

**RESOLUTION NO. 2018-25**

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF FOUNTAIN HILLS, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "ARTICLE 6-2 RABIES/ANIMAL CONTROL LEASH LAW."

**BE IT RESOLVED** BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That certain document entitled "Article 6-2 Rabies/Animal Control Leash Law," attached hereto as Exhibit A, of which one paper copy and one electronic copy maintained in compliance with ARIZ. REV. STAT. § 44-7041 are on file in the office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Fountain Hills, Maricopa County, Arizona, this 17th day of April, 2018.

**FOR THE TOWN OF FOUNTAIN HILLS:**

**ATTESTED TO:**

  
Linda M. Kavanagh, Mayor

  
Bevelyn J. Bender, Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

  
Grady E. Miller, Town Manager

  
Dickinson Wright PLLC, Town Attorneys

**CERTIFICATION**

I, Bevelyn J. Bender, the duly appointed Clerk of the Town of Fountain Hills, Arizona, do hereby certify that the above and foregoing Resolution No. 2018-25 was duly passed by the Mayor and Council of the Town of Fountain Hills, Arizona, at a regular meeting held on April 17, 2018, and the roll call of the vote thereon was 7 Ayes, 0 Nays, and that the Mayor and 6 Councilmembers were present thereat.

Bevelyn J. Bender

Bevelyn J. Bender, Town Clerk  
Town of Fountain Hills, Arizona

Fountain Hills Town Code

Article 6-2

**RABIES/ANIMAL CONTROL LEASH LAW**

**Sections:**

- 6-2-1 Definitions**
- 6-2-2 Powers and Duties of the Enforcement Agent**
- 6-2-3 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification**
- 6-2-4 Anti-Rabies Vaccination; Vaccination and License Stations**
- 6-2-5 Dogs Not Permitted at Large; Wearing Licenses**
- 6-2-6 Impounding and Disposing of Dogs and Cats; Pound Fees**
- 6-2-7 Handling of Biting Animals; Responsibility for Reporting Animal Bites**
- 6-2-8 Unlawful Interference with Enforcement Agent; Unlawful Keeping of Dogs**
- 6-2-9 Violation; Classification; Dogs; Liability**
- Section 6-2-1 Definitions**

In this chapter unless the context otherwise requires:

- A. "Animal" means any animal of a species that is susceptible to rabies, except man.
- B. "At large" means on or off premises of owner and not under control of owner or other person acting for the owner. A dog shall not be deemed at large for the purposes of this section:
  - 1. If it is restrained by a leash, chain, rope or cord of sufficient strength to control the action of the dog; or
  - 2. If the dog is in a suitable enclosure that actually confines the dog; or
  - 3. While the dog is being trained or used for hunting purposes; or
  - 4. While the dog is being exhibited at a town approved show or other town sponsored event; or
  - 5. While on the dog owner' s property, the dog is under the direct and immediate control of the owner.
- C. "County pound" means any establishment authorized by the Maricopa County Board of Supervisors for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the enforcement agent.
- D. "Department" means the Arizona Department of Health Services.
- E. "Dog" means a member of the *canis familiaris* family.
- F. "Enforcement agent" means the town manager or the town manager's designee who is responsible for the enforcement of this article and the regulations promulgated thereunder.
- G. "Impound" means the act of taking or receiving into custody by the enforcement agent any dog or other animal for the purpose of confinement in a county pound in accordance with the provisions of this article.

## Fountain Hills Town Code

- H. "Kennel" means an enclosed, controlled area, inaccessible to other animals, in which a person keeps, harbors or maintains five or more dogs under controlled conditions.
  - I. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
  - J. "Owner" means any person keeping an animal other than livestock for more than six consecutive days.
  - K. "Rabies quarantine area" means 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.
  - L. "Rabies vaccination certificate" means a method of recording and duplicating rabies information that is in compliance with the enforcement agent's licensing system or enforcement agent's prescribed forms.
  - M. "Stray dog" means any dog three months of age or older running at large that is not wearing a valid license tag.
  - N. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian.
  - O. "Veterinarian", unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
  - P. "Veterinary hospital" means 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.
  - Q. "Vicious animal" means any animal of the order carnivora that has a propensity to attack, to cause injury to or to otherwise endanger the safety of human beings without provocation or that has been so declared after a hearing before a justice of the peace or a city or town magistrate.
- (13-07, Amended, 06/06/2013; 06-08, Amended, 02/02/2006; 03-21, Amended, 12/18/2003)

### **Section 6-2-2 Powers and Duties of the Enforcement Agent**

- A. The enforcement agent shall:
  - 1. Enforce the provisions of this article and any regulations promulgated by the council.
  - 2. Issue citations for the violation of the provisions of this article. 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.
- B. In addition to all powers granted to the state and the county, the local enforcement agent may declare a rabies quarantine area within the town's jurisdiction. When a quarantine area has been declared, the enforcement agent shall meet with the state veterinarian and representatives from the Arizona Department of Health Services and the game and fish department to implement an emergency program for the control of rabies within that area. Any regulations restricting or involving the movements of livestock within that area shall be subject to approval by the state

## Fountain Hills Town Code

veterinarian.

