

ANIMAL CONTROL ORDINANCE 039-10

Sections

2010-09196

Page 1 of 17

Requested By: BOARD OF SUPERVISORS

Christine Rhodes - Recorder

Cochise County, AZ

04-27-2010 02:12 PM Recording Fee \$0.00

SECTION 1: SHORT TITLE

SECTION 2: PURPOSE

SECTION 3: APPLICATION

SECTION 4: DEFINITIONS

SECTION 5: ENFORCEMENT AUTHORITY

SECTION 6: DOGS AT LARGE PROHIBITED; EXCEPTIONS; PENALTIES

SECTION 7: COMPLAINTS OF CATS AT LARGE; PENALTIES; COLONY CARE GIVER PROGRAM

SECTION 8: BARKING OR HOWLING DOGS; PENALTIES

SECTION 9: HARBORING OF VICIOUS OR DESTRUCTIVE ANIMALS; PENALTIES; PROCEDURE; DEFENSES

SECTION 10: CRUELTY TO AND NEGLECT OF ANIMALS

SECTION 11: AUTHORITY TO IMPOUND "AT LARGE" ANIMAL

SECTION 12: AUTHORITY TO REMOVE AN ANIMAL FROM A HOME'S CURTILAGE AND IMPOUND ANIMAL

SECTION 13: AUTHORITY TO REMOVE AN ANIMAL FROM A DWELLING AND IMPOUND; PROCEDURE FOR EX PARTE ORDER TO SEIZE AND IMPOUND

SECTION 14: RABIES MANAGEMENT; VACCINATION REQUIRED; EXCEPTIONS

SECTION 15: IDENTIFICATION REQUIRED

SECTION 16: ANIMAL CONTROL ENFORCEMENT AUTHORITY AND ALLOCATION OF PROCEEDS FROM FINES

SECTION 17: POLICY EXEMPTION: WILDLIFE SPECIALIST

SECTION 18: OTHER REMEDIES

SECTION 19: REPEAL

SECTION 1: SHORT TITLE

- 1.1 The provisions of this ordinance may be cited as the Cochise County Animal Control Ordinance (CCACO).

SECTION 2: PURPOSE AND AUTHORITY

- 2.1 This ordinance is hereby approved and adopted for the purpose of protecting the public health, safety, convenience, and general welfare of the citizens of Cochise County by regulating dogs, cats and other domesticated animals in unincorporated areas of the county. This ordinance does not apply to livestock.
- 2.2 This ordinance is enacted pursuant to A.R.S. § 11-1001 et. seq., § 11-251.47, and § 11-251.05.

SECTION 3: APPLICATION

- 3.1 This ordinance shall not apply to any incorporated city or town, unless by explicit agreement, but shall apply only within the unincorporated areas of Cochise County.

SECTION 4: DEFINITIONS

- 4.1 “Abandonment” means either releasing the animal upon public highways or public or private lands, or failing to provide proper or adequate food, water, exercise, shelter or medical care.
- 4.2 “Animal” means any animal of a species that is susceptible to rabies, except man.
- 4.3 “Animal Control Officer” means any person employed by the Sheriff of Cochise County for the purpose of enforcing this Ordinance or state statutes pertaining to animals, and all persons and deputies employed by the County to act in the same or similar manner. An Animal Control Officer reports to the “County Enforcement Agent.”
- 4.4 “Animal Shelter” means a facility designated or recognized by the County for the purpose of impounding and/or caring for animals, including a contract service provider.
- 4.5 “At large” means off the premises of the owner and not under the control of the owner, or other person acting for the owner, whether by leash, chain, cord, rope or other physical device.
- 4.6 “Bite” means any penetration of the skin by the teeth of any animal.
- 4.7 “Cat” means any member of the species *Felis Catus*.

