



SMARA
TOWN OF MARANA
PICKUP

MARANA ORDINANCE NO. 2021.005

RELATING TO ANIMAL CONTROL; AMENDING MARANA TOWN CODE TITLE 6 (ANIMAL CONTROL); REVISING SECTION 6-1-1 (DEFINITIONS) TO AMEND SEVERAL DEFINITIONS AND TO ADD NEW DEFINITIONS; REVISING SECTION 6-4-1 (DOGS AT LARGE PROHIBITED; EXCEPTIONS; CLASSIFICATION) TO ADD A NEW CLASSIFICATION OF OFFENSE; REVISING SECTION 6-5-1 (ANIMAL WASTE REMOVAL; EXCEPTIONS; CLASSIFICATION) TO ADD A TIME PERIOD FOR OFFENSE AND DISPOSAL PROVISION; REVISING SECTION 6-6-2 (NEGLECT PROHIBITED; CLASSIFICATION; PENALTY) TO ADD OFFENSE RELATED TO TIE OUTS; REVISING CHAPTER 6-7 TO RENAME IT AS "VICIOUS, AGGRESSIVE, OR DESTRUCTIVE ANIMALS AND BITING ANIMALS" AND TO ADD A CIVIL PROCEDURE FOR DECLARATION OF ANIMAL AS VICIOUS, AGGRESSIVE OR DESTRUCTIVE, CLARIFYING PROHIBITED ACTS, RELOCATING PROVISIONS RELATED TO VICIOUS, AGGRESSIVE OR DESTRUCTIVE ANIMALS FROM CHAPTER 6-8, AND ADDING A PENALTY FOR FAILURE TO REPORT ANIMAL'S STATUS; REVISING CHAPTER 6-8 (REMOVAL, IMPOUNDMENT, FORFEITURE AND DISPOSITION OF ANIMALS) TO ADD PROVISIONS REGARDING IMPOUNDMENT OF VICIOUS, AGGRESSIVE, OR DESTRUCTIVE 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. 2021-044 of the Town of Marana, Arizona, are 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):

6-4-1 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.

24

- 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.
- F. Violation of this section is a class 1 misdemeanor if the owner of the animal has knowledge that the animal has been declared vicious, aggressive or destructive after an opportunity for a hearing before the town magistrate or that has been so declared by another jurisdiction after the owner has been provided notice and an opportunity to be heard.

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.

6-6-2 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.

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

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

- D. Violation of this section is a class 1 misdemeanor.

6-7-5 Hearing regarding declaration; findings after court hearing; rules of hearing; costs

[Paragraph A does not contain a penalty clause]

- B. If the town magistrate finds from clear and convincing evidence that the animal is vicious or aggressive or destructive, then the town magistrate shall enter orders taking into account the recommendations of the town enforcement agent and the animal's owner.
- C. Upon a finding that an animal shall be declared vicious, aggressive or destructive, the magistrate may enter such orders as the magistrate deems necessary to protect the public, including 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, aggressive or destructive animal display on every gate or entry way to the enclosure where the animal is kept a sign that reasonably cautions the public that the animal is vicious, aggressive, or destructive.
 4. That the owner maintain liability insurance in a single incident amount as determined by the court for bodily injury or death of any person or for damage to property caused by the vicious, aggressive, or destructive animal.
 5. That the animal's owner microchip 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, and microchipped 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 6-8-13.
 10. That the animal be humanely destroyed.

[Paragraphs D and E do not contain penalty clauses]

6-7-6 Prohibited acts; classification; defenses; findings and orders

- A. The owner of any animal that is a vicious animal, aggressive animal, or destructive 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 is at large and unvaccinated 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.
- C. The owner of any animal that is a vicious animal, aggressive animal, or destructive animal that destroys, damages, or causes damage to the property of another person is guilty of a class 1 misdemeanor.
- D. The owner of any animal that bites causing serious physical injury as defined in A.R.S. §13-105(39) to a human being is guilty of a class 1 misdemeanor.

[Paragraph E does not have any penalty clauses]

- F. Upon conviction of a 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, aggressive, or destructive, and may enter such orders as the magistrate deems necessary to protect the public, as set forth in section 6-7-5(C).

6-7-7 Restitution

In addition to any other penalty, if a victim suffers economic loss as a result of a violation of section 6-7-6, 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.

