

Ordinance No. 777

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AMENDING SECTION 6-01-070 "LICENSE FEES" IN ARTICLE 6-01 "GENERAL ANIMAL CONTROL" IN CHAPTER 6 "ANIMALS" OF THE TOWN CODE TO EXEMPT SERVICE ANIMALS AND SEARCH AND RESCUE DOGS FROM THE LICENSE FEE REQUIREMENT UNDER THE TOWN CODE CONSISTENT WITH RECENT AMENDMENTS TO RELATED PROVISIONS IN THE ARIZONA REVISED STATUTES; PROVIDING THAT ALL OTHER CHAPTERS, ARTICLES AND SECTIONS OF THE TOWN CODE, NOT HEREIN REPEALED, RE-ENACTED OR AMENDED, SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING THAT, IF ANY PROVISION IN THIS ORDINANCE IS HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PROVISIONS SHALL NOT BE AFFECTED BUT SHALL CONTINUE IN FULL FORCE AND EFFECT; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Mayor and Common Council of the Town of Prescott Valley first adopted an animal regulation code on June 28, 1979; and

WHEREAS, the Council has occasionally updated said code from time to time as the community has developed and grown and as related provisions in the Arizona Revised Statutes have been amended from time to time; and

WHEREAS, Section 6-01-050 of the Town Code currently requires all dogs three months of age or older kept, harbored or maintained within the corporate limits of the Town for at least thirty consecutive days to be licensed in accordance with Article 6-01; and

WHEREAS, Section 6-01-070 of the Town Code requires all dog license applicants to pay the applicable license fee set forth in Section 6-01-100; and

WHEREAS, on April 5, 2013, the Arizona governor approved House Bill 2355 enacting A.R.S. §9-500.32 which prohibits cities and towns from charging an individual who has a disability and who uses a service animal or an individual who uses a search and rescue dog a license fee for that dog; and

WHEREAS, the Town Council desires now to amend the Town Code to conform to the recent statutory amendments regarding the license fees for service animals and search and rescue dogs;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, AS FOLLOWS:

SECTION ONE. That Section 6-01-070 "License Fees" in Article 6-01 "GENERAL ANIMAL CONTROL" in Chapter 6 "ANIMALS" of the Town Code of the Town of Prescott Valley, Arizona, is hereby amended to read as follows:

6-01-070 License Fees.

- A. The applicable license fee set forth in Section 6-01-100 of this Article shall be paid for each dog that requires a license pursuant to Section 6-01-050 of this Article.
- B. This section shall not apply to an individual who has a disability and who uses a service animal as defined in A.R.S. §11-1024 or an individual who uses a search or rescue dog.
 - 1. An applicant for a license for a search or rescue dog shall provide adequate proof satisfactory to the Town of Prescott Valley Animal Control Officer that the dog is a search or rescue dog.
 - 2. An applicant for a license for a service animal shall sign a written statement that the dog is a service animal as defined in A.R.S. §11-1024. A person who makes a false statement pursuant to this subsection is guilty of a petty offense, subject to a fine not to exceed fifty dollars. The statement to be signed shall be substantially in the form set forth in A.R.S. §9-500.32(C).
- ~~B. C.~~ A person applying for issuance of a dog license for a dog that has been spayed or neutered shall furnish proof of the surgical alteration by presenting a certificate, signed by a licensed veterinarian, which verifies that the dog which is subject to the license application has been so surgically altered.
- ~~C. D.~~ Fees for dog licenses may be amended from time to time by ordinance and any such amendment shall not be retroactively applied but shall be effective on the date the ordinance is passed and adopted by the Mayor and Common Council of the Town of Prescott Valley.

(Ord. No. 8, Enacted, 06/28/79; Ord. No. 28, Enacted, 05/22/80; Ord. No. 95, Repealed, 02/09/84, 6-01-030; Ord. No. 95, Renumbered, 02/09/84, 6-02-040; Ord. No. 178, Ren&Amd, 05/26/88, 6-02-060; Ord. No. 197, Amended, 12/22/88; Ord. No. 257, Amended, 06/27/91; Ord. No. 640, Amended, 12/02/05; Ord. No. 746, Rep&ReEn, 09/09/10; Ord. No. _____, Amended, _____)

SECTION TWO. That all other Chapters, Articles and Sections of the Town Code not herein repealed, re-enacted and amended shall remain in full force and effect.

SECTION THREE. That, if any provision in this Ordinance is held invalid by a Court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

SECTION FOUR. That this Ordinance shall be effective thirty (30) days after its passage and approval according to law.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 12th day of September, 2013.

Harvey C. Skoog, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney