



CITY OF
REXBURG
America's Family Community

ORDINANCE NO. 841

AN ORDINANCE PROVIDING FOR THE LICENSING OF DOGS; PROHIBITING DOGS FROM RUNNING AT LARGE AND DISTURBING THE PEACE; PROVIDING FOR THE IMPOUNDMENT OF UNLICENSED DOGS AND DOGS RUNNING AT LARGE; PROVIDING FOR IMPOUNDMENT DUTIES OF POLICEMEN AND POUND MASTER; NOTICE OF IMPOUNDMENT AND REDEMPTION; PROVIDING CITATION OF DOG OWNER RATHER THAN IMPOUNDMENT OF DOG; PROVIDING FOR NON-COMMERCIAL KENNEL LICENSES; PROVIDING FOR DISPOSITION OF DOGS WITH RABIES; PROVIDING FOR DESTRUCTION OF DOGS; MAKING IT UNLAWFUL TO INTERFERE WITH SEIZURE OR DESTRUCTION OF DOGS; PROHIBITING CRUEL TREATMENT OF DOGS; DEFINING OWNER OF DOG; PROVIDING PENALTIES FOR THE VARIOUS VIOLATIONS OF THIS ORDINANCE; REPEALING ORDINANCE NOS 581, 411, AND CHAPTER 35 OF THE REVISED ORDINANCES AND ALL OTHER ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO:

SECTION I: LICENSING OF DOGS. It shall be unlawful for any person or persons to own, keep or harbor, any dog, male or female over 3 months of age within the City of Rexburg without obtaining a license. The fine for not having a license for a dog will be \$50.00 for the first offense, \$100.00 for the second offense and \$200.00 for each subsequent offense.

SECTION II: AMOUNT OF LICENSE. Licenses will be provided free of charge for all dogs residing within the City of Rexburg. These licenses shall be valid for the life of the animal on condition that the owner provides appropriate change of address forms or change of ownership forms to the Police department. Failure to provide change of address or ownership notification to the Police department within 30 days of such change will be punishable by a fine of \$50.00.

SECTION III: ISSUANCE OF LICENSE. The Police department shall issue a license to the dog owner and shall maintain the following information regarding the license: the date of issue, the name and address and phone number of the owner, the name, age and sex of the dog; a description of the dog and the number of the license. The Police department shall furnish with each

license a metal tag which shall be stamped with the number corresponding to the number of the license.

SECTION IV: METAL TAG ATTACHED. The metal tag, as described in Section III of the Ordinance, shall be attached to a collar and the collar kept on the neck of the dog. Failure to keep proper identification on the dog will be punishable by a fine of \$50.00.

SECTION V: UNLICENSED DOGS - IMPOUNDMENT. All dogs not licensed and collared, as provided in Sections I, II, and III above, are declared to be a public nuisance, and it is the duty of all police officers and the pound master to take up and impound any dog not so licensed and collared. The fine for not having appropriate license will be \$50.00 for the first offense, \$100.00 for the second offense, and \$200.00 for each subsequent offense.

SECTION VI: DISTURBING THE PEACE UNLAWFUL. It is unlawful for any person to own, keep or harbor within the limits of the City, where tethered, caged or otherwise, any dog which by barking howling, yelping, whimpering or whining, or by the making of other noises, disturbs the quiet of any neighborhood or person. Disturbing the peace determination will be made by a law enforcement officer after an investigation of said complaint. Violation of this section of the Ordinance will punishable by a fine of \$50.00 for the first offense, \$100.00 for the second offense, and \$200.00 for the third offense.

SECTION VII: RUNNING LARGE - UNLAWFUL WHEN. Except as provided by Section VIII, it is unlawful for any person to cause, permit or allow any dog, whether licensed or not, to roam, run or stray away from the premises of the owner, unless:

- A. Such dog be in the charge of the owner or some duly authorized and competent person while controlled by a leash or chain not exceeding ten feet in length.
- B. Such dog is safely and securely confined or completely controlled while in any motor vehicle.
- C. Such dog is on any other premises with the consent of the person in possession of such premises.

Failure to keep the dog under control will be punishable by a fine of \$50.00 for the first offense, \$100.00 for the second offense, and \$200.00 for the third offense.

SECTION VIII: RUNNING AT LARGE - EXCEPTION. The City Council may designate areas of a public park, or other city owned land for the training or exercise of dogs, or holding dog shows or exhibitions. Dogs within such areas need not be controlled by leash or chain, but shall be under the control of a responsible person and controlled by whistle, voice or other effective command. Failure to comply with this section will be punishable by a fine of \$50.00.

SECTION IX: IMPOUNDMENT DUTIES OF POLICEMEN AND POUNDMASTER. It shall be the duty of all police officers and the poundmaster to seize and impound any dog found to be running at large as provided in Section VII.

SECTION X: NOTICE OF IMPOUNDED AND REDEMPTION OF LICENSED DOGS. The owner of every licensed dog seized and impounded shall be notified by the police

department telephonically within 24 hours of seizure or in writing within 48 hours. Telephonic notice shall be sufficient when the police officer speaks directly with the owner or written notice shall be sufficient when it identifies the dog by license number, states the date and the place of seizure, is placed in a sealed envelope addressed to the owner of the dog at his residence as appears on the application for the license, and is deposited in the United States mail, postage prepaid.

