GILA CO, AZ, LINDA HAUGHT ORTEGA - RECORDER, BY: GILA COUNTY BOARD OF SUP
DATE: 01/16/2002 TIME: 11:14 PAGE #: 0001 OF 0010 FEE #: 2002 689 **

After recording, please deliver to: Marian Sheppard, BOS

ORDINANCE NO. 01-3

ANIMAL CONTROL ORDINANCE

GILA COUNTY, ARIZONA

An Ordinance adopted by the GILA COUNTY BOARD OF SUPERVISORS, pursuant to A.R.S. 11-251.05 and 11-1001 *et seq.*, to establish provision for the public health and to provide for prohibition of dogs running at large; definition of terms and penalties for the violation of the Ordinance exclusively within Gila County, Arizona.

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3. **Prohibited Acts**
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SECTION 1

Definitions:

1.1 ***"At Large"*** **means any dog which is both:**

A. **Off the premises of the owners or on the property of another person without the consent of that person;**

B. **Not under the direct control and physical custody or restraint by means of leash, chain, rope or enclosure of the owner or other person responsible for the dog.**

1.2 ***"Owner"*** **means any person having a right of possession or custody of a dog, or who keeps, or knowingly permits, the dog on or about any premises owned or leased by that person, for more than six (6) consecutive days.**

1.3 ***"County Animal Enforcement Agent"*** **means that person set forth in this Ordinance.**

1.4 ***"Excessive"*** **means that which goes beyond what is proper, right, or usual; being too much or too great; immoderate; inordinate.**

1.5 ***"Hearing Officer"*** **means that person set forth in this Ordinance.**

1.6 ***"Unrestrained"*** **means failure to use physical restraint, force or authority in preventing, suppressing, controlling, or in bringing under control.**

SECTION 2

ENFORCEMENT BY THE COUNTY ANIMAL CONTROL ENFORCEMENT AGENT:

2.1 Enforcement of this Ordinance shall be by the County Enforcement Agent who is any deputy of the Gila County Sheriff's Office or any member of the Gila County Rabies Control, each of whom may exercise all powers available under law or this Ordinance in the performance of duty. The County Enforcement Agency may issue violations of the article.

A. The County Animal Enforcement Agent shall:

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

2. **Issue citations for the violation of the provisions of this county ordinance and municipal ordinances which the Board of Supervisors has contracted to enforce. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. 13-3903, 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 A.R.S. 13-3899.

C. The County Animal Enforcement Agent may designate deputies.

SECTION 3

PROHIBITED ACTS

3.1 No dog shall be permitted at large in the designated and defined unincorporated areas of Gila County, Arizona. No person owning or having the responsibility, charge, care, custody or control of any dog shall allow the dog to stray, run, be, go, or in any manner to exist at large, off the property of the owners; on or upon any public street, sidewalk, or public park or thoroughfare; or upon any other person's property without the consent of the person in lawful possession of the property.

3.2 No person in charge of any dog shall permit such an animal in a public park or upon any public school property unless the animal is physically restrained by a leash, chain, rope, enclosed in a motor vehicle, caged or in a similar enclosure. The leash, chain or rope shall not exceed six (6) feet in length and must be directly under the owner's or responsible person's control when not on the owner's property.

3.3 EXEMPT ACTIVITIES:

The provisions of Sections 3.1 and 3.2 shall not apply:

A. Unless unreasonable under the circumstances, activity involving the possession, training, exhibition or use of a dog in the otherwise lawful pursuits or hunting, ranching, farming, rodeos, shows, exhibitions, racing, and the lawful operation of veterinary clinics, pet shops, kennels and security services, shall be exempt from the provisions of this ordinance.

SECTION 3 continued

B. While participating in field trials, obedience classes, or kennel club events where such trials, classes or events have been approved by the County Animal Enforcement Agent.

C. While assisting a peace officer engaged in law enforcement duties.

D. Guide dogs while assisting blind, deaf or physically handicapped persons, if such dogs are under the direct control of one of these individuals.

SECTION 4

HEARING OFFICER

4.1 A hearing officer is hereby appointed to hear and determine such cases arising out of this Ordinance.

4.2 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 person cited at lest ten (10) days before the hearing. The County Enforcement Agent shall use a uniform traffic ticket and complaint for civil cases in citing persons for violations of this Ordinance.

4.3 At the hearing, the County Enforcement Agent shall present evidence of the violation, and the person cited, or his attorney, shall have an opportunity to present evidence. The county attorney may represent and present evidence for the county enforcement if, in his discretion, he decides to do so.

4.4 At the conclusion of the hearing, the hearing officer shall determine whether a violation occurred and, if so, impose civil penalties in an amount not to exceed $500.00. Monies collected for civil penalties shall be deposited in the County general fund. The Board of Supervisors shall adopt written rules of procedure for the hearings and review of hearings. Final decisions of the hearing officer under this subsection are subject to judicial review under A.R.S. 12-901 *et seq.*

SECTION 5

Severance Clause

If any SECTION, SUBSECTION, SENTENCE, 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. The Gila County Board of Supervisors hereby declares that they would have passed this 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.

SECTION 6

EMERGENCY

Whereas, the preservation of the public peace, health and safety of the residents of the County of Gila requires the early operation of this Ordinance, an emergency is hereby declared to exist and this Ordinance shall become immediately operative when enacted by the Board of Supervisors.

SECTION 7

JURISDICTION

This Ordinance is effective within the unincorporated areas of Gila County, Arizona.

SECTION 8

REPEAL

This Ordinance repeals and supercedes every other ordinance adopted by the Gila County Board of Supervisors relating to dogs running at large.

PASSED AND ADOPTED by the Board of Supervisors of Gila County, Arizona on the 15th **day of** January 2002.

GILA COUNTY BOARD OF SUPERVISORS

Cruz Salas, Chairman

ATTEST:

Steven L. Besich, Clerk

APPROVED AS TO FORM:

James Hazel, Gila County Attorney