

ORDINANCE NO. 113-79
BONNEVILLE COUNTY, IDAHO

AN ORDINANCE RELATING TO CONTROL OF DOGS; DEFINING TERMS; FORBIDDING THE KEEPING OF DOGS WITHIN BONNEVILLE COUNTY WITHOUT A LICENSE; ESTABLISHING LICENSE FEES; PROHIBITING ALLOWING DOGS TO RUN AT LARGE; PROVIDING FOR IMPOUNDMENT OF DOGS RUNNING AT LARGE AND IMPOUNDMENT FEES; PROVIDING PENALTIES AND REMEDIES FOR VIOLATIONS; PROVIDING OTHER REGULATIONS RELATING TO CONTROL OF DOGS WITHIN THE COUNTY; REPEALING BONNEVILLE COUNTY ORDINANCE NO. 103-75; AND PROVIDING EFFECTIVE DATE.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO, AS FOLLOWS:

DOGS

SECTION:

- 6-3- 1: Definitions
- 6-3- 2: License Required
- 6-3- 3: License Fee
- 6-3- 4: Tags to be Placed on Collar
- 6-3- 5: Record of License
- 6-3- 6: Impounding of Dogs
- 6-3- 7: Commercial and Non-Commercial Kennel License
- 6-3- 8: Rabies
- 6-3- 9: Unlawful for Dogs to Run At Large
- 6-3-10: Unlawful to Interfere with Seizure or Killing of Dogs
- 6-3-11: Cruelty Prohibited
- 6-3-12: Peace Officers
- 6-3-13: Citation; Appearance
- 6-3-14: Failure to Appear; Unlawful
- 6-3-15: Penalty

Section 6-3-1: DEFINITIONS: For the purpose of this Chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

DOG: The term "dog" shall mean and include either male or female.

DOG OF LICENSING AGE: The term "dog of licensing age" shall mean any dog which has attained the age of three (3) months.

UNLICENSED DOG: The term "unlicensed dog" shall mean 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.

OWNER: The term "owner" when applied to the proprietorship of a dog shall mean any person owning, keeping or harboring a dog.

AT LARGE: The term "at large" shall mean any dog off or away from the premises of the owner, possessor or keeper thereof, and not under the control of such owner, possessor or keeper, or his agent or servant or a member of his immediate family, either by leash, cord or chain, or while confined within a vehicle.

DOG KENNEL: The term "dog kennel" shall be defined as commercial and non-commercial as herein provided for, and will be considered a premise where more than two (2) dogs of licensing age are kept or maintained.

POUND: The term "pound" shall mean an animal shelter, lot, premises or buildings maintained by the City for the confinement and care of dogs seized either under the provisions of this Chapter or otherwise.

IMPOUNDED: The term "impounded" shall mean having been received into the custody of the Municipal Pound or into the custody of the dog catcher, Sheriff's Department or any authorized agent or representative thereof.

VICIOUS DOG: The term "vicious dog" shall mean any dog which has bitten any person other than in self defense or under provocation, or a dog that has a known propensity to attack or bite human beings, or other animals.

Section 6-3-2: LICENSE REQUIRED: It shall be unlawful for any person to keep or harbor any dog three (3) months or more of age within the County without paying a license fee as herein provided. Dogs kept or maintained in a dog kennel need not be individually licensed, but must be restricted to the premises or on leash and under control at all times.

Dogs used as guides for blind persons and commonly known as "seeing eye" dogs shall be licensed and registered as other dogs herein provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

Section 6-3-3: LICENSE FEES: The owner or person keeping, harboring or having charge of any dog over three (3) months of age within the County shall on or before the first day of January of each year, pay to the Assessor, the price of a license for each dog. The fee for licensing all unneutered dogs shall be five dollars (\$5.00) and the fee for the licensing of neutered dogs shall be three dollars (\$3.00). Upon payment of such fee it shall be the duty of the Assessor to issue a license to said person bearing the same number as the number to be worn on the collar of the dog for the current year. The said license shall give the date of issuance, the date of expiration, the amount paid, the name and address of the person to whom issued and the breed, name and sex of the dog. The Assessor shall furnish with each license, a metal tag which shall be stamped with a number to correspond with the number of the license and with the year for which it is issued.

