

ANIMAL CONTROL ORDINANCE NO. 2019-01

**AN ORDINANCE OF THE LA PAZ COUNTY BOARD OF SUPERVISORS
REPEALING ORDINANCE NOS. 2007-02 AND NO. 2008-09 AND
ESTABLISHING A NEW ANIMAL CONTROL ORDINANCE**

WHEREAS, Arizona has adopted Article Six of Chapter Seven, Title Eleven, Arizona Revised Statutes, concerning animal control; and

WHEREAS, A.R.S. §11-1018(B) authorizes counties to adopt animal control ordinances equal to or more stringent than the state statute; and

WHEREAS, A.R.S. §11-1008(A) authorizes the Board of Supervisors of each county to establish fees for licensing dogs three months of age or older; and

WHEREAS, A.R.S. §11-1005(C) authorizes the Board of Supervisors to establish fees for impounding and maintaining animals at the County pound/shelter or any pound/shelter used by the county; and

WHEREAS, A.R.S. §11-1005(B)(4) authorizes the County by ordinance to regulate, restrain and prohibit the running at large of dogs in unincorporated areas of the County; and

WHEREAS, A.R.S. §11-1005(B)(5) authorizes the County by ordinance to regulate, restrain and prohibit excessive and unrestrained barking of dogs in unincorporated areas of the County; and

WHEREAS, the safety, health, and welfare of the citizens of the unincorporated areas of La Paz County will be promoted by an ordinance regulating the running at large of dogs, as well as annoying or harassing behavior by dogs and other animals, pursuant to the authority granted the County by the state statute; and

NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of La Paz County does hereby ordain La Paz County Ordinance No.2019-01 as follows:

- SECTION I INCORPORATION OF STATE ANIMAL CONTROL STATUTE**
- SECTION II DOGS AT LARGE; VIOLATIONS; PENALTIES**
- SECTION III BARKING DOG; VIOLATION; PENALTY**
- SECTION IV ANIMALS TO BE IMPOUNDED**
- SECTION V VICIOUS ANIMALS**

SECTION VI	DESTRUCTION OF IMPOUNDED ANIMALS
SECTION VII	KENNELS
SECTION VIII	UNLAWFUL INTERFERENCE WITH COUNTY ENFORCEMENT AGENT
SECTION IX	FEE SCHEDULE
SECTION X	DOG LICENSE REQUIREMENT AND FEES
SECTION XI	FEEDING PIGEONS AND OTHER BIRDS PROHIBITED
SECTION XII	ANIMAL CRUELTY AND NEGLECT
SECTION XIII	REPEAL OF PRIOR ORDINANCES
SECTION XIV	SEVERABILITY
SECTION XV	EFFECTIVE DATE

SECTION I: INCORPORATION OF STATE ANIMAL CONTROL STATUTE

All provisions of Article Six of Chapter Seven, Title Eleven, Arizona Revised Statutes, as the same presently exist or may be subsequently amended or renumbered, which are not in conflict with this ordinance are hereby adopted and incorporated herein by reference as if fully set forth.

SECTION II: DOGS AT LARGE; VIOLATIONS; PENALTIES

1. For purposes of this ordinance, “at large” means being neither confined by an enclosure nor physically restrained by a leash.
2. It shall be unlawful for any person having ownership, possession or control of a dog to allow the dog to run at large within the unincorporated areas of La Paz County. This section also applies to: 1) all vicious dogs; and 2) female dogs in season.

This section shall not apply to dogs under the following circumstances: while being used for control of livestock, while being used or trained for hunting, while being exhibited during an authorized kennel club event or show, or while being used for police or military purposes.

3. Any person or persons who fail to comply with the requirements of this section is guilty of a class two misdemeanor. Each day a violation continues shall be deemed a separate offense.
4. Pursuant to A.R.S. §11-1020, 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.

