

CHAPTER 4

DOG CONTROL

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5-4-1: DEFINITIONS: Certain terms used in this chapter shall have the meaning ascribed below:

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| ANIMAL CONTROL SERVICES MANAGER: | Any person operating an Animal Control Shelter in behalf of the City, or his or her authorized agent. |
| ANIMAL CONTROL SHELTER: | Any animal shelter, lot, premises or building maintained or hired by the City to confine or care for animals. |
| DOG: | A dog of an age three months or older. |
| DOG KENNEL: | Any place where more than two (2) dogs are kept. |
| OWNER: | Any person owning, keeping or harboring a dog. |
| RUNNING AT LARGE: | Any condition where a dog is not under the physical control of a person, either by leash, cord or chain or confined within a structure or fenced yard. |
| UNIDENTIFIED DOG: | Any dog which does not have a metal dog tag or microchip which contains the current name, street address and telephone number of the owner of the animal. |

VICIOUS DOG: Any dog that has a known propensity to attack or bite human beings or other animals. Any dog that has bitten two (2) or more persons or one person on two (2) or more separate occasions, in a manner causing harm or injury to the person or persons, shall be conclusively presumed to be vicious.

(Ord. 211-03-17, 4/18/17)

5-4-2: *(Repealed)* (Ord. 211-03-17, 4/18/17)

5-4-3: *(Repealed)* (Ord. 149-02-10, 4/27/10); (Ord. 211-03-17, 4/18/17)

5-4-4: UNIDENTIFIED DOGS RUNNING AT LARGE: Any person who owns or has in his care or custody an unidentified dog found to be running at large within the City is guilty of an infraction. Such infraction shall be in addition to any violation under section 5-4-10(B) of this Chapter. (Ord. 149-02-10, 4/27/10); (Ord. 211-03-17, 4/18/17)

5-4-5: *(Repealed)* (Ord. 149-02-10, 4/27/10); (Ord. 211-03-17, 4/18/17)

5-4-6: IMPOUNDING OF DOGS: All dogs found running at large are declared to be public nuisances and may be immediately impounded in the Animal Control Shelter without notice to the owner. The impoundment, redemption, sale or other disposal of impounded dogs shall be as follows:

(A) Unidentified Dogs: All unidentified dogs impounded within the Animal Control Shelter shall be retained for a minimum of three (3) business days after its delivery to the Animal Control Shelter. At any time during this period, the owner of such dog may redeem it by paying an impound fee plus a boarding fee as set forth in this Chapter.

(B) Identified Dogs: All impounded dogs which are identified with a tag or microchip or whose owner is known by the Animal Control Services Manager shall be retained in the Animal Control Shelter for a minimum period of five (5) business days after the owner is notified in writing of the impoundment. As soon as reasonably possible following impoundment of such dog, the Animal Control Services Manager shall give notice of the impoundment to the owner of the dog by telephone, if possible. The Animal Control Services Manager shall keep a record of the date, time and manner of giving notice, with respect to each impounded dog. All written notices shall be sent by certified mail addressed to the owner at his last known address. At any time during such five (5) business day period the owner may redeem the dog by paying an impound fee plus a boarding fee as set forth in this Chapter. The five (5) day period shall commence to run at noon on the day following placing of the telephone call or the posting of the certified letter.

(C) An unneutered dog that has been impounded at the Animal Control Shelter on two (2) previous occasions during the previous one (1) year period shall be required to

be spayed or neutered prior to the owner redeeming the animal. The impound and boarding fees shall be applied toward the cost of the spay or neuter.

- (D) Unclaimed Dogs: The ownership of any dog not redeemed within the periods of time herein stated shall be forfeited and the dog may be sold thereafter by the Animal Control Services Manager to any person or may be humanely destroyed.
- (E) No unidentified dog shall be released from the Animal Control Shelter unless a collar and name tag has been affixed to the dog, which name tag shall bear the current name, street address and telephone number of the owner of the animal.
- (F) Disposal of Dogs: If any dog is not redeemed or sold, the dog may be humanely destroyed and the carcass disposed of in any lawful manner.
- (G) Impound and Boarding Fees: No animal impounded at the Animal Control Shelter shall be released to the owner unless the owner pays an impound fee in the amount of thirty dollars (\$30.00) and a daily boarding fee in an amount established by the Animal Control Shelter, based upon a uniform daily fee charged for each calendar day an animal is held at the Animal Control Shelter.

