

ORDINANCE 270-03

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING TOWN CODE, CHAPTER 6, ANIMALS, SECTION 6-2-5, LICENSE FEES FOR DOGS; RECORDS; PENALTIES; CLASSIFICATION, SECTION 6-2-9, DOGS NOT PERMITTED AT LARGE; WEARING LICENSE.

BE IT ORDAINED by the Mayor and Common Council of the Town of Queen Creek, Arizona, as follows:

Section 1. That the Town Code, Chapter 6, Town Code, Chapter 6, Animals, Section 6-2-5, License Fees For Dogs; Records; Penalties; Classification, Section 6-2-5, is hereby amended to read as follows:

Section 6-2-5 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification

- A. The council shall set an annual license fee which shall be paid for each dog ~~four~~ **THREE** months of age or over that is kept, harbored or maintained within the boundaries of the town for at least thirty consecutive days of each calendar year. License fees shall become payable at the discretion of the council. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. License fees shall be paid within ninety days. A penalty ~~FEE~~ **OF TWO DOLLARS SHALL BE PAID IF THE LICENSE APPLICATION IS MADE LESS THAN ONE YEAR SUBSEQUENT TO THE DATE ON WHICH THE DOG IS REQUIRED TO BE LICENSED UNDER THIS ARTICLE. IF THE LICENSE APPLICATION IS MADE ONE YEAR OR LATER FROM THE DATE ON WHICH THE DOG IS REQUIRED TO BE LICENSED, AN ADDITIONAL PENALTY FEE OF TEN DOLLARS SHALL BE PAID FOR EACH SUBSEQUENT YEAR UP TO A MAXIMUM OF TWENTY-TWO DOLLARS.** ~~not to exceed five dollars 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 article.~~ 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 consecutive days.
- B. Durable dog tags shall be provided. Each dog licensed under the terms of this article shall receive, at the time of 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 not in a confined, secure area or as otherwise provided in this article. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of a fee to the enforcement agent.
- C. License fees may be lower for dogs permanently incapable of procreation. An applicant for a license for a dog claimed to be incapable of procreation shall furnish adequate proof satisfactory to the enforcement agent that such dog has been

surgically altered to be permanently incapable of procreation.

- D. Any person who fails within fifteen 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, or 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 class 1 misdemeanor.

Section 2. That the Town Code, Chapter 6, Town Code, Chapter 6, Animals, Section 6-2-9, Section 6-2-9, Dogs Not Permitted At Large; Wearing License, Section 6-2-9, is hereby amended to read as follows:

Section 6-2-9 Dogs Not Permitted at Large; Wearing License

- A. ~~In a rabies quarantine area, no~~ **NO** dogs shall be permitted at large. Each dog shall be confined within an enclosure on the owner's property, or secured so that a dog is confined entirely to the owner's property, or on a leash not to exceed six feet in length and directly under the owner's control when not on the owner's property.
- B. Any dog over the age of ~~four~~ **THREE MONTHS ON OR OFF THE PREMISES OF THE OWNER AND NOT UNDER PHYSICAL CONTROL OF THE OWNER OR PERSONS ACTING FOR THE OWNER, OR ANY DOG NOT IN A SUITABLE ENCLOSURE WHICH ACTUALLY CONFINES THE DOG, SHALL WEAR A COLLAR OR HARNESS TO WHICH IS ATTACHED A VALID LICENSE TAG. ANY DOG OVER THE AGE OF THREE MONTHS ON THE PREMISES OF THE OWNER AND EITHER CONFINED OR UNDER PHYSICAL CONTROL OF THE OWNER OR PERSONS ACTING FOR THE OWNER NEED NOT WEAR A COLLAR OR HARNESS WITH A VALID LICENSE TAG ATTACHED PROVIDED THAT THEY ARE PROPERLY VACCINATED, LICENSED AND IN COMPLIANCE WITH ALL SECTIONS OF THIS ORDINANCE. months running at large shall wear a collar or harness to which is attached a valid license tag. Dogs used for control of livestock or while being used or trained for hunting, or dogs while being exhibited or trained at a kennel club event, 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.**
- 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 article.
- D. Any person whose dog is at large is in violation of this article. A dog is not at large if:
1. Said dog is restrained by a leash, chain, rope or cord of not more than six feet in length and of sufficient strength to control action of said dog.