In case a dog is brought within the County 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) the said amount as herein designated and said Assessor shall thereupon issue a license as in other cases. Provided, however, that the provisions of this Section shall not apply to any person visiting in the County 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 County but is duly licensed by, and wearing, the tag of another licensing authority.

Section 6-3-4: TAGS TO BE PLACED ON COLLAR: The metal tag as described in Section 6-3-3 shall be attached to the collar of the dog, which the owner or person in charge of the dog shall provide and which shall be placed and kept upon the neck of the dog so licensed. If the metal tag be lost, a duplicate tag shall be obtained by making application to the Assessor who shall issue such duplicate tag upon payment by the applicant of one dollar (\$1.00) fee.

Section 6-3-5: RECORD OF LICENSE: The Assessor shall keep a suitable record of the licenses issued under the provisions of this Chapter and shall record all of the facts required to be stated in the license. Duplicate records of licenses issued shall be properly maintained by the Poundmaster at the Animal Shelter.

Section 6-3-6: IMPOUNDING OF DOGS: All dogs found running at large are declared to be public nuisances and it will be the duty of all patrolmen or authorized Poundmaster to take them up and impound. Terms of the impoundment, redemption, sale or other disposal of such dogs shall be as follows:

- (A) Unlicensed Dogs. All dogs not licensed or not identified by tag found running at large will be retained in the Pound for a minimum of five (5) days. At any time during five (5) days the owner or keeper of such dog may redeem it by procuring a license as in this Chapter provided, and by paying in addition a fee to the Poundmaster of ten dollars (\$10.00) as impound fee, plus three dollars (\$3.00) per day for each day of impoundment as a boarding fee.
- (B) Licensed Dogs. All licensed and properly identified dogs (with dog tags) found running at large shall be retained in the Pound for a minimum of five (5) days after the owner is notified in writing of the impoundment. As soon as reasonably possible following impoundment of a properly identified dog, the Poundmaster shall give notice of the impoundment to the owner of the dog by telephone, if possible. If the dog is not redeemed within twelve (12) hours after impoundment, the Poundmaster shall notify the owner of the impoundment by certified mail addressed to the owner at his last known address. At any time during the said five (5) day period such owner may redeem said dog by paying an impound fee to the Poundmaster of Ten dollars (\$10.00) as impound fee, plus Three Dollars (\$3.00) for each day of impoundment as a boarding fee. The five (5) day period shall commence to run at noon on the day following the posting of the Registered letter.

- (C) The Impound fee shall be \$25.00 for a second impounding of the same dog while under the same registered ownership, and shall be Fifty dollars (\$50.00) for a third or any subsequent impounding of the same dog while under the same registered ownership.
- (D) No dog shall be released to a person redeeming unless the dog is then licensed and wearing a license tag.
- (E) Unclaimed Dogs. Any dog not redeemed within the periods of time as herein stated 2. (two) working days, may be sold by the Poundmaster to any person for the best price obtainable.
- (F) Disposal of Dogs. In case any dog is not redeemed or sold as herein provided for the dog shall be destroyed by euthanasia and the carcass disposed of in any lawful manner.

Section 6-3-7: COMMERCIAL AND NON-COMMERCIAL KENNEL LICENSE: It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household or upon the premises of any one business property more than two (2) dogs of licensing age unless the owner or person in charge thereof shall have obtained a commercial or non-commercial kennel license.

- (A) Application for a non-commercial kennel license shall be made to the Assessor and the original application must be accompanied by the written consent of such non-commercial kennel by at least seventy five percent (75%) of all persons in possession of premises within one hundred feet (100') of the premises upon which said non-commercial kennel is to be maintained and accompanied by a deposit of a license fee of twenty-five dollars (\$25.00) annually, which deposit shall be returned to the applicant if the license is not finally issued. The application shall state the name and address of the owner, where the non-commercial kennel is to be kept, the number of dogs presently kept and the breed(s) of dogs. All dogs licensed under a non-commercial kennel license shall be owned by the members of the immediate household and separate tags shall be issued for each dog. Non Commercial kennel licenses shall not be transferrable and shall expire on December 31 of the year in which issued. For every kennel maintained for registered dogs, the owner of such kennel shall pay an annual license of twenty-five dollars (\$25.00), provided, however, that all dogs covered by any such license shall be maintained and kept within the kennel or on leash at all times.
- (B) Commercial Kennel: A commercial kennel shall be considered as a kennel whereby the owner or keeper of dogs shall derive moneys from the boarding, breeding, training, treating or handling of dogs. Application for a commercial kennel license shall be made to the Assessor. The original 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 at least seventy-five percent (75%) of

