

CHAPTER 4

ANIMAL CONTROL ORDINANCE WITH LEASH LAW (4845)

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6-4-1: DEFINITIONS:

As used in this Chapter, unless the context otherwise indicates, the following terms shall have the meanings herein ascribed to them. (1980)

ANIMAL: Any animal of a species that is susceptible to rabies, except man. (1980)

AT LARGE: On or off premises of owner and not under control of owner or other persons acting for the owner. Any dog in a suitable enclosure which actually confines the dog shall not be considered to be running at large. (1980)

ATTACK: A violent or aggressive physical contact or violent or aggressive behavior that confines the movement of a person or domestic animal. An attack on a domestic animal must include biting or an attempt to bite. (2287)

DEPARTMENT: The State Department of Health Services. (1980)

ENFORCEMENT AGENT: That person or persons designated by the City who is responsible for the enforcement of this Chapter and any regulations promulgated thereunder. (1980)

IMPOUND: The act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in an authorized pound in accordance with the provisions of this Chapter. (1980)

KENNEL: An enclosed controlled area, inaccessible to other animals, in which a person keeps, harbors, or maintains five (5) or more dogs under controlled conditions. (1980)

OWNER: Any person or legal entity having a possessory property right in an animal or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them. (2287)

POUND: Any establishment authorized for the confinement, maintenance, safekeeping, and control of dogs and other animals that come into custody of the enforcement agent in the performance of official duties. (1980)

RABIES QUARANTINE AREA: Any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area. (1980)

RABIES VACCINATION CERTIFICATE: A method of recording and duplicating rabies information that is in compliance with the County enforcement agent's licensing system and/or County enforcement agent's prescribed forms. (2259)

STRAY DOG: Any dog four (4) months of age or older running at large that is not wearing a valid license tag. (1980)

VACCINATION: The administration of an anti-rabies vaccine to animals by a veterinarian or in authorized pounds by employees properly trained by a veterinarian. (1980)

VETERINARIAN: Unless otherwise indicated, veterinarian means licensed to practice in this State or any veterinarian employed in this State by a governmental agency. (1980)

VETERINARY HOSPITAL: Any establishment operated by a veterinarian licensed to practice in this State that provides clinical facilities and houses animals or birds for dental, medical, or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it or as an integral part of it pens, stalls, cages, or kennels for quarantine, observation, or boarding. (1980)

VICIOUS ANIMAL: Any animal, excluding a dog, of the order Carnivore that has a propensity to bite human beings without provocation and has been so declared after a hearing before a Justice of the Peace or City Magistrate. (2287)

VICIOUS DOG: Any dog, except one assisting a peace officer engaged in law enforcement duties, which:

- (A) When unprovoked, in a vicious or terrorizing manner approaches any person or domestic animal in an apparent attitude of attack upon the streets, sidewalks, or any public or private grounds or places; or
- (B) The owner thereof knows, or should reasonably know, possesses a propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals; or
- (C) Bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private property; or
- (D) Is owned or harbored primarily or in part for the purpose of dog fighting; or any dog trained for dog fighting.

Notwithstanding the definition of a vicious dog above, no dog may be declared vicious if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, had entered upon the premises of another without license, invitation, or other right. (2287)

6-4-2: POWERS AND DUTIES OF ENFORCEMENT AGENT:

(A) The enforcement agent shall:

1. Enforce the provisions of this Chapter and the regulations promulgated thereunder. (1980)
2. Issue citations for the violation of the provisions of this Chapter and the regulations promulgated thereunder. The procedure for the issuance of notices to appear shall be as provided for peace officers in A.R.S. 13-3903, except that the enforcement agent shall not make an arrest before issuing the notice. (1980)
3. Be responsible for declaring a rabies quarantine area within an area of jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the State veterinarian and representatives from the Department of Health Services and the Game and Fish Department to implement an emergency program for the control of rabies within an area. Any regulations restricting or involving movements of livestock within an area shall be subject to approval by the State veterinarian. (1980)

(B) The issuance of citations pursuant to this Section shall be subject to the provisions of A.R.S. 13-3899. (1980)

(C) The enforcement agent may designate deputies. (1980)

6-4-3: LICENSE FEES FOR DOGS; ISSUANCE OF DOG TAGS; RECORDS; PENALTIES:

(A) A license fee shall be paid for each dog four (4) months of age or over that is kept, harbored, or maintained within the boundaries of the City for at least thirty (30) consecutive days of the calendar year. The license fee shall be established and collected by the Maricopa County Animal Control Services with approval by the Maricopa County Board of Supervisors. An applicant for a license for a dog claimed to be incapable of procreation shall furnish a proof-of-surgical-sterilization certificate signed by a licensed veterinarian as proof that the dog has been surgically altered to be permanently incapable of procreation. License fees shall be paid within ninety (90) days. A penalty not to exceed four dollars (\$4.00) shall be added to the license fee in the event that application is made subsequent to the date on which the dog is required to be licensed under the provisions of this Chapter. This penalty shall not be assessed against applicants who furnish adequate proof that the dog to be licensed has been in their possession less than thirty (30) consecutive days. (1980,2113,2552,2986,3831)

(B) Each dog licensed under the terms of this Chapter shall receive at the time of the licensing such a tag on which shall be inscribed the name of the county, the number of the license, and the date on which it expires. The tag shall be attached to a collar or harness which shall be worn by the dog at all times while running at large, except as otherwise provided in this Chapter. Whenever a dog is lost, a duplicate tag shall be issued upon application by the owner and a payment of one dollar (\$1.00) to the enforcement agent. (1980)

(C) Any person who fails within fifteen (15) days after written notification from the enforcement agent to obtain a license for a dog required to be licensed; counterfeits or attempts to counterfeit an official dog tag; removes such tag from any dog for the purpose of willful and malicious mischief; or places a dog tag upon a dog, unless the tag was issued for that particular dog, is guilty of a misdemeanor. (1980)

6-4-4: KENNEL PERMIT; FEE; VIOLATION; CLASSIFICATION:

- (A) A person operating a kennel shall obtain a permit issued by the Board of Supervisors of the county where the kennel is located, except if each individual dog is licensed. (1980)
- (B) The annual fee for the kennel permit is seventy-five dollars (\$75.00). (1980)
- (C) A dog remaining within the kennel is not required to be licensed individually. A dog leaving the controlled kennel conditions shall be licensed, except if the dog is only being transported to another kennel which has a permit issued under this Section. (1980)
- (D) A person who fails to obtain a kennel permit under this Section is subject to a penalty of twenty-five dollars (\$25.00) in addition to the annual fee. (1980)
- (E) A person who knowingly fails within thirty (30) days after written notification from the enforcement agent to obtain a kennel permit is guilty of a misdemeanor. (1980)

6-4-5: ANTI-RABIES VACCINATION; VACCINATION AND LICENSE STATIONS:

- (A) Before a license is issued to any dog, the owner must present a vaccination certificate signed by a veterinarian stating the owner's name and address and giving the dog's description; date of vaccination; type, manufacturer, and serial number of the vaccine used; and the date re-vaccination is due. A duplicate of each rabies vaccination certificate issued shall be transmitted to the enforcement agent on or before the tenth day of the month following the month during which the dog was vaccinated. No dog shall be licensed unless it is vaccinated in accordance with the provisions of this Chapter and the regulations promulgated thereunder. (1980)
- (B) A dog vaccinated in any other state prior to entry into Arizona may be licensed in Arizona provided that at the time of licensing, the owner of such dog presents a vaccination certificate, signed by a veterinarian licensed to practice in that state or a veterinarian employed by the governmental agency in that state, stating the owner's name and address and giving the dog's description; date of vaccination; and type, manufacturer, and the serial number of the vaccine used. The vaccination must be in conformity with the provisions of this Chapter and the regulations promulgated thereunder. (1980)
- (C) The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian. (1980)

6-4-6: RABIES CONTROL FUND:

- (A) The enforcement agent or his authorized representative shall place the monies collected by him under the provisions of this Chapter in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this Chapter and the regulations promulgated thereunder. (1980)
- (B) Any unencumbered balance remaining in the rabies control fund at the end of a fiscal year shall be carried over into the following fiscal year. (1980)

6-4-7: DOGS NOT PERMITTED AT LARGE; WEARING LICENSES:

- (A) In a rabies quarantine area, no dog shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property or secured so that the dog is confined entirely to the owner's property or on a leash not to exceed six feet (6') in length and directly under the owner's control when not on the owner's property. (1980)

- (B) Any dog over the age of four (4) months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for the control of livestock or while being used or trained for hunting, dogs while being exhibited or trained at kennel club events, or dogs while engaged in races approved by the Arizona Racing Commission, and such dogs while being transported to and from such events, need not wear a collar or harness with a valid license attached provided that they are properly vaccinated, licensed, and controlled. (1980)
- (C) If any dog is at large on the public streets, public parks, or public property, then said dog's owner or custodian is in violation of this Chapter. (1980)
- (D) Any person whose dog is at large is in violation of this Chapter. A dog is not at large: (1980)
1. If said dog is restrained by a leash, chain, rope, or cord of not more than six feet (6') in length of sufficient strength to control the actions of said dog or is confined entirely to the owner's property by adequate fence or other method. (1980)
 2. If said dog is used to control livestock or while being used or trained for hunting or being exhibited or trained at a kennel club event or while engaged in races approved by the Arizona Racing Commission. (1980)
 3. While said dog is actively engaged in dog obedience training, accompanied by and under the control of his owner or trainer, provided that the person training said dog has in his possession a dog leash of not more than six feet (6') in length and of sufficient strength to control said dog; and further, that said dog is actually enrolled in or has graduated from a dog obedience training school. (1980)
 4. If said dog, whether on or off the premises of the owner or person acting for the owner, is controlled as provided in Subsection (D)1 of this Section or within a suitable enclosure which actually confines the dog. (1980)
- (E) Any dog(s) at large shall be apprehended and impounded by an enforcement agent. (1980)
1. Said agent shall have the right to enter upon private property when it becomes necessary to do so in order to apprehend any dog that has been running at large. Such entrance upon private property shall be in reasonable pursuit of such dog(s) and not include entry into a domicile or enclosure which confines a dog unless it is at the invitation of the occupant. (1980)
 2. Said agent may issue citation(s) to the dog owner or the person acting for the owner when the dog is at large. The procedure of the issuance of notice to appear shall be provided for peace officers in A.R.S. 13-3903, except the enforcement agent shall not make an arrest before issuing the notice. The issuance of citation(s) pursuant to this Chapter shall be subject to the provisions of A.R.S. 13-3899. (1980)
 3. In the judgement of the enforcement agent, if any dog at large or any other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain. (1980)

6-4-8: IMPOUNDING AND DISPOSING OF DOGS AND CATS; RECLAIMING IMPOUNDED DOGS AND CATS; POUND FEES:

- (A) Any stray dog or cat shall be impounded. All dogs and cats impounded shall be given proper care and maintenance. (1980)
- (B) Each stray dog or cat impounded shall be kept and maintained at the pound for a minimum of seventy-two (72) hours unless claimed by the owner. Any person may purchase such dog or cat upon expiration of the impoundment period, provided such person pays all pound fees and complies with the licensing and vaccinating provisions of the Chapter. If the dog or cat is not claimed within the impoundment period, the enforcement agent shall take possession and may place the dog or cat for sale or may dispose of the dog or cat in a humane manner. If such dog or cat is used for medical research, no license or vaccination is required. The enforcement agent may destroy impounded sick or injured dogs or cats whenever such destruction is necessary to prevent such dog or cat from suffering or to prevent the spread of disease. (1980)
- (C) Any impounded licensed dog or any cat may be reclaimed by its owner or such owner's agent, provided that the person reclaiming the dog or cat furnishes proof of right to do so and pays all pound fees. If the dog or cat is not reclaimed within the impound period, the enforcement agent shall take possession and may place the dog or cat for sale or dispose of the dog or cat in a humane manner. Any person purchasing such a dog or cat shall pay all pound fees. (1980)

6-4-9: HANDLING OF BITING ANIMALS; RESPONSIBILITY FOR REPORTING ANIMAL BITES; AUTHORITY TO DESTROY ANIMALS:

- (A) An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in an authorized pound or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than ten (10) days. A dog properly licensed and vaccinated pursuant to this Chapter that bites any person may be confined and quarantined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by the enforcement agent. (1980,3830)
- (B) Any animal, other than a dog or cat, that bites any person shall be confined and quarantined in an authorized pound or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen (14) days, provided that livestock shall be confined and quarantined for the fourteen- (14-) day period in a manner regulated by the Arizona Livestock Board. If the animal is a caged rodent, it may be confined and quarantined at the home of the owner or where it is harbored or maintained for the required period of time with the consent of and in a manner prescribed by the enforcement agent. (1980)
- (C) Any wild animal which bites any person may be killed and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory. (1980)
- (D) Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge. (1980)
- (E) The enforcement agent may destroy any animal confined and quarantined pursuant to this prior to the termination of the minimum confinement period for laboratory examination for rabies if: (1980)
 1. The animal shows clear clinical signs of rabies. (1980)
 2. The owner of such animal consents to its destruction. (1980)
- (F) Any animal subject to licensing under this Chapter found without a tag identifying its owner shall be deemed unowned. (1980)

