

PINAL COUNTY ANIMAL CONTROL ORDINANCE NO. 42303

§1001. DEFINITIONS

In this ordinance, unless the context otherwise requires:

- A. "Animal means any animal of a species that is susceptible to rabies, except man.
- B. "At large" means being neither confined by an enclosure nor physically restrained by a leash.
- C. "Board" means the Pinal County Board of Supervisors.
- D. "County board of health" means the Pinal County Board of Health.
- E. "County shelter" means any establishment authorized by the Board for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the Officer in the performance of the officer's official duties.
- F. "Department" means the Pinal County Department of Health and Human Services.
- G. "Division of Animal Care and Control" means the Pinal County Division of Animal Care and Control, a subdivision of the Pinal County Department of Health and Human Services.
- H. "Dog guide" and "service dog" means a dog which has gone through a formal training program, which assists its owner in one or more daily living tasks associated with a productive lifestyle and which is sufficiently conditioned to be no danger to the health and safety of the general public, and includes a dog guide or service dog in training.
- I. "Fee" means those amounts enumerated in §1016, CIVIL PENALTY of this Ordinance or applicable fees adopted by the Board of Supervisors.
- J. "Hearing Officer" means the Pinal County Hearing Officer as authorized to adjudicate civil violations pursuant to A.R.S. §11-1006 under the Pinal County Hearing Officer Rules of Procedure.
- K. "Impound" means the act of taking or receiving into custody by the Division of Animal Care and Control any dog or other animal for the purpose of confinement in a county shelter in accordance with the provisions of this ordinance (the previous term "pound" has been replaced by the broader, more encompassing term shelter).
- L. "Impound period" means the four-working-day time period the animal is impounded.
- M. "Isolation area" means an area where there will be no possibility of contact with other animals or humans, other than a designated custodian.

N. “Kennel” means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions for any purpose.

O. “Lawful presence on private property” is when a person is in or on the private property of the owner of an animal as an invitee or guest, or in the performance of a duty imposed upon the person by law of the state or United States, or by ordinance of a municipality in which such property is located.

P. “Livestock” means bovine animals, horses, sheep, goats, swine, mules, assess, and ostriches, rhea, and ratites.

Q. “Officer” means an Animal Control Officer of the Pinal County Division of Animal Care and Control.

R. “Owner” means any person keeping an animal other than livestock for more than six consecutive days.

S. “Rabies quarantine area” means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

T. “Regulation” means those regulations in the Pinal County Animal Care and Control Ordinance.

U. “Stray dog” means any dog four months of age or older running at large that is not wearing a valid license tag.

V. “Racing Greyhound” means a Greyhound Dog registered with the National Greyhound Association, unless they have been permanently retired from racing, and a puppy whose parentage include either a registered brood matron or stud dog.

W. “Vaccination” means the administration of an anti-rabies vaccine to animals by, or under the direct supervision of, a veterinarian.

X. “Veterinarian” unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.

Y. “Veterinary hospital” means any establishment operated by a veterinarian licensed to practice in this state that provides clinical facilities and houses animals 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 pens, stalls, cages or kennels for quarantine, observation or boarding.

Z. “Vicious animal” means any animal of the order carnivora which, without provocation, has a propensity to attack, to cause injury or to otherwise endanger the safety of human beings, domestic animals, or animals maintained for commercial purposes, or that has been so declared after a hearing before a justice of the peace or a city magistrate.

§1002. POWERS AND DUTIES OF THE DIVISION OF ANIMAL CARE AND CONTROL

The Division of Animal Care and Control and its Officers shall:

A. Enforce the provisions of this ordinance and municipal ordinances which the Board has contracted to enforce.

B. Issue citations for the violation of this ordinance and municipal ordinances which the Board has contracted to enforce. The Officer shall prepare in a quadruple writing:

1. A complaint and notice to appear before the hearing officer at a specified time and place at least 10 working days after the issuance of the citation;

2. The complaint shall contain the name and address of person being given a citation, the offense cited, and a form of certification by the Officer in substance as follows:

“I hereby certify that I have a reasonable grounds to believe and do believe that the person cited herein committed the offense described herein contrary to law.”

