

ORDINANCE NO. 2016-05

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF EAGAR, ARIZONA AMENDING THE TOWN CODE OF EAGAR, ARIZONA BY AMENDING TITLE 6, SECTION 6.12.110 – FIVE OR MORE DOG PERMIT; AND BY AMENDING TITLE 18, 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.

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

WHEREAS, the Town of Eagar, Arizona, (the Town) desires to amend the Eagar Town Code pertaining to the procedure to obtain a five (5) or more dogs permit; and

WHEREAS, the Town desires to amend the Eagar Town Code to provide a uniform zoning code for the placement of five or more dogs within the town limits; and

WHEREAS, the Town strives to be transparent by involving the citizens of the Town through public notices and meetings; and

WHEREAS, the proposed amendments will better provide more transparency and public notice to the neighbors near individuals owning or caring for more than four dogs that apply for a five (5) or more dogs permit; and

WHEREAS, the Town, desires to amend the Eagar Town Code to provide more input into the permitting of five or more dogs with the police department as they are the first line of response on these issues; and

WHEREAS, the proposed amendments will provide a clarified penalty clause to better regulate violations of the Eagar Town Code; and

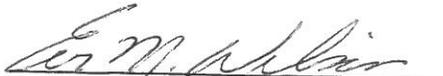
WHEREAS, the proposed amendments to the Eagar Town Code have been discussed and presented to the Town Council of the Town of Eagar.

NOW THEREFORE, be it resolved to adopt the changes attached in Exhibit "A", Title 6, Chapter 6.12 Animals, Dogs; and

NOW THEREFORE, be it resolved to adopt the changes attached in Exhibit "B" 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 18.44.050 Zoning, General Provisions.

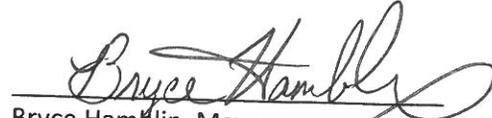
PASSED AND ADOPTED by the Mayor and Town Council of Eagar, Arizona this 18th day of June 2016.

ATTEST:



Eva M. Wilson, Town Clerk

APPROVED:



Bryce Hamblin, Mayor

APPROVED AS TO FORM:



Douglas E. Brown, Town Attorney

Exhibit "A"

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Title 6

Chapter 6.12

Sections:

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 5 DAYS OF THE APPLICATION, THE TOWN WILL PROVIDE PUBLIC NOTICE OF THE PERMIT REQUEST TO ALL RESIDENCES/PROPERTIES WITHIN ¼ 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 14 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 5 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 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.

(Ord. 2006-11 Exh. A (part), 2006: Ord. 99-4 (part), 1999)

(Ord. No. 2010-01, Exh. A, 1-5-10)

Editor's note— Ord. No. 2010-01, Exh. A, adopted Jan. 5, 2010, changed the title of § 6.12.110 from "Kennel permit" to "Five or more dogs permit". This historical notation has been preserved for reference purposes.

Exhibit "B"

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Title 18

Chapters 18.20; 18.24; 18.28; 18.32; 18.36; 18.40; 18.48; 18.52

Sections:

- 18.20.050 General Provisions.
- 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.
- 18.48.060 General Provisions.
- 18.52.050 General provisions.

D. Animals, Keeping of.

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~~ FIVE OR MORE DOGS PERMIT WITH THE POLICE DEPARTMENT and have the ~~conditional use permit approved by the planning and zoning commission~~ 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 ~~conditional use permit~~ 5 OR MORE DOGS PERMIT is applied for will require a minimum of ten thousand square feet of property for each dog.

Chapters 18.44

Sections:

- 18.44.050 General Provisions.

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