- (G) The enforcement agent shall destroy a vicious animal, except a dog found to be vicious under Section 6-4-16, upon an order of a Justice of the Peace or a City Magistrate. A Justice of the Peace or City Magistrate may issue such an order after notice to the owner, if any, and a hearing. (2287)

6-4-10: UNLAWFUL INTERFERENCE WITH ENFORCEMENT AGENT:

It is unlawful for any person to interfere with the enforcement agent in the performance of his duties. (1980)

6-4-11: REMOVING IMPOUNDED ANIMALS:

No person may remove or attempt to remove an animal which has been impounded or which is in the possession of the enforcement agent except in accordance with the provisions of this Chapter and the regulations promulgated thereunder. (1980)

6-4-12: UNLAWFUL KEEPING OF DOGS:

It is unlawful for a person to keep, harbor, or maintain a dog within the City except as provided by the terms of this Chapter. (1980)

6-4-13: DOGS; LIABILITY:

Injury to any person or damage to any property by a dog while at large shall be the full responsibility of the dog owner or person or persons responsible for the dog when such damages were inflicted. (1980)

6-4-14: PROPER CARE, MAINTENANCE, AND DESTRUCTION OF IMPOUNDED ANIMALS:

- (A) Any animal impounded in a county, city, or town pound shall be given proper and humane care and maintenance. (1980)

- (B) Any dog or cat destroyed while impounded in a county, city, or town pound shall be destroyed only by the use of one of the following: (1980)

1. Sodium pentobarbital or a derivative of sodium pentobarbital. (1980)
2. Nitrogen gas. (1980)
3. T-61 euthanasia solution or its generic equivalent. (1980)

- (C) If an animal is destroyed by means specified in Subsection (B)1 or 3 of this Section, it shall be done by a licensed veterinarian or in accordance with procedures established by the State veterinarian pursuant to A.R.S. 24-153. (1980)

6-4-15: RESPONSIBILITY:

An owner whose dog fits the definition of a vicious dog in Section 6-4-1 must comply with this ordinance, register the dog with the Police Chief or his designee, confine and control the dog in accordance with Section 6-4-17, and post warning signs. (2287)

6-4-16: DETERMINATION OF A VICIOUS DOG:

- (A) In the event that the Police Chief or his designee has reasonable grounds to believe that a dog may be vicious, a hearing may be convened. Dog owners are guaranteed due process hearings in the initial determination and in the completion of any appeal process with regard to said determination that their animal is a vicious dog as defined by this ordinance. (2287,4027)

- (B) Written notice informing the owner of the charged viciousness and of the hearing shall be served by the Police Chief or his designee pursuant to the Rules of Civil Procedure. A hearing date shall be held not later than ten (10) calendar days from the date notice was served to the owner. (2287)
- (C) Hearing Officer. The due process hearing will be conducted by a City Magistrate or Hearing Officer. The City Magistrate or Hearing Officer will make findings of fact and conclusions of law. The City Magistrate or Hearing Officer shall provide the owner with a written copy of the findings. (2287,4027)
- (D) The hearing shall be informal and shall be open to the public. At the hearing, both oral and documentary evidence may be taken from any interested person and considered in determining whether the dog is vicious. Any owner who fails to appear after notice is given without obtaining a continuance from the appointed Hearing Officer or City Magistrate may be deemed to have waived any right to introduce evidence or object to any order made by the City Magistrate or Hearing Officer. The City Magistrate or Hearing Officer's decision shall be based on the preponderance of evidence. (2287)
- (E) Notice. If the animal is deemed to be a vicious dog, the City Magistrate or Hearing Officer will advise the owner of the decision at the hearing or send a registered letter advising the owner of such within ten (10) days. (2287)
- (F) In the event that the enforcement agent or law enforcement officer has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the enforcement agent or law enforcement officer may require the seizing and impoundment of the dog pending the hearing. (2287)

6-4-17: CONTROL OF A VICIOUS DOG:

Once a dog is declared vicious, the following steps will be required to continue ownership of such an animal: (2314)