2. Said dog is used for control of 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.
 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 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.
 4. Said dog whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in paragraph 1 of this subsection or is within a suitable enclosure which actually confines the dog.
- E. THE OWNER OR PERSONS ACTING FOR THE OWNER OF A DOG IS RESPONSIBLE FOR THE ACTS AND CONDUCT OF THE DOG AT ALL TIMES WHEN THE DOG IS IN A PUBLIC PARK. ALL DOGS THREE MONTHS OF AGE OR OLDER IN OR UPON THE PREMISES OF A PUBLIC PARK MUST BE CURRENTLY LICENSED AND SHALL WEAR A COLLAR OR HARNESS TO WHICH IS ATTACHED A VALID LICENSE TAG.**
- F. THE OWNER OR PERSONS ACTING FOR THE OWNER OF A DOG MUST RESTRAIN AND CONTROL THE DOG AT ALL TIMES WHEN IN A PUBLIC PARK BY SECURING THE DOG WITH A LEASH OF NOT MORE THAN SIX FEET IN LENGTH, EXCEPT WHEN THE DOG IS IN AN ENCLOSED AREA WITHIN THE PARK, WHICH HAS BEEN DESIGNATED BY THE (COUNTY/MUNICIPALITY) AS A DOG EXERCISE AREA.**
- G. AT ALL TIMES WHEN A DOG IS OFF LEASH IN A DESIGNATED DOG EXERCISE AREA AS PROVIDED IN PARAGRAPH (F) ABOVE, THE DOG MUST BE ACCOMPANIED BY AND UNDER CONTROL OF THE OWNER OR PERSONS ACTING FOR THE OWNER. ADDITIONALLY, THE OWNER OR PERSONS ACTING FOR THE OWNER MUST AT ALL TIMES, HAVE A LEASH OF NOT MORE THAN SIX FEET IN LENGTH IN HIS OR HER POSSESSION.**
- H. AT ALL TIMES WHEN A DOG IS OFF LEASH AND PARTICIPATING IN A DOG SHOW, EXHIBITION OR OBEDIENCE CLASS AS PROVIDED IN SECTION (D) ABOVE:**
- (1) THE DOG MUST BE ACCOMPANIED BY AND UNDER CONTROL OF IT'S OWNER OR PERSONS ACTING FOR THE OWNER OR TRAINER OR HANDELER, WHO MUST AT ALL TIMES HAVE A LEASH IN HIS OR HER POSSESSION; AND**
 - (2) THE OWNER OR PERSONS ACTING FOR THE OWNER OR**

TRAINER OR HANDLER OR AUTHORIZED REPRESENTATIVE OF A CLUB OR ORGANIZATION TO WHOM A PERMIT HAS BEEN ISSUED, SHALL HAVE THE PERMIT ON THEIR PERSON AT ALL TIMES AND SHALL PRESENT THE PERMIT FOR INSPECTION UPON REQUEST, TO ANY POLICE OFFICER OR AUTHORIZED MEMBER OF THE PUBLIC PARKS STAFF OR ENFORCEMENT AGENT.

E.I. Any dog at large shall be apprehended and impounded by an enforcement agent.

1. Said agent shall have the right to enter upon private property when it is 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 and shall not include entry into a domicile or enclosure which confines a dog unless it be at the invitation of the occupant.
2. Said agent may issue a citation to the dog owner when the dog is at large. The procedure for the issuance of notice to appear shall be as 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 citations pursuant to this article shall be subject to provisions of A.R.S. § 13-3899. In lieu of issuing a citation, a report may be submitted to the county attorney or town prosecutor.
3. In the judgment of the enforcement agent, if any dog at large or other animal that is dangerous or fierce and a threat to human safety cannot be safely impounded, it may be slain.
4. Any dog impounded under this section may be kept impounded until there is a final disposition of any criminal complaint arising from the alleged violation of this section, provided that the criminal complaint is filed within thirty days of the alleged violation.

F.J. Penalties

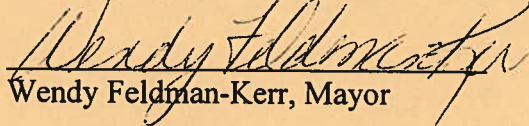
1. A violation of this section is a class 1 misdemeanor.
2. A second violation of this section within twenty-four months shall be punishable by fine of not less than one hundred dollars.
3. A third or subsequent violation of this section within twenty-four months shall be punishable by a fine of not less than five hundred dollars.
4. Any violation of this section when the dog has previously been determined to be vicious pursuant to this article shall be punishable by a fine of not less than five hundred dollars and imprisonment for a term of not less than five days.
5. In no case shall a person convicted of violating this section be eligible for suspension or commutation of sentence unless such person is placed on probation with the condition that the minimum fine is paid and term of

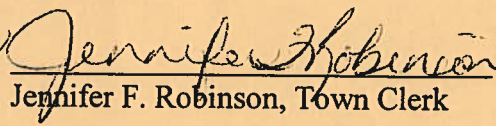
imprisonment be served.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Queen Creek, Arizona, this 5th day of November 2003.

FOR THE TOWN OF QUEEN CREEK

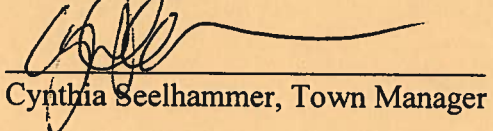
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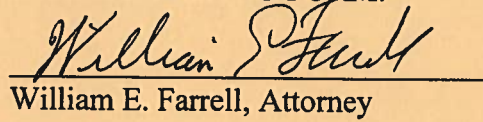

Wendy Feldman-Kerr, Mayor


Jennifer F. Robinson, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Cynthia Seelhammer, Town Manager


William E. Farrell, Attorney