

## CHAPTER 4

### DOG CONTROL

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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 by the City for the confinement and care of animals.

DOG: A dog of an age of four months or older, either male or female.

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 the owner's structure or fenced yard.

AN AMENDMENT REPLACING CHAPTER 4, TITLE 5 OF THE CODE OF THE CITY OF SHELLEY; MODIFYING THE DEFINITION OF VICIOUS DOG; MODIFYING THE LICENSING FEES AND PENALTIES FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

**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 known to have bitten any person or any dog whose temperament or habits create danger or injury to persons or other animals, or any dog that approaches any person in any public place or on any property not solely owned or possessed by the owner or custodian of the dog in an apparent or perceived attitude of attack or aggression, or any dog which has a known propensity to attack or bite human beings. A dog shall not be deemed vicious if acting under provocation. Acts taken to protect the person or property of one's self or another or to gain control of a dog running at large shall not be deemed provocation.

**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 or dog visiting in the City for a period not exceeding the lesser of two consecutive weeks or a total of 42 days in any calendar year if the visiting dog is 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 dogs shall be as established by resolution of the City Council from time to time. Such resolution shall be maintained and posted in the City Clerk's office of the City of Shelley and available for any citizen upon any inquiry to ascertain the amount of the applicable fee. Each license shall expire on December 31st 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 within six (6) months of the end of the license year herein designated, the owner or person having such dog in charge shall pay one-half (1/2) of the annual license fee and said Clerk shall thereupon issue a license as in other cases.

**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 an infraction. 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 and vicious dogs 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 as provided in this Chapter, and by paying an impound fee of forty dollars (\$40.00), plus a boarding fee of three dollars (\$3.00) per day for each day of impoundment.
  
- (B)    Unlicensed Vicious Dogs: All vicious dogs not licensed or identified by tag shall be retained in the Animal Control Shelter for a minimum of seventy-two (72) hours. If the owner or keeper of such a dog does not appear at the Animal Control Shelter within this seventy-two (72) hour period, the dog shall be destroyed by euthanasia and the carcass disposed of in any lawful manner. If the owner or keeper of the impounded vicious dog appears at the Animal Control Shelter 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 such notice, the dog shall be destroyed or disposed of as provided herein. If the order to show cause is issued and served within ten (10) days of delivery of the notice, the dog shall be retained in the Animal Control Shelter until further order of the court
  
- (C)    Licensed Dogs: All impounded dogs properly licensed and 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. 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 at the owner's last known address. 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 forty dollars (\$40.00), plus a boarding fee of three dollars (\$3.00) for each day of impoundment. 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.

- (D) Licensed Vicious Dogs: All impounded vicious dogs properly licensed and 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. 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 at the owner's last known address. 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. Such notice shall be deemed to be complete upon deposit in the United States mail. 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 the date of such notice, the dog shall be destroyed or disposed of as provided herein. If the order to show cause is issued and served within ten (10) days of mailing of the notice, the dog shall be retained in the Animal Control Shelter until further order of the court
- (E) The impound fee shall be \$80 for the second impoundment of any animal of the same owner within one calendar year from the first impoundment and shall be \$160 for the third or subsequent impoundment of any animal of the same owner within one calendar year from the first impoundment.
- (F) No dog shall be released from the Animal Control Shelter unless the dog is then licensed and wearing a tag, and all boarding, impound, and other fees have been paid.
- (G) 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.
- (H) 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 KENNEL LICENSES: It shall be unlawful for any person 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 dog(s) is/are visiting in the City for a period not exceeding the lesser of two consecutive weeks or a total of 42 days in any calendar year if the visiting dog(s) is/are currently licensed and bearing the license issued by another licensing authority, or the owner or person in charge thereof has a commercial kennel license.

- (A) 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 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 shall state the name and address of the owner of the property and applicant if other than the owner, the location of the commercial kennel, the number of dogs presently kept and the breed(s) of the dogs. The application shall identify the zoning district of the proposed location of the kennel. A commercial kennel license shall be allowed only in an area zoned Central Business District or Heavy Commercial District or Manufacturing District. The application must be accompanied by a license fee of fifty dollars (\$50.00), which fee shall be returned to the applicant if a license is not issued. If the license is requested within six (6) months of the end of the license year herein designated, the applicant shall pay one-half (1/2) of the license fee and said Clerk shall thereupon issue a license as in other cases. No license may be issued unless one hundred percent (100%) of adjacent property residents and at least seventy-five percent (75%) of all non-adjacent property residents located within two hundred feet (200') of the property upon which the kennel will be operated have consented in writing to the issuance of such license. For the purpose of determining such percentage, multiple persons residing together in a single residence shall be considered as one person. The applicant shall provide evidence of the residents' consent at the time of submitting the application. Licenses shall not be transferable to any person or location not stated in the application. All licenses shall expire on December 31 of the year issued. Upon application for renewal of a commercial kennel license, the applicant must again pay the fee of fifty dollars (\$50.00) and provide evidence of the residents' consent as stated above. No license shall be issued or renewed until the required fees have been paid and consents have been submitted to the Clerk. Each dog kept at the kennel must be licensed and identified by tags. Dogs kept under a kennel license shall be confined within a fence, physical or electronic, sufficient to contain the dogs within the property where the kennel is located.

- (B) Reapplication Limited: No application for a commercial kennel license shall be accepted or processed if an application for the same type of license to operate upon the same property has been denied or withdrawn within one year previous to the date of such application.

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 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. This section shall not apply to a person acting in the defense of one's self or another person or property.

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 an infraction.
- (B) It shall be unlawful for any owner or keeper of a dog to allow said dog to be on any public street, alley, sidewalk or any public way or public place within the City unless said dog is on a leash not exceeding ten feet (10') in length or is confined within a vehicle; provided, however, the Mayor may, upon application of any person, authorize within the City, dog shows, exhibitions and dog training courses allowing the dogs participating therein to be controlled by competent attendants. Further, the Council may designate such areas of 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 any area so designated 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. A violation of this section is an infraction.
- (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 an infraction.
- (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 an infraction.
- (E) It shall be unlawful for any owner or keeper of a dog to allow said dog to run upon any property in the City without the consent of the owner or person in possession of said property. A violation of this section is an infraction.
- (F) It shall be unlawful for any owner or keeper of any dog to allow said dog to defecate on any public property, including public parks, or on any private property owned by someone other than any owner or keeper of the dog. A violation of this section is an infraction.

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:               **KEEPING 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:               **POLICE OFFICERS:** The poundmaster and the assistant animal control officers are hereby declared to be police officers under the control and supervision of the Chief of Police for the purposes of carrying out the law as set forth in this Chapter, but without the right or benefit of civil service.

5-4-15:               **VIOLATION AND INFRACTION:** Any person who violates the provisions of this Chapter is guilty of an infraction and is punishable by a fine no greater than one hundred dollars (\$100.00). Each day that more than two dogs are kept upon the premises shall be a separate offense. The first offense under the provisions of this chapter shall be discretionary to the officer as to the issuing of a citation. Upon any second or subsequent offense within one calendar year of a prior offense, this citation shall be mandatory.

5-4-16:               **PAYMENT OF PENALTY:** In lieu of appearing in court as required by citation for an infraction, any person may post a cash bond in the amount of fifty dollars (\$50.00) with the City Clerk and the bond shall be forfeited immediately upon its posting. (Ord 527 10/09)