SECTION III: BARKING DOG; VIOLATION; PENALTY

1. It shall be unlawful for any person having ownership, possession or control of a dog within La Paz County, to either willfully or through failure to exercise due care and

- control, to bark, howl or makes any other such noise, day or night, in an excessive and unrestrained manner for more than 5 minutes if continuous or more than 10 minutes if intermittent, which disturbs the peace and quiet of any person or persons.
2. The County Enforcement Agent may issue a citation(s) (notice to appear and complaint) to the owner or to any person having care, custody or control of a dog(s) that is in violation of this section upon witnessing the excessive and unrestrained barking, as defined in this ordinance.
 3. Notwithstanding, the enforcement action outlined in paragraph 2, the County enforcement agent may issue a citation(s) after investigating a report of a violation of this ordinance by a reporting person. Said investigation will include logs of unreasonable barking of the dog over a three-to-five day period and a statement by the reporting party that he/she will be available to testify in any further court proceedings. Said investigation may also include a report of excessive and unrestrained barking from at least one other neighboring resident not living with the reporting party.
 4. Any person or persons who fail(s) to comply with the requirements of this section is guilty of a class 2 misdemeanor. Each day a violation continues shall be deemed a separate offense.

SECTION IV: ANIMALS TO BE IMPOUNDED

1. Any animal which:
 - (a) While at large, bites or chases any other animal or chases any passing vehicle;
 - (b) Bites, attacks or attempts to bite or attack any person;
 - (c) Is found at large on school grounds;
 - (d) Is found at large;
 - (e) While at large, damages or destroys public or private property;
 - (f) Barks, howls, yelps, whines or makes other unreasonable noise so as to disturb the peace or quiet of any neighborhood, family or person any time within the 180 day period subsequent to notice to the owner, apparent owner or person responsible for the control of the animal that the animal excessively barked, howled, yelped, whined or made other unreasonable noise so as to disturb the peace or quiet of any neighborhood, family or person whether or not the animal was previously impounded and whether or not any person was previously cited;

- (g) While at large, causes garbage to be strewn about; shall be impounded by the county enforcement agent at the county pound or as otherwise provided by law.
- 2. For purposes of this subsection, “notice” shall be given by the county enforcement agent and may be accomplished by any means reasonably calculated to give notice, whether or not actually received by the owner, owners, or person responsible, including payment of the impoundment and/or reclaiming fees and including prosecution for violations of this ordinance.
- 3. Nothing herein shall limit the impoundment of animals as provided in A.R.S. §11-1001 et seq.

SECTION V: VICIOUS ANIMALS

- 1. This ordinance recognizes that A.R.S. §13-1208 as it presently exists provides that a person who owns a dog which the owner knows or has reason to know 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 jurisdiction, which bites, inflicts physical injury on or attacks a human being while at large is guilty of a class six felony. Said statute as may be subsequently amended or renumbered is incorporated herein by reference as if fully set forth.
- 2. A person who owns a dog which the owner knows or has reason to know 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 and who keeps the dog or vicious animal in an enclosed area or yard outside of a residence or structure on the property shall post a notice indicating the presence of the dog or vicious animal.
- 3. The County Enforcement Agent shall destroy a vicious animal upon an order of a court of competent jurisdiction which order may issue after notice to the owner and a hearing as provided by law.

SECTION VI: DESTRUCTION OF IMPOUNDED ANIMALS

- 1. Any animal impounded, which is suffering from serious injuries and will probably not recover or is in great pain or has evidence of any infectious disease which is a danger to other animals or to humans, may be destroyed in as humane a manner as possible in accordance with state law and/or the procedures established by the state veterinarian after reasonable efforts to notify the owner have failed. When determined an animal must be destroyed for humane reasons, the animal may not be released.

2. If any dangerous, vicious, or fierce animal cannot, in the discretion of the animal control officer, be safely impounded, then such animal may be disposed of or destroyed immediately. The animal control officer in his or her discretion for any humane reason, may immediately dispose of or destroy any animal that is in violation of this Ordinance.

3. Notwithstanding any other provision of law to the contrary, any animal destroyed while impounded in a county shelter shall be destroyed pursuant to the methods outlined in A.R.S. § 11-1021.

SECTION VII: KENNELS

1. “Kennel” means any establishment exclusive of one providing dental, medical or surgical care or for quarantine purposes which maintains five or more animals of the same species over four months of age.
2. Any person who owns, maintains or harbors five or more animals of the same species over four months of age must obtain a kennel permit. All canines over four months of age must have a current rabies vaccination.
3. The kennel permit fees and any fees for delinquencies shall be determined by the Board of Supervisors by resolution and shall expire on the first day of January and shall be delinquent by the first day of February. No kennel permit fee shall be prorated or refunded nor shall the permit be transferable.
4. It shall be the duty of the owner of the kennel to pay the kennel fee imposed to the animal control officer on or before the first day of February in each year, or upon establishing a kennel in the County.
5. The permittee shall operate the kennel so as to eliminate excessive or untimely noise from animals and offensive odors from the kennel.
6. The permittee shall retain the name, address and phone number of the owner of each boarded animal and the license number of each animal. This register must be exhibited to the animal control officer on demand.
7. The permittee shall retain the name and address of each person selling, trading or giving any animal to the kennel.
8. The permittee shall provide an isolation ward for sick animals, sufficiently removed so as not to endanger the health of other animals.
9. The permittee shall notify the owner of a boarded animal when such animal refuses to eat or drink, causing it to lose weight, or when such animal is injured or becomes weak or ill.

10. The provisions set forth – subsections, except where inconsistent, shall apply to animal kennels. In addition, caged areas shall contain no less than 20 square feet per any dog or cat boarded and the outside run area shall be no less than 40 square feet per dog or cat.
11. The animal control officer shall be the enforcement agent responsible for the enforcement of the provisions of this section regarding kennels. The animal control officer shall make periodic inspections as deemed appropriate but in no event less than semi-annually.

SECTION VIII: UNLAWFUL INTERFERENCE WITH COUNTY ENFORCEMENT AGENT

Pursuant to A.R.S. §11-1107, 11-1015 and 11-1019, any person who interferes with the county enforcement agent, or his designated deputies, in the performance of his or her duties is guilty of a class two misdemeanor.

SECTION IX: FEE SCHEDULE

The following fees are hereby adopted by the Board of Supervisors for the items listed:

1. Adoption fee.

Dog (requires rabies Vaccine/License if over 3 months)	\$80.00
Cat	\$60.00

2. Impound Fee.

Pick up fee	\$40.00
Owner Surrender (Dog or Cat)	\$20.00
Afterhours Pick-up Fee	\$100.00
1 st impound	\$20.00
2 nd impound	\$50.00
3 rd impound	\$100.00
Board fee (per day)	\$10.00
Rabies Quarantine	\$100.00

3. License Fee (dog four months or older).

Altered	(One year)	\$10.00
	(Two year)	\$18.00
	(Three year)	\$26.00
Unaltered	(One year)	\$20.00
	(Two year)	\$40.00
	(Three year)	\$60.00
Late Fee		\$10.00

Senior Discount		\$5.00
Veteran Discount		\$5.00

4. Trap deposit, rental fee and late return fee.

Dog Trap	(Deposit)	\$70.00
Cat Trap	(Deposit)	\$50.00
Refund of Deposit on return of trap	(Dog)	\$70.00
Refund of Deposit on return of trap	(Cat)	\$50.00

5. Euthanasia Fee.

Dog	(Dog)	\$100.00
Cat	(Cat)	\$60.00
Afterhours	(Dog)	\$140.00
	(Cat)	\$100.00

SECTION X: DOG LICENSE REQUIREMENTS AND FEES

1. Any dog three (3) months of age or older kept, harbored, or maintained within La Paz County for (30) consecutive days or more must be licensed.
2. Prior to a dog license being issued, the owner of the dog to be licensed must provide current proof of rabies vaccination.
3. All dog licenses will be issued for 1 to 3 years beginning with the date of issuance and must be renewed for the life of the dog on or before the expiration of the license.
4. A durable dog tag shall be issued for each dog licensed. The dog tag shall contain the number of the license and the date of expiration and shall be worn by the dog always. The tag shall be attached to a collar or harness which shall be worn by the dog always.
5. The Board of Supervisors may set license fees that are lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof, satisfactory to the County Enforcement Agent, that such dog has been surgically altered to be permanently incapable of procreation.
6. Seniors. To receive a discounted license fee for senior owners, verification that the owner is at least 65 years of age must be provided with the license application. This discount applies to altered dogs only and to a maximum of 5 license fees.
7. Veterans. To receive a discounted license fee for veteran owners, verification that the owner is a veteran of the United States Armed Forces must be provided with the license application. This discount applies to altered dogs only and to a maximum of 5 license fees.

8. Licenses lapsing more than 60 days from date of expiration will be assessed a late fee in addition to the regular license fees.

