MEMORANDUM

TO:               Board of Supervisors

THRU:             Ron Walker, County Manager
                 Mike Hendrix, Deputy County Manager

FROM:             Nicholas S. Hont, P.E., Development Services Director
                 Mohave County Kennel Committee

DATE:             September 29, 2010

SUBJECT:          Revisions to proposed Mohave County Ordinance No’s. 2010-12 and 2010-13 as heard by the Board of Supervisors at their September 7, 2010 meeting.

Per the order of the Board of Supervisors at their September 7, 2010 meeting, the Mohave County Kennel Committee held a public hearing on September 28, 2010, at which time 21 individuals provided comments and suggestions. DVD’s of the meeting were provided to the Clerk of the Board for each of the Supervisors and the County Manager.

After the public hearing was concluded, the Kennel Committee, including the Departments, discussed the comments and suggestions received and recommended revisions to the proposed kennel ordinance based upon those public comments and suggestions. Enclosed you will find the revised version of proposed Mohave County Ordinance No. 2010-12; the language to be added has been typed in red bold and the language to be removed has been struck. The attached Exhibit A is an executive summary of the recommended changes found in the revised version of proposed Ordinance No. 2010-12.

Enclosed you will also find a revised version of proposed Mohave County Ordinance No. 2010-13, based upon the changes proposed to the kennel ordinance and other requests made since the item was heard by the Commission. The language to be added has been typed in red bold and the language to be removed has been red struck, to avoid confusion with the initial proposed changes. The attached Exhibit B is an executive summary of the recommended changes found in the revised version of proposed Ordinance No. 2010-13.
Exhibit A
Executive Summary of Changes Recommended for
Mohave County Ordinance No. 2010-12
Definitions and Requirements for Animal Care and Kennels

Change

1. Under the “General” Section, and Section I.A. – Kennel Classification, Class I Kennel delete reference to more than two litters per year and replace with a reference to the definition of a Breeding Kennel.

2. Section I. – Kennel Classification, include a clarification of what does not constitute a kennel by adding, “‘Kennel’ does not include any building, structure, enclosure, or premises within which there are four (4) or fewer dogs, four months of age or older, of which two or fewer are breeding females.”

3. Section I – Kennel Classification, for all kennel class descriptions delete “whereupon, or” in the first line.

4. Section II.A – Definitions for a Residential Kennel, delete “a noncommercial” in the first line, and delete “adult” in the second line replacing that term with “four (4) months of age or older.” The second paragraph was amended to clarify that breeding kennels are not residential kennels.

5. Section II – Definitions, add a definitions for a Breeding Female above the definition for a “Breeding Kennel” to read as follows: “Breeding Female shall mean an unaltered female dog capable of reproduction.” Also, renumbering section is necessary.

6. Section IV.A.2 – Separation and Co-Mingling of Animals, delete the requirement that one quarantine cage/run/kennel shall be available for every ten (10) kenneled animals.

Reason/Justification

This change is the result of a comment made at the public hearing. Together with other changes, this change will make it easier to identify a breeding kennel.

At the public hearing, it appeared to the Committee that several members of the public misunderstood when a permit from Environmental Health would be required. This additional wording is intended to remedy any potential misunderstanding.

This change is intended to make the document read better without changing the meaning.

These changes were made as a result of public testimony. The changes are intended to avoid confusion over an unnecessary term, and to clarify when a dog is considered an adult, ensuring consistency with the rest of the document. The clarification on breeding kennels was added to avoid confusion.

With the addition of the reference to a “breeding female” in the description of the kennel classifications, the Committee believed a definition was needed.

At the public hearing, the committee heard from several kennels that the standard was excessive. The Committee concurred. Separating injured or ill animals from healthy animals will be sufficient.
7. Section IV. B. – Separation and Co-Mingling of Animals, delete everything in the parentheses in the first paragraph, referring to breeding kennel and/or shelter or sanctuary/rescue.

This phrase was intended to be for clarification. As a result of the public hearing, the Committee realized that the phrase may cause confusion.

8. Section IV.B.4 – Separation and Co-Mingling of Animals, add “implanted with microchip with identification information allowing verification of vaccination, OR”.

Testimony at the public hearing reminded the Committee that microchips were valid means of identification.

9. Section V.B – Flooring, add “or three (3) inches of bedding sand replaced every six months or sooner as needed.”

This wording was added in response to testimony from kennel operators during the public hearing. The Committee agreed that bedding sand, well maintained, is adequate flooring.

10. Section VI.A – Walls, revise to read, “Between indoor kennels there shall be a concrete dam, at least six (6) inches high, to prevent water and waste material from flowing from kennel to kennel.”

At the public hearing, the public expressed concern over the expense in providing a 4 ft. block or concrete wall between kennels. The Committee concurred and reduced the height to 6”.

11. Section VI.B. – Walls, revise to require that walls be at least six (6) feet in height, allow walls to be made out of a combination of allowed listed materials, and add chain-link fencing to the allowed materials.

This revision was made in response to the public testimony, and it allows walls between kennels to be a combination of materials. The revision also adds chain-link to the list of allowed materials.

12. Section VI.C – Walls, revise to read, “Chain-link, in good repair, with not protruding or sharp edges or corners, at least six (6) feet high, may be used for walls of indoor or outdoor kennels. Outdoor kennel chain-link walls must be embedded into a 12-inch deep concrete footer.”

This revision clarifies the standards for chain-link fencing in response to allowing the material to be used on a wider basis. Allowing the wider use of chain-link was recommended by the Committee in response to comments heard at the public hearing.

13. Section IX. – Toilet and Hand washing Facilities for Class II – V Non-Residential Kennels, replace employee with animal care provider in the last sentence.

This revision clarifies that toilets must be provided for any person assisting with animal care, not just employees.

14. Section IX – Toilet and Hand Washing Facilities for Class II-V Non-Residential Kennels, add item H to require a trash receptacle in each toilet room.

This essential requirement was inadvertently omitted from the previous draft.
15. Section X.B – Outdoor Facilities, added wording to clarify that roofs must be constructed of standard roofing material.

16. Section XI.D.2. – Dogs – Short Term Care Kennel Facility, delete “Food shall be clean and dry at all times” and replace with requirement that stainless steel bowls be used.