§1003. LICENSE FOR DOGS; ISSUANCE OF DOG TAGS; WEARING LICENSES; RECORDS; CLASSIFICATION

A. All dogs not exempted under other provisions of the ordinance must be licensed in accordance with this ordinance, or the laws of another State. An application for a license shall be accompanied by a vaccination certificate. The licensing period shall be one year, or for the length of time indicated on the accompanying vaccination certification, whichever is shorter. License fees shall be paid within ninety days of the expiration of the licensing period to the county treasurer or his authorized representative. A late fee not to exceed two dollars 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 article. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession in Arizona less than thirty consecutive days.

B. Any dog over the age of four months shall wear a collar or harness to which is attached a valid license tag, unless the dog is being kept, harbored or maintained pursuant to a valid animal care and control kennel permit. The collar used to display the license shall not be a choke type. Dogs used for control of livestock or while being used or trained for hunting or dogs while being exhibited or trained at a kennel club event or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed and controlled.

C. Each dog licensed under the terms of this ordinance shall receive, at the time of licensing, a tag on which shall be inscribed Pinal County, the number of the license, and the date on which it expires.

The tag shall be attached to a collar or harness which shall be worn by the dog, except as otherwise provided in this ordinance.

D. Upon the payment of the license fee, the Division of Animal Care and Control shall issue a receipt. The receipt shall contain the name and address of the owner of the dog, the date of vaccination of the dog against rabies, the manufacturer of the rabies vaccine used, the series number of the vaccine used, veterinarian name, veterinarian's number, vaccination date, re-vaccination date, and the description of the dog, including the name, breed, age color and sex.

E. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the Division of Animal Care and Control.

F. License fees shall be 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 Division of Animal Care and Control that such a dog has been surgically altered to be permanently incapable of procreation.

G. A dog guide or service dog belonging to a resident of the County of Pinal shall, upon presentation of a certificate of physical impairment and a current certificate of vaccination against rabies, have the license fee for such dog waived.

H. A dog kept under a valid kennel permit, and meeting all of the requirements for the licensing of a dog, may be issued a license for an individual Kennel Dog License Fee.

I. Any person who knowingly fails within fifteen days after written notification from the Division of Animal Care and Control to obtain a license for a dog required to be licensed, counterfeits an official dog tag, removes such tag from any dog for the purpose of intentional and malicious mischief or places a dog tag upon a dog unless the tag was issued for that particular dog is in violation of this Ordinance.

J. No more than four dogs may be licensed to any single property, owner, location or family residing at a single address unless a kennel permit is also issued.

§1004. RESTRICTIONS ON KEEPING, HARBORING OR MAINTAINING DOGS

A. It shall be unlawful to keep, harbor, or maintain a dog which by frequent or habitual barking, howling, screeching, yelping or baying, or in any way or manner injures or disturbs the quiet of a reasonable person of the community, or which disturbs or endangers the comfort, repose or health of a reasonable person.

B. It shall be unlawful to have a kennel without a valid kennel permit.

§1005. KENNEL PERMIT; FEE; VIOLATION; CLASSIFICATION

A. Subject to §1006, a person operating a kennel shall obtain a permit issued by the Division of Animal Care and Control under one of the following classifications:

1. Class I, five to ten dogs
2. Class II, eleven to twenty dogs
3. Class III, over twenty dogs.

B. An application for a class I, II or III kennel permit shall be submitted to the Division of Animal Care and Control. No kennel permits shall be issued on premises that contain an existing class I, II or III kennel; on premises that are listed as a kennel location on a pending class I, II or III kennel permit application; and the permittee does not have a compliance certification from the Pinal County Planning and Development Services Department, the Pinal County Public Health Department, and if necessary, the Pinal County Building Safety Department.

C. The permittee shall comply with:

1. All health regulations and statutes including, but not limited to, those addressing the elimination of excessive noise from dogs and offensive odors;
2. All regulations and statutes addressing the safety and welfare of dogs; and
3. All regulations and statutes addressing the safety, health and welfare of the general public.

D. The permittee shall:

1. Ensure kennel and exercise areas where dogs are housed are maintained in a sanitary condition. Waste products shall be disposed of in a manner determined by the Pinal County Health Department.
2. Provide clean potable water, available to each dog at all times.
3. Provide adequate amounts of food free from contamination and of sufficient quantity and nutritive value to maintain the dog in good health.
4. If a dog becomes seriously ill or is injured, provide prompt, appropriate veterinary care when necessary or have the dog destroyed in a humane manner. Permittee shall provide an isolation area for sick dogs, sufficiently removed so as not to endanger the health of other dogs.