6-7-9 Vicious, aggressive, or destructive animals; required acts and unlawful activities; classification

[Paragraphs A through E do not have penalty clauses]

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

6-7-10 Quarantine of biting animals; reporting; handling and destruction; exception; classification

[Paragraphs A through J do not have penalty clauses]

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

6-7-11 Duty to report animal's status; effect

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

- C. Failure to comply with 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

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 April, 2021.

Mayor Ed Honea

ATTEST:

Cherry Lawson, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

EXHIBIT A

MARANA RESOLUTION NO. 2021-044

RELATING TO ANIMAL CONTROL; DECLARING AS A PUBLIC RECORD FILED WITH THE TOWN CLERK THE AMENDMENTS TO MARANA TOWN CODE TITLE 6 (ANIMAL CONTROL); REVISING SECTION 6-1-1 (DEFINITIONS) TO AMEND SEVERAL DEFINITIONS AND TO ADD NEW DEFINITIONS; REVISING SECTION 6-4-1 (DOGS AT LARGE PROHIBITED; EXCEPTIONS; CLASSIFICATION) TO ADD A NEW CLASSIFICATION OF OFFENSE; REVISING SECTION 6-5-1 (ANIMAL WASTE REMOVAL; EXCEPTIONS; CLASSIFICATION) TO ADD A TIME PERIOD FOR OFFENSE AND DISPOSAL PROVISION; REVISING SECTION 6-6-2 (NEGLECT PROHIBITED; CLASSIFICATION; PENALTY) TO ADD OFFENSE RELATED TO TIE OUTS; REVISING CHAPTER 6-7 TO RENAME IT AS "VICIOUS, AGGRESSIVE, OR DESTRUCTIVE ANIMALS AND BITING ANIMALS" AND TO ADD A CIVIL PROCEDURE FOR DECLARATION OF ANIMAL AS VICIOUS, AGGRESSIVE OR DESTRUCTIVE, CLARIFYING PROHIBITED ACTS, RELOCATING PROVISIONS RELATED TO VICIOUS, AGGRESSIVE OR DESTRUCTIVE ANIMALS FROM CHAPTER 6-8, AND ADDING A PENALTY FOR FAILURE TO REPORT ANIMAL'S STATUS; REVISING CHAPTER 6-8 (REMOVAL, IMPOUNDMENT, FORFEITURE AND DISPOSITION OF ANIMALS) TO ADD PROVISIONS REGARDING IMPOUNDMENT OF VICIOUS, AGGRESSIVE, OR DESTRUCTIVE ANIMALS; MODIFYING VARIOUS OTHER PROVISIONS; AND DESIGNATING AN EFFECTIVE DATE

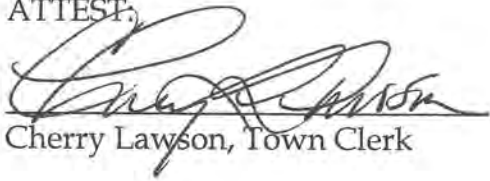
BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, that the amendments to Marana Town Code Title 6 (Animal Control), a copy of which is attached to and incorporated in this resolution as Exhibit A and one paper copy and one electronic copy of which are on file in the office of the Town Clerk, are hereby declared to be a public record and ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 6th day of April, 2021.



Mayor Ed Honea

ATTEST:


Cherry Lawson, Town Clerk

APPROVED AS TO FORM:

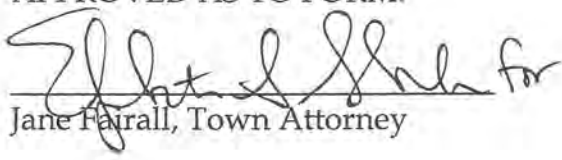

Jane Farrell, Town Attorney

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

SECTION 1. Section 6-1-1 of the Marana Town Code is hereby revised as follows and existing paragraphs A through W are renumbered to conform to the revisions (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

6-1-1 Definitions

The following definitions shall apply throughout this title unless the context clearly indicates otherwise.

A. "Aggressive animal" means any animal that has bitten or otherwise injured a person or domestic animal without provocation or that has a known history of attacking persons or domestic animals without provocation and is not a vicious animal, or that has been so declared after an opportunity for a hearing before the town magistrate, or that has been so declared by another jurisdiction after the owner has been provided notice and an opportunity to be heard.