17. Section XII.A. – Dogs-Long Term Care Kennel Facility, add the wording, “An exception may be made for facilities holding a current Mohave County Environmental Health permit, issued prior to the date this ordinance is adopted by the Board of Supervisors.”

18. Section XII.B – Dogs – Long Term Care Kennel Facility, add the requirement for a large exercise area.

19. Section XIII – Cats – Short Term Care Facility, this section was renumbered

20. Section XIII.A.4. – Cats – Short Term Care Facility, add a requirement to use stainless steel bowls.

21. Section XIII.B, -- Cats – Short Term Care Facility, first paragraph, revise to read “Colony cages used to house cats shall be made of stainless steel, fiberglass, or other impervious material, as shall follow these guidelines:”

22. Section XIII.B.7, -- Cats, - Short Term Care Facility, add the requirement to use stainless steel bowls. Also, delete last sentence requiring one bowl per cat when serving fresh food.

23. Section XIV, Cats – Long Term Care Facility, add the wording, “An exception may be made for facilities holding a current Mohave County Environmental Health permit, issued prior to the date this ordinance is adopted by the Board of Supervisors.”

This addition should avoid any misunderstanding as to appropriate roof material for kennel use.

The intent of this subsection is to ensure that food is palatable and as free of bacteria as possible. The recommendation for steel bowl came from suggestions at the public hearing.

By adding this sentence, those facilities that were in compliance with Environmental Health size standards before the adoption of Ordinance No. 2010-12 will not have to alter or refurbish their facilities comply with the new ordinance. Based on statements received at the hearing, the Committee was concerned about the added cost for facilities that built their facilities in good faith and in compliance with the rules at that time.

This requirement was inadvertently overlooked in the previous draft.

Renumbering maintains format consistency in the document.

Use of steel bowls should keep bacteria to a minimum. Recommendation came from testimony at the public hearing.

This addition clarifies appropriate materials for cat colonies and was needed as a part of the renumbering of the section.

See explanation under Section XIII.A.4.

Keeping consistent with the provision for dog facilities, a provision for non-conforming facilities built according to the rules in place at the time of construction was added.
Exhibit B  
Executive Summary of Changes Recommended for  
Mohave County Ordinance No. 2010-13  
Amendment to the Mohave County Zoning Ordinance Regarding Kennels

<table>
<thead>
<tr>
<th>Change</th>
<th>Reason/Justification</th>
</tr>
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<tbody>
<tr>
<td>1. In the definitions of “cattery” and “kennel” delete “whereupon, or”</td>
<td>The rewording is consistent with Ordinance No. 2010-12.</td>
</tr>
<tr>
<td>2. Section 27.M.1 should be revised to include a new paragraph h and a table that illustrates the number of dogs and cats allowed based on property size, by right, by Limited Animal Permit, or by Zoning Use Permit.</td>
<td>This table is the result of a request for information on number of animals allowed in relation to the size of the property.</td>
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<tr>
<td>3. Section 27.M.2.a.2, the number of dogs and cats allowed with the Limited Residential Animal Permit is changed to reduce the number of animals allowed on parcels of one-half acre to one acre. This change was previously submitted to the Board in a memorandum.</td>
<td>This change is the result of public testimony received at the hearing before the Planning and Zoning Commission.</td>
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MOHAVE COUNTY ORDINANCE NO. 2010-12

AN ORDINANCE ADOPTING DEFINITIONS AND REQUIREMENTS FOR ANIMAL CARE AND KENNELS

WHEREAS, the Mohave County Departments of Development Services, Animal Control, and Public Health all have regulatory and enforcement authority over animal care and kennels; and pursuant to Arizona Revised Statutes §§11-251.17; 11-251.47; 11-801 et. seq.; 11-1001 et seq.; 11-1021 et seq.; 13-2910; 36-183.01 et seq.; 36-602; the Mohave County Zoning Ordinance; Mohave County Ordinances 94-01; 2007-08; and any revisions or amendments thereto; and

WHEREAS, these regulatory and enforcement authorities have separate purposes and embody separate definitions; and

WHEREAS, the Mohave County Board of Supervisors finds that it is in the best interest of the residents of this County to establish uniform definitions and requirements for animal care and kennels under which each Department shall regulate and enforce their separate authorities; and

NOW THEREFORE BE IT RESOLVED, that the Mohave County Board of Supervisors hereby adopt the following ordinance establishing uniform definitions and requirements for animal care and kennels.

GENERAL

A kennel is defined as any facility or premises that houses five or more dogs four months of age or older, or breeds more than two (2) litters per year regardless of the number of dogs or meets the definition of a breeding kennel. The definition of a kennel for the purposes of this ordinance includes but is not limited to animal care facilities, sanctuaries, animal shelters, and animal rescue facilities. Licensed veterinary or animal hospital facilities are not “Kennels” for the purposes of this ordinance.

All Kennels require a Kennel Permit issued by Mohave County. Failure to comply with this Ordinance may result in a Kennel Permit being denied, suspended or revoked by one or more of the County agencies listed below. Additional penalties as provided by law may also be imposed. All kennel permits shall require the holder to allow access to the permitted premises by the listed County agencies, which shall use reasonable discretion in the interpretation of this Ordinance.
A person operating a kennel shall obtain permits from the following County agencies:
   b. Mohave County Environmental Health Division, when required.
   c. Mohave County Sheriff’s Office, if individual animal tags are not issued.

I. KENNEL CLASSIFICATION

“Kennel” does not include any building, structure, enclosure, or premises within which there are four (4) or fewer dogs, four months of age or older, of which two or fewer are breeding females.

A. **Class I Kennel**: Any building, structure, enclosure, or premises whereupon, or within which up to four (4) dogs, four (4) months of age or older, are kept or maintained, and meets the definition of a breeding kennel, and more than two (2) litters per year are bred. An annual permit and inspection by the Mohave County Environmental Health Division will be required to renew the permit for non-residential Kennels.

B. **Class II Kennel**: Any building, structure, enclosure, or premises whereupon, or within which five (5) to ten (10) dogs, four (4) months of age or older, are kept or maintained by one (1) owner. An annual self-certification by the owner that the information in the original application is still accurate will be required to renew the permit for residential Kennels. An annual permit and inspection by the Mohave County Environmental Health Division will be required to renew the permit for non-residential Kennels.