(Ord. 149-02-10, 4/27/10); (Ord. 211-03-17, 4/18/17)

5-4-7: COMMERCIAL AND NONCOMMERCIAL KENNEL LICENSE: It shall be unlawful to operate a dog kennel or to keep upon the premises of any one household or upon the premises of any one business property, more than two (2) dogs unless the owner or person in charge thereof has a commercial or noncommercial kennel license.

- (A) Application for a noncommercial kennel license shall be made to the Clerk. The applicant shall also pay a license fee of twenty five dollars (\$25). The application shall state the name and address of the owner, the location of the non-commercial kennel, the number of dogs presently kept and the breed(s) of the dogs. All dogs kept in a noncommercial kennel shall be owned by members of the immediate household and separate tags shall be issued for each dog. In no event may any holder of a non-commercial kennel license keep more than four (4) dogs upon the licensed premises. Noncommercial kennel licenses shall not be transferable to any other owner. Such license may be revoked by the City Council upon a finding that the owner has violated any of the provisions of this Chapter or upon a finding that twenty-five percent (25%) or more of the owners or persons in possession of premises located within three hundred (300) feet of the exterior boundaries of the licensed premises have filed a written petition with the City Clerk requesting that such license be revoked. In the event of such revocation, a new license shall not thereafter be issued unless the owner can demonstrate that seventy-five percent (75%) of such owners or persons are willing to consent in writing to the issuance of a new license, provided however that in the event there are less than four of such owners, the City Council may issue such license upon a finding that good cause exists for its retention.

- (B) Commercial Kennel: A commercial kennel is a kennel where the owner or a keeper of dogs sells or advertises for sale, boards, breeds, trains, treats or handles dogs for a consideration, provided however any clinic or place owned or operated by a veterinarian licensed under state law shall not be considered a kennel. Application for a commercial kennel license shall be made to the Clerk. The application must state the zone in which the kennel will be maintained and must be accompanied by the written consent to such commercial kennel by all property owners located within three hundred feet (300') of the exterior boundaries of the property upon which the kennel will be operated and must be accompanied by a license fee of fifty dollars (\$50), which fee shall be returned to the applicant if license is not issued. Licenses shall not be transferrable to any person or location not stated in the application. All licenses shall expire on December 31 of the year in which issued. A commercial kennel license shall not be issued for any premises where such use is not permitted under the Zoning Ordinance.

(Ord. 149-02-10, 4/27/10)

5-4-8: RABIES: If a dog has bitten, scratched or otherwise attacked a person, the owner of such dog or any person having knowledge of such incident shall immediately notify the Police Division and the State of Idaho Department of Health and Welfare. The Animal Control Services Manager may impound any dog which has bitten any person or to deliver the animal to a practicing veterinarian for quarantine, or require the owner to keep the dog in an approved enclosure not accessible to the public. Such dog shall be kept for a minimum period of ten (10) calendar days, and if the dog is determined to be free of rabies, the dog shall be returned to the owner. The owner of a dog so impounded in the Animal Control Shelter shall pay the regular boarding fees and if such fee is not paid, the dog may be disposed of as herein provided. If the dog is determined to be rabid, it shall be humanely destroyed and the owner shall be responsible to pay the boarding fees set forth in this chapter. (Ord. 211-03-17, 4/18/17)

5-4-9: UNLAWFUL DISPOSAL OF RABID DOG: Any person who kills or causes to be killed any rabid dog, or dog suspected of having rabies, or any dog who has bitten or attacked a person, without having given the notice required by the preceding section, or having given such notice kills such dog before the expiration of the ten (10) days guarantee period, is guilty of a misdemeanor.

