

ORDINANCE NO. 2017-01

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF EAGAR, APACHE COUNTY, ARIZONA AMENDING THE TOWN CODE OF EAGAR, ARIZONA TITLE 18, BY AMENDING SECTIONS 18.20.050, 18.24.050, 18.28.050, 18.32.050, 18.36.050, 18.40.050, 18.44.050, 18.48.060, 18.52.050 – ZONING, GENERAL PROVISIONS; AND BY AMENDING TITLE 6, SECTIONS 6.04.010, 6.04.040, 6.04.070, 6.04.080, 6.04.090, 6.12.060, 6.12.070, 6.12.080, 6.12.090, 6.12.100, 6.12.110, 6.16.010, AND ADDING CHAPTERS 6.10 AND 6.20. – ANIMALS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EAGAR, AS FOLLOWS:

WHEREAS, the Town of Eagar, Arizona, (the Town), Apache County desires to amend the Eagar Town Code, Title 18 – Zoning, General Provisions pertaining to keeping of animals; and

WHEREAS, the Town desires to amend the Eagar Town Code Title 6 – Animals; and

WHEREAS, the Town desires the Eagar Town Code to be a comprehensible tool to be used by its staff and its citizens; and

WHEREAS, the Town, by removing Title 18 – Zoning, General Provisions as it relates to keeping of animals and incorporating similar language into Title 6 – Animals, believes this will better serve the desires of the Town and its citizens; and

WHEREAS, the proposed amendments to the Eagar Town Code have been discussed and presented to the Town Council of the Town of Eagar.

NOW THEREFORE, be it resolved to adopt the changes attached in Exhibit “A” Title 18, Chapters 18.20.050, 18.24.050, 18.28.050, 18.32.050, 18.36.050, 18.40.050, 18.44.050, 18.48.060, 18.52.050 and that subsections “D” are hereby deleted and will be set out as “Reserved”. All other subsections in chapters in 18.20.050, 18.24.050, 18.28.050, 18.32.050, 18.36.050, 18.40.050, 18.44.050, 18.48.060, 18.52.050 are to remain unchanged – Zoning, General Provisions.

NOW THEREFORE, be it resolved to adopt the changes attached in Exhibit “B”, Title 6, Chapters 6.04.010, 6.04.040, 6.04.070, 6.04.080, 6.04.090, 6.12.060, 6.12.070, 6.12.080, 6.12.090, 6.12.100, 6.12.110, 6.16.010, and adding chapters 6.10 and 6.20 – Animals.

PASSED AND ADOPTED by the Mayor and Town Council of Eagar, Arizona this 7th day of February 2017.

ATTEST:

APPROVED:

Eva M. Wilson, Town Clerk

Bryce Hamblin, Mayor

APPROVED AS TO FORM:

Douglas E. Brown, Town Attorney

Exhibit "A"

Title 18

ZONING*

18.20.050 General Provisions.

D.— Animals, Keeping of.

1.— Piggeries (three or more pigs). No pigsty or piggery shall be built or maintained on marshy ground or land subject to overflow, nor within two hundred feet of any stream, canal or other source of water supply, nor within three hundred feet of an inhabited house or public meetinghouse on an adjoining property.

a.— When garbage is fed to any pig, all unconsumed garbage shall be removed daily and disposed of by burial or incineration.

b.— No organic material furnishing food for flies shall be allowed to accumulate on the premises.

c.— All garbage shall be handled and fed upon platforms of concrete or other impervious material.

d.— Unslaked lime, hypochlorite or lime, borax or mineral oil shall be used daily in sufficient quantities to prevent offensive odors and the breeding of flies.

2.— Domesticated Dogs, Including Pets, Working, Sporting, and Breeding. Except as otherwise permitted in this section, the keeping of dogs in connection with each dwelling shall not exceed a total of four dogs including pets, working, sporting and breeding. With birth of dogs; exceeding more than four will be allowed six months to return the total to four or less.

a.— A resident in the town wishing to keep more than the allowed four dogs, including pets, working, sporting and breeding, shall apply for a conditional use permit with the community development department and have the conditional use permit approved by the planning and zoning commission prior to the police department issuing their "five or more dog permit".

b.— Each individual parcel where a conditional use permit is applied for will require a minimum of ten thousand square feet of property for each dog.

3.— Indoor Pets. The provisions of this section shall not apply to birds, fish and other pets (excluding dogs) that are kept fully within the resident's home.

4.— No animal(s) shall damage or cause the damage to property on adjoining parcels such as fences, trees, buildings, etc. If damage occurs, the community development department may initiate suitable remedies, which may include compensation for damages, responsibility for repairs or the erection of a perimeter fence two feet from all property lines.

