

MARANA ORDINANCE NO. 2018.004

RELATING TO ANIMAL CONTROL; AMENDING MARANA TOWN CODE TITLE 6 (ANIMAL CONTROL); REVISING SECTION 6-1-1 (DEFINITIONS) TO CLARIFY DEFINITIONS RELATED TO DESTRUCTIVE ANIMALS AND VICIOUS ANIMALS; REVISING SECTION 6-2-2 (APPOINTMENT OF ANIMAL CONTROL OFFICERS; AUTHORITY) TO CLARIFY ANIMAL CONTROL OFFICER AUTHORITY TO STOP AND DETAIN; REVISING SECTION 6-2-6 (ENFORCEMENT; CONTINUING VIOLATION) TO ADD PROVISION ALLOWING COURT TO ORDER ABATEMENT OF VIOLATIONS; REVISING SECTION 6-3-4 (LICENSE REQUIRED; CLASSIFICATION) TO ADD VIOLATION FOR FAILURE TO LICENSE DOG AFTER NOTICE; REVISING SECTION 6-3-9 (TRANSFER OF LICENSE; FEE; CLASSIFICATION) TO ELIMINATE REFERENCE TO TRANSFER FEES AND REQUIREMENT THAT RELEASING OWNER PROVIDE REPORT; RENAMING CHAPTER 6-5 (DOG WASTE REMOVAL) AS "ANIMAL WASTE REMOVAL"; REVISING SECTION 6-5-1 (DOG WASTE REMOVAL; EXCEPTIONS; CLASSIFICATION) TO RENAME IT AS "ANIMAL WASTE REMOVAL; EXCEPTIONS; CLASSIFICATION" AND TO CHANGE ALL REFERENCES FROM "DOG" TO "DOMESTIC ANIMAL"; REVISING SECTION 6-7-2 (PROHIBITED ACTS; CLASSIFICATION; DEFENSES) TO ADD PROVISION ALLOWING MAGISTRATE TO FIND AN ANIMAL VICIOUS OR DESTRUCTIVE UPON CONVICTION OF VIOLATION; REVISING SECTION 6-7-4 (QUARANTINE OF BITING ANIMALS; REPORTING; HANDLING AND DESTRUCTION; EXCEPTION; CLASSIFICATION) TO ALLOW CATS TO BE QUARANTINED AT HOME IN CERTAIN CIRCUMSTANCES; ADDING NEW SECTIONS 6-7-5 (EVALUATION OF ANIMALS) AND 6-7-6 (DUTY TO REPORT ANIMAL'S STATUS; EFFECT) REGARDING VICIOUS AND DESTRUCTIVE ANIMALS; REVISING SECTION 6-8-3 (IMPOUNDMENT OF ANIMALS SUBJECT TO CRUELTY AND NEGLECT AND VICIOUS OR DESTRUCTIVE ANIMALS) TO ADD PROVISION ALLOWING EVALUATION OF IMPOUNDED ANIMALS; MODIFYING VARIOUS OTHER PROVISIONS; AND DESIGNATING AN EFFECTIVE DATE

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

Section 1. The amendments to the 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. 2018-012 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 amendments to Marana Town Code Title 6 (Animal Control):

6-3-4 License required; classification

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

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

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

[Paragraph A does not have any penalty clauses]

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

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.

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

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

D. Violation of this section is a civil infraction.

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]

D. Upon conviction of violation of this section, in addition to any other penalty or order imposed by the magistrate, the magistrate may find that the animal is vicious or destructive, or is a danger to the safety of any person or other animal, and may enter such orders as the magistrate deems necessary to protect the public, as set forth in section 6-8-7.

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.

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 the thirty-first day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 6th day of February, 2018.

Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

Jocelyn C. Bronson, Town Clerk

Frank Cassidy, Town Attorney