

ORDINANCE No. 10-13

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COOLIDGE, ARIZONA, AMENDING SECTION 7-2-7 OF "THE CODE OF THE CITY OF COOLIDGE, ARIZONA" BY ADOPTING THE PINAL COUNTY RABIES AND ANIMAL CONTROL ORDINANCE No. 050510-ACC BY REFERENCE.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Coolidge, Arizona, as follows:

Section 1. Chapter 7 of "The Code of the City of Coolidge, Arizona" is hereby amended by deleting Section 7-2-7 in its entirety and replacing it with the following Section 7-2-7:

Section 7-2-7 Adoption of Pinal County Rabies/Animal Control Ordinance No. 050510-ACC

That certain document entitled "Pinal County Rabies and Animal Control Ordinance No. 050510-ACC", less the kennel provisions, is hereby adopted, and made a part of this Article the same as though said document was specifically set forth in full herein, and at least three copies of said documents shall be filed in the office of the clerk and kept available for public use and inspection and said document shall take precedence and govern if there is any conflict with any other provisions of this article.

Section 2. In the event of a conflict in interpreting the foregoing amendment and additions in relation to the existing "Code of the City Of Coolidge" the foregoing amendment and additions shall prevail. All article, chapter and section headings and indices in the "Code of the City of Coolidge" are hereby deemed to be amended to conform to the foregoing amendment and additions.

PASSED AND ADOPTED by the Mayor and City Council of the City of Coolidge, Arizona, this 26th day of July, 2010.



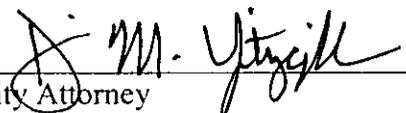
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

Pinal County Rabies and Animal Control Ordinance Ordinance Number 050510-ACC

Whereas Arizona Revised Statutes, Title 11, Chapter 7, Articles 6 and 6.1, Title 13, Chapter 29 and Title 36, Chapter 6, Article 1 grant the Pinal County Board of Supervisors the authority to adopt county ordinances concerning rabies and animal control, animal cruelty and public health issues that are consistent with state law; and

Whereas the adoption of a rabies and animal control ordinance consistent with and complimentary to state law will allow for the efficient enforcement of state law and this ordinance by providing for either administrative or judicial enforcement of state law or this ordinance.

NOW THEREFORE, BE IT ORDERED that the Animal Care and Control Department of Pinal County Health and Human Services is authorized to enforce the provisions of relevant Arizona Revised Statutes in Title 11, Title 13 and Title 36 and the provisions of this ordinance by the filing and prosecution to conclusion of citations or complaints in either the appropriate court of competent jurisdiction or the Pinal County Hearing Office.

Section I

A. Purpose: The purpose of this ordinance is to provide for the health, safety and welfare of persons and domestic animals in Pinal County, Arizona by enforcing the applicable provisions of Arizona statutory law and this ordinance.

B. Applicability: This ordinance shall apply only within the unincorporated areas of Pinal County and those municipalities that contract with the county for rabies and animal control services. Otherwise, it shall not apply to any incorporated town, city or Native American reservation.

C. Definitions:

1. The definitions in A.R.S. § 11-1001 and A.R.S. § 13-2910 (H) are incorporated by this reference, and shall be applied for all purposes of this ordinance.
2. County enforcement agent means a Pinal County Animal Control Officer or an Arizona P.O.S.T. certified peace officer.
3. Public nuisances dangerous to public health means those items, places or locations described in A.R.S. § 36-601 (A).
4. The Pinal County Hearing Office means the hearing office established by the Pinal County Board of Supervisors, applying the Pinal County Hearing Officer Rules of Procedure, as revised from time to time.
5. Civil infraction means a violation of this ordinance having a penalty as set forth in the fee schedule approved by the Pinal County Board of Supervisors.
6. Penalty means the penalty or fine to be imposed by the Justice of the Peace or Hearing Officer, in an amount not to exceed two hundred-fifty dollars (\$250) per offense for each first offense and a fine not to exceed five hundred dollars (\$500) per offense for each second or

subsequent offense(s), committed within thirty-six (36) months, unless a specific fine or penalty is set by statute or the Zoning Ordinance.

