

## MARANA ORDINANCE NO. 2019.005

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RELATING TO ANIMAL CONTROL; AMENDING TOWN CODE TITLE 6 (ANIMAL CONTROL), CHAPTER 6-8 (REMOVAL, IMPOUNDMENT, FORFEITURE AND DISPOSITION OF ANIMALS); REVISING SECTION 6-8-6 (HEARING; RULES OF HEARING; REMEDIES; TESTIMONY OF DEFENDANT; APPEAL; COSTS) TO REDUCE TIME FOR APPEAL; REVISING SECTION 6-8-7 (FINDINGS AFTER COURT HEARING) TO ELIMINATE TATTOOING AS AN OPTION THE TOWN MAGISTRATE CAN ORDER.

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 on May 2, 2017, the Town Council adopted Ordinance No. 2017.011, approving a comprehensive rewrite of the Title 6 (Animal Control) of the Town Code; and

WHEREAS the Town Council finds that the amendments to 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. Marana Town Code Title 6 (Animal Control) is hereby amended to revise section 6-8-6 (Hearing; rules of hearing; remedies; testimony of defendant; appeal; costs) as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

### **6-8-6 Hearing; rules of hearing; remedies; testimony of defendant; appeal; costs**

[Paragraphs A-H remain unchanged]

- I. Appeal of the decision of the town magistrate shall be by way of special action to the superior court on the record of the hearing. The appealing party shall bear the cost of preparing the record of the hearing on appeal. No appeal shall be taken later than 30 days after the town magistrate's decision. The owner must post a bond equivalent to 60 days of impoundment costs in order to perfect the appeal. Notice of the amount due shall be given to the owner by the town magistrate at the time of the hearing if forfeiture is ordered.

[Paragraph J remains unchanged]

SECTION 2. Marana Town Code Title 6 (Animal Control) is hereby amended to revise section 6-8-7 (Findings of court after hearing) as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

**6-8-7 Findings of court after hearing**

[Paragraphs A and B remain unchanged]

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:

[Subparagraphs 1-4 remain unchanged]

5. That the animal's owner pay the reasonable cost to the town enforcement agent to ~~tattoo~~ microchip the animal with an identification number. The town enforcement agent shall maintain a registry of the numbers and the owners of the animals.

[Subparagraphs 6-7 remain unchanged]

8. That the animal be banished from the town limits, after first being spayed or neutered, and microchipped ~~and tattooed~~ by a licensed veterinarian at the owner's expense.

[Subparagraphs 9-10 remain unchanged]

[Paragraph D remains unchanged]

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 5th day of February, 2019.

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Mayor Ed Honea

ATTEST:

APPROVED AS TO FORM:

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Cherry L. Lawson, Town Clerk

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Frank Cassidy, Town Attorney