

Founded 1876
Incorporated 1899

TOWN OF JEROME, ARIZONA

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Respect for the past — Looking to the future

Celebrating Our 108th Anniversary March 1899-2007

ORDINANCE NO. 347

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF JEROME, ARIZONA, CHAPTER 6 ANIMALS, BY ADDING NEW ARTICLE 6-5 COMMERCIAL USE OF ANIMALS AND ANIMAL-DRAWN CONVEYANCES AND TOURS RELATED TO REGULATING THE USE OF ANIMALS AND ANIMAL-DRAWN CONVEYANCES ON TOWN RIGHTS OF WAY AND TO ESTABLISH SAFETY STANDARDS AND PERMITTING REQUIREMENTS FOR COMMERCIAL ANIMAL USES WITHIN THE TOWN BOUNDARIES.

WHEREAS, the Town of Jerome currently has no regulations concerning the commercial use of working animals and / or animal drawn conveyances within the Jerome Town limits, and;

WHEREAS, the Town of Jerome wants to insure the health, safety and well being of all persons, animals, and animal related activities within the Town of Jerome,

NOW, THEREFORE BE IT ORDAINED by the Mayor and Common Council of the Town of Jerome, Arizona:

Section I. In General.

The Code of Jerome, Arizona, Chapter 6 Animals, is hereby amended by adding new Article 6-5 Commercial Use of Animals and Animal-Drawn Conveyances and Tours to read as follows (deletions in ~~strikeout~~; additions in ALL CAPS):

6-5-1. COMMERCIAL USE OF ANIMALS AND ANIMAL-DRAWN CONVEYANCES AND TOURS

A. **PERMIT REQUIRED.** IT SHALL BE UNLAWFUL FOR ANY PERSON TO UTILIZE, FOR COMMERCIAL PURPOSES, ANY ANIMAL OR ANIMAL-DRAWN CONVEYANCE UPON THE PUBLIC STREETS OF THE TOWN OF JEROME WITHOUT FIRST OBTAINING A PERMIT.

B. PERMIT APPLICATION

1. **INSURANCE REQUIREMENTS.**



For TTY Access, Call The Arizona Relay Service at 1-800-367-8939 And Ask For Town of Jerome at 634-7943



Jerome Town Hall Located at 600 Clark Street, Jerome Civic Center

- a. NO PERMIT SHALL BE ISSUED OR REMAIN IN EFFECT UNLESS THE PERMITTEE, AT THE PERMITTEE'S

- b. EXPENSE AND WITHOUT COST TO THE TOWN, PROCURES, MAINTAINS IN FORCE AND FILES WITH THE TOWN CLERK, A CERTIFICATE OF INSURANCE FOR PERSONAL INJURY AND GENERAL LIABILITY IN THE AMOUNT OF AT LEAST ONE MILLION DOLLARS (\$1,000,000) PER INCIDENT NAMING THE TOWN OF JEROME AS AN ADDITIONAL INSURED AND PROVIDING THIRTY (30) DAYS NOTICE TO THE TOWN IN EVENT OF ANY MATERIAL CHANGE OR CANCELLATION..

- b. SUCH INSURANCE COVERAGE CONSTITUTES A MINIMUM REQUIREMENT AND SHALL IN NO WAY BE DEEMED TO LIMIT OR LESSEN THE LIABILITY OF THE PERMITTEE UNDER THE TERMS OF SUCH PERMIT.

- c. ANY PERMIT ISSUED UNDER THIS ORDINANCE SHALL BE IMMEDIATELY TERMINATED UPON THE EFFECTIVE DATE OF CANCELLATION OR REVOCATION OF THE REQUIRED INSURANCE.

2. APPLICATION CONTENTS. APPLICATION FOR PERMIT SHALL INCLUDE THE FOLLOWING:

- a. APPLICANT SHALL PROVIDE THE TOWN WITH A COPY OF HIS VALID ARIZONA MOTOR VEHICLE OPERATORS LICENSE; AND

- b. NAMES, IDENTIFYING INFORMATION AND COLOR PICTURES OF EACH ANIMAL TO BE USED, INCLUDING FULL SIDE, FRONT AND REAR VIEWS OF EACH ANIMAL; AND

c. A CERTIFICATE OR STATEMENT OF GOOD HEALTH AND SUITABILITY FROM A VETERINARIAN LICENSED BY THE STATE OF ARIZONA AS TO THE PHYSICAL CONDITION OF EACH ANIMAL TO BE USED PURSUANT TO THE PERMIT.

d. INTENDED TRAVEL ROUTE(S), STAGING AREA, SCHEDULED STOPS, BOARDING POINTS AND PARKING.