5-4-10: CONTROL OF DOGS:

- (A) Any person who harbors or keeps on his premises, or in his control any dog which by loud and prolonged barking, disturbs the peace and quiet of the neighborhood, or the occupants of adjacent premises, is guilty of an infraction. For the purposes hereof the term "loud and prolonged barking" shall mean (i) any incessant barking, howling, whining or other disturbing noise for a period of thirty (30) consecutive minutes or more within any calendar day, or (ii) intermittent barking for a period of sixty (60) consecutive minutes or more during any calendar day. Nothing herein shall allow the issuance of a citation to any dog owner whose dog is provoked by a trespasser, intruder or by any other person who unreasonably and without cause provokes or teases such dog.

- (B) Any owner or keeper of a dog who allows the dog to run at large on or in any public street, alley, sidewalk, park or place, or upon private property without the permission of the owner or occupant thereof, is guilty of an infraction. Notwithstanding the foregoing, the Mayor may, upon application of any person, authorize dog shows, exhibitions and dog training courses to be held upon public property and where the dogs participating therein are controlled by competent attendants and the Council may designate public areas within the City which may be used, subject to such rules and regulations as may be prescribed, for the training or exercise of dogs. Dogs within such areas need not be controlled by leash, but shall be under the control of a responsible person and controlled by whistle, voice or other effective command. Notwithstanding the foregoing, any person who allows a dog under leash to be in any public park or recreation area designated by the Council as a public area in which dogs are not allowed, is guilty of a misdemeanor, unless the dog is a seeing-eye dog or is a participant in an approved dog show, exhibition or dog training course. Such areas shall be specifically designated by resolution of the Council and a sign giving notice of such prohibition shall be posted at each vehicular entrance to such public area.
- (C) Any owner or keeper of any female dog in heat who allows such dog to run at large or who fails to confine or enclose the dog in such a manner as to preclude other dogs from attacking the female dog or from being attracted to such female dog, is guilty of a misdemeanor.
- (D) Any person who lets to a female dog any dog, except within an enclosure so arranged as to obstruct such animal completely from the view of all persons who have no proprietary interest in the breeding of such animals, is guilty of a misdemeanor.
- (E) No person owning, keeping or having in his or her immediate care or custody any dog shall knowingly fail or neglect to clean up any feces of the dog immediately and dispose of it in a sanitary manner whenever the dog has defecated upon public or private property owned or within the control of another and without the consent of such public or private owner or person. The provisions of this section shall not apply to a blind person being accompanied by a guide dog or signal dog, nor shall they be construed to require or countenance any act of trespass upon private property. Whenever the feces to be cleaned up cannot be reached without an unlawful trespass upon the private property on which the feces is located, the person having the duty pursuant to this section to clean it up shall first obtain permission to do so from the owner or person in lawful possession or charge of the property. If a property owner does not consent to the owner of the dog cleaning up the feces, then this section will not apply to the dog owner. Any person who violates the provisions of this subsection shall be punishable by a civil infraction of twenty dollars (\$20) for the first offense, forty dollars (\$40) for any infraction committed within six (6) months of a previous infraction or sixty dollars (\$60) if such offense is committed within six (6) months of two (2) previous infractions.

(Ord. 149-02-10, 4/27/10)

5-4-11: UNLAWFUL INTERFERENCE WITH DISPOSAL OF DOGS: Any person who hinders, or interferes with any animal control officer who is seizing any dog, killing the same or removing the carcass under this Chapter, or any owner of a dog who refuses to pay the impounding or boarding fees set forth herein is guilty of a misdemeanor.

5-4-12: CRUELTY PROHIBITED: Any person who maltreats, tortures or who fails to feed or humanely keep or care for any dog, or who having the right or authority to kill a dog, kills such dog in an inhumane manner, is guilty of a misdemeanor.

5-4-13: IMPOUNDING AND DISPOSAL OF VICIOUS DOGS: Any person who keeps or has possession of a vicious dog within the City limits is guilty of a misdemeanor.