- 4.8 “Colony caregiver” means anyone feeding, medicating, recording or otherwise maintaining a feral or free-roaming cat colony operated by or under the Humane Society.
- 4.9 “Conformation show” means a dog or breeding show in which judges familiar with specific dog breeds evaluate individual dogs for how well they conform to published breed standards.
- 4.10 “County” means the County of Cochise of the State of Arizona.
- 4.11 “County Enforcement Agent” means the Sheriff of Cochise County or any other person whom the Board of Supervisors may designate as County Enforcement Agent and any deputies designated by the County Enforcement Agent. Deputies specifically handling animal control issues, whether on a permanent or temporary basis, are also known as “Animal Control Officers.”
- 4.12 “Destructive Animal” means any animal that has a propensity to destroy or damage, or causes damage to the property of a person other than the animal’s owner.
- 4.13 “Dog” means any animal originating from the family *Canidae*, and includes crossbreeds and descendents of any crossbreeds of wolves and coyotes.
- 4.14 “Feral Cat” means any cat born in the wild that cannot be domesticated.
- 4.15 “Free-roaming Cat” means any cat that has been lost or abandoned and living in the wild.
- 4.16 “Exotic Animal” means any animal other than a human being or animal classified as a Pet or Livestock.
- 4.17 “Livestock” is defined in A.R.S. § 11-1001, which as of the date this Ordinance was enacted means "neat animals [bovines], horses, sheep, goats, swine, mules and asses."
- 4.18 “Neglect” means failure to comply with the minimum requirements for animal care set forth in Section 10 of this Ordinance.
- 4.19 “Owner” means any person owning, keeping, possessing, harboring, or maintaining (e.g., feeding over the course of six or more days) an animal within Cochise County, including any authorized agent of that person. “Owner” shall include every person who resides at the same address and permits an animal to remain on the premises in which that person resides, if that person is of legal age and capacity. "Owner" shall not include Colony Caregivers.
- 4.20 “Performance event” means any event that is officially sanctioned by a 501(c)(3) or (7) local or national kennel club, wherein judges familiar with specific dog breeds and their capabilities evaluate dogs’ performances in specific events.
- 4.21 “Person” means any individual, corporation, society, co-partnership, limited partnership, limited liability company, association, or any other legal or business entity.

- 4.22 “Pet” means an animal that has traditionally, through a long association with humans, lived in a state of dependence upon humans or has been traditionally kept as a household pet, including but not limited to dogs, cats, hamsters, gerbils, ferrets, mice, rabbits, parakeets, parrots, cockatiels, cockatoos, canaries, love birds, finches and tropical fish. The term excludes any exotic or wild animal.
- 4.23 “Provoke” means any behavior toward an animal or its owner which is likely to cause a defensive reaction by the animal.
- 4.24 “Rabies Suspect Animal” means any animal that has bitten, scratched, or broken the skin of a human being; been in contact with or been bitten, scratched or has had its skin broken by any rabid animal; been found within or moving through a declared and active rabies quarantine area; or any animal that shows symptoms suggestive of rabies.
- 4.25 “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.
- 4.26 “Vicious Animal” means any animal that is declared vicious pursuant to this ordinance, or any animal that bites, attempts to bite, attacks, endangers or otherwise injures or causes to be injured a person or other animal, but does not include the following:
- a. An animal that bites or attacks a person or animal that is trespassing on the property of the animal’s owner;
 - b. An animal that bites or attacks a person or animal that provokes, torments, tortures or treats the animal cruelly;
 - c. A police dog under the control of its handler; or
 - d. An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity and is the subject of an assault or attempted assault.

SECTION 5: ENFORCEMENT AUTHORITY

- 5.1 Animal Control Officers are hereby empowered to issue citations for violations of the provisions of this Ordinance and A.R.S. § 11-1001 et. seq., § 11-251.47 and § 11-251.05 in the manner provided herein.

SECTION 6: DOGS AT LARGE PROHIBITED; EXCEPTIONS; PENALTIES

- 6.1 A dog owner shall at all times keep such animal on his or her own premises, unless such animal is restrained by a pet carrier, leash, chain, rope, or cord of sufficient length and strength to control the action of said dog. In no event shall the length be so long that the dog can make contact with another animal under the control of its owner without that owner’s permission, or a person without permission from that person or his or her agent.

This Section is not intended to prohibit the keeping of dogs within enclosed areas that are within the owner's jurisdiction when such enclosure will control the conduct of said dog. For example, a dog shall be deemed to be on the owner's premises when the dog is within the owner's car or other vehicle.