3. THE DRIVER OF THE CONVEYANCE SHALL NOT HAVE ANY VIOLATIONS OF TOWN, STATE AND FEDERAL TRAFFIC LAWS WITHIN ONE YEAR OF ISSUANCE OF THE PERMIT.

4. THE TOWN RESERVES THE RIGHT TO LIMIT THE NUMBER OF PERMITS AND NUMBER OF CONVEYANCES BASED ON TRAFFIC CONSIDERATIONS AND PUBLIC SAFETY.

C. DESIGNATED HOURS AND AREAS OF OPERATION AND ROUTES.

1. THE TOWN SHALL DESIGNATE APPROPRIATE ROUTES FOR USE OF COMMERCIAL USE OF ANIMALS AND/OR ANIMAL-DRAWN CONVEYANCES AND TOURS ON PUBLIC RIGHTS-OF-WAY WITHIN THE TOWN.

2. IT SHALL BE UNLAWFUL FOR ANY PERSON TO USE ANY ANIMAL AND/OR ANIMAL-DRAWN CONVEYANCE FOR TOURS OR COMMERCIAL USE AT ANY LOCATION OR UPON ANY ROUTE OTHER THAN THOSE DESIGNATED BY THE TOWNOR AS OTHERWISE APPROVED BY THE TOWN AS STATED IN THE PERMIT.

3. NO PERSONS, OWNERS OR OPERATORS OF AN ANIMAL-DRAWN CONVEYANCE SHALL PICK UP PASSENGERS FROM ANY LOCATION OTHER THAN THE STOPS, BOARDING POINTS OR PARKING AREAS APPROVED BY THE TOWN. THIS SECTION DOES NOT PROHIBIT A PERSON, OWNER OR OPERATOR FROM PICKING UP A PASSENGER FROM A PRE-ARRANGED LOCATION ON PRIVATE PROPERTY.

4. HOURS OF OPERATION FOR COMMERCIAL USE OF ANIMALS AND/OR ANIMAL-DRAWN CONVEYANCES AND TOURS SHALL BE LIMITED TO DAYLIGHT HOURS.

D. WASTE CONTROL.

1. ANY PERSON, OWNER OR OPERATOR UTILIZING WORKING ANIMALS AND/OR ANIMAL-DRAWN CONVEYANCES SHALL BE RESPONSIBLE FOR ANIMAL WASTE BY THE USE OF DIAPER OR OTHER EFFECTIVE MANNER OF WASTE CONTROL DEEMED ACCEPTABLE BY THE TOWN. ANY RELEASE OF ANIMAL WASTE UPON PUBLIC STREETS OR THOROUGHFARES MUST BE PROMPTLY CLEANED UP. A POLICE OFFICER OR OTHER TOWN ENFORCEMENT OFFICER MAY ORDER APPLICATION OF SANITIZER AND/OR DEODORIZER TO ANY AREA AFFECTED BY THE RELEASE OF ANIMAL WASTE.
2. FAILURE TO CONTROL ANIMAL WASTE AND TO PROMPTLY AND EFFECTIVELY SANITIZE INADVERTENT RELEASE OF WASTE UPON PUBLIC STREETS MAY RESULT IN REVOCATION OF A PERMIT.

