RESOLUTION 86-25

WHEREAS, pursuant to Section 24-365 A. (4), Arizona Revised Statutes, the Board of Supervisors of Yuma County may for the unincorporated areas of the county, by ordinance, regulate, restrain and prohibit the running at large of dogs, except dogs used for control of livestock or while being used or trained for hunting, and

WHEREAS, the legistature has by Section 24-376 B), Arizona Revised Statutes, provided that the provisions of Title 24, Chapter 2, Article 8 entitled "County Pounds" shall not apply to counties which regulate the running at large of dogs in the unincorporated areas of the county by ordinance, provided however that such ordinance is equal to or more stringent than the provisions of said article, and

WHEREAS, under Section 24-365 A. (5) the Board of Supervisors may provide criminal penalties not to exceed the penalties for a class 2 misdemeanor for violation of an ordinance adopted pursuant to said section.

NOW THEREFORE, The Board of Supervisors of Yuma County does hereby resolve that the following Ordinance, which is equal to or more stringent than the provisions of Title 24, Chapter 2, Article 8 of the Arizona Revised Statutes, regulating, restraining and prohibiting the running at large of dogs, in the unincorporated areas of Yuma County and the penalties as provided therein, be and the same is hereby adopted.

ORDINANCE

AN ORDINANCE REGULATING, RESTRAINING AND PROHIBITING THE RUNNING AT LARGE OF DOGS WITHIN THE UNINCORPORATED AREAS OF YUMA COUNTY.

SECTION ONE. Definitions

In this ordinance, unless the context otherwise requires:

1. "Dog" means any member of the canis familiaris.

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

3. "At large" means being neither confined upon the premises of the owner within the rural areas of the County, or in the urban areas, being physically restrained by an enclosure or by leash, cord, rope, or chain of sufficient strength to control the action of the animal on the premises of the owner. When away from the premises of the owner "at large" means being

neither confined in a vehicle, cage or similar enclosure, or restrained by a leash not exceeding six feet in length, and directly under the owner's control.

4. "Owner" means any person owning, harboring, keeping, possessing or maintaining a dog for more than six consecutive days within the unincorporated areas of the County.

5. "Vicious dog" means;

a. Any dog that has a propensity to bite human beings without provocation, and has been so declared after a hearing before a Justice of the Peace.

b. Any dog that has a known propensity, tendency or disposition to attack unprovoked and to cause injury to or otherwise endanger the safety of human beings or domestic animals.

6. "License or tag" means, a current Rabies Control License issued by Yuma County.

7. "Premises of the owner" means all land owned or controlled by the owner.

8. "Urban" means, those unincorporated areas of the County within recorded subdivisions. "Rural" means the remainder of the unincorporated area of the County.

SECTION TWO. Prohibitions

A. No person owning, keeping, possessing, harboring, or maintaining a dog shall allow said dog to be at large. The owner, or other person acting for the owner, of a dog shall at all times keep such dog from running at large upon the streets, sidewalks, alleys, or public property within the unincorporated areas of the County or from being or running at large upon or about the private premises of any person not consenting thereto.

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

(1) If said dog is restrained by a leash, chain, rope, or cord of sufficient strength to control the action of said dog, or if confined, in a suitable enclosure.

(2) While accompanied by and under the control of his owner or trainer in the rural areas of the County or at a dog obedience training school, provided that the person training or handling said dog has in his possession a dog leash of sufficient strength to control the actions of said dog.

(3) While said dog is being used or trained for hunting purposes, accompanied by and under the control of the owner or trainer.

(4) While said dog is being exhibited at an recognized kennel club show.

(5) While said dog, under the owner's control, is engaged in races approved by the Arizona Racing Commission.

(6) While said dog, under the owner's control, is actively engaged in livestock control.

(7) While said dog is assisting a Peace Officer engaged in law enforcement duties, or assisting it's blind or deaf master, so long as such dog is under direct and effective voice control of such individual to assure that it does not violate any other provisions of the law and this Ordinance.

(8) When upon the premises of the owner in the rural areas of the County.

C. Any dog running at large may be apprehended and impounded by the Enforcement Agent. Reasonable effort shall be made to ascertain and contact the owner prior to impountment. If the owner can be contacted he shall be afforded the opportunity to restrain the dog without the necessity of impoundment. The owner may be issued a citation for violation of this Ordinance.

D. The Enforcement Agent in reasonable pursuit of a dog found at large, shall have the right to enter upon the owners permises in order to ascertain the idenity of the owner and insure that the dog is adequately restrained. The owner of such dog may be issued a citation for violation of this Ordinance.

E. If the owner of a dog at large is unknown and cannot reasonably be ascertained the dog shall be impounded. When the dog is claimed by the owner, the owner may be issued a citation for violation of this Ordinance.

SECTION THREE. County Enforcement Agent

The Board of Supervisors shall designate or employ a County Enforcement Agent. In the absence of such designation the County Sheriff shall be the County Enforcement Agent.

SECTION FOUR. Powers and Duties of Enforcement Agent

A. The County Enforcement Agent shall:

1. Enforce the provisions of this Ordinance and the regulations promulgated herein.

2. Issue citations for the violation of the provision of this Ordinance. The procedure for the issuance of notices to appear shall be as provided for Peace Officers in Section 13-3903, Arizona Revised Statutes, except that the Enforcement Agent shall not make an arrest before issuing the notice.