5.— Animals (including poultry and rabbits) shall not cause a nuisance (defined as, but not limited to, offensive odor, excessive flies, dust or animal waste) to adjoining property owners or occupants.

6.— A complaint must be made in writing and submitted to the community development department by an occupant within three hundred feet of the offending parcel. The town may also initiate a complaint if a violation occurs. The community development department will then determine complaint validity and take necessary action to resolve the problem. The community development department shall give written notice of the finding and the violator may be cited ten days after, if corrective action is not taken. The action or inaction of the community development department, based on said community development department's interpretation of this section, may be appealed to the board of adjustment. The appeal shall be filed in writing within ten days of

receipt of the community development department's written notice and shall contain an explanation for the appeal and why the complaint is not valid. The board of adjustment's action shall be the final determination of the town. RESERVED.

18.24.050 General Provisions.

18.28.050 General Provisions.

18.32.050 General Provisions.

18.36.050 General Provisions.

18.40.050 General Provisions.

D. — Animals, Keeping of.

1. — Large animals shall be defined as all animals of breeds capable of weighing more than one hundred pounds, such as but not limited to, ostriches, cattle, horses, pigs and sheep, and are typically associated with production, harvest or use. An animal unit shall be defined as a female along with her offspring until weaning. The following shall apply:

a. — A minimum parcel size of one-half acre is required for the keeping of large animals. Exceptions to this include, but are not limited to, the temporary grazing of areas or short-term holding of animals for other reasons, i.e., veterinary care, transportation arrangements, sale.

b. — A conditional use permit can be applied for by individuals requesting the keeping of an animal for a special purpose, such as 4-H or FFA, if the individual does not have a minimum of one-half acre parcel size, and is subject to the following requirements:

i. — The applicant shall complete a conditional use permit application and submit it to the community development department.

ii. — The application shall be reviewed by the planning and zoning commission at their regular meeting at which time it shall be approved for a specified period of time, or denied.

iii. — Payment of the filing fee shall be waived for FFA and 4-H projects.

c. — Piggeries (three or more pigs):

i. — No pigsty or piggery shall be built or maintained on marshy ground or land subject to overflow, nor within two hundred feet of any stream, canal or other source of water supply, nor within three hundred feet of an inhabited house or public meetinghouse on an adjoining property.

ii. — When garbage is fed to any pig, all unconsumed garbage shall be removed daily and disposed of by burial or incineration.

iii. — No organic material furnishing food for flies shall be allowed to accumulate on the premises.

iv. — All garbage shall be handled and fed upon platforms of concrete or other impervious material.

v. — Unslaked lime, hypochlorite or lime, borax or mineral oil shall be used daily in sufficient quantities to prevent offensive odors and the breeding of flies.

2. — Domesticated Dogs, Including Pets, Working, Sporting, and Breeding. Except as otherwise permitted in this section, the keeping of dogs in connection with each dwelling shall not exceed a total of four dogs including pets, working, sporting and breeding. With birth of dogs; exceeding more than four will be allowed six months to return the total to four or less.

a. — A resident in the town wishing to keep more than the allowed four dogs, including pets, working, sporting and breeding, shall apply for a five or more dogs permit with the police

department and have the acreage verified by the community development department prior to the police department issuing their five or more dog permit.

b.— Each individual parcel where a five or more dogs permit is applied for will require a minimum of ten thousand square feet of property for each dog.

3.— Indoor Pets. The provisions of this section shall not apply to birds, fish and other pets (excluding dogs) that are kept fully within the resident's home.

4.— No animal(s) shall damage or cause the damage to property on adjoining parcels such as fences, trees, buildings, etc. If damage occurs, the community development department may initiate suitable remedies, which may include compensation for damages, responsibility for repairs or the erection of a perimeter fence two feet from all property lines.

5.— Animals (including poultry and rabbits) shall not cause a nuisance (defined as, but not limited to, offensive odor, excessive flies, dust or animal waste) to adjoining property owners or occupants.

6.— A complaint must be made in writing and submitted to the community development department by an occupant within three hundred feet of the offending parcel. The town may also initiate a complaint if a violation occurs. The community development department will then determine complaint validity and take necessary action to resolve the problem. The community development department shall give written notice of the finding and the violator may be cited ten days after, if corrective action is not taken. The action or inaction of the community development department, based on said community development department's interpretation of this section, may be appealed to the board of adjustment. The appeal shall be filed in writing within ten days of receipt of the community development department's written notice and shall contain an explanation for the appeal and why the complaint is not valid. The board of adjustment's action shall be the final determination of the town. RESERVED.

