1. Public Safety Subcommittee - Agenda

   Documents: 2016_05_10_PSC_PM_AG.PDF

2. Public Safety Subcommittee - Packet

   Documents: 2016_05_10_PSC_PM_PK.PDF

Town of Chino Valley

MEETING NOTICE
PUBLIC SAFETY SUBCOMMITTEE

PUBLIC MEETING
Thursday, May 10, 2016
4:00 P.M.

Council Conference Room
202 N. State Route 89
Chino Valley, Arizona

AGENDA

1) CALL TO ORDER

2) ROLL CALL

3) APPROVAL OF MINUTES

a) Consideration and possible action to approve the June 23, 2015 meeting minutes.

4) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Subcommittee concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 15 minutes per meeting. Committee action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

5) OLD BUSINESS

6) NEW BUSINESS

a) Review and discussion of the July 4 events.

b) Consideration and possible action regarding amendments to Town Code Title 9 general regulations Chapter 90 Animals.

Recommended Action: Forward recommended ordinance amendments to Council for approval.

7) ADJOURNMENT

Dated this 2nd day of May, 2016.

By: ***Liz Hart, Deputy Town Clerk***

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation furnished to the Public Safety Subcommittee with this agenda are available for review on the Town website at http://www.chinoaz.net/agendacenter and the Town Clerk's Office.

Town of Chino Valley

MEETING NOTICE
PUBLIC SAFETY SUBCOMMITTEE

PUBLIC MEETING
Thursday, May 10, 2016
4:00 P.M.

Council Conference Room
202 N. State Route 89
Chino Valley, Arizona

AGENDA

1) CALL TO ORDER

2) ROLL CALL

3) APPROVAL OF MINUTES

a) Consideration and possible action to approve the June 23, 2015 meeting minutes.

4) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Subcommittee concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 15 minutes per meeting. Committee action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

5) OLD BUSINESS

6) NEW BUSINESS

a) Review and discussion of the July 4 events.

b) Consideration and possible action regarding amendments to Town Code Title 9 general regulations Chapter 90 Animals.

Recommended Action: Forward recommended ordinance amendments to Council for approval.

7) ADJOURNMENT

Dated this 2nd day of May, 2016.

By: ***Liz Hart, Deputy Town Clerk***

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation furnished to the Public Safety Subcommittee with this agenda are available for review on the Town website at http://www.chinoaz.net/agendacenter and the Town Clerk's Office.

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Public Safety Subcommittee Meeting

Meeting Date:	05/10/2016		
Contact Person:	Chuck Wynn, Police Chief		
Department:	Police		
Item Type:	Approval of Minutes	**Estimated length of Staff Presentation:**	
Physical location of item:	N/A		

Information

AGENDA ITEM TITLE:

Consideration and possible action to approve the June 23, 2015 meeting minutes.

SITUATION AND ANALYSIS

Attachments

June 23, 2015 meeting minutes

TOWN OF CHINO VALLEY
PUBLIC SAFETY SUBCOMMITTEE
MINUTES

Tuesday, June 23, 2015
4:00 P.M.

The Public Safety Subcommittee of the Town of Chino Valley, Arizona, convened for a public meeting in the Council Chambers Conference Room, located at 202 N. State Route 89, Chino Valley, Arizona.

1) CALL TO ORDER

Chairman Best called the meeting to order at 4:00 p.m.

2) ROLL CALL

Present:	Councilmember Mike Best, Chair; Mayor Chris Marley
Absent:	Councilmember Pat McKee
Staff Present:	Councilmember Lon Turner
Attendees:	Assistant Fire Marshall Andie Smith
	Batallion Chief Allen Harris

3) APPROVAL OF MINUTES

a) Consideration and possible action to approve the June 19, 2014, meeting minutes.

MOVED by Mayor Chris Marley, seconded by Chair Councilmember Mike Best to approve the June 19, 2014, meeting minutes.