E. Provide a minimum perimeter confinement requirement for a class I, II or III kennel which shall be an exterior fenced perimeter of the kennel, constructed in such a manner as to ensure containment of the dogs at all times.

F. Provide adequate individual confinement space for each dog that is appropriate to the age, size, weight and breed of dog. For the purpose of this paragraph, "adequate space" means sufficient space for the dog to experience normal body movements without having to make contact with the sides or top of

the enclosure, including the ability to stand up, sit down, lie down, turn about freely and relax in a natural position, and not be soiled when urinating or defecating while maintaining clean food and water. While ensuring the above, the minimum size of the confinement area shall be:

1. For a dog under sixteen pounds: a minimum base measurement of 28 inches by 28 inches;
2. For a dog at least sixteen and no more than forty pounds: a minimum base measurement of 36 inches by 28 inches;
3. For a dog at least forty and no more than one-hundred pounds: a minimum base measurement of 36 inches by 60 inches; and
4. For a dog over one-hundred pounds: a minimum base measurement of 48 inches by 70 inches.
5. For dogs which are housed on wire flooring, the permittee shall provide a resting board, floor mat or other similar device that is maintained in a sanitary condition that allows the dog to rest off of the wire flooring.
6. An outside-run or confinement area of sufficient size to provide adequate exercise to maintain proper health, but the dog should have no less than sixty-four square feet to exercise daily.

G. The only exception from the requirements of section "F" above shall be for class I, II or III kennels, in possession of a current kennel permit issued by the division of animal care and control, housing only racing greyhounds which are inspected by staff from and in compliance with requirements of the Arizona Racing Commission. For racing greyhound kennels, kennel confinement requirements shall be those established by the Arizona Racing Commission.

H. Permittee shall retain name, address and telephone number of the owner of each boarded dog. This register must be exhibited to the Animal Care and Control Officer upon demand with notice.

I. Permittee shall retain name and address of each person selling, trading or giving any dog to the kennel.

J. Permittee shall notify the owners, or owner's designate, of a boarded dog when the dog refuses to eat or drink for a period time where the dog's well being may be seriously affected, cause it to lose flesh, or when the dog is injured, or becomes weak or ill.

K. Permittee for class I and II kennel permits are subject to two announced inspections per calendar year as a condition of the permit.

L. Permittee for class III kennel permits are subject to up to two announced and two unannounced inspections per calendar year as a condition of the permit.

M. A dog remaining within the kennel is not required to be licensed individually as required by §1003, but must be vaccinated. A dog leaving the controlled kennel conditions shall be licensed as required by §1003 except if the dog is only being transported to another kennel which has a permit issued under this section.

N. A person who fails to maintain a valid kennel permit issued under this section is subject to a late fee of twenty-five dollars in addition to the annual fee.

O. All valid kennel permit holders on the effective date of this ordinance will be exempt from the confinement requirements for an additional six-month permitting period.

P. All Kennel Permits are subject to revocation by the Director of the Division of Animal Care and Control (hereinafter for this subsection "Director") as follows:

1. After filing of a complaint detailing the violations of a Kennel Permit by an Officer with the Director, a date for a hearing shall be set and notice of said date shall be personally served on the permittee at least fifteen days prior to the hearing date. If the Officer is unable to personally serve the notice, then the notice may be served by alternative methods of service prescribed in Rule 4 of the Arizona Rules of Civil Procedure, and the notice shall be served at least fifteen days prior to the hearing.

2. The permittee may contest the revocation of the Kennel Permit by appearing at the hearing and/or by providing the Director a signed statement by the permittee or his attorney setting out the grounds for contesting the revocation of the Kennel Permit prior to the hearing.

3. After hearing the testimony, if any, of the Officer and any other County witnesses, and the testimony, if any, of the permittee and any other permittee witnesses, the Director will dismiss the complaint, or make one of the following determinations:

a. the alleged violation of the permit did occur, but the violation can be remedied by the permittee and monitored by the Division of Animal Care and Control within fourteen days, and thus the permit may not be revoked; or

b. the alleged violation of the permit did occur, and the violation immediately endangers the health and safety of the dogs, and thus the permit may be revoked.

4. After a rehearing, a permit may be revoked by the Director if the violations had not been remedied within the prescribed fourteen-day period, or continued an additional fourteen-day period if the Director finds significant progress has been made in remedying the violation of the permit.

