

ORDINANCE NO. P-13
ADOPTED November 19, 1979
AMENDED March 18, 1985
AMENDED June 1, 1987

MARICOPA COUNTY ORDINANCE NO. 13
RABIES/ANIMAL CONTROL

SECTION 1. DEFINITIONS

In this ordinance, unless the context otherwise requires, the following apply:

- 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 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.
- c. "County enforcement agent" means that person in Maricopa County who is responsible for the enforcement of this ordinance and the regulations promulgated thereunder.
- d. "County pound" means any establishment authorized by the County Board of Supervisors for the confinement, maintenance, safekeeping and control of dogs and other animals that come into the custody of the county enforcement agent in the performance of his official duties.
- e. "Department" means the Arizona Department of Health Services.
- f. "Impound" means the act of taking or receiving into custody by the county enforcement agent any dog or other animal for the purpose of confinement in a county pound in accordance with the provisions of this ordinance.
- g. "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.
- h. "Livestock" means neat animals, horses, sheep, goats, swine, mules and asses.
- i. "Owner" means any person keeping an animal other than livestock for more than six consecutive days.

- j. "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.
- k. "Stray dog" means any dog four months of age or older running at large that is not wearing a valid license tag.
- l. "Vaccination" means the administration of an anti-rabies vaccine to animals by a veterinarian, or in county pounds by employees trained by a veterinarian.
- m. "Rabies Vaccination Certificate" means 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.
- n. "Veterinarian" unless otherwise indicated, means any veterinarian licensed to practice in this state or any veterinarian employed in this state by a governmental agency.
- o. "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.
- p. "Vicious animal" means any animal of the order carnivora 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.

SECTION 2. POWERS AND DUTIES

Powers and duties of the State Veterinarian and the Livestock Board:

- a. The State Veterinarian shall designate the type or types of anti-rabies vaccines that may be used for vaccination of animals, the period of time between vaccination and revaccination and the dosage and method of administration of the vaccine.
- b. The Arizona Livestock Board shall regulate the handling and disposition of animals classed as livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.

Powers and duties of Arizona Department of Health Services

- a. The Arizona Department of Health Services shall regulate the handling and disposition of animals other than livestock that have been bitten by a rabid or suspected rabid animal or are showing symptoms suggestive of rabies.
- b. The Arizona Department of Health Services may require the County enforcement agent to submit a record of all dog licenses issued and in addition any information deemed necessary to aide in the control of rabies.

Powers and duties of the Maricopa County Board of Supervisors

- a. The Maricopa County Board of Supervisors may designate or employ a county enforcement agent. If such designation or employment is not made within ten days after the effective date of this ordinance, the county sheriff shall be the county enforcement agent, but nothing in this ordinance shall be deemed to prevent the County Board of Supervisors from designating or employing a county enforcement agent at any time it is deemed necessary or advisable.
- b. The Maricopa County Board of Supervisors may provide the county enforcement agent with such personnel and equipment as is necessary to enforce the provisions of this ordinance and the regulations promulgated thereunder.
- c. The Maricopa County Board of Supervisors may contract with any city or town to enforce the provisions of any ordinance enacted by such city or town for the control of dogs.
- d. The Maricopa County Board of Supervisors, for the unincorporated areas of the county, by ordinance regulate, restrain and prohibit the running at large of dogs, except dogs used for control of livestock or while being used or trained for hunting.
- e. The Maricopa County Board of Supervisors may provide criminal penalties not to exceed the penalties for a Class 2 misdemeanor for violation of an ordinance adopted pursuant to Paragraph 4. Fines received for such violation shall be deposited in a special, permanent, nonlapsing and nonreverting County fund to be used for the operation of the County Pound.
- f. The Maricopa County Board of Supervisors may establish pound fees for impounding and maintaining animals at the county pound or any pound used by the County.

Powers and duties of the Maricopa County Enforcement Agent

- a. The Maricopa County Enforcement Agent shall enforce the provisions of this ordinance, the regulations promulgated thereunder and municipal ordinances which the Board of Supervisors has contracted to enforce.
- b. The Maricopa County Enforcement Agent shall issue citations for the violation of the provisions of this ordinance, the regulations promulgated thereunder and municipal ordinances which the County Board of Supervisors has contracted to enforce. The procedure for the issuance of notices to appear shall be as provided for peace officers in Arizona Revised Statutes (ARS), Section 13-3903, except that the County Enforcement Agent shall not make an arrest before issuing the notice. The issuance of citations pursuant to this section shall be subject to the provisions of ARS, Section 13-3899.
- c. The Maricopa County Enforcement Agent shall be responsible for declaring a rabies quarantine area within his or her area of jurisdiction. When a quarantine area has been declared, the County 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 veterinarian.
- d. The Maricopa County Enforcement Agent may designate deputies.

SECTION 3. LICENSE FEES FOR DOGS, ISSUANCE OF DOG TAGS, RECORDS, PENALTIES, CLASSIFICATION

- a. The County Board of Supervisors shall set an annual license fee which shall be paid for each dog four months of age or over that is kept, harbored or maintained within the boundaries of the county for at least thirty consecutive days of each calendar year. License fees shall become payable at the discretion of the County Board of Supervisors. 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 to the County Treasurer or his authorized representative. A penalty not to exceed four 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 ordinance. 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 county less than thirty consecutive days.

- b. Durable dog tags shall be provided by the County Board of Supervisors. Each dog licensed under the terms of this ordinance 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 running at large, except as otherwise provided in this ordinance. Whenever a dog tag is lost, a duplicate tag shall be issued upon application by the owner and payment of fee established by the County Board of Supervisors to the County Treasurer or his authorized representative.
- c. The County Board of Supervisors may set license fees that are 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 County enforcement agent that such dog has been surgically altered to be permanently incapable of procreation.

SECTION 4. KENNEL PERMIT, FEE, VIOLATION, CLASSIFICATION

- a. A person operating a kennel shall obtain a permit issued by the County Board of Supervisors where the kennel is located except if each individual dog is licensed.
- b. The annual fee for the kennel permit is seventy-five dollars.
- c. A dog remaining within the kennel is not required to be licensed individually under ARS, Section 24-367. A dog leaving the controlled kennel conditions shall be licensed under ARS, Section 24-367 except if the dog is only being transported to another kennel which has a permit issued under this section.
- d. A person who fails to obtain a kennel permit under this section is subject to a penalty of twenty-five dollars in addition to the annual fee.
- e. A person who knowingly fails to obtain a kennel permit within thirty days after written notification from the county enforcement agent is guilty of a Class 2 misdemeanor.

SECTION 5. ANTIRABIES 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 county 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 ordinance and the regulations promulgated thereunder.

- b. A dog vaccinated in any other state prior to entry into Arizona may be licensed in Maricopa County 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 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 vaccine used. The vaccination must be in conformity with the provisions of this ordinance and the regulations promulgated thereunder.
- c. The County enforcement agent shall make provisions for vaccination clinics as deemed necessary. The vaccination shall be performed by a veterinarian.

SECTION 6. RABIES CONTROL FUND

- a. The County Treasurer or his authorized representative shall place the monies collected by him under the provisions of this ordinance in a special fund to be known as the rabies control fund to be used for the enforcement of the provisions of this ordinance and the regulations promulgated thereunder.
- 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.

SECTION 7. DOGS NOT PERMITTED AT LARGE, WEARING LICENSES

- a. Within the unincorporated areas of Maricopa County, 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 in length and directly under the owner's control when not on the owner's property.
- b. Any dog over the age of four months on or off the premises of owner and not under control of the owner or other 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. 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 ordinance.
- d. Any person whose dog is at large is in violation of this ordinance. A dog is **not** at large,
 - (1) If said dog is restrained by a leash, chain, rope, or cord of not more than six (6) feet in length and of sufficient strength to control action of said dog.
 - (2) If 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) If said dog whether on or off the premises of the owner, or person acting for the owner, is controlled as provided in regulation 7(D)(I) of this ordinance, or is within a suitable enclosure which actually confines the dog.
- e. Any dog at large shall be apprehended and impounded by a County Enforcement Agent.
 - (1) Said agent shall have the right to enter upon private property when it be 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(s) to the dog owner or person acting for the owner when the dog is at large. The procedure of the issuance of notice to appear shall be as provided for peace officers in ARS, Section 13-3903, except the county enforcement agent shall not make an arrest before issuing the notice. The issuance of

citation(s) pursuant to this ordinance shall be subject to provisions of ARS, Section 13-3899.

- (3) In the judgment of the County 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.

SECTION 8. ESTABLISHMENT OF COUNTY POUNDS, IMPOUNDING AND DISPOSING OF DOGS AND CATS, RECLAIMING IMPOUNDED DOGS AND CATS, POUND FEES

- a. The County Board of Supervisors shall provide or authorize a County pound or pounds or enter into a cooperative agreement with a city, a veterinarian or an Arizona incorporated humane society for the establishment and operation of a county pound.
- b. Any stray dog shall be impounded. All dogs and cats impounded shall be given proper care and maintenance.
- c. Each stray dog or any cat impounded shall be kept and maintained at the County Pound for a minimum of seventy-two hours unless claimed by its owner. Any person may purchase such a dog or cat upon expiration of the impoundment period, provided such person pays all pound fees established by the County Board of Supervisors and complies with the licensing and vaccinating provisions of this ordinance. 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 to be used for medical research, no license or vaccination shall be required. The County 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.
- d. 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 established by the County Board of Supervisors.
- e. If the dog or cat is not reclaimed within the impoundment period, the county 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 pursuant to SECTION 13. Any person purchasing such a dog or cat shall pay all pound fees established by the County Board of Supervisors.

SECTION 9. 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 ordinance, 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 county 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 county enforcement agent.
- c. Any wild animal which bites any person may be killed and submitted to the county 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 county enforcement agent immediately by any person having direct knowledge.
- e. The county enforcement agent may destroy any animal confined and quarantined pursuant to this ordinance 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 ordinance found without a tag identifying its owner shall be deemed unowned.
- g. The county enforcement agent shall destroy a vicious animal 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.

SECTION 10. 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 county enforcement agent except in accordance with the provisions of this ordinance and the regulations promulgated thereunder.

SECTION 11. UNLAWFUL INTERFERENCE WITH COUNTY ENFORCEMENT AGENT, UNLAWFUL KEEPING OF DOGS

- a. It is unlawful for any person to interfere with the county enforcement agent in the performance of his duties.
- b. It is unlawful for a person to keep, harbor or maintain a dog within the County of Maricopa except as provided by the terms of this ordinance.

SECTION 12. VIOLATION, CLASSIFICATION; DOGS, LIABILITY

- a. Any person who fails to comply with the requirements of this ordinance, or violates any of its provisions, is guilty of a class 2 misdemeanor, and may be subject to imprisonment for a maximum period of four months, or fined a maximum of \$750.00, or both.
- 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 or persons responsible for the dog when such damages were inflicted.

SECTION 13. 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.
- b. Any dog or cat destroyed while impounded in a county, or town pound shall be destroyed only by the use of one of the following:
 - (1) Sodium pentobarbital or a derivative of sodium pentobarbital.
 - (2) Nitrogen gas.
 - (3) T-61 Euthanasia Solution or its generic equivalent.
- c. If an animal is destroyed by means specified in sub-section b, Paragraph 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 ARS, Section 24-153.

- d. The governing body of any county, city or town which operates a pound shall establish procedures for the humane destruction of impounded animals by the methods described in subsections b and c of this section.

SECTION 14. EXEMPTION OF CITIES AND TOWNS

The provisions of this ordinance shall apply only to unincorporated areas of Maricopa County.

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