

No. 380

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA AMENDING THE SAN LUIS CITY CODE TITLE IX, CHAPTER 95 RELATING TO ANIMALS BY ADDING SECTIONS 95.04 THROUGH 95.07 REGARDING DANGEROUS DOGS; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR PENALTIES; ESTABLISHING AN EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED by the Mayor and Council of the City of San Luis, Arizona as follows:

Section 1. That Title IX, Chapter 95, of the San Luis City Code relating to Animals, be amended by adding Sections 95.04 through 95:07 regarding Dangerous Dogs to read as follows:

§95.04 DANGEROUS DOG DEFINITIONS.

As used in this ordinance on dangerous dogs, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

DANGEROUS DOG. Any dog which is capable of inflicting death or serious injury on a person or another animal and which:

- (1) Has, without provocation, attacked or bitten a person engaged in a lawful activity; or
- (2) Has, while off the property of its owner and without provocation, killed or seriously injured another animal; or
- (3) Has exhibited a propensity, tendency or disposition to attack, bite, scratch, or otherwise inflict or cause injury or threaten the safety of persons or other animals without provocation; or

(4) Has a propensity to approach human beings, without provocation, in a menacing or terrorizing manner so as to confine movement of or instill fear in a reasonable person; or

(5) Has acted in a manner that causes or should cause its owner to know that the dog is potentially dangerous; and

(6) Is declared dangerous after a hearing before a San Luis City municipal judge.

(7) This definition does not apply to dogs utilized by law enforcement.

DOG. The word "dog" shall include a dog of any age, both the male and female sex of the *Canis familiaris* family.

§95.05 DANGEROUS DOG DETERMINATION.

(A) Any person having reasonable grounds to believe a dog is dangerous may petition the Municipal Court for a determination that the dog is dangerous. A petition by an enforcement officer of the City shall be based upon an investigation and a determination by the officer or other officers that reasonable grounds exist to believe the dog to be dangerous.

(B) Any time after the petition is filed, the court may, if it finds there are reasonable grounds to believe that the dog poses a risk of injury to any person or is dangerous as defined in §95.03, order that the animal be impounded on such terms as the court deems necessary to protect public safety.

(C) After notice to the owner or the person found in control of the dog, the Municipal Court shall conduct a hearing. The hearing shall be informal and open to the public. Hearings and appeals shall be conducted, as nearly as practicable, in accordance with the Rules of Procedure in Civil Traffic and Civil Boating Violations. Any owner or person having control of the dog who fails to appear after notice may be deemed to have waived any right to introduce evidence.

(D) A dangerous dog determination may be conducted with and as a part of a criminal proceeding if dangerousness is alleged in the complaint.

(E) Any fee for filing a petition or fees for service of hearing notices pursuant to this section may be deferred or waived by the court.

§95.06 DISPOSITION OF DANGEROUS DOGS.

Upon determining a dog to be dangerous, the court shall enter such orders as it deems necessary to protect the public. Any such orders shall be at the expense of the owner. The court may order, but is not limited to, the following:

(1) that the owner of the dangerous dog display in a prominent place on the premises where the dog is kept a sign in three-inch letters, both in English and Spanish, easily readable by the public, using the words "Vicious Dog" and its equivalent in Spanish;

(2) that the owner obtain public liability insurance for a single incident amount of at least \$250,000 for bodily injury or death of any person or for damage to property caused by the dangerous dog;

(3) that the dog at all times be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled;

(4) that the dog be microchipped or tattooed or both;

(5) that the dog be spayed or neutered;

(6) that the dog be destroyed.

§95.07 KEEPING DANGEROUS DOG UNLAWFUL.

It shall be unlawful for any person to keep any dangerous dog except in compliance with an order of the court issued pursuant to §95.06.

Section 2: In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution, regulation, code, or policy of the City of San Luis, the conflicting provisions are hereby repealed, suspended, and replaced, and the provisions of this Ordinance shall govern.

Section 3: If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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PASSED, ADOPTED and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona this ____ day of _____, 2018.

Gerardo Sanchez, Mayor

ATTEST:

APPROVED AS TO FORM:

Sonia Cornelio, City Clerk

Kay Marion Macuil, City Attorney