

CHAPTER 4

DOG CONTROL

SECTION:

- 5-4-1:** *Definitions*
- 5-4-2:** *License Required*
- 5-4-3:** *License Fees*
- 5-4-4:** *Tags to be Placed on Collar*
- 5-4-5:** *Record of License*
- 5-4-6:** *Impounding of Dogs*
- 5-4-7:** *Commercial and Noncommercial Kennel License*
- 5-4-8:** *Rabies*
- 5-4-9:** *Unlawful Disposal of Rabid Dog*
- 5-4-10:** *Control of Dogs*
- 5-4-11:** *Unlawful Interference with Disposal of Dogs*
- 5-4-12:** *Cruelty Prohibited*
- 5-4-13:** *Impounding and Disposal of Vicious Dogs*
- 5-4-14:** *Disposal of Vicious Dogs*
- 5-4-15:** *Police Officers*
- 5-4-16:** *Penalty*

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

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.

POUNDMASTER: Any person operating an animal control shelter, or his or her authorized agent.

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.

UNLICENSED DOG: A dog for which a license has not been issued for the current year, or to which the tag provided for in this Chapter is not attached.

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.

5-4-2: LICENSE REQUIRED: It shall be unlawful for any person to keep or harbor any dog within the City without paying a license fee as herein provided. Dogs kept in a commercial dog kennel need not be individually licensed, but must be restricted to the premises or kept within a cage or enclosure at all times. This Section shall not apply to any person visiting in the City for a period not exceeding thirty (30) days and owning or possessing a dog currently licensed and bearing the license issued by another licensing authority, nor shall it apply to any dog which has strayed into the City but is duly licensed by, and wearing the tag of, another licensing authority. Dogs used as guides for blind persons shall be licensed, except the owner or keeper of such dog shall not be required to pay any fee therefor.

5-4-3: LICENSE FEES: The annual fee for licensing all unneutered dogs shall be five dollars (\$5.00), and the annual fee for the licensing of all neutered dogs shall be three dollars (\$3.00). Each license shall expire in December 31 of each year. Upon payment of such fee, the Clerk shall issue a license and a metal tag bearing the year of issuance and a number corresponding to the number on the license. The license shall state the date of issuance, the date of expiration, the amount paid, the name and address of the person to whom issued and the breed and sex of the dog. If a license is requested after July 1, the license fee shall be one-half of the amount stated above.

5-4-4: TAGS TO BE PLACED ON COLLAR: Any person who owns or keeps a licensed dog within the City which does not have a tag affixed to its neck, is guilty of a misdemeanor. If the metal tag is lost, a duplicate tag may be obtained from the Clerk, upon payment of a one dollar (\$1.00) fee.

5-4-5: RECORD OF LICENSE: The Clerk shall keep a record of the licenses issued under this Chapter and shall record all of the facts required to be stated in the license. Duplicate records of licenses issued shall be maintained by the Poundmaster at the Animal Control Shelter.

5-4-6: IMPOUNDING OF DOGS: All dogs running at large are declared to be

public nuisances and all policemen or animal control officers shall impound them in the Animal Control Shelter. The impoundment, redemption, sale or other disposal of impounded dogs shall be as follows:

- (A) **Unlicensed Dogs:** All impounded dogs not licensed or not identified by tag shall be retained in the Animal Control Shelter for a minimum of seventy two (72) hours. At any time during this period, the owner or keeper of such dog may redeem it by procuring a license, and by paying an impound fee of ten dollars (\$10.00) plus all boarding fees established by the animal control shelter.
- (B) **Licensed Dogs:** All impounded dogs identified with dog tags or whose owner is known shall be retained in the Animal Control Shelter for a minimum period of five (5) days after the owner is notified in writing of the impoundment. As soon as reasonably possible following impoundment of such dog, the Poundmaster shall give notice of the impoundment to the owner of the dog by telephone, if possible, or by writing if the owner's telephone number is unknown. The Poundmaster 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 the said five (5) day period the owner may redeem the dog by paying an impound fee of ten dollars (\$10.00) plus all boarding fees established by the animal control shelter. 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) The impound fee shall be twenty five dollars (\$25.00) for a second impounding of the same dog within any two (2) consecutive calendar years while licensed by the same owner or resident of his or her household, and shall be fifty dollars (\$50.00) for a third or any subsequent impounding of the same dog within such period.
- (D) No dog shall be released from the pound unless the dog is then licensed and wearing a tag.
- (E) **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 Poundmaster to any person.
- (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.

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. Such license shall not be issued unless all the owners or persons in possession of premises located within three hundred feet (300') of the exterior boundaries of the premises upon which said noncommercial kennel is to be maintained, have delivered to the Police Division a written consent to the operation of such noncommercial kennel. Upon receipt of such application, the Chief of Police, or any other police officer, shall poll such owners to determine if they are willing to execute such consent. For the purposes of determining such percentage, persons having joint ownership or control of such premises, shall be considered as one person. The applicant shall also pay a license fee of twenty five dollars (\$25) annually, which fee shall be returned to the applicant if the license is not issued. 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. Noncommercial kennel licenses shall not be transferable and shall expire on December 31 of the year in which issued.
- (B) **Commercial Kennel:** A commercial kennel is a kennel where the owner or a keeper of dogs sells, 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.

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 Poundmaster 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) 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.

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 or howling, disturbs the peace and quiet of the neighborhood, or the occupants of adjacent premises, is guilty of a misdemeanor.
- (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 a misdemeanor. 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.

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 Unlicensed Vicious Dogs:** All vicious dogs not licensed or identified by tag shall be retained in the pound for a minimum of seventy two (72) hours. If the owner or keeper of such dog does not appear at the pound within this seventy-two (72) hour period, the dog shall be humanely destroyed and the carcass disposed of in any lawful manner. If the owner or keeper of the impounded vicious dog appears at the pound at any time during the seventy-two (72) hour period, the Poundmaster or his authorized representative shall deliver a written notice to the owner or keeper of the dog stating that the dog has been impounded as a vicious dog and that the dog will be destroyed within ten (10) 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 or keeper of the dog. If such order is not served upon the City within ten (10) 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) 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 Licensed Vicious Dogs:** If a vicious dog is licensed and properly

identified with a dog tag, the Poundmaster shall notify the owner of the impoundment, within forty eight (48) hours of the impoundment, by certified mail addressed to the owner at his 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) 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) 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 (10) days of mailing of the notice, 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 or keeper of the dog shall pay a boarding fee of three dollars (\$3.00) per day for each day of impoundment, but no further impound fee shall be charged.

5-4-15: POLICE OFFICERS: Any person appointed by the City to be a Poundmaster is hereby declared a police officer under the control and supervision of the Chief of Police for the purposes of carrying out the law as set forth in this Chapter.

5-4-16: PENALTY: Any person who violates the provisions of this Chapter is guilty of a misdemeanor and is punishable, by a fine no greater than fifty dollars (\$50). In lieu of appearing in court as required any person may post a cash bond in the amount of fifty dollars (\$50) with the City Clerk, or any other person designated to collect funds pursuant to Rule 12, Idaho Misdemeanor Criminal Rules, and the bond shall be forfeited immediately upon its posting. If any person violates the provisions of this chapter within six (6) months of the entry of a judgment for a previous violation of this chapter, then such fine shall be double the amount set forth above. The City Clerk or other designated person shall account quarterly on a fiscal year basis to the Clerk of the District Court for all bonds so forfeited and the City Treasurer shall monthly remit ten percent (10%) of all such forfeitures to the Clerk of the District Court, as required by Idaho Code, Section 19-4705.