- 6.2 The owner shall at all times keep such dog from being at large upon or about the private premises of any person who has not granted permission therefore.
- 6.3 Dogs may be at large while participating in field trials, obedience classes, kennel club performance events and conformation shows; or while assisting their owner in legal hunting or in herding livestock; or while in a licensed dog park; or while assisting a peace officer engaged in law enforcement duties. Guide dogs under direct and effective voice control of disabled individuals who insure that they do not violate any other provision of law are also exempted.
- 6.4 An Animal Control Officer who believes that any dog within the county limits is at large, may impound the animal as provided in Section 11.
- 6.5 A person found to have violated this Section shall pay a civil fine of thirty dollars (\$30.00) per violation plus any costs of impoundment.
- 6.6 Injury to any person or damage to any property by a dog at large shall be the full responsibility of the animal owner or persons responsible for the animal when such damages were inflicted.

SECTION 7: COMPLAINTS OF CATS AT LARGE; PENALTIES; COLONY CARE GIVER PROGRAM

- 7.1 An Animal Control Officer shall only pick up a cat when the Animal Control Officer suspects that the cat-at-large is feral; or when a County resident makes a specific complaint about a cat-at-large; and as time permits.
- 7.2 When a cat owner can be identified, the owner will be counseled for a first offense and may be cited for subsequent offenses for failing to control his or her pet. Animal Control Officers cannot remove a cat from the property of its owner without the owner's permission unless the health and safety of the animal or others are at risk.
- 7.3 When a specific complaint has been made against a cat and the cat has not yet for the purposes of this complaint been captured, the complaining County resident may, by personal check, pay a \$25 refundable deposit to the County for a humane capture trap. Complainant must place the trap in the shade on his or her own premises, place food and water in the trap and immediately telephone the Animal Control Officer once a cat has been captured. Animal Control Officers may not be available on holidays and weekends, so residents shall close the doors of empty traps on those days and as directed by the Animal Control Officer. As time permits, Animal Control Officers will assist complainants to capture a cat-at-large if the complainant(s) require assistance due to advanced age or disability.

- 7.4 An Animal Control Officer who believes that any cat within the county limits is at large, may impound the animal as provided in Section 11.
- 7.5 A person found to have violated this Section shall pay a civil fine of thirty dollars (\$30.00) per violation plus any costs of impoundment.
- 7.6 Injury to any person or damage to any property by an animal at large shall be the full responsibility of the animal owner or persons responsible for the animal when such damages were inflicted.
- 7.7 Notwithstanding the foregoing, Feral and Free-roaming Cats that are part of a Colony Care Giver program operated by or under the Humane Society will be treated as follows:
 - a. The Colony Care Giver program is aimed at humanely treating Feral and Free-roaming cats while reducing the feral cat population by spaying and neutering them. Cats in this program are fed by Colony Care Givers. Cats in the program are identified by notching an ear.
 - b. If a complaint is lodged against a cat in this program, the County Enforcement Agent will contact the Humane Society. Together, they will work to resolve the issue that led to the complaint to the benefit of the complaining party. Resolution may include impoundment.

SECTION 8: BARKING OR HOWLING DOGS; PENALTIES

- 8.1 It shall be unlawful for any person owning or having charge, care, custody or control of any dog to permit said dog to bark or howl unrestrained and excessively.
- 8.2 An Animal Control Officer who believes that any animal within the county limits is barking or howling or otherwise making disturbing noises, and that the noise will continue, may impound the animal as provided in Section 12 or Section 13.
- 8.3 A person found to have violated this Section shall pay a civil fine of thirty dollars (\$30.00) per violation plus any costs of impoundment.

SECTION 9: HARBORING OF VICIOUS OR DESTRUCTIVE ANIMALS; PENALTIES; PROCEDURE; DEFENSES

- 9.1 It shall be unlawful for any person to keep, control, harbor or otherwise have under his or her control any animal which is vicious or destructive. This Section shall not apply to zoos, wild animal parks or animal shelters, or to contrary orders of a Justice of the Peace issued pursuant to this article.
- 9.2 The owner of any animal, except livestock, that bites, attempts to bite, endangers or otherwise injures or causes injury to human beings or other animals is guilty of a class 2

misdemeanor unless the owner is charged under A.R.S. § 13-1208 (injury or endangerment by a dog known to be vicious, which is an assault classified as a Class 1 misdemeanor).