C. **Class III Kennel**: Any building, structure, enclosure, or premises whereupon, or within which eleven (11) to twenty-five (25) dogs, four (4) months of age or older, are kept or maintained. An annual self-certification by the owner that the information in the original application is still accurate will be required to renew the permit for residential Kennels. An annual permit and inspection by the Mohave County Environmental Health Division will be required to renew the permit for non-residential Kennels.

D. **Class IV Kennel**: Any building, structure, enclosure, or premises whereupon, or within which twenty-six (26) to forty (40) dogs, four (4) months of age or older, are kept or maintained. An annual self-certification by the owner that the information in the original application is still accurate will be required to renew the permit for residential Kennels. An annual permit and inspection by the Mohave County Environmental Health Division will be required to renew the permit for non-residential Kennels.

E. **Class V Kennel**: Any building, structure, enclosure, or premises whereupon, or within which forty-one (41) or more dogs, four (4) months of age or older, are kept or maintained. An annual self-certification by the owner that the information in the original application is still accurate will be required to renew the permit for residential Kennels. An annual permit and inspection by the Mohave County Environmental Health Division will be required to renew the permit for non-residential Kennels.
II.  DEFINITIONS

A.  **Residential Kennel** shall mean a noncommercial kennel at or adjoining a private residence where more than four (4) adult dogs, **four (4) months of age or older**, owned by a resident, are kept for companionship or enjoyment of the species, or for training by the resident for field, working or obedience trials, or for exhibition at organized shows.

A residential kennel includes the keeping of more than four (4) household dogs owned and controlled by the residents of the property. Boarding, breeding and grooming of animals not owned and controlled by the residents is prohibited, except that occasional temporary care of additional animals for family members for a period of four (4) weeks or less is allowed. Signs or other advertising implying the presence of a kennel is prohibited. **Breeding Kennels, as defined below, are not considered residential kennels.**

B.  **Breeding Female** shall mean an unaltered female dog capable of reproduction.

B.  **Breeding Kennel** shall mean a property that **has** more than two (2) breeding females. Litters in each of any twelve (12) month period is considered a breeding kennel.

C.  **Non-residential Kennel** all kennels not allowed as Residential Kennels shall be considered non-residential kennels.

D.  **Cattery** shall mean any building, structure, enclosure or premises whereupon, or within which ten (10) or more cats, four (4) months of age or older, are kept or maintained.

E.  **Short-term Facility** shall mean any kennel in which animals are kept for one (1) month or less.

F.  **Long-term Facility** shall mean any kennel in which animals are kept for longer than one (1) month.

III.  DENSITY

A.  A combination of animals is allowed as long as proper housing is available for each animal.

B.  The minimum parcel size for kennel use shall be as provided in the Mohave County Zoning Ordinance.

C.  The area set aside for housing of animals shall include all exercise runs/areas, kennels, storage of food, bedding and other items free of moisture, pests and vermin, and shall be of sufficient size for the health and welfare of the proposed animal.
D. Set backs for the animal housing area shall conform to the requirements imposed by the Mohave County Planning and Zoning Department.

IV. SEPARATION AND CO-MINGLING OF ANIMALS

A. Animals shall be separated as follows:
   1. Dogs from cats unless all belong to one (1) owner.
   2. Sick or injured animals from healthy animals. One (1) quarantine cage/run/kennel shall be available for every ten (10) kenneled animals.
   3. Puppies and kittens from adult animals (unless the puppies and kittens are nursing; separate nursing mothers and their young from all others.)
   4. Aggressive animals from all others.

B. Co-mingling of animals – one (1) owner:
   For kennel properties in excess of two and one-half (2½) acres (one (1) parcel), where all the animals belong to one (1) owner (as in the case of a breeding kennel and/or shelter or sanctuary/rescue), cages for animals are not required; however, the following must be met:
   1. Animal manure shall be gathered a minimum of once daily and properly handled and disposed of so as not to pose a public health nuisance.
   2. Disinfection methods must be used when appropriate.
   3. Where cages and/or dog runs are provided, they must meet the requirements of this ordinance as applicable.
   4. In addition to records requirements outlined in this ordinance, rabies vaccination certificates shall be maintained for each animal over three (3) months of age housed on the premises. Dogs shall either be implanted with a microchip with identification information allowing verification of vaccination, OR required to wear a collar with a rabies tag which matches the certificate on file in the kennel office, OR a photograph and description shall be maintained that is specific enough to readily identify the vaccinated animal.
   5. The area(s) where animals are kept must be physically separated from and not accessible by visitors to the property.
   6. All fencing surrounding the property must be in good repair.

V. FLOORING

A. Interior floors of cages/runs/kennels and areas that are subject to flooding, spillage, or other conditions of hard use, such as in toilet rooms and all areas in which animals are kept shall be of impervious and durable material which may be readily cleaned and disinfected with approved solutions.

B. Exterior floors of cages/runs/kennels shall be constructed of durable material which may be readily cleaned and disinfected with approved solutions. Acceptable exterior durable flooring material may include sealed concrete, or pea
gravel, or three (3) inches of bedding sand replaced every six months or sooner as needed. Dirt flooring is not allowed.

C. Concrete and other impervious runs shall have adequate slopes for sanitation. If pea gravel is used, droppings must be collected daily and gravel material removed and replaced as needed to prevent any prevalent odors, diseases, insects, pests or vermin.

D. Water shall not be permitted to accumulate or stagnate in animal cages and/or runs. All standing water shall be eliminated in order to prevent the breeding of vectors and/or algae. All cages/runs shall be constructed and maintained so that standing water is not a factor.

VI. WALLS

A. Between indoor kennels there shall be a concrete dam, at least six (6) inches four (4) feet high, and shall prevent water and waste material from flowing from kennel to kennel.