7. Zoning Ordinance means the current Pinal County Zoning Ordinance.

Section II

A. Animal Control and Handling of Animals: A County enforcement agent shall enforce the provisions of A.R.S. § 11-1001 through A.R.S. § 11-1029 or any additional provisions by initiating a case against the responsible person or persons by the filing and prosecution to conclusion of a citation or complaint in a Justice Court or the Pinal County Hearing Office. The County enforcement agent shall elect whether to proceed in Justice Court or before the Pinal County Hearing Office. If the case is initiated in the Pinal County Hearing Office, it shall be a civil infraction for any person to violate the provisions of this section, and the penalty set forth herein shall apply.

B. Cruelty to Animals: A County enforcement agent shall enforce the provisions of A.R.S. §13-2910 by initiating a case against the responsible person or persons by the filing and prosecution to conclusion of a citation or complaint in a Justice Court or the Pinal County Hearing Office. The County enforcement agent shall elect whether to proceed in Justice Court or before the Pinal County Hearing Office. If the case is initiated in the Pinal County Hearing Office, it shall be a civil infraction for any person to violate the provisions of this section, and the penalty set forth herein shall apply.

Section III

A. Public Nuisances Dangerous to Public Health: A County enforcement agent shall enforce the provisions of this ordinance and/or A.R.S. § 36-601 (A) by initiating a case against a responsible person or persons by the filing and prosecution to conclusion of a citation or complaint in a Justice Court or the Pinal County Hearing Office. The County enforcement agent shall elect whether to proceed in Justice Court or before the Pinal County Hearing Office. If the case is initiated in the Pinal County Hearing Office, it shall be a civil infraction for any person to violate the provisions of this section, and the penalty set forth herein shall apply.

B. Disposal and accumulation of manure or animal waste of domestic animals and pets:

1. Each person owning or keeping domestic animals and pets including dogs, cats, other small mammals, birds or reptiles shall provide a receptacle of sufficient size for the temporary storage of such manure, body wastes or animal bedding of domestic animals and pets.

2. Such receptacle shall be constructed so that the contents will not be accessible to flies; and such receptacle shall be placed on the premises in a location as remote as possible from any surrounding dwelling or street. Such person shall empty and cleanse the receptacle as often as necessary, but not less than twice per month, and more often when directed to do so by a county enforcement agent.

3. It shall be a civil violation for an owner or occupant of any premises where domestic animals and pets including dogs, cats, other small mammals, birds or reptiles are kept to

deposit, cause to be deposited or allow to accumulate within or about such premises unreasonable amounts of any manure or animal waste from such domestic animals and pets.

4. A County enforcement agent shall enforce the provisions of this section by initiating a complaint against a responsible person or persons by the filing and prosecution to conclusion of a citation or complaint in a Justice Court or the Pinal County Hearing Office. The County enforcement agent shall elect whether to proceed in Justice Court or before the Pinal County Hearing Office. If the case is initiated in a Justice Court, it shall be designated a class 2 misdemeanor and the penalties set forth in Title 13 for a class 2 misdemeanor shall apply. If the case is initiated in the Pinal County Hearing Office, it shall be a civil infraction for any person to violate the provisions of this section, and the penalty set forth herein shall apply.

Section IV

A. Excessive noise caused by animals or birds:

1. In this section: "Property line" means the line which represents the exterior limits of property (including an apartment, condominium, room or other dwelling unit) owned, leased or otherwise occupied by a person, business, corporation or institution. In cases involving sound from an activity on a public street or other public right-of-way, the "property line" shall be the nearest boundary of the public right-of-way.

2. The following activities are prohibited if they produce clearly audible sound beyond the property line of the property on which they are conducted and they disturb the public peace, quiet or comfort of the neighboring inhabitants:

a. Owning, keeping, possessing, harboring or controlling any animal or bird that frequently or for a continuous duration howls, barks, meows, squawks or makes other sounds or noises that disturb the public peace, quiet or comfort of the neighboring inhabitants.

3. A County enforcement agent shall enforce the provisions of this section by initiating a case against a responsible person or persons by the filing and prosecution to conclusion of a citation or complaint in a Justice Court or the Pinal County Hearing Office. The County enforcement agent shall elect whether to proceed in Justice Court or before the Pinal County Hearing Office. If the case is initiated in a Justice Court, it shall be designated a class 2 misdemeanor and the penalties set forth in Title 13 for a class 2 misdemeanor shall apply. If the case is initiated in the Pinal County Hearing Office, it shall be a civil infraction for any person to violate the provisions of this section.

Section V

A. Diseased Animals: Keeping diseased animals prohibited; Destruction authorized:

It shall be unlawful for any person to harbor or keep within the county any animal afflicted with any disease that is contagious or infectious to animals unless such animal is under the control of a licensed veterinarian. The county enforcement agent may immediately take possession of any such animal not so controlled. After confirmation of such disease by a licensed veterinarian, the county enforcement agent may seek a judicial order to immediately destroy the animal and dispose of the carcass thereof, unless the owner shall forthwith place such animal under the control of a licensed veterinarian.

Section VI

A. License for dogs: All dogs not exempted under other provisions of this ordinance must be licensed in accordance with Arizona statutes, this ordinance, or laws of another State. A rabies vaccination certificate shall accompany an application for a license. 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 to Pinal County Animal Care and Control at the time of application or renewal of any license. A late fee shall be added to the license fee in the event that the application is made after the date on which the dog is required to be licensed under the provisions of the statute and this ordinance. 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.

1. Any dog three (3) months of age or older 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 Pinal County Animal Care and Control kennel permit. Dogs used for control of livestock, or while being used or trained for hunting, or while being exhibited or trained at a kennel club event, or while engaged in races approved by the Arizona Racing Commission, and when such dogs while being transported to and from such events, need not wear a collar or harness with the valid license attached provided that they are properly vaccinated, licensed and controlled.

2. 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 collar or harness, which shall be worn by the dog, except as otherwise provided in this ordinance.

a. Upon the payment of the license fee, 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 the vaccination of the dog against rabies, the manufacturer of the rabies vaccine used, the serial number of the vaccine used, veterinarian name, veterinarian's number, vaccination date, re-vaccination date, description of the dog including the name, breed, age, color and sex.

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

c. License fees shall be lower for surgically altered dogs. An applicant for a license for a dog claimed to be surgically altered shall furnish adequate proof to Animal Care and Control that such a dog has been surgically altered.

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

e. Any person who knowingly fails within fifteen days after written notification from 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 on a dog, unless the tag was issued for that particular dog is in violation of this ordinance. A violation of this section shall be a civil infraction.

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

Section VII

Dogs Not Permitted at Large:

A. No dog is permitted to be at large at any time, and no person in charge of any dog shall permit such dog in a public park or upon any public school property, unless the dog is physically restrained by a leash, enclosed in a cage or similar enclosure or is being exhibited or trained at a recognized kennel club event, public school or park sponsored event. This section shall not apply to a municipal dog park.

Section VIII

Vicious Dogs:

A. "Vicious Animal" means any animal of the order of 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.

B. The following shall be prima facie evidence of an animal's vicious nature:

1. Has, without provocation, attacked or bitten a person engaged in a lawful activity; or
2. Has, while off the property of the owner and without provocation, killed or seriously injured another animal; or
3. Has, without provocation, chased, confronted or approached a person on a street, sidewalk or other public property in a menacing fashion such as would put an average person in fear of attack; and
4. Has, exhibited a propensity, tendency or disposition to attack, cause injury or threaten the safety of a person or other animal without provocation; or
5. Has attacked in a manner that causes or should cause its owner to know that it is potentially vicious; or
6. Has been trained for dog fights or is owned or kept for dog fighting.

Section IX

A. Kennels:

1. Definitions:

- a. **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.
- b. **Commercial Kennel** means any kennel maintained for the purpose of keeping boarding, breeding, raising or training dogs for a donation, for a fee or for sale. Or an owner with 13 or more dogs.
- c. **Noncommercial kennel** means any property where five to twelve dogs are raised, kept or maintained solely for the use and enjoyment of the owner or occupant for personal, noncommercial purposes.
- d. **Violation** means any violation of the A.R.S. § 11-1009 or violation of this section of the ordinance.
- e. **Zoning Ordinance** means the current Pinal County Zoning Ordinance or an applicable municipal zoning ordinance.

f. Non profit means an organization that has been granted 501-C3 status.