[Paragraphs B through G as renumbered by section 1 above remain unchanged]

H. "Destructive animal" means any animal that has a propensity to destroy, damage, or cause damage to the property of a person other than the animal's owner, or that has been so declared after an opportunity for a hearing before the town magistrate, or that has been so declared by another jurisdiction after the owner has been provided notice and an opportunity to be heard.

[Paragraph I as renumbered by section 1 above remains unchanged]

J. "Domestic animal" means any of various animals that have been tamed and made fit for a human environment, but does not include wild animals or hybrids of animals and wild animals.

[Paragraphs K through O as renumbered by section 1 above remain unchanged]

P. "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of a dog that prevents the dog from biting any person or other animal and that does not interfere with its respiration.

[Paragraphs Q through U as renumbered by section 1 above remain unchanged]

V. "Tie out" means a chain, leash, wire cable or similar restraint attached to a swivel or pulley and located to keep an animal exclusively inside the property line.

[Paragraphs W and X as renumbered by section 1 above remain unchanged]

Y. "Vicious animal" means any animal that has a propensity to attack, to cause injury to, or to otherwise endanger the safety of human beings or domestic animals without provocation, or that has been so declared after an opportunity for a hearing before the town magistrate, or that has been so declared by another jurisdiction after the owner has been provided notice and an opportunity to be heard.

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

Z. "Wild animal" means any animal which is now or historically has been found in the wild, or in a wild state. Wild state means living in its original, natural condition, not domesticated.

SECTION 2. Section 6-2-4 of the Marana Town Code is hereby revised as follows (with deletions shown with ~~strikeouts~~):

6-2-4 Commencement of action

[Paragraphs A and B remain unchanged]

C. The town attorney or designee may commence an action for violation of this title by filing a long form ~~civil code~~-complaint with the Marana municipal court. Upon receipt of the long form ~~civil code~~-complaint, the Marana municipal court shall issue a summons.

[Paragraph D remains unchanged]

SECTION 3. Section 6-4-1 of the Marana Town Code is hereby revised as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

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

- A. Any dog owned, possessed, harbored, kept or maintained on public streets, sidewalks, alleys, parks or other public property shall be restrained by a leash, chain, rope, cord, or similar device of sufficient strength to restrain the dog, ~~and the~~ Any person handling the dog shall use the leash, chain, rope, cord, or similar device as it was designed and intended to be used to control the dog.
- B. Any dog owned, possessed, kept, harbored or maintained upon or about the private property of any person, including the property of the dog's owner, shall be confined inside a house or other building, or confined entirely by a fence or similar enclosure of sufficient strength and height, to prevent the dog from escaping from the property.

[Paragraphs C through E remain unchanged]

F. Violation of this section is a class 1 misdemeanor if the owner of the animal has knowledge that the animal has been declared vicious, aggressive or destructive after an opportunity for a hearing before the town magistrate or that has been so declared by another jurisdiction after the owner has been provided notice and an opportunity to be heard.

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

SECTION 4. Section 6-5-1 of the Marana Town Code is hereby revised as follows (with additions shown with double underlining):

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

[Paragraph A remains unchanged]

- B. It shall be unlawful for the owner, proprietor, agent or occupant of any premises where domestic animals are kept to deposit, cause to be deposited, or allow to accumulate, within or about the premises, any solid wastes from domestic animals for more than 72 hours or in such a manner that the waste creates an unsanitary condition or is a health hazard to humans or animals. Pending disposal, animal waste shall be placed in a closed or sealed container. This paragraph applies to private property, including property owned, leased or controlled by the owner of the domestic animal.

[Paragraphs C and D remain unchanged]

SECTION 5. Section 6-6-2 of the Marana Town Code is hereby revised as follows (with additions shown with double underlining):

6-6-2 Neglect prohibited; classification; penalty

[Paragraph A remains unchanged]

- B. Any person having care, control, charge, or custody of any animal, either as owner or otherwise, shall provide:
1. That the animal receives daily, food that is free from contamination and is of sufficient quantity and nutritive value to maintain the animal in good health;
 2. That potable water is accessible to the animal at all times, either free-flowing or in a clean receptacle;
 3. That except for livestock, all animals have convenient access to natural or artificial shelter throughout the year. Any such artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements and of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, does not comply with this chapter. Any shelter, all bedding and any spaces accessible to the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured or becoming infested with parasites;

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

4. That the animal receives care and medical treatment for debilitating injuries, parasites and diseases, sufficient to maintain the animal in good health and minimize suffering;
5. That the animal is given adequate exercise space either:
 - a. within an enclosure that shall be constructed of material, and in a manner, to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition; or
 - b. on a tie out so located that the animal cannot become entangled with other objects. Choke collars or similar such collars shall not be used to attach an animal to a tie out. No tie out shall employ a restraint that is less than ten feet in length. No tie out shall restrict access to clean water, food, or shelter.

