

TITLE 6

ANIMALS

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Chapter 6.04

DOGS

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6.04.010 Purpose. The ordinance codified in this chapter is passed to promote the health, safety and welfare of the residents and visitors of the city and to protect the properties of such persons by establishing a uniform and humane animal control ordinance. (Ord. 871 §1, 2004; Ord. 758 §2, 2000; Ord. 516 §1, 1988)

6.04.020 Animals running at large. A. It is unlawful for any owner, possessor or person who keeps any animal to permit the same to run at large upon the private premises of others or upon the streets, alleys, sidewalks, highways, vacant lots, school grounds or other public places within the city.

B. An animal is deemed to be running at large when off or away from the premises of the owner, possessor, or keeper thereof, and not under the immediate control of such owner, possessor or keeper, or his agent or servant or a member of his immediate family, by leash, cord, chain or by verbal control of a person within ten feet of such animal; provided, however, that any animal on the premises of a city park or school grounds must be controlled by a leash not exceeding ten feet in length held in the hand of the person controlling the animal. Procuring a license and tag shall not authorize the running at large of a dog. This provision shall not apply to dogs working with livestock or to dogs engaged with their owner or handler, in hunting or performing in field trials.

C. Violation of the provisions of this section is declared to be a nuisance and a menace to the public health and safety, and any animal which violates the provisions of this section shall be taken up and impounded as provided in this chapter. (Ord. 932 §1, 2006; Ord. 911 §1, 2005; Ord. 516 §2, 1988)

6.04.030 Nuisances. A. It is unlawful for any owner or other keeper of a dog or other animal to fail to exercise proper care and control of such animal to prevent it from becoming a public nuisance. A nuisance includes, but is not limited to the following:

1. Frequent, continuous or untimely barking;
2. Molesting passers-by;
3. Chasing vehicles;
4. Attacking other domestic animals;
5. Trespassing upon public or private property in such a manner as to damage the property; or
6. Defecating on public or private property of another when the defecation is not immediately removed by the keeper of the animal.

B. For the purposes of this section, molesting is defined as placing a person in fear of imminent physical injury without provocation, such fear being reasonable under the circumstances or when the animal shows a propensity to bite people.

C. It is unlawful for any owner or the keeper of an animal to fail to provide such animal with sufficient and wholesome food and water, proper shelter and protection to prevent discomfort, veterinary care when needed to prevent suffering, or humane care and treatment.

D. It is unlawful for any animal to ride or be parked in any vehicle unless restrained in such a fashion to prevent the animal from extending beyond the confine of the vehicle or from posing a danger to pedestrians.

E. It is unlawful for any person to carry an animal on any external part of a vehicle unless the animal is protected from falling from the vehicle.

F. It is unlawful for any individual, individuals, or family residing in a single household or residence within the boundaries of the city to own, keep or possess more than three dogs. (Ord. 516 §3, 1988)

6.04.040 Dangerous animals. A. Definitions.

1. "Dangerous animal" means:

- a. Any animal which has inflicted fatal or severe injury on a human being without provocation on public or private property, or
- b. Any animal which has killed or maimed a domestic animal while off the owner's or keeper's property, or
- c. Any animal which, on three separate occasions within a twelve-month period has been observed remaining at large as defined in Section 6.04.020 of this chapter or has been impounded by a peace officer or an animal control officer for being unrestrained or uncontrolled off its owner's premises;

2. "Severe injury" means physical injury or trauma which involves or includes lacerations requiring sutures or cosmetic surgery, puncture wounds, muscular skeletal injuries, broken bones or mental shock.

B. Impoundment. Any dangerous animal shall be immediately seized and securely impounded in a humane manner at the discretion of the animal control officer or peace officer either on the premises of the owner or keeper of the animal, or with a licensed veterinarian, or at the animal pound by a peace officer or an animal control officer.

C. Exemptions. No animal may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other act of provocation upon the premises occupied by the owner or keeper of the animal under circumstances which made the animal's reaction reasonable foreseeable, or was teasing, tormenting, abusing or assaulting the animal, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime.