B. The issuance of citations pursuant to this section shall be subject to the provisions of ARS Sec. 13-3899 and all citations shall contain a form of certification by the Enforcement Agent, or his Deputy, stating as follows:

"I hereby certify that I have reasonable grounds to believe that the person cited herein committed the offense described herein contrary to law."

C. The County Enforcement Agent may designate Deputies.

SECTION FIVE. Handling Biting Dogs, Vicious Dogs

A. Whenever a dog bites any person, the incident shall be reported to the County Enforcement Agent immediately by any person having direct knowledge.

B. Any dog that bites any person shall be confined and quarantined as porvided in A.R.S. Section 24-372.

C. No person owning, harboring or having the care of custody of a vicious dog shall suffer or permit such dog to go unconfined, as hereinafter defined, unless such dog is securely leashed, muzzled and securely restrained.

D. A vicious dog is "unconfined" if while on the premises of its owner, such dog is not securely confined indoors or confined in a securely enclosed and locked pen or dog run area upon the owner's premises.

E. The County Enforcement Agent shall destroy a vicious dog found at large upon an order of a Justice of the Peace. A Justice of the Peace may issue such order after notice to the owner, if any, and a hearing.

SECTION SIX. Licensing and Tags

A. All dogs four months of age or over, kept, harbored, or maintained in Yuma County for at least thirty consecutive days, must be licensed and registered as provided in A.R.S. Section 24-367. The Board of Supervisors shall establish a fee for licenses annually.

B. Before a license is issued for any dog, a rabies vaccination certificate shall be required as provided in A.R.S. Section 24-368.

C. Persons operating a kennel shall obtain a permit as provided in A.R.S. Section 24-368.

D. A license shall not be required for dogs:

(1) Temporarily brought into Yuma County for the purpose of any dog show.

(2) Used as guide dogs to assist the blind or deaf. Such guide dogs must be vaccinated and shall be licensed without the payment of a fee.

(3) If validly licensed in another state and temporarily brought into Yuma County provided the owner has in his possession certification from a veterinarian of the vaccinations otherwise required by this Ordinance. The owner shall register said dog with the Humane Officer and secure an identification tag which shall be securely attached to the collar of said dog.

(4) Dogs confined in a kennel provided the owner possesses a kennel permit as provided in subsection "C" above.

E. A license shall be issued for a particular dog and is not transferable to another. A new license is required upon any change of ownership.

SECTION EIGHT. Unlawful Keeping of Dogs

It is unlawful for a person to keep, harbor or maintain a dog within the County of Yuma except as provided by the terms of this Ordinance.

SECTION NINE. 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.

SECTION TEN. Unlawful Interference With Enforcement Agent

It is unlawful for any person to interfere with the County Enforcement Agent in the performance of his duties.

SECTION ELEVEN. Endangered Dog

An Enforcement Agent or a Peace Officer may enter a motor vehicle or other enclosure or structure and remove a dog when under the circumstances the existing conditions constitute a hazard to the animal's health. The dog shall be delivered to the owner without delay if the owner can be located. If the owner cannot be readily located the dog shall be impounded as provided in this Ordinance. A written notice shall be left in a prominent place in the vehicle advising the owner where the animal may be reclaimed.

SECTION TWELVE. Injured Animal

It is unlawful for any person who knowingly strikes and injures an animal with a motor vehicle to fail to report the incident without delay.

SECTION THIRTEEN. Violation; Classification

Any person who fails to comply with the requirements of this Ordinance or violates any of its provisions, is guilty of a class 2 misdemeanor.

SECTION FOURTEEN. Legislative Intent

By the adoption of this Ordinance it is the intent of the Board of Supervisors of Yuma County that the provisions of this Ordinance be equal to or more stringent than the provisions of Article 8, Chapter 2 of Title 24, Arizona Revised Statutes as ammended to

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the extent that this Ordinance purports to cover said provisions. It is expressly intended that the provisions of said Article not specifically covered by the Ordinance are recognized as more stringent than this Ordinance and are enforceable according to the terms of said statutes within the County of Yuma.

SECTION FIFTEEN. Effective Date

This Ordinance shall become effective and enforceable from and after June 1, 1986.

PASSED AND APPROVED by the Board of Supervisors of Yuma county, on the 5th day of May, 1986.

YUMA COUNTY BOARD OF SUPERVISORS

GARY MUNK, CHAIRMAN

ATTEST:

ANDREW O. TORRES, Clerk/
Yuma County Administrator

INDEXED

MICROFILMED

State of Arizona
County of Yuma ss 11048

I hereby certify that the within instrument was filed and recorded at the request of Yuma County Board of Supervisors
1986 JUN 23 AM 11 47

Docket 1489
Page 687-694

Witness my hand and official seal the day and year aforesaid.

GLENYS E. SCHMITT
County Recorder

Charlene L. Dilley
Deputy Recorder

(no fee)

COUNTY OF YUMA COUNTY RECORDER STATE OF ARIZONA

public hearing: yes
published: yes