

MARANA ORDINANCE NO. 2017.011

Relating to animal control; Amending Title 6 (Animal Control) of the Marana Town Code by replacing existing Title 6 with a comprehensive rewrite of Title 6; And designating an effective date.

WHEREAS the Town Council is authorized by A.R.S. §§ 9-240, 9-499.04, 9-500.32, 11-1018, 11-1029, 13-2910, and 13-4281 to adopt animal control regulations; and

WHEREAS the Town Council finds that the animal control regulations established by this ordinance are necessary for the public health, safety and general welfare of the Town of Marana.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Existing Title 6 of the Marana Town Code “Animal Control” is hereby replaced with the comprehensive rewrite of Marana Town Code Title 6 “Animal Control,” one paper copy and one electronic copy of which are on file in the office of the Town Clerk of the Town of Marana, Arizona, which was made a public record by and attached as Exhibit A to Resolution No. 2017-039 of the Town of Marana, Arizona, and is hereby referred to, adopted and made a part of this ordinance as if fully set out here.

SECTION 2. The following penalty clauses are included in the comprehensive rewrite of Title 6 “Animal Control”:

6-2-5 Unlawful interference with town enforcement agent; classification

[Paragraph A does not have any penalty clauses]

B. Violation of this section is a class 1 misdemeanor.

6-3-1 Vaccination required; classification

[Paragraph A does not have any penalty clauses]

B. Any person who fails to comply with this section is guilty of a class 2 misdemeanor.

6-3-4 License required; classification

[Paragraph A does not have any penalty clauses]

B. Any person who fails to comply with this section is guilty of a class 2 misdemeanor.

6-3-8 License fee exemptions; false certification; classification; sanction

[Paragraphs A through C do not have any penalty clauses]

D. A person who makes a false certification pursuant to paragraph A of this section is guilty of a petty offense and subject to a fine of not more than \$50.

6-3-9 Transfer of license; fee; classification

[Paragraphs A through C do not have any penalty clauses]

D. Failure to comply with this section is a civil infraction.

6-3-11 Tag required; exceptions; classification

[Paragraphs A and B do not have any penalty clauses]

C. Failure to comply with this section is a class 2 misdemeanor.

6-3-13 Counterfeiting or transferring of tags prohibited; classification

[Paragraph A does not have any penalty clauses]

B. Violation of this section is a class 2 misdemeanor.

6-4-1 Dogs at large prohibited; exceptions; classification

[Paragraphs A through C do not have any penalty clauses]

D. Except as otherwise provided in this section, violation of this section is a civil infraction.

E. Violation of this section is a class 2 misdemeanor if the owner of the animal has been found responsible or guilty of a violation of this section within the 12-month period prior to the date of offense.

6-4-3 Dogs on school grounds prohibited; exceptions; classification

[Paragraphs A and B do not have any penalty clauses]

C. Except as otherwise provided in this section, violation of this section is a civil infraction.

D. Violation of this section is a class 2 misdemeanor if the owner of the animal has been found responsible or guilty of a violation of this section within the 12-month period prior to the date of offense.

6-5-1 Dog waste removal; exceptions; classification

[Paragraphs A through C do not have any penalty clauses]

D. Violation of this section is a civil infraction.

6-6-1 Cruelty prohibited; classification; penalty

[Paragraph A does not have any penalty clauses]

B. Violation of this section is a class 1 misdemeanor.

C. Upon conviction of violation of this section, in addition to any other penalty imposed by the magistrate, the magistrate may order that the owner of the animal shall not be permitted to own or control any animal for a period of up

to three years and that the animal(s) which is the subject of this action be forfeited to the town enforcement agent.

6-6-2 Neglect prohibited; classification; penalty

[Paragraphs A and B do not have any penalty clauses]

C. Violation of this section is a class 1 misdemeanor.

D. Upon conviction of violation of this section, in addition to any other penalty imposed by the magistrate, the magistrate may order that the owner of the animal shall not be permitted to own or control any animal for a period of up to three years and that the animal(s) which is the subject of this action be forfeited to the town enforcement agent.

6-6-3 Confinement of animals in motor vehicles prohibited; exceptions; authority; classification

[Paragraphs A through E do not have any penalty clauses]

F. Violation of this section is a class 1 misdemeanor.

6-6-4 Duty to obtain or render aid to animal struck by vehicle

[Paragraph A does not have any penalty clauses]

B. Violation of this section is a class 1 misdemeanor.

6-6-5 Animal hoarding prohibited; exception; definitions; penalty; classification

[Paragraphs A through C do not have any penalty clauses]

D. Upon conviction of violation of this section, in addition to any other penalty imposed by the magistrate, the magistrate may order one or more of the following:

1. That the person complete a court-approved mental health evaluation and any recommended treatment at the convicted person's expense.
2. That the person shall not be permitted to own, possess, keep, harbor, or maintain any animal for a period of up to three years.
3. That the person submit to periodic property inspections by any town enforcement agent.