B. Kennel Permit: A person operating any kennel shall obtain a kennel permit issued by the Animal Care and Control Department on behalf of the Board of Supervisors.

C. The annual fee as set forth in the fee schedule approved by the Board of Supervisors for each kennel permit or the actual cost of recovery as determined by the Animal Care and Control Department.

D. A dog remaining within the kennel is not required to be licensed individually under A.R.S. §11-1008 and this ordinance. A dog leaving the controlled kennel conditions shall be licensed under § 11-1008 and this ordinance except if the dog is only being transported to a licensed veterinarian or another kennel which has a permit issued under this section.

E. 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.

F. A person who knowingly fails to obtain a kennel permit within thirty days after written notification from the county enforcement agent is guilty of a class 2 misdemeanor or a civil infraction, in the discretion of the county enforcement agent.

G. A person operating a kennel shall obtain a permit issued by Animal Care and Control under one of the following classifications:

1. Class I Non-Commercial: Keeping, boarding or maintaining five to seven dogs on a residential parcel less than an acre of property is permitted.

2. Class II Non-Commercial: Keeping, boarding or maintaining eight to twelve dogs on a residential parcel of property of one acre or more is permitted.

3. Class III Commercial: Nonprofit rescue organizations, nonprofit sanctuaries, nonprofit kennels and nonprofit humane societies are permitted to operate kennels in areas zoned and approved for such use, after issuance of any approval or permit required by an applicable municipal code or ordinance or the Pinal County Zoning Ordinance. The Animal Care and Control Director is authorized to restrict the number of dogs kept at Class III commercial kennels, based on the location, size and fitness of the facility where dogs are kept or maintained as set forth in subsection K of this section.

4. Class IV Commercial kennels: Keeping, boarding or maintaining dogs in commercial kennels, dog boarding facilities or dog breeding facilities operating in areas zoned and approved for commercial activity is permitted, after issuance of any commercial license, permit or approval required by state law, regulation, an applicable municipal code or ordinance or the Pinal County Zoning Ordinance.

H. All applicants requesting a kennel permit shall provide a copy current a rabies vaccination certificate for each dog kept, boarded or maintained on the premises, if the dog is three (3) months of age or older.

I. If the owner or occupant of any property qualifying for either a Class I or Class II Non-Commercial kennel permit fails to apply for a kennel permit, or the kennel permit is denied or

revoked, the owner shall have 30 days to reduce the number of dogs in order to comply with this section of the ordinance. If the owner or occupant of any property qualifying for either a Class III or Class IV Commercial kennel permit fails to apply for a kennel permit, or the kennel permit is denied or revoked, the owner shall have 10 calendar days to cease operation of the kennel.

J. Each permittee shall comply with:

1. All public health laws, ordinances and regulations including those addressing the elimination of animal waste, contagion and offensive odors.
2. All laws, ordinances and regulations addressing the safety and welfare of dogs.
3. All public health laws, ordinances and regulations addressing the safety, health and welfare of the public.
4. The applicable terms of this ordinance

K. Each kennel permittee shall:

1. Ensure kennels and exercise areas where dogs are kept are maintained in a sanitary condition. Waste products shall be disposed of in the manner required by this ordinance.
2. Provide 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. Provide prompt, appropriate veterinary care when necessary or have the dog destroyed in a humane manner if a dog becomes seriously ill or is seriously injured. Permittees shall provide an isolation area for sick dogs, sufficiently removed so as not to endanger the health of other dogs in the kennel.
5. Provide minimum perimeter confinement requirements for a kennel that shall be an exterior fenced perimeter of the kennel, constructed in such a manner as to ensure containment of the animals at all times. Any outside-run or confinement area shall be of sufficient size, of no less than sixty-four square feet per dog and be designed to maintain the dog in good health and to ensure containment of the animals at all times.
6. Provide adequate individual confinement space for each dog that is appropriate to the age, size, weight and breed of each 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 around freely and relax in a natural position, and not be soiled when urinating or defecating, while maintaining clean food and water. For dogs that are housed on wire flooring, permittees shall provide a resting board, floor mat or other similar device that is maintained in a sanitary condition that all allows the dog to rest off the wire flooring.