Vote: 2 - 0 PASSED - Unanimously

4) CALL TO THE PUBLIC

5) OLD BUSINESS

6) NEW BUSINESS

a) Consideration and possible action regarding 4th of July fireworks.(Councilmember Mike Best)

Councilmember Best advised that the July 4th fireworks are planned for this year and the operations procedure is the same as last year with the fireworks starting at approximately 9:00 p.m. Supervisor Bartels or his crew will run a water truck a couple of times through the area. The July 4th events start around 1: 30 p.m.

Assistant Fire Marshall Smith advised the application and permit are the same as last year and the fire

department's Shift A will monitor the fire hazard situation. Either she or Fire Marshall Chase will do a pre-inspection of the setup and fireworks prior to the actual lighting of the fireworks, are scheduled for a 20-25 minute duration. The only deterrent would be high winds (20 MPH). Fireworks Productions of Arizona from Chandler is a reputable company.

Councilmember Lon Turner participated by phone confirmed the plans for the fireworks.

7) ADJOURNMENT

MOVED by Mayor Chris Marley, seconded by Chair Councilmember Mike Best to adjourn at 4:16 p.m. and passed.

Vote: 2 - 0 PASSED - Unanimously

Dated this 1st day of July, 2015.

By: *Liz Hart, Deputy Town Clerk*

Approved: _____

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Public Safety Subcommittee Meeting

Meeting Date:	05/10/2016		
Contact Person:	Chuck Wynn, Police Chief		
Department:	Police		
Item Type:	New Business	**Estimated length of Staff Presentation:**	
Physical location of item:	1527 N Road 1 East		

Information

AGENDA ITEM TITLE:

Review and discussion of the July 4 events.

SITUATION AND ANALYSIS

Attachments

No file(s) attached.

TOWN OF CHINO VALLEY
COUNCIL AGENDA ITEM STAFF REPORT

Public Safety Subcommittee Meeting

Meeting Date:	05/10/2016		
Contact Person:	Chuck Wynn, Police Chief		
Department:	Police		
Item Type:	New Business	**Estimated length of Staff Presentation:**	
Physical location of item:	N/A		

Information

AGENDA ITEM TITLE:

Consideration and possible action regarding amendments to Town Code Title 9 general regulations Chapter 90 Animals.

Recommended Action: Forward recommended ordinance amendments to Council for approval.

SITUATION AND ANALYSIS

Attachments

Dog Ordinance review

CHINO VALLEY TOWN CODE CHAPTER 90: ANIMALS

§ 90.01 PURPOSE.

The purpose of this chapter is to aid and assist the Town and its appropriate staff in the enforcement of A.R.S. §11-1002, Powers and duties of the state veterinarian and the Arizona department of agriculture; A.R.S. §11-1003, Power and duties of the department of health services: A.R.S. §11-1010, Anti-rabies vaccination; vaccination and license stations; A.R.S. §11- 1016, Removing impounded animals; A.R.S. §11-1017, Unlawful keeping of dogs; and A.R.S. §11-1020, Dogs; liability.

§ 90.02 DEFINITIONS.

In this Chapter, unless the context requires otherwise:

1. Animal Control Officer - means a person who has the authority and is responsible for enforcement of the provisions and regulations of this Chapter.
2. Animal Control Shelter – means any established location authorized by the Chief of Police for the confinement, maintenance, safekeeping and control of dogs, which come into the custody of an Animal Control Officer or Police Officer in the performance of their duties.
3. Collar – means a band, harness, or suitable device worn around the neck or body of a dog to which a license tag may be attached
4. "Aggressive dog" means any dog that has bitten, attacked or molested a person, domestic animal, foul, poultry, pet and/or livestock and has been ruled as such by a court of jurisdiction, or any dog involved in two or more convictions for bitting, molesting or attacking a person, domestic animal, foul, poultry, pet and/or livestock, without provocation off the owners property .
5. Dog At Large – means a dog that is not on the premises of the owner or responsible person and is not under the control of the owner or responsible person. Any dog in a suitable enclosure or Under Control of the owner or responsible person shall not be considered to be at large.
6. Dog – means a member of the canine familiaris, *domesticated wolves and/or offspring of a dog cross-bred with wild animals or domesticated wolves.*
7. Dog Owner – means any person *owning,* possessing, harboring, keeping, having an interest in, or having control or custody of a dog. *Maintaining a dog, or any person acting for the owner, or having charge of the dog.*
8. Dog Violation Citation – means a document issued by an Animal Control Officer or Police Officer to a person who has violated the provision of this Chapter.
9. Enclosure – means a fence or structure suitable to prevent the escape of the dog or the entry of young children.
10. Impound – means the act of taking or receiving into custody by an Animal Control Officer or Police Officer any dog for the purpose of confinement in the Chino Valley Animal Control Shelter in accordance with the provisions of this Chapter.
11. Microchip – means to implant an animal with a microchip tag linked to a national computer network for the purposes of identification.
12. Neglect – means an overt act involving failure to provide for the health and safety, including, but not limited to failure to provide adequate food, water, shelter, exercise or necessary veterinary care to a dog or cat or to adequately confine a dog in a manner appropriate to its breed, age and condition.
13. Person – See Chino Valley Town Code, section 10.05, Definitions.
14. Proper Enclosure for a Dangerous Dog – means while on the owner's or responsible person's

property, the secure confinement of a dangerous dog, either indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the dog from escaping. Such pen or structure shall have secure sides, top and floor, and be constructed in a manner that does not allow the dog's head to protrude through the pen or structure. Such pen or structure shall also provide protection from the elements for the dog, along with fresh food and water and exercise area to maintain the dog in good health.

15. Responsible Person – means an owner or any person who has the responsibility for the possession, care, custody, or control of a dog and has the authority and ability to act on behalf of, or in the interest of the owner.

16. Restraint – means confinement of a dog within the real property limits of its owner, or secured by a leash or lead or otherwise under control of a responsible person, or confinement within a vehicle in a manner that prevents escape.

17. Severe Injury – means any physical injury which results in broken bones puncture wounds, or lacerations requiring sutures and/or cosmetic surgery.

18. Shelter – means a structure capable of protecting a dog from present and potential environmental hazards.

19. Stray Dog – means a dog that is at large and is not wearing a valid license tag and/or microchip device.

20. Tag – means proof of a license that is worn by the licensed dog.

~~21. Tattoo - an indelible mark or figure fixed upon the body by insertion of pigment under the skin.~~

22. Under Control – means physically restrained by a leash, rope, cord or chain or other device and/or under the direct supervision and control of the owner or responsible person.

23. Vaccination – means the administration of an anti-rabies vaccine to dogs by a veterinarian.

24. Veterinary Hospital – means any establishment operated by a veterinarian licensed to practice in the State of Arizona which provides clinical facilities and house dogs or birds for dental, medical, or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it, pen, stalls, cages or kennels for quarantine, observation or boarding.

§ 90.03 INJURY BY VEHICLE.

Any person who accidentally or otherwise hits a dog with a vehicle must make a reasonable effort to contact the owner of the dog. In the event the owner cannot be contacted, the operator of the vehicle shall at once contact the Police Department or Animal Control Officer to report the incident. Penalty, see section 90.99 B.

§ 90.04 STRAYS.