D. Prohibiting Dangerous Animals. Except as provided in this chapter, it is unlawful for any person to own, possess, or harbor any animal which committed acts that describe a dangerous animal.

E. Hearings. The magistrate division shall conduct a determination hearing whenever there is cause to believe that an animal may be a dangerous animal as defined in subsection A of this section. Said hearing shall be conducted within ten days after the court serves notice of the date, time and place of the determination hearing to the owner or the owner's agent by personal service or by certified letter. The ten days' notice may be extended, if necessary, by order of the court.

The magistrate division shall determine whether to declare the animal to be a dangerous animal based upon proof beyond a reasonable doubt and testimony presented at the time of the hearing.

The magistrate division shall issue written findings of fact and conclusions of law within five days after the determination hearing. The magistrate division may find that the animal is dangerous or not dangerous. If the magistrate finds the animal is not dangerous, the animal shall be returned to the owner or keeper of the animal. If the magistrate finds the animal is dangerous, the magistrate may order the return of the animal to the owner or keeper of the animal with or without certain restrictions or may order that the animal be put to death in a humane manner, after an appeal has been filed or after the time for an appeal has lapsed. The owner or possessor of the animal found to be dangerous by this hearing has the right to appeal the decision within three days of receiving such decision to the district court for appeal.

Pending the outcome of the determination hearing, the animal must be securely confined in a humane manner either on the premises of the owner, or with a licensed veterinarian, or at the animal pound.

Regardless of the finding of the court, before an animal is returned to the owner or keeper of the animal, any returned dog must be licensed and applicable impoundment fee must be paid in advance. If the court orders the return of any animal declared to be dangerous, the court may order the following:

1. While on the owner's premises, a dangerous animal must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure for a dog must have minimum dimensions of five feet by ten feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the animal.

2. The owner or keeper shall display a sign on his or her premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare. In addition, the owner shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.

3. A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.

4. The owner or keeper of a dangerous animal shall present to the animal control officer proof that the owner or keeper has procured liability insurance in the amount of

at least one hundred thousand dollars, covering the twelve month period during which licensing is sought. This policy shall contain a provision requiring the city to be named as an additional insured for the sole purpose of the city being notified by the insurance company of any cancellation, termination or expiration of the policy.

5. The owner or keeper of the dangerous animal shall allow a peace officer or animal control officer to inspect the premises where the dangerous animal is located to ensure compliance with this chapter and any order of the court.

6. The dangerous animal cannot be offered for adoption at any time.

7. The dangerous animal shall be spayed or neutered, the cost of which will be borne by the owner or keeper of the dangerous animal.

8. The owner or keeper shall notify the animal control officer immediately if a dangerous animal is loose, unconfined, has attacked another animal or has attacked a human being or has died.

9. In the event the animal will be sold or given away, the owner or keeper, before transferring ownership, shall provide the animal control officer with the name, address and telephone number of the new owner, who must comply with the requirements of this chapter.

F. When, in the judgment of a peace officer or an animal control officer, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established in this chapter, and without court order. Any action taken pursuant to this section shall comply with applicable federal and state laws including without limitation such laws governing endangered species. (Ord. 758 §1, 2000; Ord. 677 §1, 1995; Ord. 516 §4, 1988)

6.04.050 Authority to impound dogs. Any peace officer, animal control officer or any other person authorized by the city, may seize and impound all dogs without collars bearing current licenses as required by this chapter, or any and all dogs or other animals found running at large upon the public streets, alleys or other public places or private premises without the permission of the owner of said premises, any and all dangerous animals, or any dogs exceeding of the limit of three per single residence set forth in Section 6.04.030 of this chapter. (Ord. 516 §5, 1988)

6.04.060 Officers authorized to enter property. Any peace officer or animal control officer is authorized to enter private property to take possession of and impound any animal whenever the peace officer or animal control officer is in fresh pursuit of an animal which is in violation of the provisions of this chapter at the time the animal control officer enters onto private property. (Ord. 516 §6, 1988)

6.04.070 Restraint of female dogs in season. The owner of a female dog shall cause such dog, when in season, to be penned or enclosed in such manner as to preclude other dogs from attacking such female dog.

It is unlawful for the owner or person having possession, charge, custody or control of any female dog to cause, permit, or allow the same to stray or run, or in any other manner be at large in or upon any street or sidewalk while such dog is in copulating season. If a female dog cannot be controlled by the owner during the copulating season, the female dog may be impounded by the animal control officer or any police officer. (Ord. 516 §7, 1988)

6.04.080 Rabid animals. Any animal which is known to have bitten, or injured any person so as to cause an abrasion of the skin, or any suspected rabid animal, shall be placed in confinement under observation and shall not be killed or released until at least ten days after the onset of symptoms suggestive of rabies. The veterinary hospital or municipal pound shall be the place of quarantine, unless the animal control officer approves of an alternative confinement and the animal had a current rabies vaccination as evidenced by a rabies vaccination certificate issued by a licensed veterinarian. In the event there is an alternative confinement, the owner or other keeper of the animal, shall prohibit contact between humans or other animals and the quarantined animal. If the animal dies or has been killed, its head shall be removed and immediately taken to the State Health Laboratory to be examined for rabies.

In the event an animal bites or injures any person so as to cause an abrasion of the skin, the owner or keeper of the animal shall complete a bite report, provided by the animal control officer. A copy of the bite report shall be distributed to the animal pound, the local health department and the animal control officer.

No person shall fail, refuse or neglect to allow any official of the city to make an inspection or examination thereof at any time during said period. No such dog or animal shall be removed from the place of quarantine without first being examined and released by a licensed veterinarian. Before any such animal is released, a licensed veterinarian must approve the animal's release in writing on a bite report or similar document. If the animal shall be determined free of rabies, the same shall be returned to the owner on payment of a fee for keeping dogs impounded as provided in this chapter. No other fee shall be charged; if such fee is not paid, the dog or animal shall be subject to disposal as provided in Section 6.04.140 of this chapter. (Ord. 516 §8, 1988)

6.04.090 Exotic wildlife restrictions. It is unlawful for any person to own, possess or harbor within the

corporate limits of the city any wildlife except as otherwise provided in this chapter. Wildlife shall mean any form of animal life, either native or exotic, which normally lives in a state of nature. An exotic wildlife animal is defined as any wildlife species which does not live naturally in the farm lands or mountains of Idaho.

Upon application, the city's police department may grant a special permit allowing the temporary presence of native or exotic wildlife within the city when the presence of such animals within the city would occur as part of a circus, exhibit or other special event, and then, only upon satisfactory assurance to the city police department that public safety would not be jeopardized and that the animals would be treated humanely.

In the event that the owner of any prohibited animal fails or refuses to remove the animal from the city, the police department or the animal control officer is authorized to remove the animal from the city, or, if necessary, to destroy the animal where it poses a threat to human life or safety. (Ord. 516 §9, 1988)

6.04.100 Dog licenses. A. It is unlawful for any person to own, possess or harbor any dog within the corporate limits of the city without first obtaining and exhibiting a dog license as provided in this section.

B. Any person owning, possessing or harboring any dog shall obtain a license for such animal from an animal control officer or a person authorized to sell dog licenses after the dog reaches the age of six months as determined by canine teeth, or within ten days of the acquisition of a dog over six months of age.

C. Each application for a dog license shall be accompanied by the following prescribed license fees and by a current rabies vaccination certificate obtained from a licensed veterinarian:

1. Ten dollars annual licensing fee for each sterilized dog during 1997 and thereafter until such fee is adjusted;
2. Twenty dollars annual licensing fee for each unsterilized dog during 1997 and thereafter until such fee is adjusted;
3. For each senior citizen sixty-five years or older, the fee for a sterilized dog shall be the sum of five dollars, and the fee for each unsterilized dog shall be the sum of twenty dollars, until such time as such fees are adjusted;
4. One dollar for each lost dog license tag.

D. Dog licenses will be issued annually with each license being effective between January 1st and December 31st for each calendar year. A dog license shall be renewed each year and every year thereafter on or before the first day of January. Replacements for lost or destroyed tags shall be issued upon payment of one dollar per dog for each lost or destroyed tag, to the animal control officer or a person authorized to sell dog licenses.

