

ORDINANCE NO. 741

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF CHAPTER 90 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE (ANIMAL CONTROL).

WHEREAS, the Town of Payson desires to amend its animal control rules, regulations and ordinances in order to promote the public health, safety and general welfare of the citizens of the Town of Payson, Arizona; and,

WHEREAS, amendments to Chapter 90 (Animals) of the Code of the Town of Payson were declared to be a public record by Resolution 2391; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Chapter 90 by reference pursuant to A.R.S. § 9-802,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. That the amendments to Chapter 90 (Animals) of the Code of the Town of Payson set forth in Resolution 2391 were heretofore declared to be a public record by such Resolution, and all the provisions thereof are hereby referred to and added to the Code of the Town of Payson and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 741.

Section 2. That at least three copies of the amendments to Chapter 90 of the Code of the Town of Payson, as adopted by this Ordinance Number 741 shall be filed in the Office of the Town Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.

Section 3. That Section 90.99 of the Code of the Town of Payson is hereby amended, and as amended shall read as follows:

§ 90.99 PENALTY.

(A) *Violation of animal control chapter.* Any person who pleads responsible or who is found to be responsible by the magistrate court of a first, second, or third violation of this chapter within any 12-month period shall be guilty of a civil ~~petty~~ offense and shall be subject to the following:

- (1) A minimum fine in the amount of \$50 for the first offense.
- (2) A minimum fine in the amount of \$100 for the second offense.
- (3) A minimum fine in the amount of \$300 for the third and subsequent offense.

FIRST READING & Public Hearing JUL 02 2008 G.6

2nd Reading & Public Hearing JUL 17 2008 G.3

~~(B) — Violation of Arizona Criminal Statute on Vicious Animals. Any person who pleads guilty or who is found to be guilty of a violation of A.R.S. § 13-1208 “Assault, vicious animals, classification, exception,” shall be guilty of a Class Six felony as mandated by state statute, and shall be subject to a fine and possible jail time as authorized by Arizona Revised Statutes for a Class Six felony.~~

~~(C) — Violation of Arizona Criminal Statute on Cruelty to Animals. Any person who pleads guilty or who is found to be guilty of a violation of A.R.S. § 13-2910 “Cruelty to animals or poultry, interference with working or service animal, classification, definitions,” shall be guilty of either a Class One misdemeanor or a Class Six felony, as mandated by and authorized under, Arizona Revised Statutes.~~

~~(D)~~(B) *Alternative/additional remedies and penalties.* Alternatively, or in addition to, the above described fines, penalties and sanctions, the magistrate court may, in its discretion, and after hearing, order that arrangements shall be made to abate the violation of this chapter including, but not limited to, effective restraint of the animal by muzzling, bark collar, the owner’s voluntary removal of the animal, or court-ordered removal of the animal.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 741 are hereby repealed to the extent of such conflict.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 741 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 of this Ordinance Number 741. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 741 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2008, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith
Town Clerk

Samuel I. Streichman
Town Attorney