E. CONTROL OF ANIMALS.

1. ANY PERSONS, OWNERS OR OPERATORS UTILIZING WORKING ANIMALS AND/OR ANIMAL-DRAWN CONVEYANCES SHALL ENSURE THAT SUCH ANIMAL(S) ARE TENDED AT ALL TIMES BY A RESPONSIBLE ADULT WHILE ON THE PUBLIC RIGHT-OF-WAY.
2. THE TOWN POLICE CHIEF OR TOWN COUNCIL MAY SUSPEND OPERATION OF ANY ACTIVITY UTILIZING WORKING ANIMAL(S) AND/OR ANIMAL-DRAWN CONVEYANCE IF CONDITIONS EXIST, OR ARE PLANNED, THAT WOULD IMPACT THE PUBLIC HEALTH, SAFETY OR WELFARE OR THE SAFETY OF THE ANIMALS. SUCH CONDITIONS INCLUDE, BUT ARE NOT LIMITED TO, HAZARDOUS ROADS OR WEATHER CONDITIONS, ROAD CONSTRUCTION, AND HIGH TRAFFIC VOLUMES

- F. EQUIPMENT.** ALL EQUIPMENT SHALL BE CLEAN AND IN SAFE WORKING CONDITION. THE TOWN MAY INSPECT ANY EQUIPMENT USED IN CONNECTION WITH ANY WORKING ANIMAL AT ANY TIME AND, IF SAID EQUIPMENT IS DEEMED NOT TO BE SAFE, THE TOWN MAY SUSPEND THE PERMIT UNTIL SUCH TIME AS THE EQUIPMENT IS DEEMED SAFE BASED UPON ACCEPTED INDUSTRY STANDARDS.

G. WORKING CONDITIONS.

1. ANIMALS SHALL NOT BE WORKED ON TOWN PUBLIC STREETS WHEN THE COMBINED TEMPERATURE HUMIDITY INDEX (THI) IS OVER 140 OR THE AMBIENT AIR TEMPERATURE IS OVER 95 DEGREES FAHRENHEIT MEASURED FOUR (4) FEET ABOVE THE PAVEMENT ON MAIN STREET IN JEROME.

2. HORSES WILL BE REQUIRED TO BE FITTED WITH, AND WEAR PROPER SHOES FOR WALKING THE ASPHALT AND ROCK SURFACES OF THE STREETS IN JEROME.

3. ADEQUATE FRESH WATER AND FOOD MUST BE AVAILABLE TO ALL WORKING ANIMALS AT THE STAGING AREA, AND AT ANY LOCATION WHERE THE ANIMALS ARE KEPT FOR MORE THAN A TWO-HOUR PERIOD.

H. INSPECTIONS.

1. ANY ANIMAL(S) USED IN A COMMERCIAL OPERATION PERMITTED UNDER THIS ORDINANCE MAY BE INSPECTED BY THE JEROME POLICE, THE STATE LIVESTOCK INSPECTOR, COUNTY ANIMAL CONTROL OFFICER, OR A LICENSED VETERINARIAN SELECTED BY THE PERMITTEE AND ACCEPTABLE TO THE TOWN. IF, UPON WRITTEN REQUEST BY THE TOWN, THE PERMITTEE IS UNABLE OR UNWILLING TO SELECT A LICENSED VETERINARIAN WITHIN TWO WEEKS, THE TOWN MAY SELECT A LICENSED VETERINARIAN TO INSPECT THE ANIMAL.

2. INSPECTIONS SHALL BE DONE IN A MANNER THAT DOES NOT SUBSTANTIALLY INTERFERE WITH THE BUSINESS, UNLESS IT IS DETERMINED BY THE PERSON INSPECTING THE ANIMAL OR VEHICLE THAT IT IS OR MAY BE A SUBSTANTIAL RISK TO THE HEALTH, SAFETY OR WELFARE OF THE ANIMAL OR PUBLIC.

3. NOTWITHSTANDING THE REQUIREMENTS OF SUBSECTION 1 OF THIS SECTION, THE TOWN MAY HIRE A LICENSED VETERINARIAN WITHOUT THE OWNER'S CONSENT IN A SITUATION DEEMED BY THE TOWN TO CONSTITUTE AN EMERGENCY. IF SAID INSPECTION FINDS THE ANIMAL TO BE NEGLECTED, INJURED, MISTREATED OR ABUSED, THE PERMITTEE SHALL PAY ALL COSTS ASSOCIATED WITH THE INSPECTION AND SHALL BE RESPONSIBLE FOR COSTS ASSOCIATED WITH TREATING THE ANIMAL.