- 9.3 The owner of any animal that destroys, damages or causes damage to the property of a person other than its owner is guilty of a class 2 misdemeanor.
- 9.4 It shall be an affirmative defense to the provisions of this Section:
- a. Upon proof by the owner of an animal that injuries caused by that animal were the result of provocation by the person sustaining such injury; or
 - b. If the animal is a police dog under the control of its handler.
- 9.5 An Animal Control Officer who believes that any animal within the county limits is an immediate danger to the safety of any person or other animal, or that an animal may continue to damage or destroy the property belonging to a person other than its owner, may impound the animal as provided in Section 11, 12 or 13.
- 9.6 Beyond other criminal proceedings that may already be in effect under this Section, the Cochise County Attorney's Office may petition the Cochise County Justice Court to declare an animal vicious or destructive. The Justice Court, for good cause shown in the petition, shall order that a hearing be held, which may or may not coincide with other criminal proceedings involving the animal under this Section. At the hearing, the owner shall appear and show cause why the animal should not be declared vicious or destructive with sanctions ordered pursuant to this Section.
- 9.7 Upon the declaration of an animal as vicious or destructive, a Justice of the Peace shall order one or more of the following:
- a. That the animal shall be kept in an enclosure that is secure, high and tight enough so that the animal cannot escape; that the enclosure and property whereon it is located shall be posted with conspicuous warning signs; and that at no time shall the animal leave the enclosure unless it is muzzled, leashed and under the control of a responsible adult human being; or
 - b. That the animal be banished from the county limits of Cochise County; or
 - c. That the animal be humanely destroyed; or
 - d. That all or part of any fine imposed upon an owner be allocated as restitution to any person who suffered economic loss due to a violation of this Section.
- 9.8 It is unlawful for any person to fail to comply with an order of a Justice of the Peace regarding a vicious or destructive animal. It is a separate offense for each day that such person fails to comply with the Justice of the Peace's order. Any person who fails to comply shall be guilty of a class 2 misdemeanor.

SECTION 10: CRUELTY TO AND NEGLECT OF ANIMALS

- 10.1 Criminal violations for cruelty and neglect of animals is governed by A.R.S. § 13-2910.
- 10.2 For purposes of enforcing this statute, the following guidelines shall apply in providing necessary food, water or shelter:
- a. That the animal receives daily food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health; and
 - b. That potable water is accessible to the animal at all times, either free-flowing or in a clean receptacle; and
 - c. That, except for livestock, all animals 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, is in violation of this ordinance. Any shelter, all bedding and any 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; and
 - d. That the animal receives care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering; and
 - e. That the animal is given adequate exercise space either:
 - i. 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; or
 - ii. On a tie out, consisting of a chain, leash, wire cable or similar restraint attached to a swivel or pulley. A tie out shall be so located as to keep the animal exclusively on the secured premises. Tie outs shall be so located that they cannot become entangled with other objects. Collars used to attach an animal to a tie out shall not be of a choke type. No tie out shall employ a restraint which is less than ten (10) feet in length; and
 - f. That the animal has access to adequate ventilation and is protected from temperature extremes at all times. 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. An Animal Control Officer is authorized to use whatever force is reasonable and necessary to remove any animal from 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. No Animal Control Officer shall be liable for damages to property caused by the use of reasonable force to remove an animal from such a vehicle or other enclosed space under such circumstances.

- 10.3 An Animal Control Officer who believes that any animal within the county limits has been or is being subject to cruelty or neglect as defined in A.R.S. § 13-2910, or that an animal is not being cared for as prescribed in Subsection 10.2, may impound the animal as provided in Sections 11, 12 or 13 of this ordinance.
- 10.4 Upon a finding that an animal has been the victim of cruelty or neglect, the Justice of the Peace may order one or both of the following:
- a. That the animal be forfeited to the Cochise County Animal Control Division.
 - b. That the owner not be permitted to own or control an animal within the unincorporated areas of Cochise County for a period not to exceed three years.