9. If there is a change of ownership of a dog, the new owner shall have 30 days from the date of transfer to change ownership information.

SECTION XI: FEEDING PIGEONS AND OTHER BIRDS PROHIBITED

1. It shall be unlawful to feed pigeons intentionally, or unintentionally place, offer, or provide food in any manner in La Paz County.

2. It shall be unlawful for any person to feed intentionally, or unintentionally to feed, or cause to be fed, any wild birds or pigeons on private property where such feeding of birds creates a nuisance to the public.

SECTION XII: ANIMAL CRUELTY AND NEGLECT

1. Offenses as authorized pursuant to A.R.S. § 13-2910(F). A person commits cruelty to animals under this ordinance if the person does any of the following:

- (a) Intentionally, knowingly, or recklessly subjects any animal under the person's custody or control to cruel neglect or abandonment.
- (b) Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control
- (c) Intentionally, knowingly or recklessly inflicts unnecessary physical injury to any animal;
- (d) Recklessly subjects any animal to cruel mistreatment;
- (e) Intentionally, knowingly or recklessly kills or attempts to kill any animal under the custody or control of another person without either legal privilege or consent of the owner;
- (f) Recklessly interferes with, strikes, kills or harms a working or service animal without either legal privilege or consent of the owner;
- (g) Intentionally, knowingly or recklessly leaves an animal unattended and confined in a motor vehicle and physical injury to or death of the animal is likely to result;
- (h) Intentionally, or knowingly subjects any animal under the person's custody or cruel neglect or abandonment that results in serious physical injury to the animal.
- (i) Intentionally or knowingly subjects any animal to cruel mistreatment.

2. Neglect. The purpose of this subsection is to guarantee that animals under human custody or control are housed in healthy environments and are provided with proper food, water, shelter, medical care, exercise space and ventilation. Any person owning or having care, control or custody of any animal shall provide:

- (a) That the animal receives daily, food that is free from contamination and is of sufficient quantity and nutritional value to maintain the animal in good health;
- (b) That the animal receives proper care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering;
- (c) That the animal is given adequate exercise space within an enclosure that shall be constructed of material, and in a manner, to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition. Except for temporary tethering of horses, the use of tie-outs such as chains, leashes, wires, cables, ropes, or similar restraining devices for the purpose of animal confinement is hereby prohibited;
- (d) That the animal has access to adequate ventilation and is protected from temperature extremes always. In this connection, it is unlawful for any person to keep any animal in a vehicle or other enclosed space in which the temperature is either so high or so low, or the ventilation is so inadequate, as to endanger the animal's life or health. Any Peace Officer, Animal Control Officer, or County Enforcement Agent is authorized to use whatever force is reasonable and necessary to remove any animal from a vehicle or other enclosed space whenever it appears that the animal's life or health is endangered by extreme temperatures or lack of ventilation within the vehicle or other enclosed space.
- (e) No Peace Officer, Animal Control Officer, or County Enforcement Agent shall be liable for damages to property caused by using reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.

3. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

SECTION XIII: REPEAL OF PRIOR ORDINANCES

La Paz County Ordinance Numbers 2007-02 and 2008-09 and all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

(e) No Peace Officer, Animal Control Officer, or County Enforcement Agent shall be liable for damages to property caused by using reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.

3. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

SECTION XIII: REPEAL OF PRIOR ORDINANCES

La Paz County Ordinance Number 2007-02 and Resolution No. 2008-09 and all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION XIV: SEVERABILITY

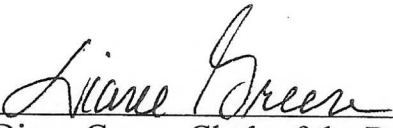
If any section or paragraph of this ordinance is found unconstitutional or preempted by federal or state law, it shall not affect the remaining sections and paragraphs but shall be stricken and the remaining provisions of this ordinance shall be given effect.

SECTION XV: EFFECTIVE DATE


This ordinance shall take effect and be enforced from and after its passage and publication according to law.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of La Paz County on this 4th day of March 4, 2019.

ATTEST:



Diane Green, Clerk of the Board



Duce Minor, Chairman

APPROVED AS TO FORM:



Ryan N. Dooley, Deputy County Attorney