E. Any person who owns, possesses or harbors any dog within the corporate limits of the city is required to secure about the neck of such dog a durable collar with an attached license tag.

F. The provisions of this section shall not apply to any person visiting the city for a period not exceeding thirty days, so long as the person owning, possessing or harboring a dog displays a current valid license issued by another municipality or other licensing authority and the person can display proof of current rabies vaccination from either a licensed veterinarian or an authorized animal control officer.

G. Any person or establishment who owns, possesses or harbors five or more dogs during an entire calendar year shall be charged twenty dollars as an annual license fee plus one dollar per dog for each annual license tag issued; such charges are in lieu of license fees as provided in this section.

H. Dog license tags are not transferable from one dog to another dog.

I. Nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination. (Ord. 694 §1, 1997; Ord. 610 §1, 1992; Ord. 555 (part), 1990; Ord. 516 §10, 1988)

6.04.110 Cruelty prohibited. A. It is unlawful for any person to maltreat or torture any animal, or, having the right or authority to kill any animal, to kill such animal in an inhumane manner.

B. It is unlawful for any person or persons to administer or cause to be administered poison of any sort whatsoever to any animal which is the property of another, or poison food where the same is accessible to any dog or other animal. Any person or persons so offending shall be deemed guilty of a misdemeanor. (Ord. 516 §§11, 12, 1988)

6.04.120 Animal control and peace officers–Duties. It is the duty of the animal control officer and the city’s police department to carry out and enforce all the provisions of this chapter; to enforce the licensing and the control of dogs in the city as provided in this chapter; to file complaints in the magistrate court against any person, persons, firm or corporation failing to license any dog as

provided in this chapter; or who otherwise fails to comply with any of the provisions of this chapter; and to capture and secure all dogs found running at large contrary to the provisions of this chapter; to remove such dogs in a humane manner to the pound; to hold dogs as impounded for a period of not less than five days in a humane manner. (Ord. 516 §13, 1988)

6.04.130 Interference with animal control or peace officers. Any person who shall hinder, delay, interfere with, or obstruct the animal control officer or any peace officer engaged in the capturing, securing or taking to the animal pound any animal liable to be impounded, or who shall open or in any manner directly or indirectly aid, counsel or advise the opening of any animal pound cage, ambulance, wagon, or other vehicle used for the collection or conveying of animals to the animal pound shall be deemed guilty of a misdemeanor. (Ord. 516 §14, 1988)

6.04.140 Housing and transport fees. The fees for redemption of an animal shall be as follows:

A. Housing fee. The city may set by resolution reasonable housing fees for animals violating the provisions of this code that are captured by a peace officer or the animal control officer within the city. If such a fee is set by resolution, it shall be in addition to any other fees charged for the redemption of the animal.

B. Transport fee. Upon payment of the housing fee for an impounded animal, a transport and administrative fee to be set by resolution shall also be charged and collected for all animals captured by a peace officer or animal control officer within the city. (Ord. 871 §1, 2004; Ord. 849 §1, 2003; Ord. 758 §2, 2000; Ord. 705 §1, 1998)

6.04.150 Violation--Penalty. Any person violating any provision of this chapter is guilty of a misdemeanor and shall, upon conviction, be fined not more than three hundred dollars or imprisoned in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Ord. 516 §16, 1988)

Chapter 6.08

ANIMALS GENERALLY

Sections:

6.08.010 Herding sheep through city.

6.08.010 Herding sheep through city. A. It is unlawful for any person or persons owning any band or bands of sheep or the agent or employee of such person or persons to drive or herd such band or bands of sheep on any of the streets, alleys or other public places of the city between River Street and Fifth Avenue and Myrtle Street and Chestnut Street as described on the official plat of the city.

B. Any person or persons or the agent or employee of such person or persons who violate any provision of subsection A of this section shall, upon conviction thereof, be guilty of a misdemeanor. (Amended during 1992 codification; Ord. 67, 1908; Ord. 30 §§1, 2, 1904)