18.44.050 General Provisions.

D.— Animals, Keeping of.

1.— Domesticated Dogs, Including Pets, Working, Sporting, and Breeding. Except as otherwise permitted in this section, the keeping of dogs in connection with each dwelling shall not exceed a total of four dogs including pets, working, sporting and breeding. With birth of dogs; exceeding more than four will be allowed six months to return the total to four or less.

a.— A resident in the town wishing to keep more than the allowed four dogs, including pets, working, sporting and breeding, shall apply for a conditional use permit with the community development department and have the conditional use permit approved by the planning and zoning commission prior to the police department issuing their "five or more dog permit".

b.— Each individual parcel where a conditional use permit is applied for will require a minimum of ten thousand square feet of property for each dog.

2.— Indoor Pets. The provisions of this section shall not apply to birds, fish and other pets (excluding dogs) that are kept fully within the resident's home.

3.— No animal(s) shall damage or cause the damage to property on adjoining parcels such as fences, trees, buildings, etc. If damage occurs, the community development department may initiate suitable remedies, which may include compensation for damages, responsibility for repairs or the erection of a perimeter fence two feet from all property lines.

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18.48.060 General Provisions.

18.52.050 General provisions.

D.—Animals, Keeping of.

1.—Large animals shall be defined as all animals of breeds capable of weighing more than one hundred pounds, such as but not limited to, ostriches, cattle, horses, pigs and sheep, and are typically associated with production, harvest or use. An animal unit shall be defined as a female along with her offspring until weaning. The following shall apply:

a.—A minimum parcel size of one-half acre is required for the keeping of large animals.

Exceptions to this include, but are not limited to:

i.—The temporary grazing of areas or short-term holding of animals for other reasons, i.e., veterinary care, transportation arrangements, sale.

b.—A conditional use permit can be applied for by individuals requesting the keeping of an animal for a special purpose, such as 4-H or FFA, if the individual does not have a minimum of one-half acre parcel size, and is subject to the following requirements:

i.—The applicant shall complete a conditional use permit application and submit it to the community development department.

ii.—The application shall be reviewed by the planning and zoning commission at their regular meeting at which time it shall be approved for a specified period of time, or denied.

iii.—Payment of the filing fee shall be waived for FFA and 4-H projects and may be waived for other individuals at the direction of the town council.

c.—Piggeries (Three or More Pigs):

i.—No pigsty or piggery shall be built or maintained on marshy ground or land subject to overflow, nor within two hundred feet of any stream, canal or other source of water supply, nor within three hundred feet of an inhabited house or public meetinghouse on an adjoining property.

ii.—When garbage is fed to any pig, all unconsumed garbage shall be removed daily and disposed of by burial or incineration.

iii.—No organic material furnishing food for flies shall be allowed to accumulate on the premises.

iv.—All garbage shall be handled and fed upon platforms of concrete or other impervious material.

v.—Unslaked lime, hypochlorite or lime, borax or mineral oil shall be used daily in sufficient quantities to prevent offensive odors and the breeding of flies.

2.—Domesticated Dogs, Including Pets, Working, Sporting, and Breeding. Except as otherwise permitted in this section, the keeping of dogs in connection with each dwelling shall not

exceed a total of four dogs including pets, working, sporting and breeding. With birth of dogs; exceeding more than four will be allowed six months to return the total to four or less.

a.— A resident in the town wishing to keep more than the allowed four dogs, including pets, working, sporting and breeding, shall apply for a conditional use permit with the community development department and have the conditional use permit approved by the planning and zoning commission prior to the police department issuing their "five or more dog permit".

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3.— Indoor Pets. The provisions of this section shall not apply to birds, fish and other pets (excluding dogs) that are kept fully within the resident's home.

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5.— Animals (including poultry and rabbits) shall not cause a nuisance (defined as, but not limited to, offensive odor, excessive flies, dust or animal waste) to adjoining property owners or occupants.

6.— A complaint must be made in writing and submitted to the community development department by an occupant within three hundred feet of the offending parcel. The town may also initiate a complaint if a violation occurs. The community development department will then determine complaint validity and take necessary action to resolve the problem. The community development department shall give written notice of the finding and the violator shall be cited ten days after, if corrective action is not taken. The action or inaction of the community development department, based on said community development department's interpretation of this section, may be appealed to the board of adjustment. The appeal shall be filed in writing within ten days of receipt of the community development department's written notice and shall contain an explanation for the appeal and why the complaint is not valid. The board of adjustment's action shall be the final determination of the town. RESERVED.