property owners within two hundred feet (200') of said property line of said kennel, and be accompanied by a deposit of Fifty dollars (\$50.00), which deposit shall be returned to the applicant if license is not issued. The application, in addition, shall carry written approval and consent of the County Planning Commission. Licenses shall not be transferable and shall expire on December 31 of the year in which issued.

Section 6-3-8: 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 Sheriff's Department and the Health Officer. The Poundmaster shall have authority to require the owner of any dog which has bitten any person so as to cause an abrasion of the skin, or showing of rabies, to subject such dog to impoundment at the regular daily fee, or to a practicing veterinarian for quarantine enclosure from which it cannot escape and which is not accessible to the public and approved by an Animal Control Officer; and shall be kept for a minimum period of ten (10) days, and if such dog shall be determined free of rabies, the dog shall be returned to the owner. If the impoundment fee is not paid, the dog will be subject to disposal as herein provided.

Further, it shall be the duty of all practicing veterinarians to report to the Health Officer all cases of rabies or suspected rabies with which he comes in contact or to which his attention has been directed.

No person shall kill or cause to be killed, any rabid dog, any dog suspected of having been exposed to rabies, or any dog biting a human, except as herein provided, nor remove same from the County without written permission of the Health Officer.

Section 6-3-9: UNLAWFUL FOR DOGS TO RUN AT LARGE:

- (A) Any person who shall harbor or keep on his premises, or in his control any dog which by loud and unusual barking or howling, shall disturb the peace and quiet of the neighborhood, or the occupants of adjacent premises, shall be guilty of a misdemeanor
- (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 County unless said dog is on a leash not exceeding eight feet (8') in length or is confined within a vehicle; provided, however, the Commissioner may, upon application of any person, authorize the dogs participating therein to be controlled by competent attendants. Further the Commissioners may designate such areas of the County 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 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.

- (C) It shall be unlawful for any owner or keeper of a dog to allow said dog to run upon any property in the County without the consent of the owner or tenant in possession of said property.
- (D) Female In Heat Prohibited Running At Large: The owner of a female dog shall cause such dog, when in season, to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a public nuisance.
- (E) Breeding of Dogs: It shall be unlawful for any person to let 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.

Section 6-3-10: UNLAWFUL TO INTERFERE WITH SEIZURE OR KILLING OF DOGS:

It shall be unlawful for any person to hinder, molest or interfere with any person who is engaged in seizing any dog, killing the same or removing the carcass under the provisions of this Chapter.

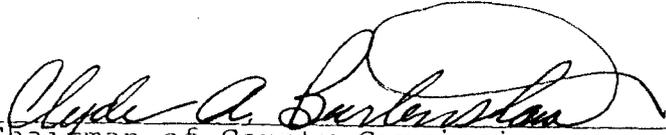
Section 6-3-11: CRUELTY PROHIBITED: It shall be unlawful for any person to mistreat or torture any dog, or, having the right or authority to kill any dog, to kill such dog in an inhumane manner.

Section 6-3-12: PEACE OFFICERS: The Poundmaster and the Animal Control officer are hereby declared to be Peace Officers and under the control and supervision of the Sheriff for the purposes of carrying out the law as set forth in this Chapter.

Section 6-3-13: CITATION APPEARANCE: Whenever it is determined by the Poundmaster or Animal Control Office or Peace officers, that an owner or keeper of any dog or dogs has violated any provisions of this Chapter the said Poundmaster or Animal Control officer or Peace officers shall prepare and serve upon such owner or keeper a written citation containing a notice to appear in Court, the name and address of the person charged, the offense charged, the time and place when and where the offense charged occurred, and the time when the person charged shall appear in Court, and such other pertinent information as may be necessary. Provided, further, that said owner or keeper of such dog or dogs shall appear in Court within five (5) days after such citation is issued. Issuance and service of such citation shall not be the exclusive manner of enforcement of this Chapter.

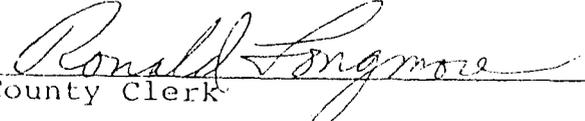
Section 6-3-14: FAILURE TO APPEAR: UNLAWFUL: It shall be unlawful for any owner or keeper of such dog or dogs to fail or neglect to appear in response to and as required by the citation, regardless of the disposition of the charge upon which such citation was originally issued. Appearance in Court shall be deemed complied with by an appearance by the person cited or by his attorney.

Section 6-3-15: PENALTY: Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and punished by a fine not exceeding Three Hundred Dollars (\$300.00) or Imprisonment not to exceed six (6) months or both such fine and imprisonment; and if such violation be continued, each day's violation shall be a separate offense.



Chairman of County Commissioners
County of Bonneville

ATTEST:



County Clerk

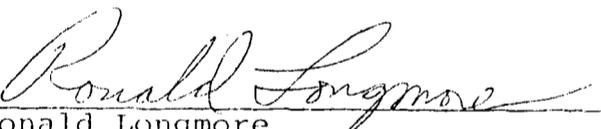
CERTIFICATION

I, Ronald Longmore, County Clerk of the County of Bonneville, State of Idaho, do hereby certify that the above and foregoing is a full true and correct copy of an Ordinance entitled:

AN ORDINANCE RELATING TO CONTROL OF DOGS: DEFINING TERMS; FORBIDDING THE KEEPING OF DOGS WITHIN BONNEVILLE COUNTY WITHOUT A LICENSE; ESTABLISHING LICENSE FEES; PROHIBITING ALLOWING DOGS TO RUN AT LARGE; PROVIDING FOR IMPOUNDMENT OF DOGS RUNNING AT LARGE AND IMPOUNDMENT FEES; PROVIDING PENALTIES AND REMEDIES FOR VIOLATION; PROVIDING OTHER REGULATIONS RELATING TO CONTROL OF DOGS WITHIN THE COUNTY; REPEALING BONNEVILLE COUNTY ORDINANCE NO. 103-75; AND PROVIDING EFFECTIVE DATE.

PASSED by the County Commissioners and APPROVED by the Chairman of the Board on the 3rd day of July, 1979,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of Bonneville, State of Idaho, this 3rd day of July, 1979.



Ronald Longmore
County Clerk County of Bonneville

FIRST AMENDMENT TO
BONNEVILLE COUNTY, IDAHO
ORDINANCE NO. 113-79

BE IT ORDAINED by the County Commissioners of Bonneville County, Idaho, that that certain ordinance known as Ordinance No. 113-79, Bonneville County, Idaho, an ordinance relating to control of dogs, is hereby amended to include an additional section heretofore to be known as Section 6-3-3.1, and shall be enacted as follows:

Section 6-3-3.1: Vending Fee - All owners or persons keeping, harboring or having charge of any dog which is required to obtain a license under Section 6-3-2 shall pay, in addition to the license fee set forth in Section 6-3-3, a vending fee of \$1.00 which shall be retained by the vendor authorized to issue said license as compensation for the vending service.

All other provisions of said ordinance known as Ordinance No. 113-79, Bonneville County, Idaho, relating to the control of dogs, shall remain and hereby do remain in full force and effect. The effective date of this Amendment shall be the 18th day of May, 1988.

COUNTY COMMISSIONERS
BONNEVILLE COUNTY

By Clyde A. Burtenshaw
Clyde A. Burtenshaw,
Chairman of the Board

ATTESTED:

By Ronald Longmore
Ronald Longmore,
County Clerk

CERTIFICATION

I, RONALD LONGMORE, County Clerk of the County of Bonneville, State of Idaho, do hereby certify that the above and foregoing is a full, true and correct copy of that certain Amendment to an ordinance entitled: Section 6-3-3.1: Vending Fee.

Passed by the County Commissioners and approved by the Chairman of the Board on the 18th day of May, 1988.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County of Bonneville, State of Idaho, this 18th day of May, 1988.

Ronald Longmore
Ronald Longmore, County Clerk