B. For walls between indoor kennels, shall be at least six (6)-foot tall, and use one, or any combination of, the following materials:

1. cinder block, sealed and painted with epoxy to make it nonporous
2. metal embedded in a concrete base
3. a fiberglass kennel unit, including floor, sides, and gate
4. tile or glass block
5. chain-link fence

C. Chain-link fencing or wire mesh shall extend at least two (2) feet above indoor kennel walls. Chain-link, in good repair, with no protruding or sharp edges or corners, at least six (6) feet high, may be used for walls of indoor or outdoor kennels. Outdoor kennel chain-link walls must be embedded into a 12-inch deep concrete footer.

D. Chain-link may only be used for outdoor kennels if it is in good repair, with no protruding or sharp edges or corners.

ED. Walls and ceilings of areas in which animals are bathed, groomed, fed or housed, and in toilet rooms shall be finished in a light color and shall have smooth, easily cleanable surfaces.

EE. Exterior cages must sufficiently provide protection against weather extremes. Metal barrels, cars, refrigerators or freezers, and the like must not be used as shelter structures.

GF. Construction of buildings surfaces in contact with animals in outdoor housing facilities must be impervious to moisture. All surfaces must be maintained on a regular basis.
VII. DRAINAGE

A. Runs with impervious flooring must be sloped to prevent the accumulation of water in the run and drain properly to an approved wastewater system unless it is sized 500 square feet or larger per animal.

B. The kennel must have drainage and plumbing adequate to handle the heavy load of daily cleaning.

C. Drainage for each run shall not allow cross-contamination of other runs by urine or feces.

VIII. LIGHT AND VENTILATION

A. Indoor or outdoor confined premises where animals are kept shall be ventilated to the external air by forced draft ventilation or other approved means and adequately lighted.

B. At least 20 foot candles of light shall be provided in all bathing, grooming, feeding, and toilet areas. At least 10 foot candles shall be provided in all other areas.

IX. TOILET AND HAND WASHING FACILITIES FOR CLASS II –V NON-RESIDENTIAL KENNELS

A. Adequate and convenient toilet facilities, approved by the Mohave County Environmental Health Division, shall be provided for animal care providers. All toilet rooms shall have smooth and easily cleanable walls, ceilings, and floors and adequate ventilation to the outside air. Chemical toilets or temporary toilet facilities shall not be allowed as employee animal care provider restrooms.

B. Hand washing facilities shall be located in or immediately adjacent to the toilet room. If the hand washing facility in or immediately adjacent to the toilet room is not readily accessible to where animals are kept, an additional hand washing facility must be provided which is readily accessible to the portions of the premises in which the animals are kept. “Readily accessible” shall mean within 15 feet of where animals are kept.

C. Hand sinks must have an adequate supply of hot and cold water.

D. Each lavatory shall be provided with hot and cold running water tempered by means of a mixing valve or combination faucet. Any self-closing, slow closing or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

E. Wall-mounted soap and paper towels shall be provided at each hand washing facility.
F. All plumbing fixtures, including floor drains and sinks, must be properly plumbed and connected to an approved sewer or on-site wastewater system.

G. Backflow prevention must be provided at all plumbing fixtures on the property. Cross-connections may not exist within the establishment.

H. A trash receptacle shall be required in each toilet room.

X. OUTDOOR FACILITIES

A. Shelter from elements in outdoor facilities for dogs or cats must include one (1) or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie down in a normal manner, and to turn around freely.

B. Shelters in outdoor facilities for dogs or cats must contain a roof constructed of standard roofing materials, four sides, and a floor, and must provide adequate protection and shelter from cold and heat, and protection from wind, rain and snow. A windbreak and rain break shall be placed at the entrance.

C. Animals shall not be kept on a tether or chain.

XI. DOGS—SHORT TERM CARE KENNEL FACILITY

A. Dogs confined in either cages or kennels shall have room to move about normally.

B. Stainless-steel or custom-made individual cages for holding shall follow these minimum size guidelines:
   1. Large dogs (more than 50 pounds): at least 4 feet by 6 feet, or 24 square feet
   2. Medium-sized dogs (36-50 pounds): at least 4 feet by 5 feet, or 20 square feet
   3. Small dogs (10-35 pounds): at least 3 feet by 4 feet, or 12 square feet.

C. Animals who share kennels must be evaluated for compatibility and monitored closely. Each shall have ample room to stand, lie down, turn around, and sit normally. This requires a minimum area per dog as provided in “CB” above.

D. Enclosures shall be equipped as follows:
   1. Potable water must be available at all times.
   2. Food shall be clean and dry at all times. Stainless steel bowls are required.

E. Either resting boards or beds shall be provided. Beds shall be provided for nursing mothers, injured animals, sick animals, and animals being held for an unusually long time (for example, in cruelty cases).
F. Enclosures or platforms that can be disposed of, changed, or easily disinfected may be used, and blankets or towels that can be disinfected may be used for bedding.

XII. **DOGS—LONG TERM CARE KENNEL FACILITY**

A. These facilities must follow the same guidelines with the exception of the kennel size. Kennels in a non-residential long term care facility shall be three times larger than the above. An exception may be made for facilities holding a current Mohave County Environmental Health permit, issued prior to the date this ordinance is adopted by the Board of Supervisors.

B. A large exercise area shall be provided.

XIII. **CATS—SHORT TERM CARE FACILITY**

A. Individual cages shall be made of stainless steel, fiberglass, or other impervious material, and shall follow these guidelines:
1. Enclosure must be at least 24” high.
2. Provide an area of at least 22” x 22” for each cat.
3. Supply each cage with a cat litter pan.
4. Ensure that each cat has constant access to water and dry food in stainless steel bowls.
5. House no more than one (1) cat per cage, except for nursing mothers, young litters of kittens, or pairs of adult cats who have been admitted to the shelter from the same household.

B. If colony cages are used to house cats shall be made of stainless steel, fiberglass, or other impervious material, and shall follow these guidelines:
1. Cats whose vaccination history is unknown shall be evaluated for health and behavior, vaccinated, and isolated for at least 24 hours for observation before being placed in cat-colony cage rooms.
2. Separate unsterilized males from females.
3. Separate nursing mothers from all others.
4. Separate young kittens from adult cats (except for their mothers).
5. House no more than fifteen (15) adult cats or twenty (20) kittens in a 10-by-15-foot room.
6. Include one 12-inch by 18-inch cat litter pan for every three (3) cats or five (5) kittens.
7. Have water and dry food available at all times in stainless steel bowls. (when giving fresh food, use one (1) dish per cat).
8. Equip colony rooms with shelves or resting boxes; provide cages with open doors for animals that prefer to be isolated.
XIV. **CATS—LONG TERM CARE FACILITY**

These facilities must follow the same guidelines with the exception of the enclosure size. Area provided in a non-residential long term care facility shall be *three times larger* than the above. An exception may be made for facilities holding a current Mohave County Environmental Health permit, issued prior to the date this ordinance is adopted by the Board of Supervisors.

