



**ORDINANCE NO. 581**

**AN ORDINANCE PROVIDING FOR THE LICENSING OF DOGS; PROHIBITING DOGS FROM RUNNING AT LARGE AND DISTURBING THE PEACE; PROVIDING FOR THE IMPOUNDMENT OF UNLICENCED DOGS AND DOGS RUNNING AT LARGE; PROVIDING FOR IMPOUNDMENT DUTIES OF POLICEMEN AND POUND MASTER; NOTICE OF IMPOUNDMENT AND REDEMPTION; PROVIDING FOR 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 NO. 411, 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 over 3 months of age or female/, within the City of Rexburg without obtaining a license therefor as hereinafter provided.

**SECTION II: AMOUNT OF LICENSE.**

The amount to be paid by each applicant obtaining such license for keeping each male & spayed female dog shall be \$ 3.00 per year, and for the keeping of each unsprayed female dog \$ 5.00 per year. All licenses shall expire on the first day of January of each year. No license shall be issued for less than one year unless the dog was brought into the City after the first day of January, in which case the cost of obtaining such license shall be proportionate to the cost of the yearly license; provided that no license shall be issued for less than three months.

**SECTION III: ISSUANCE OF LICENSE.**

The owner, person or persons having in charge any dog, male or female, within the City of Rexburg, shall pay to the City Clerk the cost of obtaining such license as is provided for in this ordinance, and it shall thereupon be the duty of the Clerk to issue a license to said person bearing the same number as the number to be worn on the collar of the dog, as hereinafter provided. The said license shall give the date of issue, the term for which issued, the date of its expiration, the amount paid, the name of the person to whom issued, the name and sex of the dog and the number of the license. The Clerk shall furnish with each license a metal tag which shall be stamped with the number corresponding to the number of the license and the year of its expiration. The clerk shall keep a record of the license issued.

**SECTION IV: METAL TAG ATTACHED.**

The metal tag, as described in Section III of this ordinance, shall be attached to a collar which the owner or person in charge of the dog shall provide, and which shall be placed and kept upon the neck of such dog.

**SECTION V: UNLICENCED 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 policemen and the pound master to take up and impound any dog not so licensed and collared.

**SECTION VI: DISTURBING THE PEACE UNLAWFUL.**

It is unlawful for any person to own, keep or harbor within the limits of the City, whether 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.

**SECTION VII: RUNNING LARGE - UNLAWFUL WHEN. (LEASH LAW).**

Except as provided by Section VIII hereof, it is unlawful for any person to cause, permit, or allow any dog, whether licensed or not, owned, harbored, controlled or kept by him, within the city limits, to roam, run or stray away from the premises of the owner, and to be or remain upon the streets or alleys of the city, or on any public place in the city, or upon any other premises without the consent of the person in possession of such premises, unless:

- A. Such dog be in the charge of the owner or some duly authorized and competent person and 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 or upon any motor vehicle.

**SECTION VIII: RUNNING AT LARGE - EXCEPTION.**

The City Council may designate such areas of a public park or other rules and regulations as may be prescribed for the use of such areas, for the training or exercise of dogs, or holding dog shows or exhibitions. Dogs within such areas so designated 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.

**SECTION IX: IMPOUNDMENT DUTIES OF POLICEMEN AND POUND MASTER.**

It shall be the duty of all policemen and the pound master to seize and impound any dog found to be running at large as provided in Section VII as set forth above.

**SECTION X: NOTICE OF IMPOUNDED AND REDEMPTION OF LICENSED DOGS.**

The owner of every licensed dog so seized and impounded shall be notified by the police department in writing of the seizure and impoundment within 48 hours thereafter. 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 current license, and is deposited in the United States mail, postage prepaid.

Every licensed dog so seized shall be retained in the pound for a period of five days after notice is mailed to the owner of the dog. At any time while the dog is so impounded, the owner or keeper of the dog may redeem the same by paying to the pound master the sum of \$2.50 for every twenty-four hours that the dog has been held in the pound, which shall be paid over to the City Clerk to be deposited in the general fund. 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.

**SECTION XI: IMPOUNDMENT AND REDEMPTION OF UNLICENSED DOGS.**

All dogs seized and impounded which do not have a collar and license as provided in Sections I, II and III hereof, and whose ownership is unknown to the police department or the pound master, shall be retained in the pound for a period of 72 hours, during which time the dog may be released upon the payment of the pound fees of \$2.50 per day and purchasing 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.

**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 policeman or pound master may, if the owner of the dog is known, issue a citation which 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 policeman or the pound master 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 policeman or the pound master having knowledge of the offense and who issued the citation, shall have prepared a formal complaint which he will verify, 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: NONCOMMERCIAL KENNEL LICENSE - REQUIRED WHEN - APPLICATION.** It is unlawful to keep, maintain, harbor or possess upon the premises of any household more than two dogs, unless the owner or person in charge thereof shall have obtained a noncommercial kennel license. Application for a noncommercial kennel license shall be made to the city clerk and must be accompanied by the written consent to such noncommercial kennel by at least seventy-five percent of all the persons in possession of premises within one hundred feet, measured on street lines, of the premises upon which said noncommercial kennel is to be maintained, and accompanied by the deposit of a license fee of five dollars for three dogs, and an additional one dollar for each dog over three, which deposit shall be returned to the applicant if the license is not finally issued.

**SECTION XV: NONCOMMERCIAL KENNEL LICENSE - APPLICATION CONTENTS.**

The application shall state the name and address of the owner, where the noncommercial kennel is to be kept and the number of dogs. The application shall be in duplicate and the duplicate thereof shall be referred to the city council, and a designated committee shall, within ten days thereof, make its report of whether or not the location and operation of said kennel complies with the health ordinances of the city, and, if such report is unfavorable, no licenses shall be issued.

**SECTION XVI: NONCOMMERCIAL KENNEL LICENSE - NONTRANSFERABLE.**

Noncommercial kennel licenses shall not be transferable, and shall expire the 31st day of December of the year in which issued. Whenever additions are made to the number of dogs for which a kennel license has been issued, the licensee shall, within three days, report to the City Clerk and pay the required license fee; provided, however, that whatever puppies are born the issue of a dog theretofore counted in computing the license fee, such puppies shall not be counted as additions until three months old.

**SECTION XVII: INDIVIDUAL LICENSE REQUIRED.**

The issuance of a noncommercial kennel license shall not obviate the necessity of obtaining an individual dog license, nor shall any of the provisions of this Ordinance be deemed to vary or alter any of the zoning ordinances of the city.

**SECTION XVIII: RABIES - QUARANTINE.**

The pound master shall have authority to order the owner of any dog showing symptoms of rabies or of any dog which has bitten any person, so as to cause an abrasion of the skin, to subject such dog to the city pound for quarantine for a period of not to exceed fifteen days, and if such dog shall be determined free of rabies the same shall be returned to the owner upon payment of one-half of the regular fee for keeping dogs impounded. No other fee shall be charged. If such fee is not paid, the dog will be subject to disposal as provided in Sections X and XX hereof, provided, however, that in lieu of submitting such dog to the pound, the owner may, at his expense, admit such dog to a veterinarian for examination.

**SECTION XIX: RABIES - DESTRUCTION.**

Any dog afflicted with rabies shall be disposed of immediately, either by the owner or the pound master.

**SECTION XX: DESTRUCTION OF DOGS.**

Dogs that have been impounded and not redeemed as above provided are to be destroyed by the pound master in a humane manner and the carcass disposed of in a lawful manner.

**SECTION XXI: 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 XXII: CRUELTY PROHIBITED.**

It is unlawful for any person to maltreat or torture any dog, or having the right or authority to kill any dog, to kill such dog in an inhumane manner.

**SECTION XXIII: 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. The term dog as used in this ordinance shall mean and include either male or female.

**SECTION XXIV: VIOLATIONS - PENALTIES.**

Any person or persons violating the provisions of this Ordinance shall be guilty of a misdemeanor and shall be punishable as follows:

For violation of Section I (dogs to be licensed) by a fine of \$15.00;

For violation of Section VI (disturbing the peace) by a fine of not over \$100.00;

For violation of Section VII (leash law) by a fine of \$15.00 for the first offense, \$20.00 for the second offense, \$30.00 for the third offense, and not exceeding \$100.00 upon all subsequent offenses, all involving the same dog;

For violation of Sections XIV through XVII (kennels) by a fine of not over \$100.00.

For violation of any other section of this Ordinance by a fine of not over \$100.00.

In addition thereto, all found guilty will be assessed costs.

**SECTION XXV: REPEALING ORDINANCES.**

Ordinance No. 411, Chapter 35 of Revised ordinances, and all ordinances or portions of ordinances in conflict herewith are hereby repealed.

**SECTION XXVI: 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 APPROVED BY THE MAYOR this 20th day of July, 1977.

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John C. Porter, Mayor

(SEAL)

ATTEST

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Afton Anderson, City Clerk