[Paragraphs C and D remain unchanged]

SECTION 6. Chapter 6-7 of the Marana Town Code is hereby revised as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

CHAPTER 6-7. VICIOUS, AGGRESSIVE, OR AND DESTRUCTIVE
ANIMALS AND BITING ANIMALS

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

- A. It is unlawful for any person to keep, control, harbor or otherwise have under control any animal which is vicious, aggressive, or destructive.
- B. This section does not apply to zoos, wild animal parks or animal shelters, ~~or~~
- C. This section does not apply to persons who are in compliance with an order of the town magistrate issued pursuant to this title or an order issued by another jurisdiction.
- D. Violation of this section is a class 1 misdemeanor.

6-7-2 Evaluation of animals

- A. Whenever the town enforcement agent has reason to believe an animal is vicious, aggressive, or destructive, the town enforcement agent may conduct an evaluation of the animal, whether the animal is impounded or not.

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

- B. The town enforcement agent shall develop guidelines to determine if an animal is vicious, aggressive, or destructive.
- C. If the town enforcement agent finds that an animal is vicious, the provisions of chapter 6-8 regarding impoundment shall apply.
- D. If the town enforcement agent finds than an animal is aggressive or destructive, the provisions of chapter 6-8 regarding impoundment may apply. An aggressive or destructive animal may remain at the home with the consent of and in a manner prescribed by the town enforcement agent, if:
 - 1. The town enforcement agent finds confinement at the home is not a contributing factor; and
 - 2. The owner of the animal signs a temporary confinement order promising to keep the animal confined at the home pending the disposition of all legal proceedings.

6-7-3 Declaring an animal vicious, aggressive or destructive

Following an investigation and/or evaluation, the town enforcement agent may declare that an animal is vicious, aggressive, or destructive if the town enforcement agent has probable cause to believe that the animal is a vicious animal, aggressive animal, or destructive animal.

6-7-4 Notice to owner regarding declaration of animal as vicious, aggressive or destructive; stipulation

- A. If the owner is known, and unless the owner signs a statement permanently relinquishing ownership of the animal to the town enforcement agent, the owner shall be provided with a written notice of the vicious, aggressive or destructive animal declaration by one or more of the following means:
 - 1. Personal service of the notice on the owner.
 - 2. Leaving a copy of the notice with a person of suitable discretion at the owner's residence or place of business.
 - 3. Affixing the notice in a conspicuous place where the animal was found.
 - 4. Mailing a copy of the notice to the owner's last-known address by registered or certified mail, return receipt requested.
- B. The notice required by this section shall contain, at a minimum, the following information:
 - 1. The town's intent to file, within ten days of the owner's receipt of the written notice, a written request with the town magistrate for a

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

hearing to determine if the animal should be declared vicious, aggressive or destructive by the town magistrate.

2. The owner's right to present witnesses and be represented by an attorney at the hearing.

C. If the town and the owner agree that the animal should be declared vicious, aggressive, or destructive, the town attorney or designee may file a stipulation signed by the owner with the town magistrate requesting the town magistrate order the animal to be declared vicious, aggressive or destructive and imposing conditions as set forth in section 6-7-5(C) that are necessary to protect the public.

6-7-5 Hearing regarding declaration; findings after court hearing; rules of hearing; costs

A. Upon receipt of a written request for a hearing to determine if the animal should be declared vicious, aggressive, or destructive, the court shall set a hearing within 15 business days.

B. If the town magistrate finds from clear and convincing evidence that the animal is vicious or aggressive or destructive, then the town magistrate shall enter orders taking into account the recommendations of the town enforcement agent and the animal's owner.

C. Upon a finding that an animal shall be declared vicious, aggressive or destructive, the magistrate may enter such orders as the magistrate deems necessary to protect the public, including 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.

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

- 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, aggressive or destructive animal display on every gate or entry way to the enclosure where the animal is kept a sign that reasonably cautions the public that the animal is vicious, aggressive, or destructive.
- 4. That the owner maintain liability insurance in a single incident amount as determined by the court for bodily injury or death of any person or for damage to property caused by the vicious, aggressive, or destructive animal.
- 5. That the animal's owner microchip 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, and microchipped 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 6-8-13.
- 10. That the animal be humanely destroyed.
- D. The rules for the hearing shall be the same as those set forth in section 6-8-8.
- E. This chapter shall not be construed as precluding the destruction of any animal if destruction is otherwise authorized by law, nor shall anything in this chapter be construed as precluding the spaying or neutering of any animal. If any provision of this chapter is in conflict with any other provisions of this code, the provisions of this chapter shall be controlling.

6-7-26 Prohibited acts; classification; defenses; findings and orders

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

- A. The owner of any animal that is a vicious animal, aggressive animal, or destructive 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 is at large and unvaccinated 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.
- C. The owner of any animal that is a vicious animal, aggressive animal, or destructive animal that destroys, damages, or causes damage to the property of another person is guilty of a class 1 misdemeanor.
- D. The owner of any animal that bites causing serious physical injury as defined in A.R.S. §13-105(39) to a human being is guilty of a class 1 misdemeanor.
- E. It shall be an affirmative defense to the provisions of this section if the animal is:
 - 1. Not at large and there is provocation; or
 - 2. The dog is a police dog under the command of its trainer.
- F. Upon conviction of a 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, aggressive, 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 ~~6-8-76-7-5(C).~~

6-7-37 Restitution

In addition to any other penalty, if a victim suffers economic loss as a result of a violation of ~~this chapter~~ section 6-7-6, 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.

6-7-8 Vicious, aggressive, or destructive animals; consent to inspection; inspection; order of compliance; seizure

- A. By continuing to own an animal declared vicious, aggressive, or destructive, an owner gives consent to any town enforcement agent to inspect the animal declared vicious, aggressive, or destructive and the premises where the animal is kept.
- B. Upon inspection, the town enforcement agent may seize and impound the animal if the owner has failed to comply with the town magistrate's order on disposition of the animal.

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

- C. If the owner of the animal has not demonstrated compliance with the town magistrate's order within five days after the seizure of the animal, the town enforcement agent may humanely destroy the animal.
- D. Any action taken under this section shall be in addition to any available criminal penalties.

6-7-9 Vicious, aggressive, or destructive animals; required acts and unlawful activities; classification

- A. An owner or any other person having control of an animal declared vicious, aggressive, or destructive shall not fail to comply with an order of the town magistrate regarding the animal.
- B. An owner of an animal declared vicious, aggressive, or destructive shall not sell, give away, abandon or otherwise dispose of the animal without notifying the town enforcement agent in writing in advance. Additionally, the owner shall notify the town in advance of leaving the jurisdiction with the animal.
- C. An owner of an animal declared vicious, aggressive, or destructive shall provide proof of liability insurance and a veterinarian's certificate of spaying or neutering to the town enforcement agent upon demand, when applicable.
- D. No person shall prevent or attempt to prevent inspection of an animal declared vicious, aggressive, or destructive or the premises where the animal is kept.
- E. When the owner of an animal is notified that the town enforcement agent is evaluating an animal or wants to evaluate an animal to determine if the animal is vicious, aggressive, or destructive, the owner of the animal shall present the animal for inspection within 24 hours of a request by the town enforcement agent. The owner shall not sell, give away, hide or otherwise prevent the town enforcement agent from making an evaluation of the animal.
- E. Violation of this section is a class 1 misdemeanor.

6-7-410 Quarantine of biting animals; reporting; handling and destruction; exception; classification

- A. Any unvaccinated dog or cat that bites any person shall be confined and quarantined in a shelter approved by the town enforcement agent or, upon request of and at the expense of the owner, at a veterinary hospital, for a period of not less than ten days, except that an unvaccinated cat that bites a member of the cat owner's household may be quarantined at the home of the owner, or where the cat is harbored or maintained, with the consent of and in a manner prescribed by the town enforcement agent.