XV. **LIMITATIONS**

A. No portion of a Kennel shall be used for human habitation, unless acceptable provisions for separation are permanently provided.

B. Food for human consumption shall not be prepared or served in the same room in which animals are kept, caged, boarded, groomed or fed.

C. Microwaves and other kitchen equipment shall be designated for animal or for human use only.

XVI. **CARING FOR THE ANIMALS**

15 minutes minimum each day per animal must be provided for feeding and watering, and cleaning and sanitizing housing areas and flooring for each kennel.

XVII. **CLEANING & DISINFECTION**

A. The premises, implements, cages and appurtenances shall be kept clean, sanitary, and free of animal and bird parasites, or other health hazards.

B. All parts of kennels, cages and runs must be cleaned daily and disinfected.

C. Each enclosure shall be cleaned, scrubbed, and disinfected BEFORE a new animal enters.

D. Mix disinfectants according to specific manufacturer instructions. After application, allow the disinfectant to remain in contact with the surface for the length of time recommended by the manufacturer before rinsing.

E. Do not expose animals to water or disinfectant. During cleaning, place all animals in separate holding areas or in carriers; animals shall never be left in the cage or kennel being cleaned.

F. Water containers shall be cleaned and disinfected regularly (and always before a new animal is put into the cage or run).

G. If self-feeders are used, they shall be cleaned daily and disinfected regularly (particularly before a new animal is put into the cage or run).
XVIII. METHOD OF DISPOSAL

A. Animal manure, other putrescible material, garbage, excreta, refuse, dead animals or birds shall be gathered a minimum of once daily and properly handled and disposed of so as not to pose a public health nuisance.

B. All putrescible material, garbage, excreta, refuse, dead birds or animals shall be stored in durable fly-tight containers and disposed of in accordance with the provisions of this Code governing the storage and disposal of refuse and other objectionable wastes.

C. All such material shall be removed from the property in accordance with Arizona Administrative Code R18-13-308 in an approved manner (a copy of a disposal contract with a licensed provider shall be provided at the time of application for permit to operate).

D. Dead animals may be disposed of by incineration, burial in a landfill, or another method approved by Mohave County.

XIX. EUTHANASIA

A. Euthanasia guidelines are as follows:
   1. The injection of sodium pentobarbital, prepared specifically for use as a euthanasia product, is the preferred agent for euthanasia.
   2. Carbon monoxide (CO), when in the form of compressed cylinder gas and delivered in a properly manufactured and equipped chamber is a conditionally acceptable method of euthanasia for some animals. It is unacceptable to use CO for the euthanasia of dogs and cats who are under four (4) months of age, or who are old, sick, or injured.
   3. Carbon dioxide (CO2) is not acceptable for routine use in animal care and control facilities for euthanasia. However, a commercially manufactured chamber using compressed CO2 may be acceptable for certain wildlife species.

B. The following methods are hereby disallowed: decompression, nitrous oxide, drowning, decapitation, cervical dislocation, pithing, exsanguination, electrocution, gunshot (excluding properly performed field euthanasia), air embolism, nitrogen flushing, strychnine, chloral hydrate, caffeine, nicotine, magnesium sulphate, potassium chloride, succinylcholine chloride (Sucostrin, U-Tha-Sol, Anectine, Quelicin Chloride, Scoline Chloride), and any combination of pentobarbital with a neuromuscular blocking agent.

C. Animals that have been euthanized shall be checked carefully to make certain that their vital signs —breathing, heartbeat, and eye reflex—have stopped or that rigor mortis has set in.
XX. RECORDS

A. Kennels shall keep a record book in which an entry shall be made immediately of every animal received, sold or given away on the premises, showing origin, and/or to whom the animal was sold or given together with an accurate description, including the age, sex and breed where applicable.

All required records shall be legibly written in English and the book containing such records shall be available for inspection by the representatives of Development Services, the Sheriff’s Office or the Department of Public Health. All such records shall be kept for two (2) years. All permitted establishments must make available the most recent inspection report for public viewing upon request.

XXI. VECTORS

A. Feeding schedule for outdoor kennels cannot entice the congregation of pigeons or any other vector.

B. Outdoor ponds or other water features shall not be allowed to stagnate. As needed, water features must be treated against vectors that may pose a potential public health nuisance/threat.

C. Store all food in air-tight plastic containers to prevent spoilage and to avoid attracting rodents and insects. Animal feed must be maintained and stored in a rodent proof building or enclosure a minimum of 12 inches above the floor. The building or enclosure must be able to prevent entry of rodents and access of rodents to food.

XXII. ENFORCEMENT

Enforcement of this ordinance shall be implemented by the agencies responsible for the sections of this ordinance. The Sheriff’s Office, Development Services Department and the Department of Public Health shall enforce this ordinance in accordance with Arizona statutes, codes, and regulations, together with the Mohave County Zoning Ordinance, Mohave County Ordinances 94-01, 2007-08, and any revisions or amendments thereto.

PASSED, APPROVED AND ADOPTED ON THIS _____ DAY OF __________, 2010.