E. Violation of this section is a class 1 misdemeanor.

6-7-1 Keeping vicious or destructive animals prohibited; exceptions; classification

[Paragraphs A and B do not have any penalty clauses]

C. Violation of this section is a class 1 misdemeanor.

6-7-2 Prohibited acts; classification; defenses

A. The owner of any animal that bites, attempts to bite, endangers or otherwise injures or causes injury to human beings or other animals is guilty of a class 1 misdemeanor.

B. The owner of any animal that destroys, damages, or causes damage to the property of another person is guilty of a class 1 misdemeanor.

[Paragraph C does not have any penalty clauses]

6-7-3 Restitution

In addition to any other penalty, if a victim suffers economic loss as a result of a violation of this chapter, the court shall order the owner to pay restitution to the victim, in the full amount of the victim's economic loss, as determined by the court. This remedy shall not abridge any civil cause of action by the victim.

6-7-4 Quarantine of biting animals; reporting; handling and destruction; exception; classification

[Paragraphs A through J do not have any penalty clauses]

K. Failure to comply with this section is a class 1 misdemeanor.

6-8-7 Findings of court after hearing

[Paragraphs A and B do not have any penalty clauses]

C. In addition to any other penalty or order, if the town magistrate finds that the animal is vicious or destructive, or is a danger to the safety of any person or other animal, the court shall order one or more of the following:

1. That the animal be kept in an enclosure that is secure enough that the animal cannot bite, harm or injure anyone outside the enclosure, and cannot escape, as follows:
 - a. The court shall determine the appropriate fencing requirements for the size and nature of the animal. The court may require a fence, including gates to be six feet in height; a fence five to six feet in height to incline to the inside of the confinement area at a 45 degree angle from the vertical; or that the confinement area be wholly covered by a material strong enough to keep the animal from escaping.
 - b. The court may require the bottom of the confinement area to be of concrete, cement or asphalt, or of blocks or bricks set in concrete or cement; or if the bottom is not provided, then a footing of such material shall be placed along the whole perimeter of the confinement area to a depth of one foot below ground level, or deeper if required by the court.
 - c. The court may require the gates to the confinement area to be locked at all times with a padlock except while entering or exiting.
2. That the animal be muzzled and restrained whenever the animal is outside its enclosure with a leash, chain, rope or similar device not more than six feet in length sufficient to restrain the animal, and under the control of a person capable of preventing the animal from engaging in any prohibited behavior.
3. That the owner of the vicious animal display on every gate or entry way to the enclosure where the animal is kept a sign in three-inch letters, easily readable by the public, using the words "Vicious Animal."

4. That the owner maintain liability insurance in a single incident amount of at least \$250,000 for bodily injury or death of any person or for damage to property caused by the vicious animal.
5. That the animal's owner pay the reasonable cost to the town enforcement agent to tattoo the animal with an identification number. The town enforcement agent shall maintain a registry of the numbers and the owners of the animals.
6. That the animal be spayed or neutered at the owner's expense.
7. That the animal be defanged or declawed.
8. That the animal be banished from the town limits, after first being spayed or neutered, microchipped and tattooed by a licensed veterinarian at the owner's expense.
9. That the animal be forfeited to the town enforcement agent for transfer to a legally incorporated humane society or other nonprofit corporate animal-welfare organization devoted to the welfare, protection and humane treatment of animals, as described in section 6-8-10.
10. That the animal be humanely destroyed.

[Paragraph D does not have any penalty clauses]

6-8-9 Vicious or destructive animals; required acts and unlawful activities; classification

[Paragraphs A through E do not have any penalty clauses]

F. Violation of this section is a class 1 misdemeanor.

6-8-10 Duty to produce; exemption; classification

[Paragraphs A and B do not have any penalty clauses]

C. Violation of this section is a class 1 misdemeanor.

6-9-1 Excessive noise prohibited; classification

[Paragraphs A and B do not have any penalty clauses]

C. Except as otherwise provided in this section, violation of this section is a civil infraction.

D. Violation of this section is a class 2 misdemeanor if the owner of the animal has been found responsible or guilty of a violation of this section within the 12-month period prior to the date of offense.

SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. This ordinance shall become effective on July 1, 2017.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 2nd day of May, 2017.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Jocelyn C. Bronson, Town Clerk

Frank Cassidy, Town Attorney