It is unlawful for any person to harbor or keep any lost or stray dog within the town without notifying the Animal Control Officer. Whenever any dog is found which appears to be lost or strayed, it shall be the duty of the finder to notify the owner, Animal Control Officer, or the Police Department as soon as possible. Penalty, see section 90.99 B

§ 90.05 NUISANCE DOG-DOG AT LARGE

A. It is unlawful for an owner or responsible person of a dog to allow such dog to be at large within the Town limits. The owner or responsible person of a dog shall provide adequate fencing and/or enclosures to keep their dogs contained on their property or, if off the property, are under the owner's or responsible person's direct supervision and control. Penalty, 1st and 2nd offense civil infractions as long as no violation of D1 is alleged which would make it a Misdemeanor. 3rd offense is misdemeanor.
B. Any dog at large may be apprehended and impounded by an Animal Control Officer or Police Officer.
1. Animal Control Officers may issue citation(s) for a dog at large to the owner or responsible person of that dog. The procedure for the issuance of a Notice to Appear shall be as provided for peace officers in A.R.S §13-3903 except the Animal Control Officer shall not make an arrest before issuing the notice. The issuance of citations pursuant to this chapter shall be subject to the provisions of A.R.S. §13-3899.
C. A dog is not at large:
1. If such dog is engaged in obedience training, accompanied by and under the control of its owner or trainer.
2. While such dog is being used for legitimate hunting purposes.
3. While such dog is being exhibited in a sanctioned event.
4. If while off the premises of the owner such dog is under the owner's, or responsible person's direct supervision and control by use of a leash or other approved tether device.
5. If such dog is being utilized as a service dog for a handicapped person or a seeing-eye dog in assisting a legally blind person. *As long as sufficient control is exercised.*
6. If such dog is being used to control livestock.
7. While assisting a Police Officer engaged in law enforcement duties.
D. A dog owner shall take reasonable care to:
1. Control the dog in a manner that prevents the dog from biting, attacking, molesting, chasing vehicles, or interfering with a person, domestic animal, foul, poultry, pet and/or livestock at all times. Penalty: chasing, molesting and interfering 1st and 2nd offense civil, 3rd offense misdemeanor. Attacking, and/or biting is misdemeanor.
E. A person is not in violation of subsection D.1 if the dog is on the owners' property and the biting, attacking, molesting, or interfering occurs after provocation from the person, domestic animal, foul, poultry, pet or livestock that was bit, attacked, molested or interfered with.
F. Section D does not apply to any of the following:
1. A dog that is owned by a governmental agency and that is being used in military or police work.
2. A service dog as long as the incident occurred while the dog was providing a service to the owner.
3. A dog that is involved in an otherwise lawful act of hunting, ranching, farming or other agricultural purpose.

§ 90.06 IMPOUNDING, SEIZING AND CLASSIFICATION OF DOGS.

A. Any stray dog shall be impounded. All impounded dogs shall be given proper care and maintenance. B. Each impounded licensed, micro chipped ~~or tattooed~~ dog shall be kept and maintained at the Animal Control Shelter for a minimum of ten days unless claimed by its owner or responsible person. An unlicensed dog will be kept and maintained at the Animal Control Shelter for a minimum of three days. Any dog found without a tag *or* microchip device, ~~or tattoo~~ identifying its owner shall be deemed not owned.

C. An impounded licensed or unlicensed dog may be adopted upon expiration of the impoundment period, provided the person pays the appropriate adoption fees and complies with licensing and vaccinating provisions of this chapter. Adoption fees may be waived for recognized nonprofit dog rescue groups. No dog will be released for use in medical research. Animal Control Officers may destroy impounded, sick, or injured dogs whenever the destruction is necessary to prevent the dog from suffering or to prevent the spread of disease provided such is confirmed by a licensed veterinarian.
D. Any licensed impounded dog impoundment may be reclaimed by its owner or responsible person within ten days, provided the person reclaiming the dog furnishes proof of the right to do so, proof of rabies vaccination, pays all dog shelter fees, medical fees, service and license fees as applicable. If the dog is not reclaimed within the impoundment period, the Animal Control Officer shall take possession and may place the dog for adoption or may dispose of the dog in a humane manner as prescribed by a licensed veterinarian.
E. Any dog, except those showing signs of rabies, which it is necessary to destroy, shall be destroyed only by a state licensed veterinarian.
F. Any dog surrendered by its owner or responsible person to be destroyed becomes the property of the Town. All associated fees will be paid by the owner or responsible person that surrenders the dog.

