

CHAPTER 4 – ANIMALS

Sec. 4-15. Vicious Animals; determination

(a) Any person having reasonable belief that an animal is vicious may petition a justice of the peace or the municipal court for a determination that the animal is vicious. The municipal court may assign the matter to a civil hearing officer within the court for all proceedings under this section.

(b) After notice to the owner of the animal in any manner calculated to provide reasonable notice, including but not limited to those in the Arizona Rules of Civil Procedure, the justice of the peace or the municipal court shall conduct a hearing. The hearing shall be informal and open to the public. Any relevant oral and documentary evidence from any interested may be considered by the court, whether or not admissible under the Arizona Rules of Evidence.

(1) Any owner who fails to appear after notice pursuant to this section may be deemed to have waived any right to introduce evidence and the justice of the peace or the municipal court shall determine that all of the allegations contained in the petition are admitted.

(2) The decision shall be based on the preponderance of the evidence.

(c) The justice of the peace or the municipal court may consolidate a viciousness petition with a criminal proceeding arising out of the same violation, provided that viciousness is alleged in the criminal complaint.

(Ord. No. 96-31, 6/4/96, Enacted)