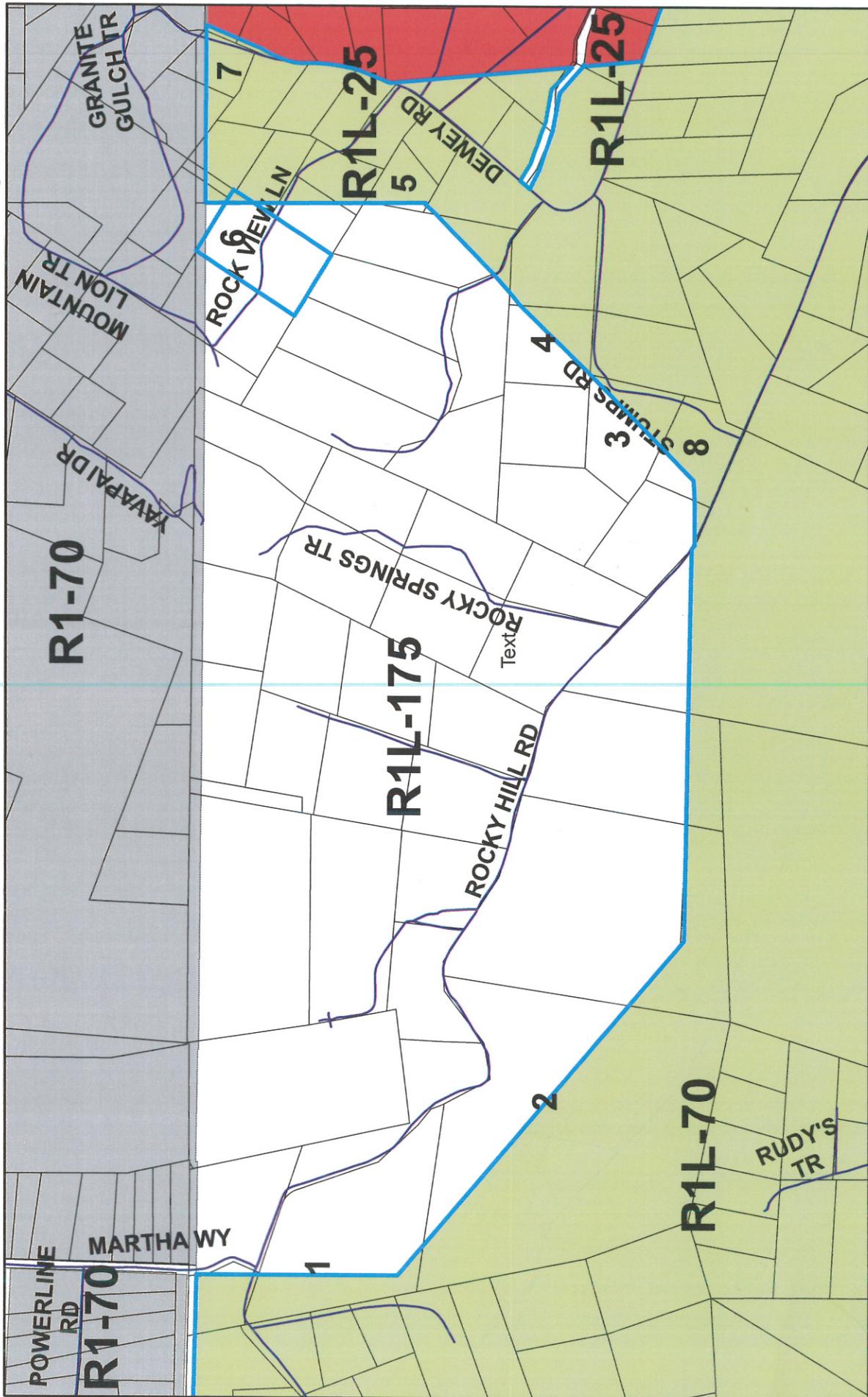
At the August 1, 2017 Council Regular Meeting, Council approved a draft letter to be sent to each of the properties split by the R1L-175, R1L-70 and R1-70 zoning districts in what had been identified as anomaly area 1.

The letters were mailed on August 4, 2017 to the 23 property owners, and we had a total of 8 responses.

