

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. 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:

- a. Mohave County Development Services.
- b. Mohave County Environmental Health Division, when required.
- c. Mohave County Sheriff's Office, if individual animal tags are not issued.

I. KENNEL CLASSIFICATION

- 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 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 adult dogs 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.

- B. **Breeding Kennel** shall mean a property that produces more than two (2) 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) kennelled 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(2 ½) 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 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. 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. Walls between indoor kennels shall be at least four (4) feet high and shall prevent water and waste material from flowing from kennel to kennel.
- B. For walls between indoor kennels, use one 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
- C. Chain-link fencing or wire mesh shall extend at least two (2) feet above indoor kennel walls.
- D. Chain link may only be used for outdoor kennels if it is in good repair, with no protruding or sharp edges or corners.
- E. 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.
- F. 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.
- G. 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 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.

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, 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 “C” 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.
- 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

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.

XIII. CATS—SHORT TERM CARE FACILITY

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.
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.
6. If colony cages are used to house cats, follow the guidelines listed below:
 - a. 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.
 - b. Separate unsterilized males from females.
 - c. Separate nursing mothers from all others.
 - d. Separate young kittens from adult cats (except for their mothers).
 - e. House no more than fifteen (15) adult cats or twenty (20) kittens in a 10- by-15-foot room.
 - f. Include one 12-inch by 18-inch cat litter pan for every three (3) cats or five (5) kittens.
 - g. Have water and dry food available at all times (when giving fresh food, use one (1) dish per cat).
 - h. 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.

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