- I. **TERM.** A PERMIT ISSUED PURSUANT TO THIS ARTICLE SHALL BE VALID FOR ONE YEAR AND SHALL ONLY BE VALID FOR THE PERSON TO WHOM IT IS ISSUED AND THE SPECIFIC ANIMAL(S) AND/OR CONVEYANCE(S) SPECIFIED IN THE APPLICATION AND PERMIT;
- J. **FEES.** FEES FOR PERMITS SHALL BE \$200.00 PER YEAR.
- K. **INDEMNITY.** THE HOLDER OF ANY PERMIT ISSUED UNDER THE TERMS OF THIS ARTICLE SHALL ALWAYS RELEASE AND INDEMNIFY, DEFEND AND SAVE HARMLESS THE TOWN, ITS OFFICERS, AGENTS AND EMPLOYEES FROM AND AGAINST ANY AND ALL CLAIMS, ACTIONS, CAUSES OF ACTION, DEMANDS, JUDGMENTS, COSTS, EXPENSES, AND ALL DAMAGES OF ANY KIND AND NATURE INCURRED BY OR INJURING TO ANY PERSON WHATSOEVER PREDICATED UPON INJURY TO OR DEATH OF ANY PERSON OR DAMAGE TO PROPERTY, PUBLIC OR PRIVATE, OR WHATEVER OWNERSHIP, OR DAMAGE TO BUSINESS, PROVIDED SUCH INJURY, DEATH, LOSS OR DAMAGE SHALL ARISE OUT OF OR BE CONNECTED DIRECTLY OR INDIRECTLY WITH THE EXERCISE OF ANY RIGHT OR PRIVILEGE GRANTED BY SUCH PERMIT.
- L. **REVOCAION OF PERMIT.** THE TOWN COUNCIL MAY REVOKE ANY PERMIT ISSUED HEREUNDER UPON THE FAILURE OF THE PERMITTEE TO COMPLY WITH THE TERMS AND CONDITIONS OF SAID PERMIT, BECAUSE OF THE MANNER IN WHICH IT IS BEING CONDUCTED, OR FOR ANY OTHER REASON, MAY BE JEOPARDIZING PUBLIC SAFETY OR WELFARE.

6-5-2. UNLAWFUL INTERFERENCE WITH PERMITTED ACTIVITY.

IT IS UNLAWFUL FOR ANY PERSON TO UNREASONABLY OBSTRUCT, IMPEDE OR INTERFERE WITH ANY WORKING ANIMAL AND/OR ANIMAL-DRAWN CONVEYANCE OR WITH ANY PERSON, VEHICLE OR ANIMAL ENGAGED IN SUCH ACTIVITY FOR WHICH A PERMIT HAS BEEN GRANTED IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

Page 7: and last page Ordinance #347, Animal

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a class 1 misdemeanor, punishable by a fine, imprisonment, probation and/or penalties, as set forth in Title 13 of the Arizona Revised Statutes. Each day that a violation continues shall be separate offense and shall be punishable as an individual offense.

PASSED AND ADOPTED by the Common Council of the Town of Jerome, Arizona, this 27 day of August, 2007, by the following vote:

AYES: 4

NAYES: 0 ABSENT: 1

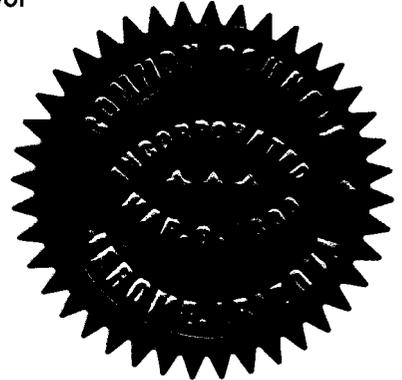
EXCUSED: _____ ABSTAINED: _____

APPROVED this 27 day of August, 2007.

John R. Bouwman
John R. Bouwman, Mayor

ATTEST:
Al Palmieri
Al Palmieri, Town Clerk Designate

APPROVED AS TO FORM:
Curtis Goodwin
Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C., Town Attorneys
By Phyllis L. N. Smiley



I, Al Palmieri, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 347 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF JEROME ON THE 27 DAY OF August, 2007, WAS POSTED IN THREE PLACES ON THE _____ DAY OF _____, 2007.

Al Palmieri
Al Palmieri, Town Clerk Designate