Exhibit "B"

Title 6

ANIMALS*

Chapters:

- 6.04 Rules and Regulations
- 6.08 Impoundment of Animals
- 6.10 LARGE ANIMALS
- 6.12 Dogs
- 6.16 Enforcement
- 6.20 LIABILITY

CHAPTER 6.04

RULES AND REGULATIONS

Sections:

- 6.04.010 Definitions.
- 6.04.020 Dangerous or vicious animals.
- 6.04.030 Wild animals.
- 6.04.040 Public nuisance.
- 6.04.050 Animals at large.
- 6.04.060 Disturbing the peace.
- 6.04.070 Diseased animals.
- ~~6.04.080~~ ~~Removal of suspected diseased animals.~~
- 6.04.090080 Cruelty to animals.

6.04.010 Definitions.

A. "At large" means off the premises of the owner or not under the control of the owner, or other persons acting for or on behalf of the owner.

B. "Collar" means a band, chain, harness or suitable device worn around the neck of the dog to which a license may be affixed.

C. "Dangerous" or "vicious" means an animal or dog which has a propensity to attack, to cause injury or otherwise endanger the safety of human beings without provocation or which has been found to be a vicious animal by a court of competent authority, which bites, inflicts physical injury on or attacks a human being, or constitutes a physical threat to other animals.

D. "Dog" means a member of the "canis families" family.

E. "Owner" means any person owning, keeping, possessing, harboring, or maintaining a dog or an animal.

F. "Pound" means any establishment authorized by the town for the confinement, maintenance, safekeeping, and control of dogs that come into custody of the animal control officer.

G. "Vaccination" means an anti-rabies vaccination using a type of vaccine approved by the State Veterinarian.

H. "Animal control officer" means the animal control officer of the town, his designee or any peace officer responsible for the enforcement of this chapter.

I. "Containment" means a structure or device that prevents the animal from leaving the owner's property or control.

J. "Animal" or "animals" means horses, mules, burros, cattle, goats, sheep, swine, llamas, ostriches, emus, or other livestock, poultry, or any other animal that is susceptible to rabies, except man.

K. "Wild animal" means an animal of a wild nature or disposition.

L. "Directly under control" means the person responsible for the animal must be in sight of the animal; must be able to immediately control the actions of the animal and must ensure the animal does not leave the responsible person's property. (Ord. 2006-11 Exh. A (part), 2006: Ord. 99-4 (part), 1999; Ord. 97-1 (part), 1997)
(Ord. No. 2010-01, Exh. A, 1-5-10)

6.04.040 Public nuisance.

Any animal or animals that does any of the following are declared to be a public nuisance, and may be impounded by the animal control officer from private property in response to a complaint by a person concerning this section if: the nuisance is continuing, the complaining person is willing to press charges and the owner or caretaker is not present to take control of the animal and stop the nuisance. The owner will bear the cost of the impound and feed. It is unlawful for any person to permit such animal or animals to:

- A. Molest passersby or passing vehicles;
- B. Attack other animals OFF OF AN OWNERS PROPERTY;
- C. Trespass on school grounds;
- D. Repeatedly be at large;
- E. Damage public or private property;
- F. Repeatedly cause garbage to be thrown about;
- G. Disturb the peace.

H. ANIMALS (INCLUDING POULTRY AND RABBITS) SHALL NOT CAUSE A NUISANCE (DEFINED AS, BUT NOT LIMITED TO OFFENSIVE ODOR, EXCESSIVE FLIES, DUST OR ANIMAL WASTE) TO ADJOINING PROPERTY OWNERS OR OCCUPANTS. (Ord. 2006-11 Exh. A (part), 2006: Ord. 97-1 (part), 1997)

6.04.070 Diseased animals.

No animal afflicted with a contagious or infectious disease shall be allowed to run at large or be exposed to any public place whereby the health of man or beast may be affected. EVERY OWNER OR OTHER PERSON KNOWING OR SUSPECTING THAT AN ANIMAL HAS RABIES SHOULD IMMEDIATELY NOTIFY THE ANIMAL CONTROL OFFICER WHO SHALL EITHER REMOVE THE ANIMAL TO THE POUND OR SUMMARILY DESTROY IT, EXCEPT IN CASES WHERE THE STATE HEALTH OFFICER OR STATE VETERINARIAN IS EMPOWERED TO ACT. (Ord. 2006-11 Exh. A (part), 2006: Ord. 97-1 (part), 1997)

~~6.04.080~~ Removal of suspected diseased animals.