- C. The issuance of citations pursuant to this section shall be subject to the provisions of A.R.S. § 13-3899.

### **Section 6-2-3 License Fees for Dogs; Issuance of Dog Tags; Records; Penalties; Classification**

- A. The owner of a dog shall pay an annual license fee, as established by the enforcement agent, for each dog 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. The licensing period shall not exceed the period of time for revaccination as designated by the state veterinarian. A penalty amount 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 in the town 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 year in 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 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 set at a rate that is lower for (i) persons over the age of 65, upon proper proof of age and (ii) 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 two misdemeanor.

(09-08, Amended, 07/02/2009; 06-08, Amended, 02/02/2006; 03-21, Amended, 12/18/2003; 18-05, Amended, 04/17/2018)

### **Section 6-2-4 Anti-Rabies Vaccination; Vaccination and License Stations**

- A. Before a license is issued for 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, and type, manufacturer and serial number of the vaccine used and date revaccination 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 article.
- B. A dog vaccinated in any other state prior to entry into Arizona may be licensed in the town 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 a governmental agency

## Fountain Hills Town Code

in that state, stating the owner's name and address and giving the dog's description, date of vaccination, and type, manufacturer and serial number of the vaccine used. The vaccination must be in conformity with the provisions of this article.

- C. The enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

### **Section 6-2-5 Dogs Not Permitted at Large; Wearing Licenses**

- A. No person shall intentionally, knowingly, recklessly or negligently permit, allow or cause a female dog during her breeding or mating season or a vicious dog to be at large. For the purposes of this subsection only, a female dog during her breeding or mating season or a vicious dog shall be deemed at large if it is not within a suitable enclosure that actually confines the dog, or when such dog is not within a suitable enclosure, if it is not restrained by a leash, chain, rope or cord of sufficient strength to control the action of the dog.
- B. No person shall intentionally, knowingly, recklessly or negligently permit, allow or cause a dog in a rabies quarantine area to be at large. While on any owner's property, each dog shall be confined within an enclosure on such property, secured so that the dog is confined entirely to the owner's property, or otherwise under the direct and immediate control of the owner. When not on the owner's property, such dog shall be on a leash not to exceed six feet in length and directly under the owner's control.
- C. No person shall intentionally, knowingly, recklessly or negligently permit, allow or cause a dog to be at large within the town boundaries.
- D. The owner of any dog over the age of three months shall not permit, allow or cause such dog to be outside of a suitable enclosure that actually confines the dog without a collar or harness to which is attached a valid license tag issued pursuant to this article. Dogs, while being used or trained for hunting or dogs while being exhibited or trained at a town approved event, 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.
- E. Any dog at large may be apprehended and impounded by the 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 is 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 the dog unless it be at the invitation of a person residing thereon.
  - 2. Said agent may issue a citation to the dog owner, person acting for the dog owner, custodian or other person whom said agent may reasonably believe permitted, allowed or caused the dog to be at large.
  - 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.
- F. Notwithstanding any other provision of this article, any dog owner, person acting for the dog owner, custodian or other person who permits, allows or causes a dog to be at large in violation of:

## Fountain Hills Town Code

1. Subsection A or B of this section is guilty of a class one misdemeanor.
2. Subsection C or D of this section is guilty of a class three misdemeanor.  
(03-21, Amended, 12/18/2003)

### **Section 6-2-6 Impounding and Disposing of Dogs and Cats; Pound Fees**

- A. That the town has entered into an intergovernmental agreement with the Maricopa County Board of Supervisors to provide for impounding and disposing of dogs and cats at county pounds.
- B. That all fees, charges, rules, regulations and procedures shall be as authorized by law and implemented by the rules and regulations of Maricopa County.

### **Section 6-2-7 Handling of Biting Animals; Responsibility for Reporting Animal Bites**

- A. An unlicensed or unvaccinated dog or cat that bites any person shall be confined and quarantined in a county pound 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 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.
- B. Any animal other than a dog or cat that bites any person shall be confined and quarantined in a county pound or, upon 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 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.
- C. Any wild animal which bites any person may be killed and submitted to the enforcement agent for transmission to an appropriate diagnostic laboratory.
- D. Whenever an animal bites any person, the incident shall be reported to the enforcement agent immediately by any person having direct knowledge.
- E. The enforcement agent may destroy 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.
- F. Any animal subject to licensing under this article found without a tag identifying its owner shall be deemed unowned.

## Fountain Hills Town Code

- G. The enforcement agent shall destroy a vicious animal upon an order of a justice of the peace or a town magistrate. A justice of the peace or town magistrate may issue such an order after notice to the owner, if any, and a hearing.

### **Section 6-2-8 Unlawful Interference with Enforcement Agent; Unlawful Keeping of Dogs**

- A. It is unlawful for any person to interfere with the enforcement agent in the performance of his duties.
- B. It is unlawful for a person to keep, harbor or maintain a dog within the town except as provided by the terms of this article.

### **Section 6-2-9 Violation; Classification; Dogs; Liability**

- A. Any person who fails to comply with the requirements of this article, or violates any of its provisions, is guilty of a class two misdemeanor.
- B. 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 responsible for the dog when such damages were inflicted.

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