SECTION 11: AUTHORITY TO CAPTURE AND IMPOUND "AT LARGE" ANIMAL

- 11.1 An Animal Control Officer is authorized to capture and impound any animal found to be "at large" in accordance with Sections 6 and 7.
- 11.2 Captured "at large" animals will be checked for tags and scanned for microchip identification. In every case where a captured animal can be identified and the owner's whereabouts are known, an attempt will be made to contact the owner at the time of capture.
- 11.3 Captured "at large" animals who exhibit any of the following symptoms may immediately be humanely euthanized:
- o Having any untended sickness or injury causing protracted suffering;
 - o Having obvious infection, where the infection is so well-seated that the animal's survival is doubtful;
 - o Having obvious and highly communicable disease;
 - o Being newborn, not weaned from its mother's milk, and being unable to consume dry food.
- 11.4 Unless an "at large" animal exhibits any of the symptoms set forth in Subsection 11.3 or is otherwise suffering or risks spreading disease, it must be maintained for a minimum period as required by State law, which as of the enactment of this Ordinance is a minimum of seventy-two (72) hours, except that if the animal is wearing identification as required in Section 15, in which case it must be maintained for a minimum of one

hundred twenty (120) hours, unless claimed by owner. The procedure for return or disposition of an impounded animal will be governed by the operator of the animal shelter, except that the owner of any animal removed and impounded under the provisions of this Section shall be liable for any impoundment, boarding or veterinary fees incurred in connection therewith.

SECTION 12: AUTHORITY TO REMOVE AN ANIMAL FROM A HOME'S CURTILAGE AND IMPOUND ANIMAL

- 12.1 An Animal Control Officer is authorized to seize and remove an animal from a home's curtilage (i.e., the yard or other area around a dwelling), and impound that animal in any of the following circumstances:
- a. If an Animal Control Officer has an order to seize the animal;
 - b. If an Animal Control Officer has consent from the property owner or custodian;
 - c. If the Animal Control Officer has reasonable grounds to believe that very prompt action is required to protect the health or safety of the animal or the health or safety of any other animal or person;
- 12.2 The procedure for return or disposition of an impounded animal will be governed by the operator of the animal shelter, except that the owner of any animal removed and impounded under the provisions of this Section shall be liable for any impoundment, boarding or veterinary fees incurred in connection therewith.

SECTION 13: AUTHORITY TO REMOVE AN ANIMAL FROM A DWELLING AND IMPOUND; PROCEDURE FOR EX PARTE ORDER TO SEIZE AND IMPOUND

- 13.1 An Animal Control Officer may pursue an order to seize and remove an animal from within a dwelling and impound that animal in any of the following circumstances:
- a. If an Animal Control Officer has issued a citation for any violation of this ordinance or of the Cochise County Code or of Arizona Revised Statutes pertaining to animals, and reasonably believes that the violation will continue;
 - b. If – due to an owner's unavailability or uncooperativeness – an Animal Control Officer has been unable to issue a citation, but reasonably believes that a violation of this ordinance or of the Cochise County Code or of Arizona Revised Statutes pertaining to animals will continue;
 - c. If an Animal Control Officer has reasonable grounds to believe that removal and impoundment is required to protect the health or safety of the animal or the health or safety of any other animal or person; or

d. If the animal's well-being is threatened by any dangerous condition or circumstance.

13.2 In an affidavit filed in Cochise County Justice Court, an Animal Control Officer must allege that she or he has probable cause to believe that an animal is or has been subject to any of the following:

- o cruel mistreatment or neglect;
- o inadequate potable water, food, or medical treatment;
- o inadequate protection from temperature extremes;
- o inadequate ventilation or drainage, etc.;

Or that the animal

- o has been or should be declared vicious or destructive; or
- o has been in violation of any provision of this ordinance;

13.3 In addition to stating the grounds for issuance of an order, an Animal Control Officer's sworn affidavit must provide the animal's location.

13.4 Upon making a determination of probable cause, a judge may order that the Animal Control Officer enter the dwelling to seize, transport, impound and board the animal at the owner's expense.