The responses are highlighted by number in the attached map of the anomaly area and the attached spreadsheet of all properties receiving survey letters.

It is worth noting that in two cases the property owners with majority R1L-175 zoned portions opted to make the entirety of the properties R1L-175 (4 & 8), and in one case, a property owner with a minority of R1L-175 zoned portion, opted to make the entirety of the property R1L-175 (6) forgoing the opportunity to change to a more dense zoning.

One property owner with R1L-70 and R1-70 zoned property opted to make the entirety of the property R1L-70, retaining the limitation to site-built homes when offered the opportunity to eliminate that limitation.



①

Steven Brown

From: dog1340 [REDACTED]
Sent: Tuesday, August 22, 2017 5:37 PM
To: Steven Brown
Subject: [REDACTED] Rocky Hill rd

Steven my wife and I have just brought
[REDACTED] Rocky Hill rd dewey.
402 04 271d.

We have receive the letter you sent to the Steven Myers in regards to the 2 zoning on the property.
We plan on building a new house on the property and we think the RL70 would be preferable because of how
steep the property is.

Please kept us informed of this mater so we can plan on how to locate the new house.

Thanks John and Nancy Federico

[REDACTED]
[REDACTED]

Sent from my Samsung Galaxy smartphone.

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Steven Brown

From: Kalin Cotter [REDACTED]
Sent: Tuesday, August 22, 2017 7:13 PM
To: Steven Brown
Subject: Re: (APN) 402-04-252

I would like it to be resigned to 1.61 acre single family home parcels

Sent from my iPhone

> On Aug 22, 2017, at 4:54 PM, Steven Brown <StevenBrown@dhaz.gov> wrote:

>

> Kalin:

> The real difference is in the potential density as you say, 4 acres per lot versus 1.61.

> There would be no difference in the taxes unless and until you change or intensify the use or the number of lots on your property. They would be reassessed based on the new use.

> Zoning does not change the taxes.

>

> steven

>

> -----Original Message-----

> From: Kalin Cotter [REDACTED]

> Sent: Saturday, August 12, 2017 8:45 PM

> To: Steven Brown <StevenBrown@dhaz.gov>

> Subject: (APN) 402-04-252

>

> Hello this is "kalin" Jacob cotter an I own the land at the address of [REDACTED] rocky hill rd. I received a letter about my double zoning. I would like to know the difference deterrent the two zones, R1L-175 and R1L-70 besides the residential single family limited from 4 acres and 1.61 acres. Is there a land taxes different between the two. And any other info.

Thanks!

>

> Sent from my iPhone

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Steven Brown

From: peggy boozer [REDACTED]
Sent: Friday, August 18, 2017 3:21 PM
To: Steven Brown
Subject: Peggy Boozer proptery APN 420-04-262j

Steven Brown, I think that rezoning our proptery area would be helpful to many in that area. Re Zoning to R 70 to be able to split the land and build other houses on the splits. Just giving people more opptions. Thank you for letting me have the opportunity to give my opnion. Peggy Boozer,,, Sending from my Smart phone I would appreciate letting me know about the results. [REDACTED]

Sent from my T-Mobile 4G LTE Device

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Terry L. Terrell

[REDACTED]

[REDACTED]

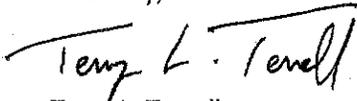
Parcel Number-#(APN) 402-04-262M

8.14.17

Dear Sir:

Per your letter I would like to have my 4.29 acres zoned as R1L-175.

Sincerely;


Terry L. Terrell

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Steven Brown

From: Goat Roapr [REDACTED]
Sent: Tuesday, August 22, 2017 11:02 AM
To: Steven Brown
Subject: Property Zoning

Steven,

I support the rezoning of Parcel # 402-02-261B into R1L-70

Thank you,
Jason Metcalf

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Steven Brown

From: Paul Loschke [REDACTED]
Sent: Sunday, August 13, 2017 8:04 PM
To: Steven Brown
Subject: zoning change

We believe the R1L-175 is best for us.

