

ORDINANCE 562-15

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF QUEEN CREEK, ARIZONA, AMENDING THE QUEEN CREEK TOWN CODE, CHAPTER 6 ANIMALS - ARTICLE 6-2 RABIES/ANIMAL CONTROL LEASH LAW – SECTION 6-2-11 HANDLING OF BITING ANIMALS; RESPONSIBILITY FOR REPORTING ANIMAL BITES; AUTHORITY TO DESTROY ANIMALS; ADDING PROCEDURES FOR THE DETERMINATION OF VICIOUS ANIMALS, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY.

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

Section 1: In General

That the Queen Creek Town Code of Queen Creek, Arizona, chapter 6 Animals - Article 6-2 Rabies/Animal Control Leash Law – Section 6-2-11 Handling of Biting Animals; Responsibility for Reporting Animal Bites; Authority to Destroy Animals, is hereby amended subject to attached "Exhibit A";

Section 2: Providing for Repeal of Conflicting Ordinances

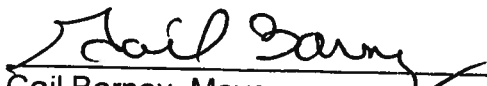
All ordinances or parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section 3: Providing for Severability

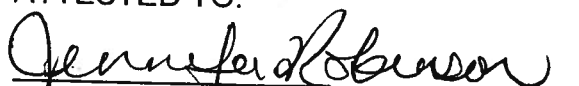
If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of this Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY the Mayor and Common Council of the Town of Queen Creek, Arizona, this 4th day of February, 2015.

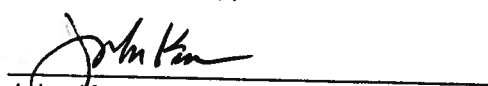
FOR THE TOWN OF QUEEN CREEK:


Gail Barney, Mayor

ATTESTED TO:


Jennifer F. Robinson, Town Clerk

REVIEWED BY:


John Kross, Town Manager

APPROVED AS TO FORM:

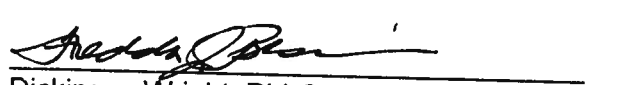

Dickinson Wright, PLLC, Attorneys for the Town

EXHIBIT 'A'

Section 6-2-11 Handling of Biting Animals; Responsibility for Reporting Animal Bites; PETITION FOR DETERMINATION OF VICIOUS ANIMALS; Authority to Destroy EUTHANIZE Animals

- A. An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in a county animal shelter or, upon request of and at the expense of the owner, at a veterinary hospital for a period of not less than seven days. A dog properly licensed and vaccinated pursuant to this article that bites any person may be confined at the home of the owner or wherever the dog is harbored and maintained with the consent of and in a manner prescribed by **AN AUTHORIZED the MARICOPA COUNTY ANIMAL CONTROL eEnforcement aAgent (THE "ENFORCEMENT AGENT")**.
- B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in a county animal shelter or, upon the request of and at the expense of the owner, at a veterinary hospital for a period of not less than fourteen days, provided that livestock shall be confined and quarantined for the fourteen day period in a manner regulated by the Arizona ~~h~~Livestock ~~b~~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 **eEnforcement aAgent**. Rev. 2007
- C. Any wild animal which bites any person may be ~~killed~~ **EUTHANIZED** and submitted to the enforcement agent or his deputies for transmission to an appropriate diagnostic laboratory.
- D. Whenever an animal bites any person, the incident shall be reported to the **eEnforcement aAgent** immediately by any person having direct knowledge.
- E. **IF AN ENFORCEMENT AGENT HAS INVESTIGATED AND DETERMINED THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT AN ANIMAL IS POTENTIALLY DANGEROUS OR VICIOUS, THE AGGRIEVED VICTIM (OR GUARDIAN, IF THE VICTIM IS A MINOR OR DISABLED PERSON), SUPERVISOR OF MARICOPA COUNTY ANIMAL CONTROL, THE MARICOPA COUNTY SHERIFF'S OFFICE OR THEIR DESIGNEE MAY FILE A PETITION TO HAVE THE ANIMAL DECLARED POTENTIALLY DANGEROUS OR VICIOUS. THE PETITION MUST BE FILED WITH THE TOWN OF GILBERT MUNICIPAL COURT IN ACCORDANCE WITH ALL ESTABLISHED PROCEDURES AND POLICIES. THE PETITION SHALL BE A FORM PRESCRIBED BY THE TOWN OF GILBERT MUNICIPAL COURT.**
- FE. The county **eEnforcement aAgent** may ~~destroy~~ **EUTHANIZE** any animal confined and quarantined pursuant to this article prior to the termination of the minimum confinement period for laboratory examination for rabies if:
 - 1. Such animal shows clear clinical signs of rabies.
 - 2. The owner of such animal consents to its ~~destruction~~ **EUTHANIZATION**.

- GF. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.
- HG. The eCounty eEnforcement agent shall ~~destroy~~ **EUTHANIZE** a vicious animal upon an order of a justice of the peace or a tTown **OF QUEEN CREEK AUTHORIZED** magistrate, **OR THE MAGISTRATE OF ANOTHER JURISDICTION SERVING AS THE TOWN OF QUEEN MAGISTRATE, PURSUANT TO AN INTERGOVERNMENTAL AGREEMENT (THE "QUEEN CREEK MAGISTRATE")**. A justice of the peace or tTown **OF QUEEN CREEK** mMagistrate may issue such an order after notice to the owner, if any, and a hearing.
- IH. Any animal 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 complAiant is filed within thirty days of the alleged violation.