

TOWN OF PINETOP-LAKESIDE

ORDINANCE 24-469

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, AMENDING TITLE 12, CHAPTER 12.12.040 RULES OF CONDUCT, AMENDING TITLE 6, CHAPTER 6.04.020 DEFINITIONS AND AMENDING TITLE 6, CHAPTER 6.04.110 ANIMAL AT LARGE – RESTRAINT AND CONFINEMENT – GENERALLY.

WHEREAS, the Town Council of the Town of Pinetop-Lakeside believes that amending Town Code Chapter 12.12.040 Rules of Conduct, Chapter 6.04.020 and Chapter 6.04.110 is in the best interest of the citizens of the Town.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, NAVAJO COUNTY, ARIZONA, as follows:

Section 1. **Adoption by Reference.** Pursuant to A.R.S. §9-802, the Town hereby adopts text amendments to the Town Code Chapter 12.12.040 RULES OF CONDUCT; Chapter 6.04.020 DEFINITIONS; and Chapter 6.04.110 ANIMAL AT LARGE – RESTRAINT AND CONFINEMENT – GENERALLY, as set forth on Exhibit A, a copy of which is on file with the Town Clerk of the Town of Pinetop-Lakeside, Arizona, at 325 W. White Mountain Blvd. Lakeside, AZ 85929 pursuant to A.R.S. Section 9-802.

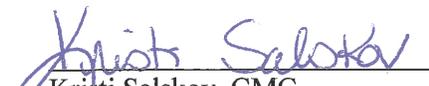
Section 2. **Effective Date.** This Ordinance is to be effective when publication and posting pursuant to A.R.S. § 9-812 is accomplished.

Section 3. **Severability.** All ordinances, or parts of ordinances, adopted by the Town of Pinetop-Lakeside in conflict with the provisions of this ordinance or any part of the Town Code adopted herein by reference, are hereby repealed, effective as of the day this ordinance is effective.

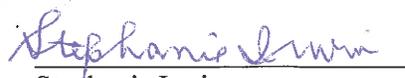
PASSED AND ADOPTED by the Mayor and Town Council in an open meeting by the Town Council, Town of Pinetop-Lakeside, Arizona, this 7th day of March 2024, to be effective upon the expiration of a thirty (30) day period following adoption and publication pursuant to A.R.S. § 9-812 is complete.



ATTEST:


Kristi Salskov, CMC
Town Clerk

TOWN OF PINETOP-LAKESIDE


Stephanie Irwin
Mayor

APPROVED AS TO FORM:

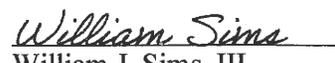

William J. Sims, III
Town Attorney

EXHIBIT A

Town Code Chapter 12.12.040 RULES OF CONDUCT; Chapter 6.04.020 DEFINITIONS; and
Chapter 6.04.110 ANIMAL AT LARGE – RESTRAINT AND CONFINEMENT.

6.04.020 Definitions.

A. When used in this Chapter, the following words, terms and phrases, and their derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

1. "Animal" means any live creature, domestic, tame, feral or wild, except humans. "Animal" includes dogs, cats, pot-bellied pigs, all other mammals, birds, fowl, fish and reptiles. "Animal" includes both the singular and plural of the word, or one or more animals.
2. "Animal Control Officer" means an employee or agent of the Town, designated by the Chief of Police to administer and enforce the licensing, inspection and enforcement requirements contained within this Chapter. In addition to the Animal Control Officer, any other law enforcement officer with jurisdiction within the Town may administer and enforce the licensing, inspection and enforcement requirements within this Chapter.
3. "Animal hospital" means any establishments maintained and operated by a licensed veterinarian for surgery, diagnosis, and treatment of animal diseases and injuries.
4. "Animal nuisance" means any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of an animal.
5. "Animal shelter" means any facility operated by the Town, the Humane Society of the White Mountains or other humane society, animal rescue organization or other public or private facility approved by the Town for the temporary care, confinement and detention of animals and for the humane killing and other disposition of animals. The term may also include any private facility authorized by the Town to impound, confine, detain, care for or destroy any animal.
6. "At heel" means a dog is directly behind or next to a person and obedient to that person's command.
7. "At large" means being neither confined by an enclosure nor physically restrained by a leash of six feet or less. ~~that an animal is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.~~
8. "Attack" means, with respect to animals and this Chapter, to bite, attempt to bite, growl and show teeth, charge, chase, jump on, scratch, kick or otherwise act in a threatening or aggressive manner which animal act puts a person in fear of being harmed or injured, or which unreasonably interferes with that person's ability to carry on lawful activities. No actual touching or biting need occur for an "attack" to take place. The finder of fact shall use a "totality of the circumstances" analysis to determine whether an "attack" has occurred. For example, a dog which jumps a fence and chases a person walking to the neighborhood mailbox where the facts indicate that the person is justifiably threatened or scared by the dog's behavior has been "attacked."