§1006. RACING GREYHOUND CARE

In addition to the provisions of §1005, KENNEL PERMIT; FEE; VIOLATION; CLASSIFICATION, owner of a racing greyhound shall state on the face of their permit request that their kennel will comply with all the racing greyhound kennel requirements of the Arizona Racing Commission.

§1007. DOGS NOT PERMITTED AT LARGE, RESTRICTIONS FOR PUBLIC PARKS AND SCHOOL PROPERTY

A. No dogs are permitted at large.

B. No person in charge of any dog shall permit such dogs in a public park or upon any public school property unless the dog is physically restrained by a leash, enclosed in a car, cage or similar enclosure, or being exhibited or trained at a recognized kennel club event, public school or park sponsored event.

§1008. IMPOUNDING AND DISPOSING OF DOGS AND CATS; RECLAIMING IMPOUNDED DOGS AND CATS; IMPOUND FEES

A. Any stray dog shall be impounded. Any licensed dogs at large may be impounded. All dogs and cats impounded shall be given proper care and maintenance.

B. Each dog or any cat impounded shall be kept and maintained at the county shelter at the owner's expense for a minimum of four working-days unless claimed by its owner. Any person may purchase or adopt such a dog or cat upon expiration of the impoundment period, provided such person pays all applicable adoption fees and complies with the licensing and vaccinating provision of this ordinance.

C. If the dog or cat is not reclaimed within the impound period, the Division of Animal Care and Control may place the dog or cat for sale, adoption, or may dispose of the dog or cat in a humane manner. The Division of Animal Care and Control may destroy impounded sick or injured dogs or cats if destruction is necessary to prevent the dog or cat from suffering or to prevent the spread of disease.

§1009. HANDLING OF BITING ANIMALS; RESPONSIBILITY FOR REPORTING ANIMAL BITES; AUTHORITY TO DESTROY ANIMALS

A. An unvaccinated dog or cat that bites any person shall be confined and quarantined in a county shelter, or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than ten days from the date the bite occurred. A dog properly vaccinated and licensed or under a kennel permit, pursuant to this ordinance, that bites any person, may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the Division of Animal Care and Control.

B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in a county shelter or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days from the date the bite occurred, provided that livestock shall be confined and quarantined for the fourteen-day period in a manner regulated by the Arizona Department of Agriculture. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained, for the required period of time, with the consent of and in a manner prescribed by the Division of Animal Care and Control.

C. Any wild animal which bites any person may be killed and submitted to the Division of Animal Care and Control or an Officer for transmission to an appropriate diagnostic laboratory.

D. For the purposes of this section, animals that are known to be hybrids, a genetic cross between a domestic animal and a wild animal, will be handled according to the recommendations/ guidelines of the State Public Health Veterinarian, Arizona Department of Health Services.

E. Whenever an animal bites any person, the incident shall be reported to the Division of Animal Care and Control immediately by any person having direct knowledge.

F. The Division of Animal Care and Control may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if;

1. Such animal shows clear clinical signs of rabies.
2. The owner of such animal consents to its destruction.

G. Any animal subject to licensing under this ordinance found without means to identify its owner shall be deemed unowned.

H. The Division of Animal Care and Control shall destroy a vicious animal upon an order of a justice of the peace or a city magistrate.

§1010. INTERFERENCE WITH OFFICER

It is a violation of this ordinance for any person to interfere with the Officer in the performance of the officer's duties.

§1011. REMOVING IMPOUNDED ANIMALS

It is a violation of this ordinance to remove or attempt to remove an animal which has been impounded or which is in the possession of the Division of Animal Care and Control except in accordance with the provisions of this ordinance and the regulations promulgated thereunder. For the purpose of this paragraph, impounded includes any animal captured in a live animal trap owned by the division of animal care and control but not yet impounded at a County Shelter.

§1012. UNLAWFUL KEEPING OF DOGS

It is a violation of this ordinance for a person to keep, harbor or maintain a dog within those areas of Pinal County within the jurisdiction of the Division of Animal Care and Control except as provided by the terms of this ordinance.

§1013. STERILIZATION OF IMPOUNDED DOGS AND CATS; DEFINITION

A. A dog or cat shall not be released for adoption from any County Shelter or from an animal shelter unless either:

1. The dog or cat has been first surgically spayed or neutered.

2. The adopting party signs an agreement to have the dog or cat spayed or neutered within thirty days or before sexual maturity and deposits with the County Shelter or animal shelter an amount sufficient to ensure that the dog or cat will be sterilized.