G. A peace office or animal control officer who has probable cause to believe a dog is being neglected and/or mistreated may:

1. Enter the premises and/or property the dog is at
2. Seize the dog suspected of being neglected and/or mistreated
3. Impound the dog at the shelter or veterinarian facility as deemed appropriate by the peace officer or animal control officer.
4. Serve notice to the owner of the seizure and pending probable cause hearing filing by the Town Attorney.
5. This ordinance does not relieve the duty of an officer to obtain a warrant if time and circumstances allow for the warrant process. This ordinance should only be used when time and the dog's safety cannot wait for the issuance of a warrant.
B. If a dog is seized pursuant to section A above, and no search warrant was issued prior to the removal authorizing the seizure, the Town Attorney shall, within 15 days, request a hearing before the magistrate to establish probable cause for the seizure for mistreatment and/or neglect.
1. If probable cause is not found to exist at the hearing, the fees associated with the care, impoundment or treatment of the dog during the seizure are the responsibility of the seizing agency and the dog shall be returned by the end of that business day.
2. If probable cause is found to exist at the hearing all fees associated with the care, impoundment and/or treatment will be assessed by the court to the owner at the fee hearing to be scheduled within 30 days of ruling on probable cause. Fee's associated with boarding and caring for a neglected and/or mistreated dog can be higher than normal boarding and caring fees associated with a healthy or normal dog.

H. After a conviction of a violation of 90.05D1 involving the attacking and/or biting of a person, domestic animal, foul, poultry, pet and/or livestock off the owners property the prosecutor may at his/her

discretion request a hearing to establish probable cause to have the dog classified by the court as an aggressive dog as defined in 90.02.
I. If a dog is involved in two or more violations of *90.05D1 involving the attacking and/or biting of a* person, domestic animal, foul, poultry, pet and/or livestock off the owner's property the dog will, upon the second or subsequent conviction, be deemed by the court under town code as an aggressive dog.

§ 90.07 POWERS AND DUTIES OF THE ANIMAL CONTROL OFFICER.

A. The Animal Control Officer Shall: 1. Enforce the provisions of this chapter and the regulations promulgated hereunder; 2. Issue citations for violations of this chapter and the regulations promulgated hereunder. The procedure of the issuance of notices to appear shall be provided for peace officers in A.R.S. §13-3903, except that the Animal Control Officer shall not make an arrest before issuing the notice;

B. The issuance of citations pursuant to this section shall be subject to the provision of A.R.S. §13-3899.
C. The Animal Control Officer is a member of the Police Department and shall function in accordance with Police Department policies and procedures where applicable.

§ 90.08 LICENSE FEE FOR DOGS; ISSUANCE OF TAGS; RECORDS; PENALTIES. Part a violates state law 4 months versus 3 months.

A. The Town Council shall set an annual license fee which shall be paid for each dog four months of age or over that is kept, harbored or maintained with the boundaries of the Town for at least 30 ~~consecutive~~ days of the calendar year. License fees shall be set at the discretion of the Council. The licensing period shall not exceed the period of time for revaccination as designated by the State Veterinarian.
B. License fees shall be paid within 30 days of acquisition of the dog and/or the dog becomes eligible for licensing. A penalty shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this subchapter.
C. Durable license tags shall be provided. Each dog licensed under the terms of this chapter shall receive, at the time of licensing, such a tag on which shall be inscribed the name of the town, the number of the license and the year for which it is valid. The license tag shall be attached to a collar or harness which shall be worn by the dog at all times except when the dog is confined on the owner's property or due to medical condition certified by a licensed veterinarian in which case the owner will provide proof of said condition signed by a licensed veterinarian. Whenever a tag is lost, a duplicate tag shall be issued upon application and payment of a fee by the owner.
D. License fees for dogs permanently incapable of procreation shall be at a lower rate. An application for a license for a dog incapable of procreation shall furnish adequate proof satisfactory to the Animal Control Officer that the dog has been surgically altered to be permanently incapable of procreation.
E. After written notification from the Animal Control Officer, the owner will have fifteen days to obtain a license for a dog required to be licensed. It is also a violation of this subchapter to counterfeit, attempt to counterfeit an official dog tag, or remove a tag from any dog for the purpose of willful and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog. Penalty, see section 90.99
F. Impounding fees shall be established by the Council in conformance with current state fees for the impounding and maintenance of dogs of like species and circumstances.