~~It shall be unlawful for any person knowing or suspecting an animal, which has rabies, or with a contagious or infectious disease to allow such an animal to be taken off his premises or beyond the limits of the town without the written permission of the animal control officer. Every owner or other person knowing or suspecting that an animal has rabies should immediately notify the animal control officer who shall either remove the animal to the pound or summarily destroy it, except in cases where the state health officer or state veterinarian is empowered to act. (Ord. 2006-11 Exh. A (part), 2006: Ord. 97-1 (part), 1997).~~

~~6.04.090~~ 6.04.090080 Cruelty to animals.

A. Any person owning or acting for the owner of any animal shall provide said animal with sufficient wholesome and nutritious food, water in sufficient quantity within an eighteen-hour period. All dogs shall be maintained in such a manner as to provide with humane care and treatment. No person shall:

1. Recklessly subject any animals or poultry to cruel mistreatment; or
2. Recklessly subject any animal or poultry under the person's custody or control to cruel neglect or abandonment; or
3. Recklessly kill any animal or poultry under the custody or control of another without either legal privilege or consent of the owner; or
4. Intentionally interfere with, kill or harm a working or service animal without either legal privilege or consent of the owner.

B. It is a defense to subsection A of this section if any person exposes poison to be taken by a dog which has killed or wounded livestock or poison to be taken by predatory animals on premises owned, leased or controlled by the person for the purpose of the protection of such person or the person's livestock or poultry, and the treated property is kept posted by the person who authorized or performed the treatment until such poison has been removed, and such poison is removed by the person exposing the poison after the threat to such person, the person's livestock or the person's poultry has ceased to exist. The posting required shall be in such manner as to provide adequate warning to persons who enter the property by the point or points of normal entry. The warning notice which is posted shall be of such size that it is readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning."

CHAPTER 6.10

LARGE ANIMALS

SECTIONS:

6.10.010 LARGE ANIMALS.

6.10.010 LARGE ANIMALS.

1. LARGE ANIMALS SHALL BE DEFINED AS ALL ANIMALS OF BREEDS CAPABLE OF WEIGHING MORE THAN ONE HUNDRED POUNDS, SUCH AS BUT NOT LIMITED TO, OSTRICHES, CATTLE, HORSES, PIGS AND SHEEP, AND ARE TYPICALLY ASSOCIATED WITH PRODUCTION,

HARVEST OR USE. AN ANIMAL UNIT SHALL BE DEFINED AS A FEMALE ALONG WITH HER OFFSPRING UNTIL WEANING. THE FOLLOWING SHALL APPLY:

A. A MINIMUM PARCEL SIZE OF ONE-HALF ACRE IS REQUIRED FOR THE KEEPING OF LARGE ANIMALS. EXCEPTIONS TO THIS INCLUDE, BUT ARE NOT LIMITED TO,

I. THE TEMPORARY GRAZING OF AREAS OR SHORT-TERM HOLDING OF ANIMALS FOR OTHER REASONS, I.E., VETERINARY CARE, TRANSPORTATION ARRANGEMENTS, SALE.

B. A PERMIT CAN BE APPLIED FOR BY INDIVIDUALS REQUESTING THE KEEPING OF AN ANIMAL FOR A SPECIAL PURPOSE, SUCH AS 4-H OR FFA, IF THE INDIVIDUAL DOES NOT HAVE A MINIMUM OF ONE-HALF ACRE PARCEL SIZE, AND IS SUBJECT TO THE FOLLOWING REQUIREMENTS:

I. THE APPLICANT SHALL COMPLETE A PERMIT APPLICATION AND SUBMIT IT TO THE ANIMAL CONTROL DIVISION.

II. THE APPLICATION SHALL BE REVIEWED BY THE ANIMAL CONTROL OFFICER AND CHIEF OF POLICE AT WHICH TIME IT SHALL BE APPROVED FOR A SPECIFIED PERIOD OF TIME, OR DENIED.

III. PAYMENT OF THE FILING FEE SHALL BE WAIVED FOR FFA AND 4-H PROJECTS.

2. PIGGERIES (THREE OR MORE PIGS). NO PIGSTY OR PIGGERY SHALL BE BUILT OR MAINTAINED ON MARSHY GROUND OR LAND SUBJECT TO OVERFLOW, NOR WITHIN TWO HUNDRED FEET OF ANY STREAM, CANAL OR OTHER SOURCE OF WATER SUPPLY, NOR WITHIN THREE HUNDRED FEET OF AN INHABITED HOUSE OR PUBLIC MEETINGHOUSE ON AN ADJOINING PROPERTY.