Loschke Family Trust
928-277-9281

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Steven Brown

From: Debbie Oberle & Todd Cotter
Sent: Monday, August 14, 2017 8:26 AM
To: Steven Brown
Cc: [REDACTED]
Subject: Parcel 402-01-057F

Hi Steven,

We received the letter at home about the split zoning on our parcel. (letter says 420-01-057F, it is 402.....). We would prefer to correct the situation and would prefer to go with R1L-70, site built as that is what our house is. However, this is not a big issue for us, so whatever the majority decides is fine with us.

Thanks!

Debbie Oberle
Town of Dewey-Humboldt
928-632-7362



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 ▪ Fax 928-632-7365

TOWN COUNCIL WORK SESSION

October 10, 2017 – 6:30 p.m. Town Council Meeting Chambers

Agenda Item #4.2. Review and discussion, Amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX General Regulations, by adding New Chapter 100 Animals Other Than Dogs related to the control and regulation of domestic animals other than dogs, maintenance standards for domestic animals other than dogs, and enforcement.

To: Mayor and Town Council

From: Steven Brown, Community Planner/Code Officer

Date submitted: October 5, 2017

Summary:

Review and discussion on proposed amendments to Town of Dewey-Humboldt, Arizona, Code of Ordinances, Title IX General Regulations, New Chapter 100 Animals Other Than Dogs.

At the September 12, 2017, Work Session, Council reviewed the proposed New Chapter 100 Animals Other Than Dogs of the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX General Regulations and directed the Town Attorney to make further revisions and bring back to Council for additional review. The Town Attorney completed the revisions as directed and a copy is included in this packet.

From: Susan Goodwin
Sent: Wednesday, September 13, 2017 2:08 PM
To: 'Lee Elliott'; Steven Brown
Subject: Other domestic animals

Attached is the Other Domestic Animals ordinance in clean and redline (in legislative format). It includes the direction of the Council at the study session. The clean version will be used for adoption. Please note the following:

1. I changed the name of the chapter to “Animals Other than Dogs”. I think that more accurately reflects the content. The use of “domestic” did not fit with reptiles etc.
2. Section 100.01: As directed, I deleted “household pets”. However, I point out that the definition of “farm animals” (from the County) that Councilmember Wendt wanted includes a reference to household pets. Perhaps we can point that out to the Council. I would like to keep the definition, since it is referred to, but I am not going to fall on my sword for it. Also, there is no longer a livestock board. The Department of Agriculture appoints livestock officers. I used that term.
3. Section 100.02 – the provision originally said “No animal shall be at large except as provided herein”. I deleted “except as provided herein” because, unlike dogs, there are no circumstances where an animal is permitted at large.
4. Section 100.98 – code enforcement officers (non-sworn) may not issue citations for criminal citations. They can give warnings and they can swear out long form complaints in front of the magistrate. I made those changes.

Let me know if you think I missed anything.

Susan D. Goodwin
Gust Rosenfeld P.L.C.
One East Washington Street, Suite 1600
Phoenix, Arizona 85004-2553
602.257.7671 (direct)
602.254.4878 (fax)
sgoodwin@gustlaw.com

IMPORTANT & CONFIDENTIAL: This message is from the law firm of Gust Rosenfeld P.L.C. and is for the intended recipient only. It is privileged and confidential information exempt from disclosure under applicable law.

If you are not the intended recipient, any copying, use or distribution is prohibited. If you received this message by mistake, please call me collect at 602.257.7671 and destroy the original message. Thank you.

ORDINANCE N^o-17-140

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE IX GENERAL REGULATIONS, BY ADDING NEW CHAPTER 100 ANIMALS OTHER THAN DOGS RELATED TO THE CONTROL AND REGULATION OF DOMESTIC ANIMALS OTHER THAN DOGS, MAINTENANCE STANDARDS FOR DOMESTIC ANIMALS OTHER THAN DOGS, AND ENFORCEMENT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PENALTIES

Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section I. In General

The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title IX Administration, is hereby amended to add new Chapter 100 Animals Other than Dogs to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

CHAPTER 100 ANIMALS OTHER THAN DOGS

ANIMAL CONTROL

§ 100.01 DEFINITIONS.

