

## EXHIBIT A

### **Chapter 6.10 VICIOUS DOGS**

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#### **6.10.010 Purpose and intent.**

Within the City there are vicious dogs which constitute a public nuisance which should be abated. The provisions of the ordinance codified in this chapter provide an administrative procedure by which dogs found to be a nuisance may be abated following a hearing at which oral and documentary evidence is considered. This chapter is intended to supplement rather than supplant any other remedy available either under state law or the ordinances of the City.

#### **6.10.020 Vicious dog defined.**

A. A dog, except one assisting a peace officer engaged in law enforcement duties, which demonstrates any of the following behavior, is presumed vicious:

1. An attack which requires a defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peacefully and lawfully;
2. An attack which results in property damage or in an injury to a person when such a person is conducting himself or herself peacefully and lawfully;
3. An attack on another animal, livestock or poultry, which occurs on property other than that of the owner of the attacking dog;
4. Any behavior which constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.

B. For the purposes of this section, a person is conducting himself or herself peacefully and lawfully upon the private property of an owner or possessor of the dog when he or she is on such property in the performance of any duty imposed on such person by state or local law or by the laws of postal regulations of the United States, or when he or she is on such property upon invitation, either expressed or implied.

#### **6.10.030 Investigation.**

Any incident reported to the City concerning a vicious dog may be investigated by the City. The investigation may consist of reports of officers made at the time of the incident or follow-up reports. If, based on the investigation, the City Administrator or his/her designee concludes that there is a probable cause to believe that the dog is vicious, he/she shall so certify in writing within ten (10) days following completion of the investigation to the person owning or controlling the dog. Thereafter a hearing shall be held pursuant to Sections 6.10.040 through 6.10.070. The City may confine the dog if it is in the best interests of the public to do so. The cost of said confinement shall be paid by the person owning or controlling such dog. The dog shall not be released until such costs have been paid in full.

**6.10.040 Hearing – Schedule.**

A hearing shall be set not later than ten (10) days from the date of certification. The City Administrator or his/her designee shall mail or otherwise deliver to the owner or person controlling the dog and other interested persons including, but not necessarily limited to, all properties within three hundred feet of the address of the owner or person controlling the dog, at least five (5) days prior to the date set for hearing, a notice in substantially the form set out in Section 6.10.050.

**6.10.050 Notice of hearing regarding vicious dog.**

The following is the form for notice of hearing:

TO: \_\_\_\_\_ (Name) Address \_\_\_\_\_ (Address)

NOTICE IS HEREBY GIVEN that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_ o'clock, in the office of the City Administrator, City Hall, 400 California Street, Maricopa, California, the report of \_\_\_\_\_ will be considered by the City Manager or an appointed Hearing Officer with such oral and documentary evidence bearing upon the question of whether your dog is vicious. You may appear and may present evidence at the hearing. You may also be represented by an attorney. If you fail to appear without giving notice to the City Administrator, the matter may proceed in your absence and such absence may be further considered a waiver of your right to present evidence and object to any decision made.

In the event your dog is found to be vicious, it will be ordered to be controlled, confined, destroyed, restricted, or otherwise abated as a public nuisance and any impoundment cost incurred shall be assessed against you.

A copy of this notice has been sent to property owners within 300 feet of your address.

Dated: \_\_\_\_\_ City Administrator: \_\_\_\_\_

**6.10.060 Hearing – Procedure.**

At the hearing, which may be continued from time to time, both oral and documentary evidence may be taken from any interested person and considered in

determining whether the dog is vicious. Any owner who fails to appear after notice as provided herein was given, without obtaining a continuance from the City Administrator or an appointed Hearing Officer, may be deemed to have waived any right to introduce evidence or object to an order made by the City Administrator. If the hearing is conducted by a Hearing Officer other than the City Administrator, the Hearing Officer shall submit a report to the City Administrator summarizing the evidence and making a recommendation as to disposition.

**6.10.070 Hearing – Findings – Public nuisance.**

If, based upon the hearing, and the report of the Hearing Officer, if any, the Hearing Officer upholds the findings that the dog is vicious, he or she shall so specify in writing together with the reasons therefore. Any dog found to be vicious is deemed a public nuisance and shall be, pursuant to the order of the Hearing Officer, humanely destroyed, be removed from the City, or the nuisance otherwise abated by appropriate order of the Hearing Officer including, but not limited to, confinement, fencing, muzzling or leashing. The decision of the Hearing Officer shall be made within ten (10) days after the conclusion of the hearing and shall be final. A copy of the decision shall be sent by certified mail or personally served upon the person owning or controlling the dog.

**6.10.080 Cost of impoundment.**

If the Hearing Officer finds the dog is vicious, the cost of impoundment incurred by the City, including any abatement period, shall be paid by the owner or the person controlling the dog and shall become a lien against the real property upon which the dog was kept and maintained until said lien is paid. If the order includes the release of a dog found to be vicious to the owner or person controlling it, the dog shall not be released until such costs have been paid in full. If such costs have not been paid within thirty (30) days after the date of mailing or delivery of the order, the City Administrator may dispose of the dog in any manner provided by law, or return the dog and pursue alternative collection procedures. The total amount of the impound charges may be entered on the next fiscal year tax roll as a lien against the property upon which the dog was maintained and shall be subject to the same penalties as are provided for other delinquent taxes, liens or assessments of the City, or an action may be brought in the name of the City to recover the costs of impoundment.