MOHAVE COUNTY BOARD OF SUPERVISORS

ATTEST

____________________________________________
Buster D. Johnson, Chairman

____________________________________________
Barbara Bracken, Clerk
WHEREAS, at the regular meeting of the Mohave County Board of Supervisors held on October 8, 2010, a public hearing was conducted to determine whether approval should be granted to amend multiple sections of the Mohave County Zoning Ordinance, as requested by the Mohave County Development Services Department, and

WHEREAS, the proposed new and amended provisions are contained in Exhibit “A.” The language to be added has been bolded and the language to be removed has been struck, and

WHEREAS, the proposed changes would revise portions of the Zoning Ordinance that deal with kennels. There are currently three separate ordinances that deal with kennels, and there are inconsistencies between them. This proposal is in conjunction with a joint proposal of the Mohave County Development Services Department, the Environmental Health Division of the Mohave County Health Department, and the Animal Control Division of the Mohave County Sheriff’s Office, to make the regulations and functions of the three departments more compatible, and
WHEREAS, the Mohave County Zoning Ordinance is administered by the Development Services Department and is a land use document. The Environmental Health Division has regulations dealing with public health issues. The Animal Control Division has regulations regarding the licensing and vaccination of dogs and the welfare of animals.

WHEREAS, at the public hearing before the Mohave County Planning and Zoning Commission on August 11, 2010, the Commission recommended APPROVAL for an Amendment to various provisions of the Mohave County Zoning Ordinance, as outlined in the attached Exhibit “A.”

WHEREAS, the notice of hearing was published in the Kingman Daily Miner, a newspaper of general circulation in Kingman, Mohave County, Arizona, on September 19, 2010, and was posted on September 17, 2010, as required by Arizona Revised Statutes and the Mohave County Zoning Regulations.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors, at their regular meeting on Monday, October 4, 2010, ADOPTED Mohave County Ordinance No. 2010-13 amending the Mohave County Zoning Ordinance as recommended by the Mohave County Planning and Zoning Commission and outlined herein.

MOHAVE COUNTY BOARD OF SUPERVISORS

ATTEST

____________________________
Buster D. Johnson, Chairman

____________________________
Barbara Bracken, Clerk
AN ORDINANCE SETTING FORTH AN AMENDMENT TO SECTION 9 DEFINITIONS, SECTION 13 REGULATIONS FOR GENERAL OR “A” ZONE, SECTION 14 REGULATIONS FOR AGRICULTURAL-RESIDENTIAL OR “A-R” ZONE, SECTION 15 REGULATIONS FOR RECREATION OR “R-E” AND “C-RE” ZONES, SECTION 16 REGULATIONS FOR SINGLE FAMILY RESIDENTIAL OR “R-1”, “R-O”, “R-TT” ZONES, SECTION 16.1 REGULATIONS FOR SINGLE FAMILY RESIDENTIAL/MANUFACTURED HOMES PROHIBITED/LIMITED ANIMAL PRIVILEGES OR “R-OA” ZONE, SECTION 21 REGULATIONS FOR GENERAL COMMERCIAL OR “C-2” ZONE, SECTION 21.1 REGULATIONS FOR GENERAL COMMERCIAL HIGHWAY FRONTAGE OR “C-2H” ZONE, SECTION 22 REGULATIONS FOR COMMERCIAL-MANUFACTURING OR “C-M” ZONE, SECTION 22.1 REGULATIONS FOR COMMERCIAL-MANUFACTURING/OPEN LOT STORAGE OR “C-MO” ZONE, SECTION 23 REGULATIONS FOR GENERAL MANUFACTURING OR “M” ZONE, SECTION 24, REGULATIONS FOR HEAVY MANUFACTURING OR “M-X” ZONE, SECTION 27.M ESTABLISHMENT OF A KENNEL OR VETERINARY CLINIC – GENERAL PROVISIONS, AND SECTION 30 BOARD OF ADJUSTMENT AND VARIANCES, OF THE MOHAVE COUNTY ZONING ORDINANCE.

AMEND THE MOHAVE COUNTY ZONING ORDINANCE AS FOLLOWS

1. Amend Section 9 Definitions as follows:

**Cattery:** a building, structure, enclosure or premises whereupon, or within which ten (10) or more cats, four months of age or older, are kept or maintained.

**Kennel:** Any building, structure, enclosure, or premises whereupon, or within which five (5) or more dogs, cats, or other small animals four months of age or older, are kept, or maintained, trained, bred, boarded, or offered for sale, with or without compensation, and with or without outside runs and facilities. Kennel includes rescues, sanctuaries, and similar facilities. Licensed veterinary or animal hospital facilities are not “kennels” for the purposes of this ordinance.

**Kennel, residential:** A noncommercial kennel at or adjoining a private residence where more than four adult dogs owned and controlled by a resident are kept for companionship, enjoyment of the species, or for training by the resident for field, working or obedience trials or exhibition for organized shows.

**Kennel, non-residential:** A kennel that provides boarding, grooming or training of animals not owned by a resident of the property, or that advertises such services, with or without compensation, or a facility that accepts stray or unwanted animals for adoption or long-term care, or that is not otherwise included in the definition of a residential kennel.
2. Amend Section 13 Regulations for General or “A” Zone as follows:
   Add section A.4

4. **A kennel may be permitted as allowed by Section 27.M.**

3. Amend Section 14 Regulations for Agricultural-Residential or “A-R” Zone as follows:
   Add Section A.3

3. **A kennel may be permitted as allowed by Section 27.M.**

4. Amend Section 15 Regulations for Recreation or “R-E” and “C-RE” Zones as follows:
   Add Section A.4

4. **A kennel may be permitted as allowed by Section 27.M.**

5. Amend Section 16 Regulations for Single Family Residential or “R-1”, “R-O”, “R-TT” Zones
   Add Section A.3

3. **A kennel may be permitted as allowed by Section 27.M.**

6. Amend Section 16.1 Regulations for Single Family Residential/Manufactured Homes Prohibited/Limited Animal Privileges or “R-O/A” Zone as follows:
   Add Section A.4

4. **A kennel may be permitted as allowed by Section 27.M.**

7. Amend Section 21 Regulations for General Commercial or “C-2” Zone as follows:
   Add Section A.6

6. **A kennel may be permitted as allowed by Section 27.M.**

Delete Sections B.2 and C.4.

B.2. Kennels and Veterinary Clinics with NO outside facilities or runs.

C.4. Kennels and veterinary clinics with outside runs and facilities.