FOR THE PURPOSE OF THIS SUBCHAPTER, THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS THE CONTEXT CLEARLY INDICATES OR REQUIRES A DIFFERENT MEANING.

ANIMAL. ANY NONHUMAN MAMMAL, BIRD, REPTILE, AMPHIBIAN OR FISH, OTHER THAN DOGS (CANIS LUPIS FAMILIARIS).

ADEQUATE CARE. THE PROVISION OF ADEQUATE FOOD AND WATER AND APPROPRIATE VETERINARY CARE WHEN NEEDED TO PREVENT SUFFERING.

AT LARGE. NOT ON THE PREMISES OF A RESPONSIBLE PERSON AND NOT UNDER THE CONTROL OF A RESPONSIBLE PERSON.

CRUELLY MISTREAT. TO BEAT, CRUELLY ILL-TREAT, ABANDON, TORMENT, OVERWORK OR OTHERWISE ABUSE AN ANIMAL, TORTURE OR INFLICT

UNNECESSARY SERIOUS PHYSICAL INJURY ON AN ANIMAL OR TO KILL AN ANIMAL IN A MANNER THAT CAUSES PROTRACTED SUFFERING TO THE ANIMAL.

CRUELLY NEGLECT. TO FAIL TO PROVIDE FOR AN ANIMAL'S HEALTH OR SAFETY, INCLUDING BUT NOT LIMITED TO FAILURE TO PROVIDE ADEQUATE FOOD AND WATER

ENFORCEMENT OFFICER. ANY PERSON RESPONSIBLE FOR THE ENFORCEMENT OF THIS CHAPTER.

FARM ANIMALS. ANIMALS OTHER THAN HOUSEHOLD PETS THAT SHALL BE PERMITTED TO, WHERE PERMITTED IN THE ZONING CODE, BE KEPT AND MAINTAINED FOR COMMERCIAL PRODUCTION AND SALE AND/OR FAMILY FOOD PRODUCTION, EDUCATION OR RECREATION. "FARM ANIMALS" INCLUDES BUT IS NOT LIMITED TO HORSES, CATTLE, SWINE, LLAMAS, SHEEP, GOATS, RABITS, CHINCILLAS, CHICKENS, TURKEYS, PHEASANTS, GEESE, DUCKS AND PIGIONS.

LIVESTOCK OFFICER. ANY PERSON EMPLOYED BY THE ARIZONA DEPARTMENT OF AGRICULTURE AS A LIVESTOCK OFFICER, AS THAT TERM IS DEFINED IN A.R.S. § 3-1201

RESPONSIBLE PERSON. AN OWNER OR OTHER PERSON WHO HAS POSSESSION, CARE, CUSTODY OR CONTROL OF AN ANIMAL.

§ 100.02 GENERAL PROVISIONS.

(A) NO ANIMAL SHALL BE AT LARGE IN THE TOWN.

(B) IT SHALL BE UNLAWFUL FOR A RESPONSIBLE PERSON TO MAINTAIN AN ANIMAL THAT EXCESSIVELY EMITS NOISES OR OTHERWISE DISTURBS THE PEACE AND QUIET OF NEARBY NEIGHBORS.

(C) IT SHALL BE UNLAWFUL FOR A RESPONSIBLE PERSON FOR A FARM ANIMAL TO PERMIT SUCH FARM ANIMAL TO RUN AT LARGE WITHIN THE CORPORATE LIMITS OF THE TOWN. FARM ANIMALS ROAMING AT LARGE WITHIN THE CORPORATE LIMITS OF THE TOWN SHALL BE RETRIEVED BY THE RESPONSIBLE PERSON WITHIN TWENTY-FOUR HOURS AFTER NOTIFICATION. IF THE FARM ANIMAL IS NOT RETRIEVED WITHIN SUCH PERIOD OF TIME, THE TOWN WILL REFER THE MATTER TO A LIVESTOCK OFFICER.

(D) *ANIMAL CARE.*

(1) NO RESPONSIBLE PERSON SHALL FAIL TO PROVIDE ADEQUATE CARE TO HIS ANIMALS.

(2) NO PERSON SHALL CRUELLY MISTREAT OR NEGLECT AN ANIMAL.

(3) THE ENFORCEMENT OFFICER OR A LIVESTOCK OFFICER, ON WITNESSING IMMINENT DANGER AND BELIEVES THAT VERY PROMPT ACTION IS REQUIRED TO PROTECT THE HEALTH OR SAFETY OF AN ANIMAL OR THE HEALTH OR SAFETY OF OTHER ANIMALS MAY IMMEDIATELY IMPOUND ANY ANIMAL THAT APPEARS TO BE CRUELLY NEGLECTED OR OTHERWISE CRUELLY MISTREATED. THE ENFORCEMENT OFFICER SHALL THEN REQUEST A HEARING PURSUANT TO THIS CHAPTER FOR THE DISPOSITION OF THE IMPOUNDED ANIMAL.

§ 100.03 ENFORCEMENT; RUNNING AT LARGE.

(A) ANY ANIMAL WHICH IS RUNNING AT LARGE MAY BE APPREHENDED AND IMPOUNDED BY THE ENFORCEMENT OFFICER. THE ENFORCEMENT OFFICER SHALL HAVE THE RIGHT TO ENTER UPON PRIVATE PROPERTY IN ORDER TO APPREHEND ANY ANIMAL THAT HAS BEEN RUNNING AT LARGE, PROVIDED THE ENFORCEMENT OFFICER IS IN REASONABLE PURSUIT OF THE ANIMAL.

(B) ENFORCEMENT OFFICERS MAY CAUSE A COMPLAINT TO BE FILED AGAINST THE RESPONSIBLE PERSON FOR AN ANIMAL RUNNING AT LARGE. THE COMPLAINT SHALL BE SUBJECT TO THE PROVISIONS OF A.R.S. § 13-3899.

§ 100.30 MAINTENANCE

(A) VIOLATION OF THIS § 100.30 SHALL CONSTITUTE A NUISANCE AND A VIOLATION OF THIS CHAPTER.

(B) MAINTENANCE STANDARDS.

PREMISES ON WHICH ANIMALS OR FOWL ARE KEPT SHALL BE MAINTAINED IN A MANNER NOT TO UNREASONABLY INTERFERE WITH THE USE AND ENJOYMENT OF THE PROPERTIES OF OTHERS, INCLUDING BUT NOT LIMITED TO COMPLIANCE WITH THE FOLLOWING MAINTENANCE STANDARDS:

(1) ALL ANIMALS AND FOWL AND THE PENS, STALLS, STABLES, YARDS, SHELTERS, CAGES, AREAS, PLACES AND PREMISES WHERE THEY ARE HELD OR KEPT, SHALL BE SO MAINTAINED THAT THEY DO NOT BECOME A PUBLIC HEALTH NUISANCE.

(2) WATERING TROUGHS SHALL BE EQUIPPED WITH ADEQUATE DRAINAGE TO ALLOW FOR ADEQUATE RUN-OFF TO PREVENT A HEALTH HAZARD.

§ 100.31 NUISANCE PROHIBITED.

VIOLATION OF § 100.30 SHALL CONSTITUTE A NUISANCE AND A VIOLATION OF THIS CHAPTER.

ENFORCEMENT

§ 100.98 CITATION ISSUED TO RESPONSIBLE PERSONS.

(A) FOR PURPOSES OF THIS CHAPTER, THE ENFORCEMENT OFFICER SHALL BE THE TOWN CODE ENFORCEMENT OFFICER OR DESIGNEE OR THE COUNTY ANIMAL CONTROL OFFICER.

(B) IT IS UNLAWFUL FOR ANY PERSON TO INTERFERE WITH THE ENFORCEMENT OFFICER IN THE PERFORMANCE OF HIS DUTIES PURSUANT TO THIS CHAPTER.

(C) ENFORCEMENT WILL ONLY OCCUR UPON SIGNED COMPLAINT AND A PRELIMINARY INVESTIGATION TO VERIFY THAT A VIOLATION HAS IN FACT OCCURRED.

(D) IF THE ENFORCEMENT OFFICER DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED, HE MAY FILE A COMPLAINT IN THE MAGISTRATE COURT AND CAUSE THE COMPLAINT TO BE SERVED ON THE PERSON ALLEGED TO BE VIOLATING THIS CHAPTER. THE COMPLAINT SHALL SET FORTH THE SPECIFIC VIOLATION WITH WHICH THE PERSON IS CHARGED AND THE TIME AND PLACE OF SUCH VIOLATION.

(E) EACH DAY A VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.

(F) FINES FOR VIOLATING THE PROVISIONS OF THIS CHAPTER SHALL BE ADOPTED FROM TIME TO TIME BY RESOLUTION OF THE COUNCIL. ANY PERSON CHARGED WITH A VIOLATION OF THIS CHAPTER WHO DOES NOT PAY THE FINE SHALL APPEAR IN THE MAGISTRATE'S COURT AT A DATE AND TIME SET BY THE COURT FOR DISPOSITION IN ACCORDANCE WITH § 100.99, UNLESS ALL FINES IMPOSED HAVE BEEN PAID AT LEAST 24 HOURS IN ADVANCE OF THE SCHEDULED COURT APPEARANCE.

§ 100.99 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 §§ 100.02 THROUGH 100.04 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) A PERSON CONVICTED OF VIOLATING § 100.02(D) 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 § 100.02(D) SHALL BE A CLASS 2 MISDEMEANOR SUBJECT TO THE PENALTY PROVISIONS SET FORTH IN § 10.99 OF THIS CODE. THE COURT MAY ORDER ANY PERSON WHO VIOLATES § 100.02(D) 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.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ____ day of _____, 2017, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2017.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JULIE GIBSON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-139 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 2017, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2017.

Julie Gibson, Town Clerk

DRAFT

ORDINANCE N^o-17-140

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE IX GENERAL REGULATIONS, BY ADDING NEW CHAPTER 100 ANIMALS OTHER THAN DOGS RELATED TO THE CONTROL AND REGULATION OF DOMESTIC ANIMALS OTHER THAN DOGS, MAINTENANCE STANDARDS FOR DOMESTIC ANIMALS OTHER THAN DOGS, AND ENFORCEMENT; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR PENALTIES

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(1) NO RESPONSIBLE PERSON SHALL FAIL TO PROVIDE ADEQUATE CARE TO HIS ANIMALS.

(2) NO PERSON SHALL CRUELLY MISTREAT OR NEGLECT AN ANIMAL.

(3) THE ENFORCEMENT OFFICER OR A LIVESTOCK OFFICER, ON WITNESSING IMMINENT DANGER AND BELIEVING THAT PROMPT ACTION IS REQUIRED TO PROTECT THE HEALTH OR SAFETY OF AN ANIMAL OR THE HEALTH OR SAFETY OF OTHER ANIMALS MAY IMMEDIATELY IMPOUND ANY ANIMAL THAT APPEARS TO BE CRUELLY NEGLECTED OR OTHERWISE CRUELLY MISTREATED. THE ENFORCEMENT OFFICER SHALL THEN REQUEST A HEARING PURSUANT TO THIS CHAPTER FOR THE DISPOSITION OF THE IMPOUNDED ANIMAL.

§ 100.03 ENFORCEMENT; RUNNING AT LARGE.

(A) ANY ANIMAL WHICH IS RUNNING AT LARGE MAY BE APPREHENDED AND IMPOUNDED BY THE ENFORCEMENT OFFICER. THE ENFORCEMENT OFFICER SHALL HAVE THE RIGHT TO ENTER UPON PRIVATE PROPERTY IN ORDER TO APPREHEND ANY ANIMAL THAT HAS BEEN RUNNING AT LARGE, PROVIDED THE ENFORCEMENT OFFICER IS IN REASONABLE PURSUIT OF THE ANIMAL.

(B) ENFORCEMENT OFFICERS MAY CAUSE A COMPLAINT TO BE FILED AGAINST THE RESPONSIBLE PERSON FOR AN ANIMAL RUNNING AT LARGE. THE COMPLAINT SHALL BE SUBJECT TO THE PROVISIONS OF A.R.S. § 13-3899.

§ 100.30 MAINTENANCE

(A) VIOLATION OF THIS § 100.30 SHALL CONSTITUTE A NUISANCE AND A VIOLATION OF THIS CHAPTER.

