

## TITLE 7 ANIMALS

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Title 7 sets forth the restrictions and requirements concerning the keeping, licensing, impoundment and destruction of animals.

For statutory provisions concerning animals in general, see [Idaho Code Title 25](#); for provisions concerning the mistreatment of animals, see Idaho Code Ch. 18-21; for provisions authorizing a city to control, license and dispose of animals within its jurisdiction, see [Idaho Code §50--319](#).

### CHAPTER 7.01 LIVESTOCK\*

\*Note to Chapter 7.01: Ordinance History: [Ord. 9](#), and [80](#).

#### **7.01.010 Leading, riding or driving of animals on public grounds and in city parks**

It is unlawful for any person or persons to lead, ride or drive any animal whatsoever, whether such animal be attached to a vehicle or not, along, across or upon the public ground known as city park in the center of the city, or on streets or other public ground where the same has been seeded to grass or other decorative vegetation, or to propel or drive any vehicle along, across or upon public grounds or parks.

#### **7.01.020 Livestock at large prohibited – Penalty**

It is unlawful for any person or persons owning livestock to allow any cattle, horses, sheep, hogs or other animals to run at large within the limits of the city. Any person violating any of the provisions of this section is deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in [Chapter 1.02.020](#) of this code. ([Ord. 15 §1, 1899](#)).

#### **7.01.030 Driving stock off range restrictions**

It is unlawful for any person or persons to drive stock of any kind off the range over which the person or persons have no control, or without the permission of the owner, into the city limits for any purpose whatsoever, unless the person or persons, without unnecessary delay, return the stock so driven in the direction from which the person or persons brought them beyond the city limits. ([Ord. 9 §1, 1899](#)).

#### **7.01.040 Violation – Penalty of Section 7.01.030**

Any person or persons violating any provisions of Section 7.01.030 shall, on conviction thereof, be deemed guilty of a misdemeanor and be punishable as set forth in Chapter 1.05.020 of this code. ([Ord. 9 §2, 1899](#)).

### CHAPTER 7.02 DOGS\*

\*Note to Chapter 7.02: For statutory provisions related to dogs and requiring the licensing of same, see [Idaho Code Ch. 25-28](#).

\*\*Ordinance History: Ord. [411](#), [581](#), [816](#) and [841](#).

#### **7.02.010 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 set forth in Appendix 3. ([Ord. 841 §1, 2001](#)).

#### **7.02.020 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 set forth in [here](#). ([Ord. 841 §2, 2001](#)).

#### **7.02.030 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. ([Ord. 841 §3, 2001](#)).

#### **7.02.040 Metal tag requirement**

The metal tag, as described in Section 7.02.030 of the codification, 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 set forth in [here](#). ([Ord. 841 §4, 2001](#)).

#### **7.02.050 Unlicensed dogs – Impoundment**

All dogs not licensed and collared as provided in Sections 7.02.010, 7.02.020, 7.02.030 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 set forth in [here](#). ([Ord. 841 §5, 2001](#)).

#### **7.02.060 Disturbing the peace**

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 be punishable as set forth in [here](#). ([Ord. 841 §6, 2001](#)).

#### **7.02.070 Running at large restrictions**

- 1) Except as provided by Section 7.02.080, 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:

For the exceptions please see [Ord. 841 §7, 2001](#)

- 2) Failure to keep the dog under control will be punishable by a fine set forth in Appendix 3. ([Ord. 841 §7, 2001](#)).

#### **7.02.080 Running at large exception**

The City Council may designate such areas of a public park, or other city owned land for the training or exercise of dogs, or holding dog shows or exhibition. 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 set forth in Appendix 3. ([Ord. 841 §8, 2001](#)).

#### **7.02.090 Leash requirements – Feces disposal – Exception**

It shall be unlawful for any person to bring or harbor any animal in the Parks, except as may be allowed pursuant to established leash laws for the City of Rexburg. ([Ord. 968, §6\(c\), 2006](#)).

For additional information on these requirements please see ([Ord. 816 §6\(C\), 1999](#)).

#### **7.02100 Cruelty prohibited**

It is unlawful for any person to maltreat or torture any dog animal, or having the right or authority to kill any dog animal, to kill the animal in an inhumane manner. ([Ord. 841 §18, 2001](#)).

#### **7.02.110 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 available at the city hall or [here](#). The fine for violating this section shall be set forth in [here](#). ([Ord. 841 §19, 2001](#)).

#### **7.02.120 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 set forth in [here](#). ([Ord. 841 §20, 2001](#)).

#### **7.02.130 Definition of owner**

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. ([Ord. 841 §21, 2001](#)).

#### **7.02.140 Violation – Penalty**

Any persons or persons violating the provisions of this Ordinance shall be guilty of an infraction and shall be punishable as indicated in each section. In addition, all found guilty will be assessed court costs. ([Ord. 841 §22, 2001](#)).

#### **7.02.150 Repealing ordinances**

Ordinance Nos. [581](#), [411](#), Chapter 35 of Revised Ordinances, and all ordinances or portions of ordinances in conflict herewith are hereby repealed. ([Ord. 841 §23, 2001](#)).