A. WHEN GARBAGE IS FED TO ANY PIG, ALL UNCONSUMED GARBAGE SHALL BE REMOVED DAILY AND DISPOSED OF BY BURIAL OR INCINERATION.

B. NO ORGANIC MATERIAL FURNISHING FOOD FOR FLIES SHALL BE ALLOWED TO ACCUMULATE ON THE PREMISES.

C. ALL GARBAGE SHALL BE HANDLED AND FED UPON PLATFORMS OF CONCRETE OR OTHER IMPERVIOUS MATERIAL.

D. UNSLAKED LIME, HYPOCHLORITE OR LIME, BORAX OR MINERAL OIL SHALL BE USED DAILY IN SUFFICIENT QUANTITIES TO PREVENT OFFENSIVE ODORS AND THE BREEDING OF FLIES.

3. INDOOR PETS. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BIRDS, FISH AND OTHER PETS (EXCLUDING DOGS) THAT ARE KEPT FULLY WITHIN THE RESIDENT'S HOME.

CHAPTER 6.12

DOGS

Sections:

- 6.12.010 Fees.
- 6.12.020 Adoption.
- 6.12.030 Applicability of chapters to dogs.
- 6.12.040 Licenses and tags generally.

- 6.12.050 Vaccination required.
- 6.12.060 Dog at large.
- 6.12.070 Impoundment of dogs.
- ~~6.12.080 Liability for damages.~~
- ~~6.12.090~~080 Biting dogs.
- ~~6.12.100~~090 Rabies epidemic.
- ~~6.12.110 Five or more dogs permit.~~

6.12.060 Dog at large.

A. Any person owning, keeping, possessing, harboring or maintaining a dog shall have the dog contained, on a leash or directly under control. A dog not contained, on a leash or directly under control shall be considered at large.

B. A dog is not deemed to be at large:

1. While said dog is actively engaged in dog obedience training and is accompanied by and under the control of his owner or trainer;
2. While such dog is being used for hunting purposes;
3. While such dog is being exhibited or trained at a recognized kennel club event, public school or park sponsored event;
4. While such dog is engaged in races approved by the Arizona Racing Commission;
5. This section shall not apply to a police dog while in the performance of duty.

6.12.070 Impoundment of dogs.

A. The animal control officer may apprehend and impound any dog found without a current valid license tag; any dog with or without a current valid license tag, any dog which is found running at large; any dog disturbing the peace; any dog which bites any person; or any dog which is a public nuisance as defined in Section 6.04.040. Said officer shall have the right to enter upon private property, when it is necessary to do so, in order to apprehend any dog subject to impoundment.

B. Each unlicensed dog impounded shall be kept and maintained at the pound for a minimum of ~~three~~ FIVE days. At the expiration of the impoundment period, anyone may claim the dog provided that such person pays all established impound fees and completes the licensing provisions of this chapter. If no person claims the dog, the animal control officer may dispose of the dog in a humane manner.

C. The animal control officer shall notify the owner in person or by mail or by notice placed at the residence of the owner of any licensed dog impounded under the provisions of this chapter.

D. The owner or caretaker of any dog removed from private property and impounded under this section will be notified in person or by mail or by notice placed at the residence the dog was removed from. The owner will have six working days to contact the animal control officer to claim the dog. At the expiration of the impoundment period, anyone may claim the dog provided that such person pays all established impound fees and completes the licensing provisions of this chapter. If no person claims the dog, the animal control officer may dispose of the dog in a humane manner.

(Ord. 2006-11 Exh. A (part), 2006: Ord. 97-1 (part), 1997)

~~6.12.080~~ Liability for damages.

~~A. It is unlawful for any dog to kill any domesticated animal within the boundaries of the town. If any person discovers a dog in the act of violating any portion of this section, or to prevent the escape of a dog after immediately committing a violation of this section if it cannot be identified, that person may kill, or injure the dog in such action as is necessary for the protection of the animal listed in this subsection, except that such person will not discharge a firearm or other dangerous instrument within the boundaries of the town without a special permit from the chief of police.~~

~~B. The owner of a dog is liable for damages caused by the dog killing, wounding, or chasing any livestock, poultry, or domestic animal, and any other damages caused by the dog while at large. (Ord. 2006-11 Exh. A (part), 2006: Ord. 97-1 (part), 1997)~~

~~6.12.090080~~ Biting dogs.

A. Whenever a dog bites any person, the incident shall be reported to the animal control officer immediately by any person having direct knowledge.