(B) MAINTENANCE STANDARDS.

PREMISES ON WHICH ANIMALS OR FOWL ARE KEPT SHALL BE MAINTAINED IN A MANNER NOT TO UNREASONABLY INTERFERE WITH THE USE AND ENJOYMENT OF THE PROPERTIES OF OTHERS, INCLUDING BUT NOT LIMITED TO COMPLIANCE WITH THE FOLLOWING MAINTENANCE STANDARDS:

(1) ALL ANIMALS AND FOWL AND THE PENS, STALLS, STABLES, YARDS, SHELTERS, CAGES, AREAS, PLACES AND PREMISES WHERE THEY ARE HELD OR KEPT, SHALL BE SO MAINTAINED THAT THEY DO NOT BECOME A PUBLIC HEALTH NUISANCE.

(2) WATERING TROUGHS SHALL BE EQUIPPED WITH ADEQUATE DRAINAGE TO ALLOW FOR ADEQUATE RUN-OFF TO PREVENT A HEALTH HAZARD.

§ 100.31 NUISANCE PROHIBITED.

VIOLATION OF § 100.30 SHALL CONSTITUTE A NUISANCE AND A VIOLATION OF THIS CHAPTER.

ENFORCEMENT

§ 100.98 CITATION ISSUED TO RESPONSIBLE PERSONS.

(A) FOR PURPOSES OF THIS CHAPTER, THE ENFORCEMENT OFFICER SHALL BE THE TOWN CODE ENFORCEMENT OFFICER OR DESIGNEE OR THE COUNTY ANIMAL CONTROL OFFICER.

(B) IT IS UNLAWFUL FOR ANY PERSON TO INTERFERE WITH THE ENFORCEMENT OFFICER IN THE PERFORMANCE OF HIS DUTIES PURSUANT TO THIS CHAPTER.

(C) ENFORCEMENT WILL ONLY OCCUR UPON SIGNED COMPLAINT AND A PRELIMINARY INVESTIGATION TO VERIFY THAT A VIOLATION HAS IN FACT OCCURRED.

(D) IF THE ENFORCEMENT OFFICER DETERMINES THERE IS PROBABLE CAUSE TO BELIEVE THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED, HE MAY FILE A COMPLAINT IN THE MAGISTRATE COURT AND CAUSE THE COMPLAINT TO BE SERVED ON THE PERSON ALLEGED TO BE VIOLATING THIS CHAPTER. THE COMPLAINT SHALL SET FORTH THE SPECIFIC VIOLATION WITH WHICH THE PERSON IS CHARGED AND THE TIME AND PLACE OF SUCH VIOLATION.

(E) EACH DAY A VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE.

(F) FINES FOR VIOLATING THE PROVISIONS OF THIS CHAPTER SHALL BE ADOPTED FROM TIME TO TIME BY RESOLUTION OF THE COUNCIL. ANY PERSON CHARGED WITH A VIOLATION OF THIS CHAPTER WHO DOES NOT PAY THE FINE SHALL APPEAR IN THE MAGISTRATE'S COURT AT A DATE AND TIME SET BY THE COURT FOR DISPOSITION IN ACCORDANCE WITH § 100.99, UNLESS ALL FINES IMPOSED HAVE BEEN PAID AT LEAST 24 HOURS IN ADVANCE OF THE SCHEDULED COURT APPEARANCE.

§ 100.99 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 §§ 100.02 THROUGH 100.04 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) A PERSON CONVICTED OF VIOLATING § 100.02(D) 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 § 100.02(D) SHALL BE A CLASS 2 MISDEMEANOR SUBJECT TO THE PENALTY PROVISIONS SET FORTH IN § 10.99 OF THIS CODE. THE COURT MAY ORDER ANY PERSON WHO VIOLATES § 100.02(D) 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.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this ____ day of _____, 2017, by the following vote:

AYES: _____

NAYES: _____ ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2017.

Terry Nolan, Mayor

ATTEST:

Julie Gibson, Town Clerk

APPROVED AS TO FORM:

Gust Rosenfeld, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, JULIE GIBSON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-139 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE ____ DAY OF _____, 2017, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2017.

Julie Gibson, Town Clerk

DRAFT