

MARANA ORDINANCE NO. 2023.006

RELATING TO ANIMAL CONTROL; AMENDING MARANA TOWN CODE TITLE 6 (ANIMAL CONTROL); REVISING SECTION 6-1-1 (DEFINITIONS) TO CLARIFY DEFINITIONS RELATED TO AGGRESSIVE ANIMALS, DESTRUCTIVE ANIMALS AND VICIOUS ANIMALS, INCLUDING NEW DEFINITIONS FOR AGGRESSIVE MANNER, DESTRUCTIVE MANNER, AND VICIOUS MANNER; REVISING SECTION 6-7-2(A) (EVALUATION OF ANIMALS) TO CLARIFY AN ANIMAL CONTROL OFFICER MAY CONDUCT AN EVALUATION AND / OR INVESTIGATION; REVISING SECTION 6-7-5(A) (HEARING REGARDING DECLARATION; FINDINGS AFTER COURT HEARING; RULES OF HEARING; COSTS) TO ADD PROVISION ALLOWING COURT TO CONDUCT A HEARING WITHIN 30 DAYS WHEN THE ANIMAL IS NOT IMPOUNDED; REVISING SECTION 6-7-6(A) (PROHIBITED ACTS; CLASSIFICATION; DEFENSES; FINDINGS AND ORDERS) CLARIFYING A VIOLATION OCCURS WHEN THE ANIMAL IS "DECLARED" A VICIOUS ANIMAL, AGGRESSIVE ANIMAL OR DESTRUCTIVE ANIMAL; 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 were made a public record by and attached as Exhibit A to Resolution No. 2023-019 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):

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

- A. The owner of any animal that is declared 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, and may enter such orders as the magistrate deems necessary to protect the public, as set forth in section 6-7-5(C).

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 7th day of March, 2023.

Mayor Ed Honea

ATTEST:

David L. Udall, Town Clerk

APPROVED AS TO FORM:

Jane Fairall, Town Attorney