## **CHAPTER 7.03 HOUSEHOLD PETS**

### **7.03.010 Maximum pet restrictions**

Small animals including fish or fowl permitted in the house or yard and kept for company or pleasure, such as dogs, cats, rabbits, canaries, parrots, parakeets, or goldfish. Under no circumstance shall more than 5 mammals or reptiles be allowed at one time, except that direct offspring shall be allowed for up to 3 months. ([Ord. 1026 §Definitions pg. 12, 2009](#))

### **7.03.020 Domestic fowls running at large**

It shall be unlawful for any person owning or having in his possession any chicken, chickens, duck, ducks, goose, geese, turkey, turkeys, or other domestic fowl, within the city of Rexburg, to willfully or negligently permit the same to run at large or trespass upon the premises belonging to another, or to stray beyond the bounds of the yard or premises belonging to or in control of the owner of such chicken, chickens, duck, ducks, goose, geese, turkey, turkeys or other domestic fowl. ([Ord. 194 §1, 1916](#)).

### **7.03.030 Domestic fowls confinement**

It shall be the duty of every owner or possessor of any domestic fowl mentioned in section 7.03.020 hereof, to confine the same within the yard or premises owned or occupied by such person during their season commencing with the first day of April and ending with the first day of October of each and every year. ([Ord. 194 §2, 1916](#)).

### **7.03.040 Domestic fowls Violation – Penalty**

Any person violating any of the provisions of sections 7.03.020 and 7.03.030 shall be fined in a sum not exceeding the sum of \$25.00, and costs of court. ([Ord. 194 §3\(part\), 1916](#)).

## **CHAPTER 7.04 IMPOUNDMENT\***

\* Note to Chapter 7.04: Ordinance History: Ord. [15](#), [225](#), and [841](#). [Codified by Ord. 80](#)

### **7.04.010 Purpose**

A pound shall be established within the city limits for the purposes of impounding animals running at large within the city limits. ([Ord. 15 §2, 1899](#)).

### **7.04.020 Pound – Location and specifications**

For more information on this section please see ([Ord. 15 §3, 1899](#)).

### **7.04.030 Animals running at large – Prohibited**

It is unlawful for any animal or animals to run at large on any of the streets, alleys or public places within the city limits. ([Ord. 15 §1, 1899](#)).

### **7.04.040 Taking animals from pound or official custody prohibited – Penalty**

Any person or persons guilty of breaking the city pound or taking therefrom any cattle, horses, sheep, swine or other animals that have been impounded, or shall take or attempt to take the same from the city poundkeeper or his deputies while on the way to the pound, shall, upon

conviction thereof, be punishable as set forth in [Chapter 1.02.020](#) of this code. ([Ord. 225 §1, 1919](#)).

**7.04.050 Poundkeeper designated duties**

For additional information about this section please see ([Ord. 15 §4, 1899](#)).

**7.04.060 Impounded animals – Notification for redemption or sale at public auction**

For additional information about this section please see ([Ord. 15 §5, 1899](#)).

**7.04.070 Animals sold at auction – Moneys held in trust or paid to general fund**

For additional information about this section please see ([Ord. 15 §7, 1899](#)).

**7.04.080 Impounded animals – Recordkeeping**

For additional information about this section please see ([Ord. 15 §11, 1899](#)).

**7.04.090 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 7.02.070. ([Ord. 841 §9, 2001](#)).

**7.04.100 Notice of impoundment and redemption of licensed dogs**

- 1) The owner of every licensed dog so seized and impounded shall be notified by the police department telephonically within 24 hours of seizure or in writing within 48 hours.
- 2) Every licensed dog so 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 to the sum set forth in Appendix 3. For more information about this section please see ([Ord. 841 §10, 2001](#)).

**7.04.110 Impoundment and redemption of unlicensed dogs**

For additional information on this section please see ([Ord. 841 §11, 2001](#)).

**7.04.120 Citation – In lieu of impoundment**

For additional information on this section please see ([Ord. 841 §12, 2001](#)).

**7.04.130 Citation – Issuance**

For additional information on this section please see ([Ord. 841 §13, 2001](#)).

**7.04.140 Rabies – Quarantine**

For additional information on this section please see ([Ord. 841 §14, 2001](#)).

**7.04.150 Rabies – Destruction**

Any dog afflicted with rabies shall be disposed of immediately, either by the owner or poundmaster. ([Ord. 841 §15, 2001](#)).

#### **7.04.160 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 set forth in Appendix 3. ([Ord. 841 §16, 2001](#)).

#### **7.04.170 Unlawful to interfere with 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 Chapter. ([Ord. 841 §17, 2001](#)).

#### **7.04.180 Violation – Penalty**

Any person or persons violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in [Chapter 1.02.020](#) of this code. ([Ord. 841 §22, 2001](#)).

### **CHAPTER 7.05 DEAD ANIMALS\***

\*Note to Chapter 7.05: For statutory provisions making it a misdemeanor to expose or leave out any animal carcass, see Idaho Code §§[18-5803](#) and [18-5807](#).

#### **7.05.010 Removal or burial requirements**

It shall be the duty, and it is required of every person who may be the owner of any animal of whatsoever kind which may be found dead within the corporate limits of the city to remove such dead animal outside the limits of the city, or to bury same in ground of a sufficient depth so that the other side will be three feet below the surface thereof. ([Ord. 11 §1, 1899](#)).

#### **7.05.020 City marshal – Authority to bury dead animals**

For additional information about this section please see ([Ord. 11 §2, 1899](#)).

#### **7.05.030 Violation – Penalty**

Any person willfully disowning a dead animal found within the city limits, after being notified as provided for in Section 7.05.020, for the purpose of avoiding the requirements of the owners of such animals under the provisions of this chapter, or willfully failing to comply with the requirements of this chapter, shall, on conviction thereof, be deemed guilty of a misdemeanor and be fined not less than five dollars punishable as set forth in [Chapter 1.02.020](#) of this code. ([Ord. 11 §4, 1899](#)).