§ 90.09 ANTI–RABIES VACCINATIONS: VACCINATION AND LICENSE STANDARDS.

A. Before a license is issued for any dog, the owner must present a rabies vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used, and date revaccination is due. A duplicate of each rabies vaccination certificate issued to a resident of Chino Valley shall be transmitted to the Animal Control Officer on or before the 10th day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions and regulations of this chapter.
B. The owner of a dog four months of age over which, for medical purposes, is unable to receive a rabies vaccination may request a waiver of the unaltered license fees. The owner may be granted this waiver only after supplying a Certified Veterinarian Recommendation from a Licensed Veterinarian to the Animal Control Officer.
C. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that, at the time of licensing the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in the state or a veterinarian employed by a governmental agency in that state. The vaccination certificate must state the owner's name, address, and giving the dog's description, date of vaccination, and type manufacturer and serial number of the vaccine used.
D. The vaccination must be in conformity with the provisions and regulations of this chapter.

§ 90.10 WEARING LICENSE TAGS.

Any dog over the age of four months shall ~~either be implanted with a permanent microchip device or~~ wear a collar or harness to which is attached a valid license tag pursuant to § 90.08 above. Dogs used for the control of livestock, while being trained for hunting or dog obedience training or while being exhibited or trained at a kennel club event, and the dogs while being transported to and from such events need not wear a collar or harness with a valid license attached provided they are properly vaccinated, licensed and controlled. Penalty, see section 90.99-

§ 90.11 HANDLING OF BITING DOGS; RESPONSIBILITY FOR REPORTING DOG BITES.

A. A dog licensed, unlicensed or unvaccinated, which bites any person shall be confined and quarantined in an authorized Animal Control Shelter (as defined in section 90.02) with the owner or responsible person liable for all fees and expenses. Upon the request of and at the expense of the owner or responsible person, the dog may be quarantined at a veterinary hospital, or at a location deemed appropriate by the Animal Control Officer for a period of not less than ten days.
B. Whenever a dog bites any person, the incident shall be reported to the Animal Control Officer or Police Department immediately by any person having direct knowledge. The Officer shall be responsible for making reports of dog bites and other dog related incidents and procedures, to include the disposal of dog remains and transportation of dogs to be scientifically examined.
C. Any dog confined and quarantined pursuant to this chapter may be destroyed prior to the termination of the minimum confinement period for laboratory examination for rabies if:
1. The dog shows clear clinical signs of rabies in accordance with state law; and
2. The owner or responsible person of the dog consents to its destruction.
D. Any dog found without a tag or microchip device, ~~or tattoo~~, identifying its owner shall be deemed not owned.
E. Dogs that expire or become ill during quarantine shall be examined by medical authorities to

scientifically determine causes for the condition or death of the dog and if a communicable disease is present. All associated fees will be paid by the owner or responsible person.
F. In any case, where the dog is determined to be diseased, the owner or responsible person of the dog and the victim of the attack or bite shall be immediately notified so medical treatment may be administered as necessary. In cases where the victim is in or on a public place or lawfully in or on a private place at the time of the attack or bite, all associated reasonably necessary fees shall be paid by the owner or responsible person.
G. The owner of any dog that has bitten a person shall deliver the dog to the Chino Valley Animal Shelter at the request of the Animal Control Officer and/or Police Officer. If the owner refuses or does not bring the dog to the Chino Valley Animal Shelter an additional $25.00 fee will be assessed for pickup of the dog by a member of the Chino Valley Police Department. This subsection does not apply if the owner chooses and subsequently takes the dog to a licensed veterinarian clinic for the quarantine period.