8. Amend Section 21.1 Regulations for General Commercial Highway Frontage or “C-2H” Zone as follows:
   Add Section A.11

11. **A kennel may be permitted as allowed by Section 27.M.**
9. Amend Section 22 Regulations for Commercial-Manufacturing or “C-M” Zone as follows:

Add Section A.3

3. A kennel may be permitted as allowed by Section 27.M.

10. Amend Section 22.1 Regulations for Commercial-Manufacturing/Open Lot Storage or “C-MO” Zone as follows:

Add Section A.3

3. A kennel may be permitted as allowed by Section 27.M.

11. Amend Section 23 Regulations for General Manufacturing or “M” Zone as follows:

Add Section B.24

24. A kennel may be permitted as allowed by Section 27.M.

12. Amend Section 24 Regulations for Heavy Manufacturing or “M-X” Zone as follows:

Add Section B.17

17. A kennel may be permitted as allowed by Section 27.M.

13. Amend Section 27.M Establishment of a Kennel or Veterinary Clinic – General Provisions as follows:

Delete the current provisions and add replacement material.

Section 27.M ESTABLISHMENT OF A KENNEL OR VETERINARY CLINIC – GENERAL PROVISIONS

M. Establishment of a Kennel or Veterinary Clinic.

Such facilities may be established with outside runs or facilities in A-R (Agricultural-Residential), C-RE (Commercial Recreation), or C-2 (General Commercial) zones, providing that the following conditions are met:

1. A Zoning Use Permit is obtained.

2. The property shall have a minimum lot size of 2.5 acres.

3. The exercise or stable area shall be surrounded by a solid fence or wall.

4. The use shall, in the opinion of the Planning and Zoning Commission and Board of Supervisors, be compatible with surrounding land uses.
Section 27.M ESTABLISHMENT OF A KENNEL, CATTERY, OR VETERINARY CLINIC

M. Establishment of a Kennel, Cattery, or Veterinary Clinic


   a. The residents of a residentially zoned property may keep up to four (4) dogs and four (4) cats as personal pets as an accessory residential use of the property.

   b. This Section does not replace, supersede or otherwise affect the requirements of other state, county, or local authorities including, but not limited to, the Mohave County Environmental Health Division and Mohave County Animal Control Division, and does not limit the applicability of the statutory or common law of nuisance.

   c. A kennel approval shall not be issued to an owner who has been convicted of a violation of A.R.S. § 13-2910 (cruelty to animals) or 13-2910.01 (dog fighting), or any other state, county, or municipal animal welfare law, except violations of leash laws.

   d. The maximum number of animals on a property at any time, including personal pets of the owner, may not exceed the number allowed by permit or by the design capacity as indicated by the site plan, whichever is less.

   e. Except where specifically allowed by zoning, a Zoning Use Permit is required for all kennels or catteries housing more than ten (10) dogs or ten (10) cats, and may be approved for kennels or catteries housing fewer animals if requested by the owner.

   f. A Site Plan, conforming to Section 27.P, is required for all kennels that require a Zoning Use Permit and for all kennels located on properties zoned commercial or industrial. The Development Services staff may reduce the level of Site Plan requirements as provided in Section 27.P.5. A Site Plan may not include more pens or runs than the maximum number of animals allowed by the permit.

   g. In the event of a conflict between the provisions of this Ordinance and other County ordinances, the more restrictive shall apply.

   h. A summary is provided in Table 1 to further illustrate the type of permit required by this Section to comply with zoning based upon parcel size and the number of animals.
### Table 1

<table>
<thead>
<tr>
<th>Zoning Ordinance, dogs/cats allowed by right</th>
<th>Zoning Ordinance, additional dogs/cats allowed by ZUP§ or Limited Permit†</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>&lt;0.5 acres</td>
<td>4/4 Not available</td>
</tr>
<tr>
<td>0.5-0.99 acres</td>
<td>4/4 5/5 LP†, ZUP not available</td>
</tr>
<tr>
<td>1.0-2.49 acres</td>
<td>4/4 10/10 LP†, ZUP§ not available</td>
</tr>
<tr>
<td>2.5 acres +</td>
<td>4/4 10/10 LP†, &gt;10/10 ZUP§</td>
</tr>
<tr>
<td>Non-residential</td>
<td></td>
</tr>
<tr>
<td>&lt;0.5 acres</td>
<td>4/4 Not available</td>
</tr>
<tr>
<td>0.5-0.99 acres</td>
<td>4/4 Not available</td>
</tr>
<tr>
<td>1.0-2.49 acres</td>
<td>4/4 6/6 LP†, ZUP§ not available</td>
</tr>
<tr>
<td>2.5 acres +</td>
<td>4/4 10/10 LP†, &gt;10/10 ZUP§</td>
</tr>
</tbody>
</table>

† A Limited Permit is an administratively issued permit that does not require approval by the Planning and Zoning Commission and Board of Supervisors.

§ A Zoning Use Permit may be issued after hearing by the Board of Supervisors with a recommendation from the Planning and Zoning Commission. The number of animals allowed with a Zoning Use Permit is determined on a case-by-case basis.

2. **Limited Kennels and Catteries**

   a. **Limited Residential Animal Permit**

      1. **The Development Services Department may issue a limited permit to allow more than four dogs and four cats on a property as an accessory residential use subject to the following:**

         a. The owner completes a Kennel Permit application.
         b. All animals are owned and kept as personal pets.
         c. Any required licenses and vaccinations shall be kept current at all times.
         d. The owner may not offer any animal boarding, breeding, adoption or long-term care services to others, with or without compensation.
         e. The permit shall be renewed annually.
         f. The use shall not become a nuisance to neighboring property owners.
2. Property Size from 0.5 to 2.5 acres—up to 10 dogs and 10 cats.
   a. 0.5 to 0.99 acre, up to 5 dogs and 5 cats.
   b. 1.0-acre or more, up to 10 dogs and 10 cats.

b. Limited Commercial Animal Permit

1. The Development Services Department may issue a limited permit to allow small boarding or breeding kennels on residential properties zoned A, A-R, RO-A or R-E subject to the following:
   a. The owner completes a Kennel Permit application.
   b. Any required licenses and vaccinations shall be kept current at all times.
   c. The owner shall comply with permitting requirements of the Mohave County Environmental Health Division.
   d. A Site Plan, conforming to Section 27.P, is required. The Development Services staff may reduce the level of Site Plan requirements as provided in Section 27.P.5.
   e. The kennel may not offer grooming services except as incidental to the boarding or breeding. No more than ten percent (10%) of the enclosed portion of the kennel facility may be devoted to grooming services.
   f. The permit shall be renewed annually.
   g. The use shall not become a nuisance to neighboring property owners.