5-4-14: DISPOSAL OF VICIOUS DOGS: Dogs determined to be vicious under this Chapter shall be impounded and disposed of as follows:

- (A) Impounding of Vicious Dogs: City police officers and animal control officers shall take up and impound any vicious dog found within the City limits.
- (B) Disposal of Unidentified Vicious Dogs: All unidentified vicious dogs shall be retained in the pound for a minimum of three (3) full business days after its impoundment. If the owner of such dog does not appear at the pound within this time period, the dog shall be humanely destroyed and the carcass disposed of in any lawful manner. If the owner of the impounded vicious dog appears at the pound at any time during such time period, the Animal Control Services Manager shall deliver a written notice to the owner of the dog stating that the dog has been impounded as a vicious dog and that the dog will be destroyed within ten (10) business days after the date of such notice unless an order to show cause is issued by a court of competent jurisdiction and served upon the City, requiring the City to show cause why the dog should be destroyed. Such notice shall be deemed to be given as of the date of its delivery to the owner of the dog. If such order is not served upon the City within ten (10) business days of the date of the notice, the dog shall be destroyed and disposed of as provided herein. If the order to show cause is issued and served upon the City Clerk within ten (10) business days of delivery of the notice to the owner the dog shall be retained in the pound until further order of the Court.
- (C) Disposal of Identified Vicious Dogs: If a vicious dog is clearly identified with a dog tag or microchip, the Animal Control Services Manager shall notify the owner of the impoundment, within two (2) business days of the impoundment. Such notice shall be sent by certified mail addressed to the owner at the address shown on the tag or microchip or at the owner's last known address. Such notice shall be deemed to be complete upon its deposit in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the owner at such address. This notice shall state that the dog has been impounded as a vicious dog and that the dog will be destroyed within ten (10) business days after the date of such notice unless an order to show cause is issued by a court of competent jurisdiction and served upon the City, requiring the City to show cause why the dog should be destroyed. If such order is not served upon the City within ten (10) business days of mailing of the

notice, the dog shall be humanely destroyed and the carcass disposed of in any lawful manner. If the order to show cause is issued and served within such time period, the dog shall be retained in the pound until further order of the court.

- (D) Impound Fees: If the Court orders the release of any dog impounded under this Section, the owner of the dog shall pay an impound fee in the amount of thirty dollars (\$30) and a daily boarding fee as established by the Animal Control Shelter.

(Ord. 149-02-10, 4/27/10); (Ord. 211-03-17, 4/18/17)

5-4-15: POLICE OFFICERS: Any duly sworn peace officer as defined by State law, may and hereby is authorized to enforce the provisions of this Chapter. (Ord. 149-02-10, 4/27/10)

5-4-16: PENALTY:

- (A) Except as provided otherwise in this Chapter, any person who violates the provisions of this Chapter is guilty of an infraction and is punishable, by a fine no greater than three hundred dollars (\$300). Except as provided in subsection (B) of this section, if any person violates the provisions of this Chapter within six (6) months of the date such person committed a previous violation of this Chapter, then such violation shall be considered a misdemeanor and shall be punishable by a fine of not less than five hundred dollars (\$500).
- (B) Any person who violates the provisions of section 5-4-10(A) or (B) shall be guilty of an infraction and shall be punishable by a penalty in the amount of fifty dollars (\$50) for the first infraction, one hundred fifty dollars (\$150) for any infraction committed within six (6) months after a previous violation of such subsections or three hundred dollars (\$300) if such offense was committed within six (6) months of two previous violations of such subsections. If three or more violations were committed within six (6) months immediately preceding a violation of such subsections, then each violation committed after the third violation shall be considered as a misdemeanor and shall be punishable in accordance with subsection (A) of this section.
- (C) If any fine as set forth above is increased as a result of multiple violations within the preceding six (6) months, then such increase shall be applied regardless of whether or not such violations were committed with the same or different animals.

(Ord, 149-02-10, 4-27-10); (Ord. 172-03-13, 6-27-13); (Ord. No. 204-04-16; 4/19/16)