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

- B. If a dog that bites any person is properly vaccinated pursuant to chapter 6-3, the dog may be confined and quarantined for the ten-day period at the home of the dog's owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the town enforcement agent.
- C. Any domestic animal other than a dog, a cat, or livestock that bites any person shall be confined and quarantined in a shelter approved by the town enforcement agent or, upon the request of and at the expense of the owner, at a veterinary hospital, for a period of not less than 14 days.
- D. A caged or pet rodent or rabbit that bites a person may be confined and quarantined for the 14-day period at the home of the owner or where it is harbored or maintained with the consent of and in a manner prescribed by the town enforcement agent.
- E. Livestock that bites any person shall be confined and quarantined in a manner regulated by the Arizona department of agriculture for a period of not less than 14 days.
- F. Whenever an animal bites any person, the incident shall be reported to the town enforcement agent immediately by any person having direct knowledge.
- G. The town enforcement agent may destroy any animal confined and quarantined pursuant to this section prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - 1. The animal shows clear clinical signs of rabies; and
 - 2. One of the following occurs:
 - 3. The owner of the animal consents to its destruction; or
 - 4. A court orders the animal's destruction.
- H. The owner of any animal confined and quarantined pursuant to this section shall be responsible for any fees incurred by the town enforcement agent for the impounding, sheltering, and disposition of the animal.
- I. Any animal quarantined pursuant to this section may be impounded and kept beyond the quarantine period pending the resolution of any criminal complaint or any hearing requested pursuant to section ~~6-8-66-7-5~~ arising out of or connected with the biting incident, provided that such complaint or request for hearing is filed within ~~30~~10 days of the biting incident.
- J. This section does not apply to a police dog that bites any person if the bite occurs while the dog is under proper law enforcement supervision and the care of a licensed veterinarian, except that the law enforcement

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

agency shall notify the town enforcement agent if the dog exhibits any abnormal behavior and shall make the dog available for examination at any reasonable time.

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

6-7-5 Evaluation of animals

~~A. Whenever the town enforcement agent has reason to believe an animal is vicious or destructive, or may be a danger to the safety of any person or other animal, the town enforcement agent may conduct an evaluation of the animal, whether the animal is impounded or not.~~

~~B. The town enforcement agent shall develop guidelines to determine if an animal is vicious or destructive.~~

~~C. If the town enforcement agent finds that an animal is vicious or destructive after evaluation, the provisions of chapter 6-8 regarding impoundment and disposition of vicious or destructive animals shall apply.~~

6-7-6~~11~~ Duty to report animal's status; effect

A. Any person keeping, controlling, harboring, or otherwise having under control any animal that has been found to be vicious, aggressive, destructive or dangerous by another jurisdiction, shall report the animal's status to the town enforcement agent within ten days of the animal's relocation to the town.

B. The animal shall be subject to all provisions set forth in chapters 6-7 and ~~6-8~~ governing vicious, aggressive, or destructive animals as though the animal had been declared vicious, aggressive, or destructive by the town.

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

SECTION 7. Chapter 6-8 of the Marana Town Code is hereby revised as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

**CHAPTER 6-8. REMOVAL, IMPOUNDMENT, FORFEITURE AND
DISPOSITION OF ANIMALS**

[Sections 6-8-1 and 6-8-2 remain unchanged]

6-8-3 Impoundment of animals subject to cruelty or neglect ~~and vicious or destructive animals; evaluation~~

Any town enforcement agent is authorized and empowered to remove and impound any animal in plain view, or subject to a valid search warrant, if the agent has probable cause to believe any of the following:

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

- A. That an animal is in distress caused by mistreatment, tie out, exposure to the elements, extremes of temperature, lack of adequate ventilation or drainage, lack of sanitation, deprivation of proper food or potable water, restraint, restriction of movement, confinement, lack of sufficient exercise space, constrictive gear, injury, illness, physical impairment, hoarding conditions as described in section 6-6-5, or parasites.
- B. That an animal's well-being is threatened by a dangerous condition or circumstance and the agent has reason to believe either:
 - 1. That the distress of the animal or the dangerous condition or circumstance was caused or allowed to be caused by the willful act or omission or negligence of the owner; or
 - 2. That it is likely the animal would be in distress from any cause, or its well-being would be threatened by any dangerous condition or circumstance if the owner retains ownership of the animal.
- ~~C. That an animal is vicious or destructive or may be a danger to the safety of any person or other animal.~~