2. Property Size
   a. 1 to 2.5 acres, up to 6 dogs and 6 cats.
   b. More than 2.5 acres or more, up to 10 dogs and 10 cats.

c. Expiration or Revocation of Limited Permits

1. A holder of an expired permit may reapply after expiration subject to a penalty fee established by the Board of Supervisors, provided that the permit has not been revoked as provided below.

2. A limited residential or commercial animal permit is subject to revocation upon thirty (30) days written notification by the Development Services Department staff if, in their opinion, the continued use of the permit is contrary to the public health, safety and welfare, violates the conditions of approval, or if the number of animals on the property exceeds the number allowed under the permit. The notice shall be sent by certified mail to the owner’s address provided on the application for the limited residential animal permit. The owner may appeal the
staff’s decision to revoke the permit to the appropriate Board of Adjustment as provided in Section 30 of the Mohave County Zoning Ordinance. The holder of a permit revoked under this paragraph may not be issued another limited residential or commercial animal permit but may apply for a Zoning Use Permit.

3. A petition signed by a minimum of fifty-one percent (51%) of the property owners or persons residing on properties within 300 feet of the property may be submitted to the Department stating that the continued use of the permit is contrary to the public health, safety and welfare, violates the conditions of approval, or the number of animals on the property exceeds the number allowed under the permit. The petition will initiate a public hearing to consider revoking the limited residential or commercial animal permit. The hearing will be conducted by the appropriate Board of Adjustment as provided in Section 30 of the Mohave County Zoning Ordinance. The holder of a permit revoked under this paragraph may not be issued another limited residential or commercial animal permit but may apply for a Zoning Use Permit.

4. A limited residential or commercial animal permit is subject to immediate revocation upon the finding of a court that the continued use constitutes a public or private nuisance. The holder of a permit revoked under this paragraph may not be issued another limited residential or commercial animal permit for the same property.

5. A limited residential or commercial animal permit is subject to immediate revocation upon conviction of the owner by a court for a violation of A.R.S. §§ 13-2910 (cruelty to animals) or 13-2910.01 (dog fighting), or any other state, county or municipal animal welfare law, except violations of leash laws. The holder of a permit revoked under this paragraph may not be issued another limited residential or commercial animal permit for any property.

6. Upon expiration or revocation, the number of animals on the property shall be reduced to no more than four dogs and four cats within 30 days.

3. Other Kennels and Catteries and Veterinary Clinics

a. Veterinary clinics, kennels housing more than ten (10) dogs, and catteries housing more than ten (10) cats, with no outside runs or facilities, are allowed in any commercial zone except: Neighborhood Commercial (C-1) zone, any industrial zone, or in an A (General) zone
where the predominant existing use of neighboring property is commercial. Veterinary clinics, kennels are not an allowed use in an A-D (Airport Development) zone.

b. Veterinary clinics, kennels housing more than ten (10) dogs, and catteries housing more than ten (10) cats, with outside runs or facilities, are allowed in an A (General) zone where the predominant existing use of neighboring property is commercial and in all commercial or industrial zones except Neighborhood Commercial (C-1) and General Commercial (C-2) zones. In a C-2 zone, these uses may be allowed with approval of a Zoning Use Permit. Kennels are not an allowed use in an A-D (Airport Development) zone.

c. Kennels housing more than ten (10) dogs and catteries housing more than ten (10) cats, with or without outside runs or facilities, are required to have an approved Zoning Use Permit in A-R (Agricultural-Residential), R-E (Residential Recreation), and A (General) zones where the predominant existing use of neighboring property is vacant or residential. The minimum parcel size for a kennel housing more than ten (10) dogs and catteries housing more than ten (10) cats is 2.50 acres.

4. Pet Stores and Pet Grooming facilities

a. Pet stores and pet grooming facilities up to 1,000 square feet may be established in all commercial or industrial zones.

b. Pet stores and pet grooming facilities exceeding 1,000 square feet may be established in all commercial or industrial zones, except (C-1) Neighborhood Commercial.

c. Pet grooming facilities may be established as an accessory use associated with a kennel with a Zoning Use Permit in an A-R (Agricultural-Residential) zone. However, no more than ten percent (10%) of the enclosed portion of the kennel facility may be devoted to grooming services, and advertising of grooming services except as incidental to boarding or breeding is prohibited.

5. Setbacks

a. Permanent shelters, runs, pens and other kennel structures may not be placed within any easements or building setbacks.

b. Outdoor shelters, runs, pens and other kennel structures must be located at least one-half (1/2) foot for each dog to be maintained on the kennel property from the general building setbacks for the zone. This additional distance may be reduced if adequate buffering of sound is provided, or when the adjacent property is vacant land. Noise levels at the boundary of the property in excess of the table in
Section 27.S may be presumed to be excessive. Outdoor shelters, runs, pens and other kennel structures must be at least one (1) foot for each dog to be maintained on the property from any occupied residential structure not located on the kennel property. Compliance with setbacks and maximum noise levels does not preclude a civil action by neighboring property owners that the time and duration of barking or other noise from the facility constitutes a nuisance.

c. For purposes of this section, a “kennel property” may include multiple contiguous lots or parcels. When multiple contiguous lots or parcels are designated as a kennel property, the total combined area may be used to determine the maximum number of animals allowed, and the perimeter setbacks shall be based upon the perimeter lot lines of the combined lots or parcels, but no aggregation of lots, or parcels so combined shall have more than one kennel permit. Only whole lots or parcels may be aggregated for this purpose. When aggregated lots or parcels are owned by more than one owner, all owners must sign the application, and the animals of all owners shall be aggregated to determine the number of animals included in the permit. Permanent structures shall comply with the setbacks from lot lines of record within the kennel property, and shall not be placed within any easements located within the kennel property.

13. Amend Section 30 Board of Adjustment and Variances as follows:

Amend Section 30.B.3 as follows:

3. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Inspector or Department staff in the enforcement of the provisions of this Ordinance and Regulations.