- (A) Immediate steps that must be completed within one (1) calendar day upon completion of notification of a determination of viciousness: (2314)
 - 1. Leash and muzzle. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six feet (6') in length. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside confinement unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all vicious dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals. Any kennel or pen must meet the requirements of Section 6-4-17(B)1. (2314)
 - 2. Confinement Indoors. No vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition. (2314)
- (B) Reporting Requirements. The following types of information must be reported by the owner of the dog to the Police Chief or his designee within ten (10) calendar days of occurrence: (2314)
 - 1. Death of dog. A written notice from a veterinarian confirming the death of the dog must be provided to the Police Chief or his designee. (2314)
 - 2. Yearly renewal of liability insurance. (2314)

3. The new address of a registered vicious dog owner should the owner move within the City limits. (2314)
 4. The new address of a registered vicious dog that has been moved permanently outside the City limits. (2314)
- (C) A time schedule for completion of the following steps is to be set by the Hearing Officer, but in no case will it be longer than thirty (30) calendar days from the date of the City Magistrate or Hearing Officer's decision. (2314)
1. Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides. (2314)
 - (a) All structures used to confine vicious dogs must be locked when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet (2'). (2314)
 - (b) The pen or kennel may not share common fencing with the area of perimeter fence. (2314)
 - (c) All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted, ventilated, and kept in a clean and sanitary condition and any other condition that provides for humane care. (2314)
 2. Registration. A declared vicious dog shall not only be routinely licensed yearly but shall also be permanently registered as a vicious dog with the Mesa Police Department. (2314)
 3. Signs. All owners of vicious dogs within the City shall display in a prominent place on their premises a sign in three-inch (3") letters, easily readable by the public, using the words "Vicious Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal. (2314)
 4. Insurance. All owners of vicious dogs must obtain public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000) for bodily injury to or death of any person or persons or for damage to property or animals owned by any persons resulting from the ownership of a dog. All owners must provide proof of insurance and effective dates to the Police Chief or his designee. Cancellation of liability insurance by the dog's owner is allowed only in the event that the dog dies. The owner of a dog must notify the Police Chief or his designee within ten (10) days if insurance coverage is cancelled by the insurance carrier and provide proof that substitute insurance coverage has been obtained. (2314)
 5. Failure to Comply. The purpose of complying with these guidelines for a dog declared vicious is to prevent attacks, injuries, or deaths by mandating the use of control methods. Owners have the opportunity to keep their dogs if this article is complied with. (2314)
 - (a) It shall be unlawful for the owner of a vicious dog registered in the City of Mesa to fail to comply with the requirements and conditions set forth in this ordinance. Any dog determined to be a vicious dog pursuant to Section 6-4-15 or Section 6-4-16 that is found to be in violation of this ordinance shall be subject to immediate seizure and impoundment and may be destroyed upon order of a City Magistrate. (2314)
 - (b) Any dog that has been determined to be a vicious dog pursuant to Section 6-4-15 or Section 6-4-16 that injures or kills a human being or a domestic animal and is in violation of this ordinance shall be destroyed. (2314)

6-4-18: PENALTIES:

- (A) Any owner of a dog that has been declared vicious pursuant to Section 6-4-15 or Section 6-4-16 who violates or permits the violation of any provision of this article shall, upon conviction in the City of Mesa Court, be fined a sum of not less than two hundred fifty dollars (\$250.00) and not more than two thousand five hundred dollars (\$2,500.00) or by imprisonment not to exceed six (6) months, or by both fine and imprisonment. (2314,2466)
- (B) In addition, the Court may order the vicious dog impounded and destroyed. (2314)
- (C) The Court may order any person who violates this article to pay all expenses related to the impounding of the vicious dog, including shelter, food, handling, and veterinary care, to the City. (2314)
- (D) The Court may also order any person who violates this article to pay restitution to any victim or victims whose person or animal was injured or killed or property damaged. (2314)
- (E) In the event that the owner of the vicious dog is a minor, the parent or guardian in physical control of such minor at the time of the acts giving rise to the determination of viciousness shall be liable: (1) for all injuries and property damage sustained by a person or domestic animal caused by an unprovoked attack by said vicious dog; and (2) all violations of this Chapter. (2314)

6-4-19: POLICE DOGS:

Dogs utilized by the Mesa Police Department are exempt from the requirements of this ordinance. (2287)