L. The only exception from the requirements of section "K" above shall be for kennels in possession of a current kennel permit issued by Animal Care and Control, housing only racing greyhounds. For racing greyhound, all aspects of care including kennels and kennel confinement requirements shall be those established by the Arizona Racing Commission.

M. Permittees of a class III or class IV commercial kennel shall retain the name, address and telephone number of the owner of each kept, boarded or placed dog. This list or register shall be available to the Animal Control Officer upon demand.

N. Permittees of a class III kennel shall retain name, address and telephone number of each person placing or giving the dog or other animal to the kennel. This list of persons shall be available to the Animal Control Officer upon demand.

O. A kennel is subject to inspections by Pinal County Animal Care and Control at any time during regular business hours.

P. Pinal County Animal Care and Control may deny a kennel permit to any person for: (1) a past violation of the Kennels section of this ordinance or any predecessor ordinance; or (2) for any repetitive conduct within the past two most recent years that is a violation of any animal related law or any provision of this ordinance or any predecessor ordinance. The permit denial shall be in writing, setting forth the basis for the denial. The permit denial shall be mailed by registered mail, return receipt requested, to the applicant. A denial of a kennel permit under this subsection may be appealed to the Pinal County Justice of the Peace or the Hearing Office.

Q. A kennel permit may be revoked for any violation of any provision of state law dealing with the licensing or welfare of dogs; any conduct indicating an indifference to the welfare of a dog or other domestic animal; any violation of this section of this ordinance. The permit revocation shall be personally served on the permittee, and a copy shall be mailed by first class mail to the permittee. A revocation may be appealed to the Pinal County Justice of the Peace or the Hearing Office.

R. A dog remaining within the kennel is not required to be licensed individually as required by A.R.S. §11-1003, but must have a current rabies vaccination. A dog leaving the controlled kennel shall be licensed as required by A.R.S. §11-1003 except if the dog is only being transported to a licensed veterinarian or another kennel which has a permit issued under this section.

S. A person who fails to maintain or renew a valid kennel permit issued under this section is subject to a late fee in addition to the annual fee.

T. All kennel permits are subject to revocation by the Director of Pinal County Animal Care and Control for violations of any part of this section. Any revocation shall be in writing, setting forth the basis for the revocation. The permit denial shall be personally served on the permittee, and a copy shall be mailed by first class mail to the permittee. A revocation may be appealed to the Pinal County Justice of the Peace or the Hearing Office.

U. The failure of any person operating a non-commercial kennel to reduce the number of dogs in a kennel under subsection J., following notice to do so, or the failure of any person to cease operation of a commercial kennel under subsection J., following notice to do so, shall result in the county enforcement agent, or any other proper party, seeking any remedy available under A.R.S. § 11-1006 (E).

V. A denial of a kennel permit or a revocation of a kennel permit may be appealed to the Hearing Office by filing a written notice of appeal within 10 calendar days. The following procedure shall apply in those cases:

1. The written notice shall set forth the detailed basis for the appeal of the Director's action and indicate whether a hearing is requested.
2. A copy of the notice of appeal shall be served on the Director by personal service or by first class mail at the time the notice is filed. If a hearing is requested, the Hearing Office shall set the matter for hearing and give the parties at least 15 days notice of the hearing date and time. If an attorney will appear for either party, a written notice of appearance shall be filed at least five calendar days before the date of the hearing, and a copy of the notice of appearance shall be mailed to the other party.
3. After hearing the testimony of the Director and of any other county witnesses, the testimony of the applicant or permittee and of any other witnesses, and considering the evidence admitted during the hearing, the Justice of the Peace or the Hearing Officer may make one of the following determinations:
 - a. The application was properly denied or the permit properly revoked.
 - b. The application was improperly denied, and a kennel permit shall be issued.
 - c. The permit was improperly revoked, and the revocation shall be set aside.
 - d. The alleged violation of the permit did occur, but the violation can be remedied by the permittee and monitored by Animal Care and Control within fourteen days, and thus the permit may not be revoked; or
 - e. The alleged violation of the permit did occur, and the violation immediately endangers the health and safety of the dogs, and thus the permit shall be revoked.
 - f. If a permittee is given 14 days to remedy the violation, after a rehearing, a permit may be revoked if the violation(s) has not been remedied within the prescribed period. The hearing and disposition may be continued for up to an additional 30 days if there has been significant progress to remedy the violation of the permit.