13.5 Within five (5) days of the issuance of the order, the Animal Control Officer shall execute the order, while furnishing a copy of the order together with a receipt for the animal so seized, to the person from whom it was taken or in whose possession it was found; or in the absence of such person, in the place in which the animal was found.

13.6 The receipt for a seized animal shall also contain notice of an owner's right to, within five (5) days of the seizure, file a Petition in Justice Court for an Order to Show Cause why the animal should not be returned pending the outcome of the complaint.

13.7 If no Petition for an Order to Show Cause is filed within five (5) days or if the owner does file a Petition but fails to appear at the Order to Show Cause hearing, the Justice of the Peace shall order the animal forfeited. The procedure for return or disposition of an impounded animal will be governed by the operator of the animal shelter, except that the owner of any animal removed and impounded under the provisions of this Section shall be liable for any impoundment, boarding or veterinary fees incurred in connection therewith.

13.8 Nothing in this Section shall be construed to prohibit the attorney for the state, after seizure of an animal by a peace officer, from taking possession of and keeping the animal when the attorney deems the animal to be of evidentiary value in any criminal

prosecution relating to the condition of the animal. If the attorney for the state intends to take possession of and retain an animal as evidence in any criminal prosecution, the attorney shall promptly provide written notice to the peace officer.

SECTION 14: RABIES MANAGEMENT; VACCINATION REQUIRED; EXCEPTIONS

- 14.1 Initial Vaccination: The owner of every dog three (3) months of age or older shall have the animal vaccinated against rabies, unless the attending veterinarian determines that the dog should be vaccinated when older, not to exceed four (4) months of age. Unvaccinated dogs more than three (3) months of age (or, if the attending veterinarian determines, up to four (4) months of age) that are acquired or moved into Cochise County must be vaccinated within thirty (30) days of acquisition or arrival, unless there is documented evidence of current vaccination.
- 14.2 Revaccination: The owner of every dog or cat shall have the animal revaccinated twelve (12) months after the initial vaccination. Thereafter, the interval between revaccinations shall conform to the manufacturer's written instructions (every twelve (12) months for annual vaccines and every thirty-six (36) months for triennial vaccines).
- 14.3 Duties of Veterinarian: It shall be the duty of each veterinarian, when vaccinating any dog, to complete a certificate of rabies vaccination (or generate a computer print out) for each dog that is vaccinated. The certificate shall include the following information:
- a. Owner's name, address, and telephone number;
 - b. Description of the dog (species, breed, sex, markings, age, and name);
 - c. Date of vaccination;
 - d. Date of vaccination expiration;
 - e. Rabies vaccination tag number;
 - f. Vaccine producer and product name;
 - g. Manufacturer's serial or lot number of vaccine;
 - h. Veterinarian's signature;
 - i. Veterinarian's address and license number.

The original certificate of rabies vaccination shall be provided to the owner. The veterinarian who administers the vaccination shall retain one copy, and make a third copy available to the County Enforcement Agent as needed. All parties should retain the certificate for the duration of the vaccination plus one year. A durable metal or plastic, serially numbered rabies tag issued by the veterinarian who administers the vaccine shall

be provided to the owner with instructions that it must be securely attached to the dog's collar or harness.

