CHAPTER 5

DOGS AND OTHER ANIMALS

Sec. 5-1: Definitions
Terms as used in this Chapter are defined as follows, unless the context otherwise indicates:
A. **At Large** shall be intended to mean off the premises of the owner and/or handler and not under physical control of the owner and/or handler or a member of the owner’s and/or handler’s immediate family or an agent or employee of the owner by leash, cord or chain sufficiently strong to prevent the dog from escaping.

B. **Dog.** Dog shall be intended to mean both male and female.

C. **Dog Park.** An area enclosed with a minimum of five feet (5’) high fencing suitable to contain any and all dogs, and designated by the City as a Dog Park. Dog Park is intended to be a place where dogs are permitted to be off-leash in a controlled environment with supervision from the dog(s) owner(s) or handler(s), and shall be subject to rules enumerated by the City’s Parks and Recreation Department.

D. **Handler.** Person who has assumed responsibility of such dog, regardless of ownership and even temporarily, within City limits, including, but not limited to, Off-Leash Areas, designated dog parks, and areas where the leash law is in effect.

E. **Leash** shall be intended to mean a cord, chain or rope of the length to restrict the dog to the owner's and/or handler’s property and, when the dog is off the owner's and/or handler’s property, the leash shall be not more than eight feet (8’) in length.

F. **Off-Leash Area** shall be intended to be a permissible place for dogs to run at large under the voice control of their owner and/or handler and shall be subject to rules enumerated by the City’s Parks and Recreation Department.

G. **Owner** shall be intended to mean any person, owning, keeping or harboring a dog.

H. **Tethered** shall be intended to mean to fasten or restrain a dog or other animal by any means to an object so that it can range only within a set area.

I. **Vicious Animal.** Any animal which has previously attacked or bitten any person or persons or other animal without reasonable cause or which has behaved in such manner that the person who harbors said animal knows or should reasonably know the animal is possessed of tendencies to attack or bite persons; includes any animal whose temperament or habits create a apprehension of injury to persons or other animals.

J. **Wild Animal.** Any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, wolf, coyote, panther, tiger, lynx or any other animal or any bird of prey which can be normally found in a wild state.

(Ord. 86-30, 11/17/86; 2014-04, 05/05/2014)
§ 5-2.  Dog Registration Required; Fees.

All dogs kept, harbored or maintained by their owners in the City shall be registered with the City. Dog identification tags shall be issued by the Clerk and/or designated agents upon payment of a registration fee for each dog. The owner shall state at the time application is made for such registration and upon printed forms provided for such purpose, the owner’s name and address and a description of the dog to be registered in such manner that the dog may be identified with reasonable certainty, and the name to which the dog answers. Each registration issued under the provisions of this Chapter shall be valid for the lifetime of the animal. Animal identification tags may also be issued for animals in the fringe areas outside of the City. Fees for dog registrations and other fees shall be set by the Council from time to time, by resolution.

(Ord. 84-02, 1/9/84)

§ 5-3.  Exceptions.

A. The above licensing provisions shall not apply to dogs whose owners are nonresidents for less than thirty (30) days within the City. An “assistance dog” properly trained to assist a disabled person when such dog is actually being used by a disabled person for the purpose of aiding them shall be licensed without charge.

B. New dog owners and new City residents may purchase licenses at the regular fees if the license is purchased within thirty (30) days of acquisition of dog or of establishing City residence. It shall be the owner’s responsibility to show proof of the date of ownership or establishment of City residence.

§ 5-4.  Dog Tag and Collar.

Upon payment of the registration fee, the City shall issue to the owner a registration certificate and a metallic tag for each dog so registered. The number shall correspond with the number on the certificate. Each owner shall provide each dog with a collar to which the identification tag must be affixed and shall see that the collar and tag are constantly worn by the dog. Where a dog tag is lost or destroyed, a duplicate tag will be issued by the Clerk upon presentation of receipt showing the payment of the registration fee and the payment of a fee to be set by the Council, from time to time, by resolution, for each duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog identification fee because of death of the dog or of the owner leaving the City.

(Ord. 84-02, 1/9/84); Ref. Idaho Code § 25-2803

§ 5-5.  Dog at Large and Tethering.

A. No owner and/or handler and/or keeper of any dog shall allow or let such dog to run or remain at large within the City at any time. This subsection shall not apply to any area within the City which is designated by the City as a Dog Park or as an Off-Leash Area.

B. No owner and/or handler and/or keeper of any dog shall leave a dog tethered on public property or in such a manner as to be on public property.

(Ord. 2001-02, 02/05/01; 2014-04, 05/05/2014)

§ 5-6.  City Animal Shelter.

The Chief of Police is hereby authorized and empowered to secure and maintain a suitable animal shelter for the purpose of carrying out the provisions of this Chapter.

§ 5-7.  Impounding.

It shall be the duty of any law enforcement officer or City agent to apprehend any dog found at large, untethered, or unlicensed contrary to the provisions of this Chapter or any dog or other animal which has attacked or bitten any person or other animal and to impound such animal in the City Animal Shelter or other suitable place; provided that, if any fierce, dangerous or vicious animal found at
large cannot be safely captured and impounded, such animal may be slain by any law enforcement officer. The law enforcement officer so impounding any animal shall record a description of the animal, and whether licensed, in a record file kept for that purpose. If the animal is licensed and wearing a license tag when apprehended the law enforcement officer shall also record the name and address of the owner and the number of the tag.
(Ord. 86-30, 11/17/86)

Sec. 5-8. Redemption.
The owner of any animal impounded may reclaim such animal upon the payment of the license fee, if unpaid, and by payment of the costs and charges incurred by the City for impounding or keeping any animal, and for adoption or euthanasia costs if applicable.

Sec. 5-9. Disposition of Unclaimed, Dangerous or Rabid Animals.
It shall be the duty of the City Chief of Police to keep all animals impounded pursuant to this Chapter for a period of ten (10) days. If at the expiration of ten (10) days the animal shall not have been redeemed by the owner, it may be destroyed or sold for a sum of money sufficient to discharge the costs and charges incurred by the City for impounding and keeping the animal together with the license fee (if applicable) for the current year if unpaid. The City Chief of Police or the Chief's designee has authority to submit terminally ill, injured or unfit animals, after a reasonable search has been made for the owner, to a licensed veterinarian to determine whether the animal can recover. If not, the Chief of Police or the Chief's designee may authorize euthanasia of the animal. Provided, that no animal which appears to be suffering from rabies nor any animal of fierce, dangerous or vicious propensities shall be released from the City Animal Shelter but shall be destroyed. The buyer of any animal under the provisions of this Code Section shall become the owner of the animal free from any claim or title of the original owner or harborer.
(Ord. 83-11, 9/6/83)

Sec. 5-10. Citation to Owner.
It is hereby declared to be a misdemeanor for any person to permit a dog to run or remain at large in violation of the provisions of this Chapter. It shall be the duty of every law enforcement officer who sees a dog at large during a period of time when said dog should be confined or restrained by the owner or keeper thereof as provided herein, to cite the owner of said dog, if the owner of the dog is known, with a misdemeanor. In the event that the owner of the dog is cited with a misdemeanor, the law enforcement officer is not required to impound the dog. If the owner of the dog at large is not known, the dog shall in all cases be impounded.

Sec. 5-11. Off-Leash Area Limitations.
A. It is hereby declared to be unlawful for any owner and/or handler, keeper, controller or harborer of any aggressive dog to allow such dog to be Off-Leash, even in a designated Off-Leash Area.
B. Dogs outside the permitted boundaries of the Off-Leash Area who are not on a leash shall be considered dogs at large and owners and/or handlers, keepers, controllers, or harborers of such dog(s) shall be subject to such penalty.
C. The leash law is in effect in Off-Leash Areas during times when the fields are in use by the Parks and Recreation Department and/or when there are closures in the Off-Leash Area.
(Ord. 2014-04, 05/05/2014)

Sec. 5-12. Nuisance by Animals.
A. It is hereby declared to be unlawful for any owner, keeper, controller or harborer of any animal to allow or let his or her animal to discharge such animal's solid excrement upon public property or private property other than
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the property of the owner, keeper, controller or harborer. However if such owner, keeper, controller or harborer does immediately thereafter remove and clean up such animal's solid excrement from the property, the nuisance shall be deemed remedied.

B. 1. It shall be unlawful for any person to own, keep, control or harbor any animal which by any barking, howling, whining, crowing or by any source or cry, disturbs or is likely to disturb the peace and quiet of any reasonable person. Provided that no person shall be prosecuted under this subsection unless:

   a. Written notice of the noise has been issued by a law enforcement officer to the property owner or person in possession of the property wherein the animal is located, or the animal’s owner, keeper, controller or harborer, or is left at the premises where the animal is located, at least twenty-four (24) hours but not more than thirty (30) days prior to the filing of a formal complaint; and
   b. The noise upon which such complaint is issued has been witnessed by a law enforcement officer.

   2. Nothing contained in this Chapter shall be interpreted to prohibit or constrain the right of any person to proceed with a legal action for damages and/or to abate any noise or other nuisance.

C. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code.

(Ords. 86-30, 11/17/86; 95-14, 06/29/95)

Sec. 5-13. Dog Limitations.

A. It shall be unlawful for any person to own, keep, or harbor more than four (4) dogs over six (6) months old within the City; except that this provision shall not apply to dog hospitals and veterinarians when dogs are kept on the premises used by such hospital and veterinarian as their normal place of business; nor shall these provisions apply when the person is the owner or operator of a kennel at a location permitted for such use by the Zoning Code.

B. The keeping of more than four (4) dogs on the premises of the owner shall be prima facie evidence of violation of this Code Section and the burden of proof shall be on the owner to show the ages of such dogs.