6-8-4 Impoundment of vicious, aggressive or destructive animals

~~D. Whenever the Any town enforcement agent ~~removes~~ is authorized and impounds an animal based on empowered to remove and impound any animal in plain view, or subject to a valid search warrant, if the agent has probable cause to believe that the an animal is vicious, aggressive, or destructive ~~or may be a danger to the safety of any person or other animal, the town enforcement agent shall conduct an evaluation of the animal to determine if it is vicious or destructive.~~~~

~~1. If the town enforcement agent finds that the animal is not vicious or destructive, the town enforcement agent shall release the animal to its owner. A finding that an animal is not vicious or destructive does not preclude other enforcement action on the same facts, including a criminal prosecution of the owner.~~

~~2. If the town enforcement agent finds that the animal is vicious or destructive, the provisions of this chapter regarding impoundment and disposition of vicious or destructive animals shall apply.~~

6-8-45 Notice to owner regarding impoundment

- A. Whenever the town removes or impounds any animal pursuant to section 6-8-3 or 6-8-4, if the owner is known, and unless the owner signs a statement permanently relinquishing ownership of the animal to the town enforcement agent, the owner written notice shall be provided ~~with a written notice of the impoundment~~ by one or more of the following means:

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

1. Personal service of the notice on the owner.
 2. Leaving a copy of the notice with a person of suitable discretion at the owner's residence or place of business.
 3. Affixing the notice in a conspicuous place where the animal was found.
 4. Mailing a copy of the notice to the owner's last-known address by registered or certified mail, return receipt requested.
- B. The notice required by this section shall contain, at a minimum, the following information:
1. The town's intent to file, within ten days of the owner's receipt of the written notice, a written request with the town magistrate for a hearing to determine if the animal should be returned to the owner or forfeited to the town enforcement agent.
 2. The owner's right to present witnesses and be represented by an attorney at the hearing.
 3. The bond amount required pursuant to section ~~6-8-56~~, along with a statement that if the bond is not posted within ten days of the owner's receipt of the written notice, the animal shall be deemed forfeited to the town enforcement agent.

6-8-56 Bond

Whenever the town removes or impounds any animal pursuant to section 6-8-3 or ~~6-8-4~~ pending a hearing to determine if the animal should be returned to the owner or forfeited to the town enforcement agent, the owner must post 20 days of impoundment fees in advance as a bond to defray some of the costs of boarding and impoundment, and any necessary veterinary care for the animal.

6-8-67 Hearing; ~~rules of hearing; remedies; testimony of defendant; appeal; costs~~

~~A.~~—Upon receipt of a written request for a hearing regarding an animal impounded pursuant to section 6-8-3 or ~~6-8-4~~, the court shall set a hearing within 15 business days.

6-8-8 Rules of hearing; remedies; testimony of defendant; appeal

- ~~B.~~—~~A.~~ The hearing shall be held in an informal manner and is open to the public. Oral and documentary evidence may be taken from any interested party or witness and considered in making a determination. The rules of evidence do not apply, and hearsay is admissible.
- ~~C.~~—~~B.~~ Any owner who fails to appear after notice may be deemed to have waived any right to introduce evidence.
- ~~D.~~—~~C.~~ The town enforcement agent may be represented by the town attorney or designee.

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

- ~~E.—D.~~ The owner may be represented by counsel at the animal owner's cost.
- ~~F.—E.~~ Use of the civil procedures and remedies provided for in this chapter shall neither require nor preclude other enforcement action on the same facts, including a criminal prosecution of the owner. The civil procedures and remedies provided for in this chapter are remedial and not punitive, and are not precluded by an acquittal or conviction in a criminal proceeding.
- ~~G.—F.~~ This chapter shall not be construed as precluding the destruction of any animal if destruction is otherwise authorized by law, nor shall anything in this chapter be construed as precluding the spaying or neutering of any animal. If any provision of this chapter is in conflict with any other provisions of this code, the provisions of this chapter shall be controlling.
- ~~H.—G.~~ If a defendant testifies at a hearing held pursuant to this section, the defendant does not, by so testifying, waive the right to remain silent during the trial; and if the defendant does testify at the hearing, neither this fact nor the defendant's testimony at the hearing shall be mentioned at the trial unless the defendant testifies at the trial concerning the same matters.
- ~~I.—H.~~ 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 10 days after the town magistrate's decision. If forfeiture is ordered, the town magistrate may order ~~The owner must to~~ 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.
- ~~J.—~~ ~~Unless good cause is shown, the animal's owner shall be responsible for all fees associated with the impoundment of an animal pursuant to section 6-8-3, including without limitation veterinary, removal, impoundment, boarding, microchipping, and disposition fees, until a final decision by the town magistrate, including the pendency of an appeal. No magistrate may waive or reduce any veterinary, impound or board fees resulting from the animal's impoundment unless the owner prevails at the hearing.~~

6-8-79 Findings of court after hearing

- A. If the town magistrate finds from a preponderance of the evidence that the animal was subject to cruelty or neglect under the circumstances set forth in section 6-8-3 (A) or (B), the town magistrate shall order the animal forfeited to the town enforcement agent.

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

~~B. If the town magistrate finds from clear and convincing evidence that the animal is vicious or destructive, or is a danger to the safety of any person or other animal, then the town magistrate shall enter such orders as the magistrate deems necessary to protect the public, taking into account the recommendations of the town enforcement agent and the animal's owner. animal is impounded to determine if the animal is vicious, aggressive, or destructive, the town magistrate shall make a finding in accordance with section 6-7-5(B).~~

~~C. Unless good cause is shown, the animal's owner shall be responsible for all fees associated with the impoundment of an animal pursuant to sections 6-8-3 and 6-8-4, including without limitation veterinary, removal, impoundment, boarding, microchipping, and disposition fees, until a final decision by the town magistrate, including the pendency of an appeal. No magistrate may waive or reduce any veterinary, impound or board fees resulting from the animal's impoundment unless the owner prevails at the hearing.~~

~~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.~~
 - ~~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;~~

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

~~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 microchip 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, and microchipped 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.~~

~~D. If the owner fails to appear at the hearing, the town magistrate shall order the animal forfeited to the town enforcement agent.~~

~~**6-8-8 Vicious or destructive animals; consent to inspection; inspection; order of compliance; seizure**~~

- ~~A. By continuing to own an animal declared vicious or destructive, an owner gives consent to any town enforcement agent to inspect the animal declared vicious or destructive and the premises where the animal is kept.~~
- ~~B. Upon inspection, the town enforcement agent may seize and impound the animal if the owner has failed to comply with the town magistrate's order on disposition of the animal.~~
- ~~C. If the owner of the animal has not demonstrated compliance with the town magistrate's order within five days after the seizure of the animal, the town enforcement agent may humanely destroy the animal.~~

EXHIBIT A TO MARANA RESOLUTION NO. 2021-044
Revisions to Marana Town Code, Title 6 "Animal Control" pursuant to Marana
Ordinance No. 2021.005

- ~~D. If the owner of the animal demonstrates proof of compliance with the town magistrate's order, then the animal will be returned to the owner after payment of impound fees and any other applicable fees.~~
- ~~E. Any action taken under this section shall be in addition to any available criminal penalties.~~

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

- ~~A. An owner or any other person having control of an animal declared vicious or destructive shall not fail to comply with an order of the town magistrate regarding the animal.~~
- ~~B. An owner of an animal declared vicious or destructive shall not sell, give away, abandon or otherwise dispose of the animal without notifying the town enforcement agent in writing in advance.~~
- ~~C. An owner of an animal declared vicious or destructive shall provide proof of liability insurance and a veterinarian's certificate of spaying or neutering to the town enforcement agent upon demand, when applicable.~~
- ~~D. No person shall prevent or attempt to prevent inspection of an animal declared vicious or destructive or the premises where the animal is kept.~~
- ~~E. When the owner of an animal is notified that the town enforcement agent is evaluating an animal or wants to evaluate an animal to determine if the animal is vicious or destructive, the owner of the animal shall present the animal for inspection within 24 hours of a request by the town enforcement agent. The owner shall not sell, give away, hide or otherwise prevent the town enforcement agent from making an evaluation of the animal.~~
- ~~F. Violation of this section is a class 1 misdemeanor.~~

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

- ~~A. An owner of an animal charged with a violation of chapter 6-6 or chapter 6-7, or of an animal quarantined pursuant to section 6-7-410, shall produce that animal for inspection or impoundment upon the request of any town enforcement agent.~~
- ~~B. This section shall not apply where the violation in question occurred when the animal bit a member of the owner's household.~~
- ~~C. Violation of this section is a class 1 misdemeanor.~~

~~[Sections 6-8-11 through 6-8-13 remain unchanged]~~