9. "Breeder or handler" means a person, business or other entity that is engaged in the business of breeding, handling and raising dogs, cats or other domestic animals for any purpose. A person or entity shall be considered a breeder or handler for purposes of this Chapter if the person or entity owns or houses more than the number of animals specified in Section 6.04.050 or the animals owned or possessed by the person or entity give birth to young on more than two (2) occasions in a calendar year. If one animal gives birth to young twice a year or two animals each give birth during a year, the owner or possessor shall be considered a breeder for purposes of this Chapter. All breeders, handlers and kennels shall be required to have a kennel license. Breeder includes animal rescue organizations or other public or private facilities approved by the Town. See Sections 6.04.050 and 6.04.070, below.

10. "Cruelty" means any act of omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in sufficient quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the humane methods reasonably available.

11. "Disposition" means adoption, quarantine, voluntary or involuntary custodianship or placement or euthanasia humanely administered to an animal. "Disposition" includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

12. "Domestic animal" includes dogs, cats, pot-bellied pigs, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants, and other birds and animals raised and/or maintained in confinement.

13. "Exotic animal" means any live monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals.

14. "Feral animal" means an animal which is wild or untamed, especially having reverted to such a state from prior domestication. Any feral animal may be trapped by the Town and delivered to an approved Animal Shelter.

15. "Guard or attack animal" means an animal, especially a dog or large cat trained to attack on command or to protect persons or property, and which will cease to attack upon command.

16. "Impoundment" means the taking into custody of an animal by any police officer, Animal Control Officer, or any authorized representative thereof.
17. "Kennel" means any premises wherein any person who owns, possesses, houses or keeps more than the number of animals specified in Section 6.04.050 for any reason, including persons who engage in the business of boarding, breeding, buying, letting for hire, training, hunting, selling or other purposes. All kennels, breeders and handlers must have a kennel license. Kennels includes animal rescue organizations or other public or private facilities approved by the Town. See Sections 6.04.050 and 6.04.070, below.
18. "Livestock" means cattle, sheep, goats, swine, mules and asses except pot-bellied pigs weighing less than one hundred-fifty (150) pounds or goats weighing less than one hundred-fifty (150) pounds.
19. "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.
20. "Owner" means any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this Chapter. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.
21. "Public nuisance animal" means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to:
- a. Any animal except cats that is repeatedly found running at large more than two (2) times in a thirty (30) day period or more than six (6) times in any three hundred and sixty five (365) day period;
 - b. Any animal that attacks a person;
 - c. Any dog or other animal except cats in any Section of a park or public recreation area unless the dog or other animal is controlled by a leash or other similar physical restraint;
 - d. Any animal that damages, soils, or defecates on any property other than that of its owner where the owner fails to promptly repair the damage or clean up the feces (an owner shall immediately remove an animal's feces);
 - e. Any animal that makes disturbing noises, including but not limited to, continued or repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

- f. Any animal that smells or otherwise causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- g. Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
- h. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way or on property other than property owned by the animal's owner;
- i. Any animal that chases motor vehicles in a public right-of-way;
- j. Any animal that attacks a domestic animal;
- k. Any animal that causes unsanitary conditions or offensive odors in yards, enclosures or other surroundings where the animal is kept or harbored;
- l. Any collection of animals that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals or the conditions created by those animals maintained at a single residence or the inadequacy of the facilities.

22. "Sanitary" means a condition of good order and cleanliness to minimize the attraction of vermin and insects capable of transmitting disease to humans, domestic animals or livestock.

23. "Under restraint" means that an animal is secured by a leash, lead under the control of a person physically capable of restraining the animal, ~~and obedient to that person's commands,~~ or securely enclosed within the real property limits of the owner's premises.

24. "Vicious" or "dangerous animal" means any animal that without provocation attacks or attacked a human being or other animal owned by another. An animal that without provocation has attacked a human being or other animal shall be prima facie presumed vicious or dangerous. Animals may also be pronounced or adjudicated vicious or dangerous by a court or other trier-of-fact based upon the "totality of the circumstances."

25. "Wild animal" means any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal that can normally be found in the wild state. The term "wild animal" includes feral dogs and cats, but does not include: domestic, tame dogs (canis familiaris, but excluding feral dogs or hybrids with wolves, coyotes or jackals), domestic cats (felis domesticus, but excluding feral cats or hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

6.04.110 Animal at large - restraint and confinement - generally.

A. It shall be unlawful for the owner of any animal, except cats, to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the

Town. An owner or custodian of any animal shall exercise proper care and control of such animal to prevent the same from running at large, or from becoming a public nuisance.

B. Any animal, except cats, while on a street, sidewalk, public way or in any park, school, or other public space, or upon any private property without the consent of the owner, shall be physically restrained by a leash of six feet or less. ~~secured by a leash or chain of sufficient tensile strength to restrain the particular animal. or animals may be at heel and under the direct control of its owner.~~

C. An owner or custodian of any animal shall exercise proper care and control of such animal to prevent the same from damaging the person or property of others, or from becoming a public nuisance.

D. Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal, except for planned breeding.

E. In a rabies quarantine area, no animal shall be permitted at large. Each animal shall be confined within an enclosure on the owner's property, or secured so that the animal is confined entirely to the owner's property, or on a leash not to exceed six (6) feet in length and directly under the owner's control and not on the owner's property.

F. No domestic animals shall be permitted on athletic fields or within ten feet of town-owned playground equipment.

12.12.040 Rules of conduct.

A. The following rules of conduct shall apply to all users and persons who are within parks and recreation areas of the Town:

1. Park use is available on a first-come, first-served basis except as needed for:
 - a. Leagues and Team Use. Parks and recreation areas may be reserved for Public Works Department scheduled or specially permitted events. These events may include Little League baseball, youth soccer leagues, adult recreation league events, and other scheduled team uses or uses by the Department.
 - b. Other Group Use. All parties of one hundred (100) or more wanting to use Town parks shall be required to submit an application and get a park facility permit from the Public Works Department. The applicable fee(s) shall be paid at the time of application.
 - c. Use of Ramadas. Reservations can be made via the Town of Pinetop-Lakeside's website. The applicable fee(s) shall be paid at the time of application.
 - d. Special Events. Refer to the Parks and Recreation Rules and Regulations.
2. Littering is prohibited. Each person or group is responsible for the cleanup of the area of the park which they use. Dumping of domestic or commercial trash also is prohibited. Domestic and commercial trash shall not be put into designated trash cans or containers, or otherwise left in parks. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.
3. Children, eight (8) years old and younger, must be supervised by an adult while playing on parks playground equipment.
4. No overnight camping is allowed in the park. No overnight parking of recreational vehicles is allowed in the park without a Town permit. The Town will allow overnight parking for special events with a Town permit approved by the Department.
5. No open fires or campfires are allowed in the park, except in the grills provided. Written requests for the use of other special fire containers shall be submitted to the Department but may not be used without the written approval of the Department. Fire restrictions issued by the Town to help prevent wildfires may prohibit all fires, including the use of park grills, from time to time.
6. Possession, use or discharge of explosives, fireworks, spring guns, B.B. guns, air guns, rockets, fireworks, slingshots, bows and other archery equipment or other similar weapons, arms or equipment is strictly prohibited in parks. Any use or discharge of

firearms, rifles, pistols, revolvers is prohibited except as allowed by state statute(s) (currently found in A.R.S. § 13-3108(G)(5)).

7. Hunting, trapping, catching, wounding or killing, or treating cruelly, attempting to catch, wound or kill, any bird or animal, molest or rob any nest of any kind or any lair or burrow of any animal is prohibited. No person may hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest or young of any reptile or bird.

8. Excessive noise or other disturbance of the peace is not permitted.

9. [Pets at a town park are subject to the Town's Animal Control Ordinances found in Chapter 6.](#) ~~Dogs must be kept on a leash at all times in the park unless in a specifically designated dog park that allows off-leash use. Pets are subject to the Town's animal control ordinance.~~

10. Fishing at Woodland Lake Park is governed by Arizona Game and Fish Department laws, rules and regulations. A valid Arizona fishing license with applicable stamps is required.

11. Glass containers including glass beverage bottles are not allowed in Town parks and recreation areas.

12. Marking, tampering with, destroying, damaging, injuring, disfiguring, defacing, displacing, removing or disturbing any natural or manmade feature, tree, shrub, wildflower, public building, sign, structure, equipment or other property is prohibited. No person may damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seeds of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.

13. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountains, pond, lake, stream or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such water any substance, matter or thing, liquid or solid, which will or may result in the pollution of those waters.

14. Parks shall not be used for profit or gain unless specifically approved. No admission fee, event fee, donation or other cost for attendance at an event held in Town parks may be charged, collected or paid by any person or entity without the express, written permission of the Department.

15. Swimming is strictly prohibited in lakes, streams or other waters in Town parks.

16. All persons shall cooperate and shall maintain restrooms and washrooms in a neat and sanitary condition.

17. No person shall enter an area posted as "Closed" or "Closed to the Public."

18. No person shall engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.

19. Persons shall produce and exhibit any permit he or she claims to have, upon request of any authorized person who asks to inspect the same for the purpose of enforcing compliance with any ordinance, rule or regulation.

20. No person shall disturb or interfere unreasonably with any person or party occupying any park or recreation area. (Ord. 22-450 § 1; Res. 22-1632 (Exh. A); Ord. 14-383; Ord. 14-379 § 2 (Exh. A)(part))