B. Any dog that bites any person shall be quarantined and impounded, ~~as prescribed in Section 6.04.080~~ for a period of not less than ten days. The quarantine period shall start on the day of the bite incident. If the day of the bite is not known, the quarantine period shall start on the first day of impoundment. The owner of any dog that has bitten a person may voluntarily deliver the dog to the animal control officer at the pound; otherwise, there shall be an assessment against the owner if the animal control officer must pick up the dog. If the dog is impounded in the pound for observation as a result of a dog bite incident, there shall be an assessment as established by resolution of the council, and no other impoundment fees shall be charged under these circumstances.

C. If the dog shows clear clinical signs of rabies or other dangerous, contagious and infectious disease, or if the owner consents to its destruction, it shall be the duty of the animal control officer to destroy such dog in as humane manner as is reasonably possible. If at the end of the quarantine or impoundment, the animal control officer, after consultation with a veterinarian is convinced that the dog is free from such diseases, the dog shall be released. If the dog dies during the period of quarantine or impoundment, its head shall be sent to the State Department of Health for an examination.

D. Nothing in this section shall permit the bringing of an action for damages against any governmental agency using a dog in military or police work if the bite occurred while the dog was defending itself from a harassing or provoking act, or assisting an employee of the agency in any of the following:

1. In the apprehension or holding of a suspect where the employee has a reasonable suspicion of the suspect's involvement in criminal activity;
2. In the investigation of a crime or possible crime;
3. In the execution of a warrant;
4. In the defense of a peace officer or another person.

E. The owner of a dog is liable for injury caused by the dog while it is at large.

~~6.12.100090~~ Rabies epidemic.

Whenever the prevalence of hydrophobia renders such action necessary to protect the public health and safety, the mayor shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless it is muzzled so that it cannot bite. No person shall

violate such proclamation and any unmuzzled dog running at large during the time fixed on the proclamation may be killed by the animal control officer without notice to the owner.

~~6.12.110 — Five or more dogs permit.~~

~~A. — A person owning or caring for more than four dogs within the town shall obtain a five or more dogs permit from animal control.~~

~~B. — The fee shall be set by resolution of the town council and the permit shall be renewed every year. Within five days of the application, the town will provide public notice of the permit request to all residences/properties within one-quarter mile of the applicant's property. If there is public concern about the permit, the police department will conduct a public meeting to hear the concerns within fourteen days of the permit request. The animal control officer will consider the complaint history of the applicant, any previous citations, violations or other past issues, and any concerns raised by the public in making a decision on the permit request. The five or more dogs permit can be revoked by the animal control officer prior to expiration of the permit, if it is deemed in the public's best interest due to an excessive amount of complaints, citations, violations, and/or problems associated with the five or more dogs permit. The decision of the animal control officer may be appealed to the chief of police.~~

~~C. — A dog kept under the five or more dogs permit is not required to be licensed individually under section 6.12.040, however, each dog shall have an identification tag bearing the owner's name, street address and telephone number affixed to a collar. A dog leaving the area specified in the five or more dogs permit shall be licensed under section 6.12.040, except if the dog is only being transferred to another location which has a five or more dogs permit issued under this section. Dogs maintained in the area specified by the permit shall require the permit holder to have each dog vaccinated with a state veterinarian approved vaccination drug for rabies. The permit holder shall maintain written records giving the dog's description, date of vaccination and type, manufacturer and serial number of the vaccine used.~~

~~D. — The animal control officer may inspect the premises of any breeder, handler, five or more dogs permit holder or kennel operator to help ensure that the animals are cared for properly and are kept and housed under safe, sanitary, odor controlled conditions, as otherwise set forth in this chapter.~~

~~E. — A person found violating this title is guilty of a petty offense, punishable in accordance with state law. If any violation is continuing, each day's violation shall be deemed a separate violation. If any person has two prior petty offense violations (or defaults) for violations of this title, Section 6.04.040 (public nuisance), Section 6.04.050 (animals at large), Section 6.04.060 (disturbing the peace), Section 6.12.050 (vaccination required), or Section 6.12.060 (dog at large) within twenty-four months, such person may be charged with a misdemeanor for the subsequent violation. If a person receives a penalty for failing to obtain a five or more dogs permit, the person must still comply with the requirements in subsection A. to obtain a five or more dogs permit.~~

~~F. — This section shall not apply to Kennels or Animal Shelters as otherwise permitted by the Town Zoning Code.~~

~~G. — Birth of dogs exceeding more than the four-dog limit will be allowed six months to return the total to four or less. Failure to comply with the four or less dog limit at the end of the six-month period will require the owner or person caring for the animals to obtain a five or more dogs permit.~~

CHAPTER 6.16

ENFORCEMENT*

Sections:

- 6.16.010 Enforcement provisions.
- 6.16.020 Enhanced violation fine for dog at large.