Section X

A. Fees:

The Director of the Animal Care and Control Department is authorized to establish a fee schedule for all licenses, fees or other charges permitted to be made or assessed pursuant to state law and/or this ordinance.

Section XI

A. Early Disposition

A purpose of this ordinance is to promote compliance with its terms and to minimize the number of contested citations or complaints taken before a Justice of the Peace or the Hearing Office. The Director of the Animal Care and Control Department is authorized to establish a procedure for the early disposition of violations of applicable Arizona law or this ordinance.

1. If a citation or complaint is resolved by early disposition, the county enforcement agent shall dismiss the citation or complaint, collect any fee, charge or penalty assessed, notify the Justice of the Peace or the Hearing Office of the early disposition and transmit a copy of the receipt for any monies collected to the Justice of the Peace or the Hearing Office.

2. Any fee, charge or penalty collected shall be deposited into the appropriate account in the office of the County Treasurer. The Director shall transmit a copy of the Treasurer's receipt to the Justice of the Peace or the Hearing Office.

Section XII

Hearing Office:

A. The Pinal County Board of Supervisors has established civil penalties for violating any statute relating to domestic animals and pets or this ordinance, and has established the Pinal County Hearing Office and Rules of Procedure for the Hearing Office.

B. Pursuant to the Rules of Procedure for the Hearing Office, the hearing officer shall hold a hearing on each violation reported by the county enforcement agent. Notice of the hearing shall be served personally on the defendant at least ten days before the hearing. The county enforcement agent shall use a uniform traffic ticket and complaint for civil traffic cases pursuant to the rules of procedure in traffic cases adopted by the Arizona Supreme Court, modified as applicable, in citing persons for violations of ordinances adopted with a civil penalty.

C. At the hearing, the county enforcement agent shall present evidence of the violation and the defendant, or his attorney shall have an opportunity to present evidence. The county attorney may represent and present evidence for the county enforcement agent. A timely notice of appearance is required if an attorney will appear on behalf of either party.

D. At the conclusion of the hearing, the hearing officer shall determine whether a violation occurred and, if so, impose civil penalties provided for by statute or this ordinance. Monies collected for civil penalties shall be deposited in the appropriate Treasurer's Office Animal Care and Control related county fund.

E. Final decisions of the hearing officer under this subsection are subject to judicial review under A.R.S. Title 12, Chapter 7, Article 6.

F. In addition to other remedies provided by law, the Board of Supervisors, the County Attorney, the county enforcement agent or a private individual or other entity that is specially damaged by a violation of an animal statute or ordinance may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent or abate the violation.

Section XIII

False Information:

A. It is a civil violation for any person to give false or incomplete information to a county enforcement officer concerning the whereabouts, ownership, license status, or current rabies vaccination of any dog, cat or other domestic animal or bird.

B. It is a civil violation for any person to make a false, incomplete or misleading representation on any permit or license application concerning the ownership, current location, license status, or current rabies vaccination of any dog, cat or other domestic animal or bird.

Section XIV

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

Section XV

Repealing Clause and Effective Date: The current Pinal County Ordinance Number 42303 is repealed effective with the adoption of this ordinance by the Pinal County Board of Supervisors at noon on June 4, 2010, at which time the provisions of this ordinance shall take effect. None of the provisions of this ordinance shall 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. No fine, forfeiture or penalty incurred under the prior ordinance or laws existing prior to the time this ordinance takes effect shall be affected by repeal of such existing ordinance or laws, but the recovery of such fines and forfeitures and the enforcement of such penalties shall be effected as if the ordinance or law repealed had still remained in effect.

ADOPTED by the Pinal County Board of Supervisors this 5th day of May, 2010.



Pete Rios, Chairman
Pinal County Board of Supervisors

Attest:

Clerk of the Board