- 14.4 Duties of Owner: The owner is responsible to procure rabies vaccination for his or her dog, as outlined above.
- 14.5 Impoundment of dog found in violation: Any dog without a valid and current rabies vaccination shall be impounded at the owner's expense for up to seventy-two (72) hours. Any animal unclaimed at the end of seventy-two (72) hours becomes the property of the animal shelter in which the animal is impounded.
- 14.6 Management of dog or cat that has potentially been exposed to rabies but has never been vaccinated against rabies: A dog or cat that has never been vaccinated against rabies and is bitten by or otherwise potentially exposed to a rabid or suspect rabid animal may be either euthanized immediately, or seized by the County Enforcement Agent or Public Health Official and – at the owner's expense with payment upfront – impounded for six (6) months in strict isolation. If the animal shows no signs of rabies at the end of five (5) months, it will be vaccinated against rabies at the owner's expense at that time. At the end of six (6) months, and again at the owner's expense with payment upfront, the animal will be examined by a licensed veterinarian or the County Enforcement Agent. If the examination determines that the dog or cat is free of signs of illness compatible with rabies, it may be released from impoundment. If at any point during the impoundment period or upon examination, the dog or cat shows signs of illness compatible with rabies, the County Enforcement Agent will order the immediate humane euthanasia and testing of the impounded animal. If a suspect rabid animal is available for testing, the dog or cat that was bitten by or otherwise potentially exposed to the suspect rabid animal will be isolated pending the rabies testing result on the suspect animal. If the testing results are negative, the bitten or otherwise potentially exposed animal shall be released with the approval of the County Enforcement Agent.
- 14.7 Management of currently vaccinated dog or cat that is bitten by or potentially exposed to rabid or suspect rabid animals: A dog or cat that is currently vaccinated against rabies and is bitten by or otherwise potentially exposed to a rabid or suspect rabid animal may be either humanely euthanized, or – at the owner's expense with payment upfront – revaccinated immediately with a booster rabies vaccination and then placed in home quarantine (i.e., an escape-proof enclosure) for observation for forty-five (45) days. During that time, the dog or cat may only be removed from confinement on a leash and under supervision of a responsible adult. At the end of the isolation period, the dog or cat will be examined by a veterinarian, at the owner's expense, or the County Enforcement Agent. If the either determines that the dog or cat is free of signs of illness compatible with rabies, it may be released from home quarantine. If at any point during the isolation period or upon examination, the dog or cat shows signs of illness compatible with rabies, the County Enforcement Agent will order the immediate humane euthanasia of the animal.
- 14.8 Management of dog or cat that has potentially been exposed to rabies, and has been vaccinated against rabies in the past but is now overdue for rabies vaccines. These cases should be handled on a case-by-case basis, upon consultation with the County

Enforcement Agent or Public Health Official. At the very least, however, owner should comply with Section 14.7.

- 14.9 Management of other animals that have potentially been exposed to rabies: Animals other than dogs, cats, or livestock that have been bitten by or otherwise potentially exposed to a rabid or suspect rabid animal should be euthanized immediately or evaluated on a case-by-case basis by the County Enforcement Agent or Public Health Official. If a suspect rabid animal is available for testing, an animal that was bitten by or otherwise potentially exposed to the suspect rabid animal will be isolated pending the rabies testing result on the suspect animal. If the testing results are negative, the bitten or otherwise potentially exposed animal shall be released with the approval of the County Enforcement Agent or Public Health Official.
- 14.10 Management of Animals that Bite a Person: Anyone knowing of an animal bite to a human shall immediately report the bite to the County Enforcement Agent or Public Health Official.
- A) A dog or cat that is currently vaccinated against rabies and that bites or reportedly bites a human will be, if the animal shows clear clinical signs of rabies or the animal's owner consents to its destruction, humanely euthanized and tested for rabies. Otherwise, the animal will be, at the owner's expense with payment upfront, checked for signs of illness compatible with rabies. If no signs are detected, the animal will be quarantined at the home of the owner or wherever the dog or cat is harbored and observed for ten (10) days from the date of the bite. Home quarantine will require an escape-proof enclosure from which the dog or cat may only be removed on a leash and under supervision of a responsible adult. Rabies vaccine should not be administered to the animal until the quarantine period is complete. At the end of ten (10) days, the dog or cat shall be reexamined by a veterinarian or the County Enforcement Agent. If at the end of the quarantine period, the dog or cat shows no signs of illness compatible with rabies, it may be released from quarantine. If at any time during quarantine or upon examination, the dog or cat shows signs of illness compatible with rabies, the animal shall be humanely euthanized and tested for rabies.
- B) Dogs or cats that are not currently vaccinated against rabies, and bite or reportedly bite a human, will be considered rabies suspect and will be seized by the County Enforcement Agent or Public Health Official. If the animal shows clear clinical signs of rabies or the animal's owner consents to its destruction, it shall be humanely euthanized and tested for rabies. Otherwise, the animal will be, at the owner's expense with payment upfront, impounded and quarantined for a period of not less than ten (10) days from the date of the bite. Rabies vaccine should not be administered to the animal until the quarantine period is complete. At the end of ten (10) days, the dog or cat shall be reexamined by a licensed veterinarian or the County Enforcement Agent. If at the end of the quarantine period, the dog or cat shows no signs of illness compatible with rabies, and the requirements of ARS § 11-1014.B are met, it may be vaccinated at the owner's expense and then released from quarantine. If at any time during quarantine or upon examination,

the dog or cat shows signs of illness compatible with rabies, the animal shall be humanely euthanized and tested for rabies.