B. Deposits with the County Shelter or animal shelter shall be deducted from the total cost of sterilizing adopted dog or cat. The deposit does not include vaccination or licensing, and will be forfeited six months from day of adoption, unless the adopting individual has a written statement from a veterinarian stating that the animal is unable to be spayed or neutered, and an expected date of recovery.

C. For purposes of this section “animal shelter” means a facility that is used or designated for use to house or contain any dog or cat and that is owned, operated or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit corporate organization devoted to the welfare, protection and humane treatment of animals.

§1014. SEVERANCE

If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such provision shall not affect the validity of the remaining portions of the ordinance in each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more such sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

§1015. CRUELTY AND NEGLECT OF ANIMALS

A. CRUELTY. Any person who overdrives, overloads, overworks, tortures, torments, cruelly beats, mutilates or unlawfully kills an animal, or causes or procures an animal to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, cruelly beaten, mutilated or killed, and any such person, having charge or custody of an animal, either as owner or otherwise, who inflicts unnecessary cruelty abandons it, or carries it or causes it to be carried in or upon a vehicle or otherwise, in an unnecessarily cruel or inhumane manner or knowingly and willfully authorizes or permits it to be subjected to unreasonable or unnecessary torture, suffering cruelty of any kind, shall be guilty of a violation of this ordinance.

B. ABANDONMENT. Any person who drops off or leaves an animal on a street, road, highway, in a public place or on private property with the intent to abandon is guilty of a violation of this ordinance.

C. 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:

1. That the animal receives food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health;
2. That potable water is accessible to the animal at all times, either free-flowing or in a clean receptacle;
3. Except for livestock, all animals shall have convenient access to natural or artificial shelter throughout the year. Any such artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section. Any shelter, all bedding and all spaces accessible to the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured, or becoming infested with parasites.
4. That the animal receives care and medical treatment for injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering, or if such care and treatment is not feasible, that the owner provide or have provided humane destruction.
5. Adequate exercise space for the animal;
 - a. With an enclosure that shall be constructed 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, or
 - b. On a tieout, consisting of a chain, leash, wire cable or similar restraint attached to a swivel or pulley. A tieout shall be so located as to keep the animal exclusively on the secured premises. Tieouts shall be so located that they cannot become entangled with other objects. Collars used to attach an animal to a tieout shall not be of a choke type.
6. That the animal has access to adequate ventilation and is protected from temperature extremes at all times. 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.

D. The Officer may take control of neglected animals and may transport neglected animals to an animal shelter for impound, veterinarian for treatment or euthanize the animal for the health, safety and welfare of the public and the animal. All costs incurred by the county in maintaining, taking control of and treating such animals shall be assessed against the owner prior to the release of the animal.

E. Any of the provisions of this Section may be waived as dictated by treatment under the direction of a licensed veterinarian.

§1016 CIVIL PENALTY FEES; DEPOSITS

A. Civil Penalty. "Violation of this ordinance" shall carry a civil penalty of no less than \$50.00 and no more than \$2500.00.

B. Penalties, fees, deposits and recovery costs associated with this ordinance shall be adopted by resolution of the Pinal County Board of Supervisors pursuant to, but limited to, the authority and mandates of A.R.S. §§ 11-251 (47), 11-251.08, 11-1005, 11-1008, 11-1009, 11-1013, and 11-1022.

§1017. REPEALING CLAUSE; EFFECTIVE DATE; EFFECT OF REPEAL ON PRIOR OFFENSES AND PUNISHMENTS

A. The Pinal County Animal Control Ordinance NUMBER 71395 now in force and effect are repealed effective twelve o'clock noon on April 23, 2003.

B. Each and all of the provisions of this ordinance shall not be construed to repeal or in any way to affect or modify the running of the statutes of limitations in force at the time this ordinance becomes effective.

C. The adoption and enactment of this ordinance shall not be construed to repeal or in any way to affect or modify the running of the statutes of limitations in force at the time this ordinance becomes effective.

D. No fine, forfeiture or penalty incurred under laws existing prior to the time this ordinance takes effect shall be affected by repeal of such existing laws, but the recovery of such fines and forfeitures and the enforcement of such penalties shall be effected as if the law repealed had still remained in effect.