Sec. 5-14. Wild or Vicious Animals.

A. It shall be unlawful for any person to keep or permit to be kept on such person’s premises any wild or vicious animal for display or exhibition purposes whether gratuitously or for a fee. This Code Section shall not be construed to apply to humane research programs, zoological parks, performing animal exhibitions or circuses.

B. It shall be unlawful for any person to keep or permit to be kept any wild animal as a pet, unless a permit has been granted by State or Federal agency or entity having jurisdiction over such permitting.

C. 1. It shall be unlawful for any person to harbor or to keep a vicious animal within the City. Any animal which has attacked or bitten any person or other animal, without cause, may be seized by any law enforcement officer or other citizen and upon establishment, to the satisfaction of any court of competent jurisdiction, of the vicious character of said animal, may be killed by a law enforcement officer or other agent of the City, County or State.

2. Provided however, this Code Section shall not apply to animals under the control of a law enforcement or military agency, nor to animals...
which are kept for the protection of property, provided that such animals are restrained by a cage, fence, or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant and from any children who may wander onto the property.

3. Notices of the presence of such animal are conspicuously displayed whereby the same may be seen by passing persons within the vicinity of where such animal may be kept.

D. Any person owning or harboring any wild animal or vicious animal shall be strictly liable for damages caused by said animal.

E. 1. The Chief of Police or the Chief's designee shall have the power to order an investigation pertaining to the harboring of any vicious animal and shall have the power to order the destruction of any vicious animal.

2. The Chief of Police or the Chief's designee may cause the vicious animal to be taken into custody for destruction under written order, which shall set forth the basis for the determination that the animal is vicious. Notice of this decision shall be left at the residence of the owner or may be served in such other manner deemed adequate by the Chief of Police or the Chief's designee.

3. The owner of the animal shall then have two (2) days (excluding weekends and holidays) to file a written appeal of the decision with the Chief of Police. The appeal shall be heard by the City Supervisor or such official or hearing officer as the City Supervisor may designate to conduct a hearing on the matter within five (5) days (excluding weekends and holidays) of the appeal.

4. In determining whether an animal is vicious, the fact finder may consider past incidents, provocation for the bite, whether the attack occurred on premises where the dog resided, the legal status of the victim on the premises and any other fact or allegation which might have justified the attack.

5. The written decision of the City Supervisor or the City Supervisor's designee on appeal shall be final (unless stayed by court action), and shall be implemented unless the decision is appealed to the local district court within two (2) days (excluding weekends and holidays).

6. Any impound fees incurred during this period shall be paid for by the owner of the animal.

F. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code.

(Ord. 2009-05, 02/17/2009; 2010-23, 11/01/2010)

Sec. 5-15. Rabies Vaccination of Dogs, Cats, and Ferrets.

Every dog, cat, and ferret within City limits, other than in an animal shelter, and over six (6) months of age shall be vaccinated against rabies and every owner of every such dog, cat and/or ferret shall retain proof of current vaccination.

A dog, cat, or ferret may be granted an exemption from this requirement when (a) a licensed veterinarian files a statement with the City Clerk certifying that such dog, cat, or ferret should not be vaccinated against rabies for a valid medical reason, with a description of and the duration of the medical reason and (b) the owner of such animal agrees to prevent the animal from coming in contact with other animals, describing how the animal shall be kept, and prevents the animal from becoming a threat to public health or a public nuisance.

(Ord. 2010-15, 08/02/2010)

Sec. 5-16. Trapping Regulations.

A. Definitions.

Trap. Any mechanical device or snare which is designed to hold, capture, and/or kill an animal including, but not
limited to, live traps, steel-jaw foothold traps, padded jaw traps, body-gripping (Conibear) traps, snares, deadfalls, leg-hold type traps, or similar devices.

B. Unless authorized by the Idaho Department of Fish and Game pursuant to Idaho Code Title 36, Chapter 11, no person shall set a trap to catch an animal (other than a mouse, rat, gopher, vole or mole) within City limits, except a person specifically authorized by the Council or by the Chief of Police or designee.

(Ord. 2012-03, 02/06/2012)

Sec. 5-17. Other Acts Prohibited.
A. No person shall willfully open any door or gate on any private premises or unleash or coax away any dog or animal for the purpose of enticing or enabling any dog or other animal to leave such private premises and be at large as defined in this Chapter.

B. No person shall willfully provoke, mistreat, or abuse any dog or other animal while confined to its keeper's premises.

C. No person shall abandon any dog, cat, or other animal by dropping off or leaving such animal on any public street, alley, sidewalk, or in any City park or playground or other public place or building, or on the premises of another person.

(Ord. 86-30, 11/17/86; 2012-03, 02/06/2012)

Sec. 5-18. Penalties.
Any person violating the provisions of this Chapter shall be deemed guilty of an infraction and, upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code unless otherwise specifically provided for in this Chapter.

(Ord. 2000-20, 09/18/2000; 2012-03, 02/06/2012)