*Prior ordinance history: Ord. 97-1.

6.16.010 Enforcement provisions.

A. Unless otherwise provided herein, any person found violating any provision of this title shall be guilty of a misdemeanor, punishable in accordance with applicable state law. Any person violating Section 6.04.040 (Public nuisance), [Section 6.04.050](#) (Animals at large), [Section 6.04.060](#) (Disturbing the peace), SECTION 6.10.010 (LARGE ANIMALS), [Section 6.12.050](#) (Vaccination required), and [Section 6.12.060](#) (Dog at large)), shall be guilty of a petty offense, punishable in accordance with applicable state law. If any violation is continuing, each day's violation shall be deemed a separate violation. If any person has two prior petty offense convictions (or defaults) for violations of this title, within twenty-four months, such person may be charged with a misdemeanor for any subsequent violation.

B. Any person violating any provision of this title shall be punished by a fine set by resolution of town council, unless agreed to by prosecution. The fine doubles for each subsequent violation within a twenty-four month period and committed by the same animal.

C. The animal control officer may review all the licenses issued to a dog owner who has received four or more convictions or defaults for the same violations of this title in a twenty-four month period. Upon filing a complaint with the town magistrate by the animal control officer and giving notice to the owner a civil hearing will be scheduled with the town magistrate to review the revocation of the owner's license. After the hearing, the town magistrate may issue an order revoking the license of such owner and order that no new license may be issued for a specified period of time. During the time the license is revoked, the owner of the dog will not be allowed to keep the dog in the town limits of Eagar. If the owner fails to comply with the order, the dog can be removed from private property and impounded by the animal control officer, in addition to the criminal charge of ARS 13-2810.A2 Interfering with judicial proceedings (class one misdemeanor). If a dog is impounded pursuant to this section, the owner or caretaker of the dog will be notified in person or by mail or by notice placed at the residence the dog was removed from. The owner will have six working days to contact the animal control officer to claim the dog and pay all established impound fees. At the expiration of the impoundment period, anyone may claim the dog provided that such person pays all established impound fees and completes the licensing provisions of this chapter. If no person claims the dog, the animal control officer may dispose of the dog in a humane manner.

CHAPTER 6.20

LIABILITY

SECTIONS:

6.20.010 LIABILITY FOR DAMAGES (DOGS/DOMESTIC ANIMALS).

6.20.020 LIABILITY FOR DAMAGES (GENERAL PROPERTY DAMAGE).

6.20.010 LIABILITY FOR DAMAGES (DOGS/DOMESTIC ANIMALS).

A. IT IS UNLAWFUL FOR ANY DOG TO KILL ANY DOMESTICATED ANIMAL WITHIN THE BOUNDARIES OF THE TOWN. IF ANY PERSON DISCOVERS A DOG IN THE ACT OF VIOLATING ANY PORTION OF THIS SECTION, OR TO PREVENT THE ESCAPE OF A DOG AFTER IMMEDIATELY COMMITTING A VIOLATION OF THIS SECTION IF IT CANNOT BE IDENTIFIED, THAT PERSON MAY KILL, OR INJURE THE DOG IN SUCH ACTION AS IS NECESSARY FOR THE PROTECTION OF THE ANIMAL LISTED IN THIS SUBSECTION, EXCEPT THAT SUCH PERSON WILL NOT DISCHARGE A FIREARM WITHIN THE BOUNDARIES OF THE TOWN WITHOUT A SPECIAL PERMIT FROM THE CHIEF OF POLICE.

B. THE OWNER OF A DOG IS LIABLE FOR DAMAGES CAUSED BY THE DOG KILLING, WOUNDING, OR CHASING ANY LIVESTOCK, POULTRY, OR DOMESTIC ANIMAL, AND ANY OTHER DAMAGES CAUSED BY THE DOG WHILE AT LARGE.

6.20.020 LIABILITY FOR DAMAGES (GENERAL PROPERTY DAMAGE).

A. IT IS UNLAWFUL FOR ANY ANIMAL AT LARGE OR NOT UNDER DIRECT CONTROL OF AN OWNER/HANDLER TO DAMAGE THE PROPERTY BELONGING TO ANOTHER PERSON OR ENTITY.

B. THE OWNER OF AN ANIMAL IS LIABLE FOR DAMAGES CAUSED BY THE ANIMAL WHILE THE ANIMAL IS AT LARGE OR NOT UNDER DIRECT CONTROL.