§ 90.12 NUISANCE CONDUCT-BEHAVIOR.

A. No dog shall cause a disturbance by excessive barking or other noise making that causes a disturbance, including but not limited to howling, screeching, yelping, or baying as specified below. Penalty, see section 90.99

All persons desiring to pursue criminal charges against any person for a violation of subsection A above, must complete a witness statement (provided by the Animal Control Officer or other representative of the Police Department) and assist in the prosecution. ***Can we make 1st and 2nd offense civil, 3rd and subsequent criminal***

B. A *dog shall be considered a nuisance if it:*

1. *Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas, unless such waste is immediately removed and properly disposed of by the owner.*

§ 90.13 UNLAWFUL INTERFERENCE WITH ANIMAL CONTROL OFFICERS.---this should be criminal violation.

It is unlawful for any person to interfere with an Animal Control Officer-or peace officer in the performance of his or her duties. Penalty, see section 90.99

§ 90.14 AGGRESSIVE DOGS.

It is unlawful for an owner to have an aggressive dog within the Town limits without a certification of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work. A. An Animal Control Officer shall issue a certification of registration to the owner of such dog if the owner presents to the Animal Control Officer sufficient evidence of: 1. A Proper Enclosure for the aggressive Dog to confine the aggressive dog and the posting of the premises with a clearly visible warning sign that there is an aggressive dog on the property. In addition, the owner shall

conspicuously display a sign with a warning symbol that informs children of the presence of an aggressive dog. 2. A surety bond issued by a surety insurer in the form acceptable to the Town Prosecutor in a sum of no less than $100,000. 3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified in the amount of at least $300,000 insuring the owner for any personal injuries inflicted by the aggressive dog. B. It is unlawful for the owner of an aggressive dog to permit the dog to be outside of the proper enclosure unless the dog is under control of the owner or a responsible person. C. A dog shall not be declared to be aggressive if the bite or attack was deemed accidental or with reasonable cause or if the threat or damage was sustained by a person who, at that time, was committing a willful trespass or other criminal act upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog, or has in the past been observed or reported to have tormented, abused or assaulted the dog, or committing or attempting commit a crime. D. Any aggressive dog shall be immediately confiscated by an Animal Control Officer if: 1. The dog is not validly registered under the section above. 2. The owner does not secure the liability insurance coverage required under this section. 3. The dog is not maintained in the proper enclosure. 4. The dog is outside the dwelling of the owner, or outside of the proper enclosure and not under control of the owner or responsible person. In addition, the owner or responsible person shall be guilty of a Class 1 misdemeanor. 5. The dog was previously found to be an aggressive dog under this Chapter and attacks or bites a person or another domestic dog. In this event, the owner or responsible person is subject to protect the public or other dogs. In addition, the aggressive dog shall be placed in quarantine for the proper length of time and thereafter upon order of the court is destroyed in an expeditious and humane manner. 6. The dog aggressively attacks and causes severe injury or death of any human, regardless of whether the dog has previously been declared potentially dangerous or dangerous. In addition, the dog shall immediately be placed in quarantine for the proper length of time and thereafter upon order of the court, be destroyed in an expeditious and humane manner. In addition, the owner or responsible person shall be guilty of a Class 1 Misdemeanor.

Notwithstanding the requirements set forth in paragraphs (A)(1) through(A)(3) above, the Town shall not be liable for the owner's failure to secure and maintain a Proper Enclosure, a surety bond, or a policy of liability insurance.

§ 90.15 ADEQUATE EXERCISE SPACE FOR DOGS

Every enclosure for a dog shall be constructed in a manner to minimize the risk of injury to the dog and shall encompass sufficient useable space to keep the dog in good condition.

A. It shall be unlawful for the owner or responsible person of a dog, when not at the residence with the dog, to *intentionally, knowingly or recklessly* secure ~~the~~ *a* dog by means of a tie-out including but not limited to chains, leashes, ropes, wire or cable attached to a swivel, pulley system or fixed point.
B. It shall be unlawful for the owner or responsible person of a dog, regardless of whether they are home or not, to intentionally, knowingly or recklessly secure a dog by means of a tie-out including but not limited to chains, leashes, ropes, wire or cable attached to a swivel, pulley system or fixed point, *that does prevent access to food , water or shelter, or inflicts injury upon*

the dog or results in death to the dog. ~~*unless the dog is under direct supervision of the owner.*~~ It is considered recklessly securing a dog by means of tie-out if the dog, while tied out knocks over food and/or water; it is also considered recklessly securing a dog by means of tie-out if the dog is attacked and injured while unable to flee away from the attack due to the tie-out. Penalty, see 90.99

90.16 Animal Cruelty

A. A person commits cruelty to animals if the person does any of the following:

1. Intentionally, knowingly or recklessly subjects any dog or cat under the person's custody or control to cruel neglect or abandonment.

2. Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any dog or cat under the person's custody or control.

3. Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any dog or cat.

4. Recklessly subjects any dog or cat to cruel mistreatment.

5. Intentionally, knowingly or recklessly kills any dog or cat under the custody or control of another person without either legal privilege or consent of the owner.

6. Recklessly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.

7. Intentionally, knowingly or recklessly leaves a dog or cat unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result.

8. Intentionally or knowingly subjects any dog or cat under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.

9. Intentionally or knowingly subjects any dog or cat to cruel mistreatment.

10. Intentionally or knowingly interferes with, kills or harms a working or service animal without either legal privilege or consent of the owner.

11. Intentionally or knowingly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.

12. Recklessly allows any dog that is under the person's custody or control to interfere with, kill or cause physical injury to a service animal.

13. Intentionally or knowingly obtains or exerts unauthorized control over a service animal with the intent to deprive the service animal handler of the service animal.

B. It is a defense to subsection A of this section if:

1. Any person exposes poison to be taken by a dog that 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 protecting the person or the person's livestock or poultry, the treated property is kept posted by the person who authorized or performed the treatment until the poison has been removed and the poison is removed by the person exposing the poison after the threat to the person or the person's livestock or poultry has ceased to exist. The posting required shall provide adequate warning to persons who enter the property by the point or points

of normal entry. The warning notice that is posted shall be readable at a distance of fifty feet, shall contain a poison statement and symbol and shall state the word "danger" or "warning".
2. Any person uses poisons in and immediately around buildings owned, leased or controlled by the person for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state, excluding any fur-bearing animals as defined in section 17-101.
C. This section does not prohibit or restrict:
1. The taking of wildlife or other activities permitted by or pursuant to title 17.
2. Activities permitted by or pursuant to Arizona Revised Statute Title 3.
3. Activities regulated by the Arizona game and fish department or the Arizona department of agriculture.
D. A peace officer, animal control enforcement agent or animal control enforcement deputy may use reasonable force to open a vehicle to rescue an animal if the animal is left in the vehicle as prescribed in subsection A, paragraph 7 of this section.

90.17. Dogs; liability

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when such damages were inflicted.

§ 90.99 VIOLATION; PENALTY.

A. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be guilty of a Class 1 misdemeanor. B. Any person violating any provisions of sections 90.03, 90.04, 90.05, 90.08, 90.10, 90.12, 90.13, or 90.15 of this Chapter shall be guilty of a Class 3 misdemeanor. –*update to include new civil stuff in this section if applicable.*
B. Any fine, fee or assessed monetary amount such as loss of property by actions of a dog, eating a chicken etc. incurred or required due to a violation of this section shall be included in sentencing by the court if payment was not received prior to sentencing. –this is so impound fees, boarding fees, and other fees of ACO can be recouped through the court.