- C) Domestic companion animals other than dogs or cats, with the exception of pet rodents or rabbits, that bite or reportedly bite a human will, at the expense of the owner, be confined and quarantined in a pound or veterinary hospital for not less than fourteen (14) days.
 - D) Other animals shall be either seized immediately, humanely euthanized for rabies testing, or treated according to the circumstances of exposure, the species, and the presence of rabies in the area.
- 14.11 Dogs or cats found at large that bite a person or may have been exposed to a potentially rabid animal will be checked for identification and clear clinical signs of rabies. In the event the animal exhibits clear clinical signs of rabies, the animal will be immediately humanely euthanized. For a dog or cat without identification as required in Section 15, in the event the owner remains unknown or unreachable for seventy-two (72) hours after time of capture, the animal shall be automatically deemed to be forfeited.
- 14.12 Wolves and wolf-hybrids: Because the rabies vaccination is considered ineffective in these animals, any dog that falls into this category shall be treated as if unvaccinated.
- 14.13 Exotic animals will be managed on a case-by-case basis, depending on the animal and what is known or presumed about that animal.
- 14.14 Rabies quarantine area: If the County Board of Supervisors has declared a rabies quarantine area, an emergency program for the control of rabies within that area shall be in effect. For the duration of that program, the County Enforcement Officer or Public Health Officer shall consider any at large mammal besides a human who is found within that area, a suspect rabid animal, and treat the animal accordingly, whether the animal was vaccinated or not.

SECTION 15: IDENTIFICATION REQUIRED

- 15.1 Licenses for dogs and other animals are not required. However, every dog must have some form of durable identification. For these purposes, durable identification includes a microchip identification, a durable metal or plastic rabies tag issued pursuant to Section 14 or a durable metal or plastic tag inscribed with the name and contact information of the owner; provided, however, that the durable identification requirement does not apply when a dog is on its owner's property or participating in a kennel club performance event, conformation show or a hunt under the control of the owner or another person.
- 15.2 The identification requirement also applies to wolves and wolf-hybrids.

SECTION 16: ANIMAL CONTROL ENFORCEMENT AUTHORITY AND ALLOCATION OF PROCEEDS FROM FINES

- 16.1 Animal Control Officers are hereby empowered to issue citations for violations of the provisions of this ordinance and to otherwise enforce the requirements of this ordinance in the manner provided therein.
- 16.2 Fines received for violations of this ordinance shall be deposited in a special permanent, non-lapsing and non-reverting fund which is hereby established for the purpose of defraying a portion of the expenses of the Cochise County Animal Control Division.

SECTION 17: POLICY EXEMPTION: WILDLIFE SPECIALIST

- 17.1 Wildlife Specialists employed by the U.S. Department of Agriculture are, in their professional capacities, not subject to the requirements of this policy, because they operate under federal guidelines.

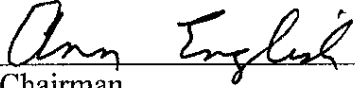
SECTION 18: OTHER REMEDIES

- 18.1 The remedies provided herein shall be in addition to any other remedy or remedies available by law. That is, the Cochise County Board of Supervisors, County Attorney, 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 19: REPEAL

- 19.1 This Ordinance repeals and rescinds any Animal Control Ordinance adopted by the Cochise County Board of Supervisors prior to the effective date of this Ordinance.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY,
ARIZONA, THIS 6TH DAY OF APRIL, 2010.



Ann English, Chairman
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



Katie Howard
Clerk of the Board



Britt Hanson
Chief Civil Deputy Attorney