Every licensed dog seized shall be retained in the pound for a period of five days after notice is made telephonically or mailed to the owner of the dog. At any time while the dog is impounded, the owner or keeper may redeem the dog by paying the sum of \$5.00 for every twenty-four hours that the dog has been held in the pound. This will not relieve the owner from appearing in the Magistrate's Division of the District Court for Madison County to answer any charges that may be filed against him for violating any provision of this ordinance. Failure to redeem the dog will subject the owner to a penalty of \$100.00.

SECTION XI: IMPOUNDMENT AND REDEMPTION OF UNLICENSED DOGS. All dogs seized and impounded that do not have a collar and license as provided in Sections I, II, and III, and whose ownership is unknown to the police department or the poundmaster, shall be retained in the pound for a period of 72 hours, during which time the dog may be released on payment of the pound fee of \$5.00 per day and obtaining a license. This will not relieve the owner from appearing in the Magistrate's Division of the District Court for Madison County to answer any charges that may be filed against him for violating any provision of this Ordinance. Failure to redeem the dog will subject the owner to a penalty of \$100.00.

SECTION XII: CITATION - IN LIEU OF IMPOUNDMENT. In lieu of seizing and impounding any dog found to be running at large in violation of Section VII (the Leash Law), the police officer or poundmaster may, if the owner of the dog is known, issue a citation that shall meet the following requirements: Must have consecutive serial numbers, space to provide date, time and location of offense, name and address of the owner, and the offense by brief description.

SECTION XIII: CITATION - ISSUANCE. The citation shall be issued by the police officer or the poundmaster by handing a copy of the original to the owner, or by mailing him a copy as provided by Section IX. If the owner does not appear before the Magistrate with the citation within five days after he has been notified of the offense, the police officer or the poundmaster who issued the citation, shall prepare a formal complaint, charging the owner with the offense, including whether it be a first, second, third or subsequent offense, and present the same to the court for the issuance of a warrant of arrest.

SECTION XIV: RABIES - QUARANTINE. The poundmaster shall have authority to order the owner of any dog showing symptoms of rabies or of any dog which has bitten any person, to subject the dog to the city pound for quarantine for a period not to exceed fifteen days. If the dog is determined to be free of rabies, it shall be returned to the owner after payment of one-half of the regular fee for keeping dogs impounded. No other fee shall be charged. However, if the animal is not redeemed and fees are not paid, the owner will be subject to a fine of \$100.00. In lieu of submitting a dog to the pound for quarantine, the owner may, at his expense, admit the dog to a veterinarian for examination.

SECTION XV: RABIES - DESTRUCTION. Any dog afflicted with rabies shall be disposed of immediately, either by the owner or poundmaster.

SECTION XVI: DESTRUCTION OF DOGS. Dogs that have been impounded and not redeemed will be dispositioned by the poundmaster in a humane manner. The owner of unclaimed animals will be subject to a fine of \$100.00.

SECTION XVII: UNLAWFUL TO INTERFERE WITH THE SEIZURE OR DESTRUCTION OF DOGS. It is unlawful for any person to hinder, molest, or interfere with any person who is lawfully engaged in seizing, impounding, or destroying any dog, or removing the carcass as provided in this Ordinance.

SECTION XVIII: CRUELTY PROHIBITED. It is unlawful for any person to maltreat or torture any animal, or having the right or authority to kill any animal, to kill the animal in an inhumane manner.

SECTION XIX: PUBLIC DISPOSITION OF ANIMALS. It shall be unlawful to give away animals at any place of business or on City owned land within the city limits without first obtaining a permit from the Rexburg Police Department. The form to be completed for approval of permit application is attached hereto as Attachment #1. The fine for violating this section shall be \$200.00.

SECTION XX: ABANDONMENT OF ANIMALS. It shall be unlawful to abandon animals within the city limits or to abandon city animals in the surrounding area. The fine for this offense shall be \$500.00.

SECTION XXI: DEFINITION. The term owner as used in this ordinance shall be construed to mean and include any person, persons, association, business entity, or corporation owning, harboring or keeping a dog or dogs within the corporate limits of the City of Rexburg, Idaho.

SECTION XXII: VIOLATIONS - PENALTIES. Any persons or persons violating the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punishable as indicated in each section. In addition, all found guilty will be assessed costs.

SECTION XXIII: REPEALING ORDINANCES. Ordinance Nos. 581,411, Chapter 35 of Revised Ordinances, and all ordinances or portions of ordinances in conflict herewith are hereby repealed.

SECTION XXIV: EFFECTIVE DATE OF ORDINANCE. This ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR, on this 3rd day of January, 2001.

Bruce Sutherland, Mayor

(SEAL)

ATTEST:

Marilyn Hansen, City Clerk

Attachment #1

Permit Application
FOR GIVING PETS AWAY ON CITY PROPERTY OR AT A PLACE OF BUSINESS
WITHIN THE CITY OF REXBURG

Date of Application:

Name of Pet Owner:

Address of Pet Owner:

Phone Number of Pet Owner:

Description of Pet(s) to be Given Away:

Age of Pets:

Vaccinations Provided to these Pets:

Have These Pets been Spayed or Neutered: Yes No

What is the Date of the Proposed Pet Give-Away:

What Location Do You Intend to Use for This Pet Give Away:

If Place of Business, Does Management Concur With Yes No
This:

If Yes, Please Have Manager or his Representative Sign and Date:

Signature of Manager:

Date Signed:

APPLICATION: DENIED APPROVED

Officer's Signature:

Date of Determination:
